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DEPARTMENT OF STATE
Division of Administrative Rules

NEW YORK STATE REGISTER

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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 August 2, 2015
– the 45-day period expires on July 18, 2015
– the 30-day period expires on July 3, 2015

ANDREW M. CUOMO
GOVERNOR

CESAR A. PERALES
SECRETARY OF STATE

NEW YORK STATE DEPARTMENT OF STATE

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NEW YORK STATE
REGISTER

Be a part of the rule making process!

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

To be considered, comments 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)

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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.

Department of Agriculture and Markets

EMERGENCY/PROPOSED RULE MAKING HEARING(S) SCHEDULED

Importation of Poultry, That Have Not Been Determined to be Free of Avian Influenza, into the State

I.D. No. AAM-22-15-00004-EP
Filing No. 384
Filing Date: 2015-05-14
Effective Date: 2015-05-14

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

Proposed Action: Amendment of sections 45.1 and 45.6 of Title 1 NYCRR.

Statutory authority: Agriculture and Markets Law, sections 16, 18, 72 and 74

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

Specific reasons underlying the finding of necessity: The proposed rule will prohibit poultry that have not been determined to be free of avian influenza from entering the State; presently, poultry that have not been so determined may enter the State if they are not being shipped to a live bird market. Poultry that contract avian influenza die quickly, and the proposed rule will help to minimize the incidence of avian influenza in the State, thereby benefitting the State's poultry industry.

Subject: Importation of poultry, that have not been determined to be free of avian influenza, into the State.

Purpose: To minimize the incidence of avian influenza in the State's poultry population.

Public hearing(s) will be held at: 11:00 a.m., July 23, 2015 at Department of Agriculture and Markets, 10B Airline Dr., Albany, NY.

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

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

Text of emergency/proposed rule: Section 45.1 of 1 NYCRR is amended by adding thereto subdivisions (n), (o), (p), (q) and (r), to read as follows:

(n) Imported for Immediate Slaughter means importation of poultry into the State followed by slaughter within 144 hours of the time of import.

(o) Avian Influenza Monitored Source Flock means a flock that has been so certified by the source state or country and that has met the following requirements:

(1) The flock has been together, without any additions thereto, for a minimum of 21 days before the first test for avian influenza is performed; and

(2) No birds have been added to the flock after the first test was performed; and

(3) Samples have been properly collected from thirty birds, each of which are at least three weeks of age and all of which are representative of the flock, from all pens and houses on the farm. If the flock contains less than 30 birds, all birds within the flock must be tested. Notwithstanding the preceding:

i. For serology, blood collection from silkies and other small breeds of chickens may be delayed until the birds are 6 to 8 weeks of age.

ii. For serology, blood collection from guineas, chukars, and quail may be delayed until the birds are 5 to 6 weeks of age.

iii. Eggs may be substituted for blood samples from quail and chukars after they start laying; and

(4) The samples referred to in paragraph (3) of this subdivision have been tested using an official test approved by the United States Department of Agriculture conducted in a laboratory approved by the United States Department of Agriculture and/ or the State to conduct such testing, to determine if the birds from which such samples were obtained have avian influenza; and

(5) Three consecutive series of samples of the type referred to in paragraph (3) of this subdivision, each of which was collected between 21 – 30 days after the previous collection, have been determined by a laboratory of the type referred to in paragraph (4) of this subdivision to be free of avian influenza. New birds may be added to a flock that has been certified as an avian influenza monitored flock, as provided for herein, only if such birds are from a flock that has been certified as an avian influenza monitored flock or have been determined by the Commissioner of Agriculture and Markets to be a flock or part of a flock that is of an equal or higher status; however, an avian influenza monitored flock to which such birds have been added may not be moved to a live bird market or into the State until samples from such flock have been tested and found to be free of avian influenza, as provided in this subdivision.

(p) National Poultry Improvement Plan means a cooperative industry, state, and federal program that was developed through which new diagnostic technology can be applied to evaluate the health status of poultry, set forth in Title 9 of the Code of Federal Regulations Parts 145-147.

(q) U.S. Avian Influenza Clean means that a flock has been so designated by the state or country of origin, utilizing the procedures set forth in the current version of the National Poultry Improvement Plan.

(r) U.S. H5/H7 Avian Influenza Clean means that a flock has been so designated by the state or country of origin, utilizing the procedures set forth in the current version of the National Poultry Improvement Plan.

Section 45.6 of 1 NYCRR is amended by adding thereto a new subdivision (g), to read as follows:

(g) A poultry dealer or poultry transporter who imports or causes the importation of poultry into the State for any purpose other than immediate slaughter shall comply with the requirements set forth in paragraphs (1), (2), and (3) of this subdivision.

(1) No live poultry or poultry products may be moved into the State unless they are moving on an approved certificate of veterinarian inspection or USDA VS Form 9-3, Report of Sales of Hatching Eggs, Chicks, and Poults, which states that either:

(i) the poultry identified thereon are moving through a poultry dealer or poultry transporter from a source flock which is certified by the state or country of origin as an avian influenza monitored source; or

(ii) the poultry identified thereon are moving through a poultry dealer or poultry transporter from a source flock in which a random sample of 30 birds were tested negative for avian influenza within 10 days prior to the date of movement, using an official test approved by the United States Department of Agriculture conducted in a laboratory approved by the United States Department of Agriculture and/or the State to conduct such testing; or

(iii) The poultry identified thereon originate directly from a National Poultry Improvement Plan flock designated "Avian Influenza Clean" or "U.S. H5/H7 Avian Influenza Clean."

(2) No live poultry which is held on premises where within the previous 12 months there has been a positive avian influenza serology, culture or a trace back to said premises of birds that tested positive for avian influenza within the previous 12 months shall be moved into the State unless the State Animal Health Official of the state or country of origin certifies that:

(i) all birds held on the premises at or after the time of the positive serology, culture, or trace back and prior to the cleaning and disinfection of the premises were removed to slaughter or slaughtered and the premises were thereafter cleaned and disinfected under official supervision and the replacement flock complies with paragraph (2) of this subdivision; or

(ii) tracheal and cloacal swabs were obtained for virus isolation from 150 randomly selected birds in a flock held on such premises or from all of the birds in such flock, whichever is less, and such tests demonstrated that avian influenza was not present, and no bird in such flock exhibited clinical signs of avian influenza in the 45 days preceding the date of sampling. If the birds so tested are waterfowl, then only cloacal swabs shall be required. Such samples may be pooled in groups of up to five samples per culture.

(3) Live poultry that qualify for movement must be kept separate and apart from all other poultry of infected, exposed or unknown health status.

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire August 11, 2015.

Text of rule and any required statements and analyses may be obtained from: Dr. David Smith, Director, Division of Animal Industry, NYS Dept. of Agriculture and Markets, 10B Airline Drive, Albany, NY 12235, (518) 457-3502, email: David.Smith@agriculture.ny.gov

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

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

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

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

A Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement are not submitted, but will be published in the Register within 30 days of the rule's effective date.

Department of Civil Service

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-20-14-00003-A

Filing No. 396

Filing Date: 2015-05-19

Effective Date: 2015-06-03

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

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

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

Subject: Jurisdictional Classification.

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

Text of final rule: Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Executive Department under the subheading "Office of General Services," by adding thereto the positions of Empire Fellow (230) (temporary twenty-four month period).

*Originally submitted omitting "(temporary twenty-four month period)"

Final rule as compared with last published rule: Nonsubstantive changes were made in Appendix 2.

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

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

Changes made to the last published rule do not necessitate revision to the previously published RIS, RFA, RAFA, and JIS.

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-30-14-00003-A

Filing No. 397

Filing Date: 2015-05-19

Effective Date: 2015-06-03

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

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

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

Subject: Jurisdictional Classification.

Purpose: To classify a position in the exempt class and to delete positions from and classify positions in the non-competitive class.

Text of final rule: Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Executive Department under the subheading "Division of Homeland Security and Emergency Services," by increasing the number of positions of Deputy State Fire Administrator from 1 to 2; and

Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Executive Department under the subheading "Division of Homeland Security and Emergency Services," by deleting therefrom the positions of Communications Technician 1 (2) and by adding thereto the positions of Communications Specialist (DHSES) (3) and øAssistant Director Office of Interoperable and Emergency Communications (1).

*Originally submitted to include adding the positions of Assistant Radio Engineer (6) and Radio Engineer 2 (4) in the non-competitive class.

Final rule as compared with last published rule: Nonsubstantive changes were made in Appendix 2.

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

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

Changes made to the last published rule do not necessitate revision to the previously published RIS, RFA, RAFA, and JIS.

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-30-14-00007-A
Filing No. 395
Filing Date: 2015-05-19
Effective Date: 2015-06-03

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

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

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

Subject: Jurisdictional Classification.

Purpose: To delete a position from the non-competitive class.

Text or summary was published in the July 30, 2014 issue of the Register, I.D. No. CVS-30-14-00007-P.

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

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

Assessment of Public Comment
The agency received no public comment.

Education Department

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Teacher Certification

I.D. No. EDU-22-15-00012-EP
Filing No. 404
Filing Date: 2015-05-19
Effective Date: 2015-05-19

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

Proposed Action: Amendment of sections 52.21, 80-1.5(c), 80-3.3, 80-3.4 and 80-5.13 of Title 8 NYCRR.

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

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

Specific reasons underlying the finding of necessity: Despite the high pass rates on the new and redeveloped certification examinations by candidates who have completed preparation programs and have been recommended for certification, the field has expressed concern about the pass rates for candidates who have not completed a preparation program and have not yet been recommended for certification. At its April meeting, the Board of Regents requested that the Department propose safety net options for the ALST, EAS and the CSTs. In response to the Board's request, the Department proposed at the April 2015 meeting, multiple options for safety nets applicable to each of the following certification examinations: ALST, EAS and the CSTs and an extension of the current edTPA safety net to exist conterminously with any other safety nets covering the remainder of the teacher certification examinations. At its April meeting, the Board instructed the Department to present an emergency amendment to the Commissioner's regulations at its May 2015 meeting in order to ensure that candidates have notice of the new safety net options for these exams.

Because the Board of Regents meets at scheduled intervals, the earliest the proposed amendment could be presented for regular (non-emergency) adoption, after publication in the State Register and expiration of the 45-day public comment period provided for in State Administrative Procedure Act (SAPA) section 202(1) and (5), is the October 2015 Regents meeting. Furthermore, pursuant to SAPA section 203(1), the earliest effective date of the proposed amendment, if adopted at the October Regents meeting is November 11, 2015, the date a Notice of Adoption would be published in the State Register. However, emergency action to adopt the proposed rule is necessary now for the preservation of the general welfare in order to ensure that teacher candidates who will be applying for certification from now until June 30, 2016, have timely and sufficient notice that, if they fail on or more of the following new and redeveloped certification examinations (the ALST, the EAS, the edTPA and/or the required CST, if they meet one or more of the safety net options in lieu of retaking the failed examination, they may receive an initial certificate.

It is anticipated that the emergency rule will be presented to the Board of Regents for adoption as a permanent rule at the October 2015 Regents meeting, which is the first scheduled meeting after expiration of the 45-day public comment period mandated by the State Administrative Procedure Act for proposed rulemakings.

Subject: Teacher Certification.

Purpose: To provide a safety net for candidates who take the new teacher certification examinations (ALST, EAS, and the redeveloped CSTs) and to extend the time validity of the existing edTPA safety net.

Text of emergency/proposed rule: 1. A new subdivision (c) shall be added to section 80-1.5 of the Regulations of the Commissioner of Education, effective May 19, 2015, to read as follows:

(c) Notwithstanding any applicable provisions of Subparts 80-1, 80-3, 80-4 and 80-5 of this Part or any other provision of rule or regulation to the contrary, a candidate who applies for and meets all the requirements for a certificate on or before June 30, 2017, except that such candidate does not achieve a satisfactory level of performance on one or more of the new certification examinations (the academic literacy skills test and/or the teacher performance assessment) or the revised content specialty examination(s), as prescribed by the Commissioner, that is/are required for the certificate title sought, and such examination(s) was/were taken and failed on or after September 1, 2013 through June 30, 2016, may instead use one or more of the following safety net options, in lieu of retaking one or more of such new and/or revised certification examinations:

(1) Teacher performance assessment. A candidate who takes and fails to achieve a satisfactory level of performance on the teacher performance assessment (after completing and submitting for scoring the teacher performance assessment), may, in lieu of retaking the teacher performance assessment:

(i) receive a satisfactory score on the written assessment of teaching skills after receipt of his/her score on the teacher performance assessment and prior to June 30, 2016; or

(ii) pass the written assessment of teaching skills on or before April 30, 2014 (before the new certification examination requirements became effective), provided the candidate has taken and failed the teacher performance assessment prior to June 30, 2016.

(2) Academic Literacy Skills Test. A candidate who takes and fails to achieve a satisfactory level of performance on the academic literacy skills test may, in lieu of retaking the academic literacy skills test, submit an attestation on or before June 30, 2016, on a form prescribed by the commissioner, and signed by a dean or chief academic officer of a higher education institution or the substantial equivalent, attesting that the candidate has:

(i) demonstrated comparable skills to what is required by the academic literacy skills test through course completion by completing a minimum of three semester hours in coursework satisfactory to the commissioner; and

(ii) received a cumulative grade of a 3.0 or higher, or the substantial equivalent, in such coursework.

(3) Content Specialty Examination. A candidate who takes and fails to achieve a satisfactory level of performance on any required revised content specialty examination in the candidate's certification area, may, in lieu of retaking such revised content specialty test:

(i) receive a satisfactory score on the predecessor content specialty examination after receipt of his/her failing score on the revised content specialty tests and prior to June 30, 2016; or

(ii) pass the predecessor content specialty examination on or before the new certification examination requirements became operational, provided the candidate has taken and failed the revised content specialty test prior to June 30, 2016.

2. Subclause (1) of clause (b) of subparagraph (iv) of paragraph (2) of subdivision (b) of section 52.21 of the Regulations of the Commissioner of Education is amended, effective May 19, 2015, to read as follows:

(1) [The] *For the 2015-2016 academic year, in the event that fewer than 80 percent of students, who have satisfactorily completed an institution's program during a given academic year and have also completed one or more of the examinations required for a teaching certificate, pass each such examination they have completed, such program shall submit to the Department a professional development plan that describes how the program plans to improve the readiness of faculty and the pass rate for candidates on the examinations required for a teaching*

certificate. Further, for the 2015-2016 academic year, the department shall conduct a registration review in the event that fewer than [80] *70* percent of students, who have satisfactorily completed the institution's program during a given academic year and have also completed one or more of the examinations required for a teaching certificate, pass each such examination that they have completed[; provided that for the 2014-2015 and 2015-2016 academic years, the department shall not conduct a registration review based solely upon students having less than an 80 percent passage rate on the teacher performance assessment. However, programs with less than an 80 percent passage rate for the 2013-2014 and 2014-2015 academic years on the teacher performance assessment will be required to submit a professional development plan to the Department that describes how the program plans to improve the readiness of faculty and pass rate for candidates on the teacher performance assessment]. For the 2016-2017 academic year and thereafter, the department shall conduct a registration review in the event that fewer than 80 percent of students, who have satisfactorily completed the institution's program during a given academic year and have also completed one or more of the examinations required for a teaching certificate, pass each such examination that they have completed. For purposes of this clause, students who have satisfactorily completed the institution's program shall mean students who have met each educational requirement of the program, excluding any institutional requirement that the student pass each required examination of the New York State teacher certification examinations for a teaching certificate in order to complete the program. Students satisfactorily meeting each educational requirement may include students who earn a degree or students who complete each educational requirement without earning a degree. For determining this percentage, the department shall consider the performance on each certification examination of those students completing an examination not more than five years before the end of the academic year in which the program is completed or not later than the September 30th following the end of such academic year, academic year defined as July 1st through June 30th, and shall consider only the highest score of individuals taking a test more than once.

3. Clause (b) of subparagraph (i) of paragraph (2) of subdivision (b) of section 80-3.3 of the Regulations of the Commissioner is amended, effective May 19, 2015, to read as follows:

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

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

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

4. Clause (b) of subparagraph (i) of paragraph (3) of subdivision (b) of section 80-3.4 of the Regulations of the Commissioner of Education is amended, effective May 19, 2015, as follows:

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

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

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

5. Clause (b) of subparagraph (ii) of paragraph (1) of subdivision (b) of section 80-5.13 of the Regulations of the Commissioner of Education is amended, effective May 19, 2015, to read as follows:

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

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

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

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire August 16, 2015.

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

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

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

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

Regulatory Impact Statement

1. STATUTORY AUTHORITY:

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

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

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

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

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

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

2. LEGISLATIVE OBJECTIVES:

The amendment carries out the legislative objectives of the above-referenced statutes by providing flexibility relating to the teacher certification examinations that are required for certain teachers who are seeking to be certified in New York State.

3. NEEDS AND BENEFITS:

At the February and March 2015 Board of Regents meetings, the Board discussed various safety net options for the certification exams. The Board of Regents discussion included safety nets for the Academic Literacy and Skills Test ("ALST"), the Educating All Students ("EAS") exam, the redeveloped Content Specialty Tests (CSTs), and the teacher performance assessment ("edTPA").

We are nearly five years into the implementation of the new and revised certification examinations. The Department has already provided two separate one year extensions of the teacher performance assessment and $

11.5 million to CUNY, SUNY, and the independent colleges to support the provision of faculty professional development on topics such as the Common Core and the new certification examinations. However, in spite of the nearly five years of awareness raising, professional development offerings related to transition to the new assessment, and the extensions that were already provided for programs and candidates, the field has expressed concern about the pass rates for candidates who have not completes a preparation program and have not yet been recommended for certification.

In order to address the concerns raised by the field while at the same time recognizing the previous extension and investments made in faculty development around the certification exams, the Board requested that the department propose safety net options for the teacher certification exams. The proposed amendments provide alternative methods of meeting certification requirements for those candidates that take and fail the certification exams.

For candidates who take and fail the Academic Literacy Skills Test ("ALST") on or before June 30, 2016, the candidate may submit an attestation on or before June 30, 2016, on a form prescribed by the Commissioner, and signed by a dean or chief academic officer of a higher education institution, attesting that the candidate has demonstrated comparable skills to what is required by the ALST.

For candidates who have taken and failed a revised Content Specialty Test ("CST"), they may take and pass the predecessor of the CST currently required.

Additionally, the proposed amendment would extend the safety net currently in place for the edTPA through June 30, 2016. If a candidate applies for and meets all the requirements for an initial certificate on or before September 1, 2014 except he/she does not receive a satisfactory passing score on the first attempt of the edTPA, the candidate may receive a satisfactory level of performance on the ATS-W in lieu of a satisfactory level of performance on the edTPA.

4. COSTS:

Cost to the State:

None.

Costs to local government:

None.

Cost to private regulated parties:

Candidates who take and fail the ALST, edTPA and/or CST, will need to pay a fee for the alternative safety net examination, if they choose to use the safety net option. The proposed amendment will provide additional flexibility for candidates who take and fail the certification exams on their first attempt.

Cost to regulating agency for implementation and continued administration of this rule:

The State Education Department will use existing resources to implement the safety net.

5. LOCAL GOVERNMENT MANDATES:

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

6. PAPERWORK:

There are no additional paperwork requirements beyond those currently imposed; except that for candidates who take and fail the ALST on or before June 30, 2016, the candidate may submit an attestation on or before June 30, 2016, on a form prescribed by the Commissioner, and signed by a dean or chief academic officer of a higher education institution, attesting that the candidate has demonstrated comparable skills to what is required by the ALST.

7. DUPLICATION:

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

8. ALTERNATIVES:

There were no significant alternatives and none were considered.

9. FEDERAL STANDARDS:

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

10. COMPLIANCE SCHEDULE:

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

Regulatory Flexibility Analysis

In order to address the concerns raised by the field while at the same time recognizing the previous extension and investments made in faculty development around the certification examinations, the proposed amendment attempts to provide additional flexibility for candidates who take and fail the certification examinations on their first attempt. The proposed amendment provides candidates alternative options to fulfill the requirements for certification if they take and fail the certification exams. For candidates who take and fail the Academic Literacy Skills Test ("ALST") on or before June 30, 2016, the candidate may submit an attestation on or before June 30, 2016, on a form prescribed by the Commissioner, and signed by a dean or chief academic officer of a higher education institution, attesting that the candidate has demonstrated comparable skills to what is required by the ALST.

For candidates who have taken and failed a revised Content Specialty Test ("CST"), they may take and pass the predecessor of the CST currently required.

Finally, the proposed amendment authorizes the Commissioner to issue to a candidate who applies for and meets all the requirements for an initial certificate on or before June 30, 2016, except he/she does not receive a satisfactory passing score on the teacher performance assessment, if required, an initial certificate; provided that subsequent to receiving a score for the teacher performance assessment and prior to June 30, 2016, the candidate receives a satisfactory level of performance on the written assessment of teaching skills examination in lieu of a satisfactory level of performance on the teacher performance assessment.

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

Rural Area Flexibility Analysis

1. TYPES AND ESTIMATED NUMBER OF RURAL AREAS:

The proposed amendment will affect teacher candidates who are applying for an initial certificate and who have taken and failed the new certification exams prior to June 1, 2016, including those candidates in the 44 rural counties with fewer than 200,000 inhabitants and the 71 towns and urban counties with a population density of 150 square miles or less.

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

In order to address the concerns raised by the field while at the same time recognizing the previous extension and investments made in faculty development around the certification exams, the proposed amendment attempts to provide additional flexibility for candidates who take and fail the certification exams on their first attempt. The proposed amendment provides candidates alternative options to fulfill the requirements for certification if they take and fail the certification exams. For candidates who take and fail the Academic Literacy Skills Test ("ALST") on or before June 30, 2016, the candidate may submit an attestation on or before June 30, 2016, on a form prescribed by the Commissioner, and signed by a dean or chief academic officer of a higher education institution, attesting that the candidate has demonstrated comparable skills to what is required by the ALST.

For the redeveloped Content Specialty Tests ("CSTs"), candidates who have taken and failed a revised CST may take and pass the predecessor of the CST currently required on or before June 30, 2016.

Finally, the proposed amendment authorizes the Commissioner to issue to a candidate who applies for and meets all the requirements for an initial certificate on or before June 30, 2016 except a passing score on the teacher performance assessment, an initial certificate; provided that subsequent to receiving a score for the teacher performance assessment and prior to June 30, 2016, the candidate receives a satisfactory level of performance on the written assessment of teaching skills examination in lieu of a satisfactory level of performance on the teacher performance assessment.

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

3. COSTS:

The proposed amendment does not impose any costs on the State, local governments, private regulated parties or the State Education Department; except that candidates who take and fail the edTPA or the CST will have to pay another certification examination fee to take advantage of the safety net option.

4. MINIMIZING ADVERSE IMPACT:

The State Education Department does not believe any changes for candidates who live or work in rural areas is warranted because uniform standards for certification are necessary across the State.

5. RURAL AREA PARTICIPATION:

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

Job Impact Statement

In order to address the concerns raised by the field while at the same time recognizing the previous extension and investments made in faculty development around the teachers certification exams, the proposed amend-

ment attempts to provide additional flexibility for candidates who take and fail the Academic Literacy and Skills Test ("ALST"), the redeveloped Content Specialty Tests ("CST") and the teachers performance assessment ("edTPA") on their first attempt. For candidates who take and fail the ALST in or before June 30, 2016, the candidate may submit an attestation on or before June 30, 2016, on a form prescribed by the Commissioner, and signed by a dean or chief academic officer of a higher education institution, attesting that the candidate has demonstrated comparable skills to what is required by the ALST.

For the redeveloped Content Specialty Tests ("CSTs"), through June 30, 2016, candidates who have taken and failed a revised CST may take and pass the predecessor of the CST currently required.

Finally, the proposed amendment authorizes the Commissioner to issue to a candidate who applies for and meets all the requirements for an initial certificate on or before June 30, 2016, except he/she does not receive a satisfactory passing score on the teacher performance assessment; an initial certificate; provided that subsequent to receiving a score for the teacher performance assessment and prior to June 30, 2016, the candidate receives a satisfactory level of performance on the written assessment of teaching skills examination in lieu of a satisfactory level of performance on the teacher performance assessment.

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

NOTICE OF ADOPTION

Tuition Assistance Program

I.D. No. EDU-05-15-00009-A
Filing No. 403
Filing Date: 2015-05-19
Effective Date: 2015-06-03

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

Action taken: Amendment of section 145-2.2(b)(2)(ii) of Title 8 NYCRR.

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

Subject: Tuition Assistance Program.

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

Text or summary was published in the February 4, 2015 issue of the Register, I.D. No. EDU-05-15-00009-P.

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

Revised rule making(s) were previously published in the State Register on April 8, 2015.

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

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.

NOTICE OF ADOPTION

Appeals Process on Regents Exams Passing Score for English Language Learners (ELLs)

I.D. No. EDU-08-15-00006-A
Filing No. 399
Filing Date: 2015-05-19
Effective Date: 2015-06-03

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

Action taken: Amendment of section 100.5(d)(7) of Title 8 NYCRR.

Statutory authority: Education Law, sections 101(not subdivided), 207(not subdivided), 208(not subdivided), 209(not subdivided), 215(not subdivided), 305(1), (2), 308(not subdivided), 309(not subdivided), 2117(1), 3204(2), (2-a), (3) and (6)

Subject: Appeals process on Regents exams passing score for English Language Learners (ELLs).

Purpose: 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) in January 2015 or thereafter.

Text or summary was published in the February 25, 2015 issue of the Register, I.D. No. EDU-08-15-00006-EP.

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

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

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2020, which is the 4th or 5th year after the year in which this rule is being adopted. This review period, justification for proposing same, and invitation for public comment thereon, were contained in a RFA, RAFA or JIS:

An assessment of public comment on the 4 or 5-year initial review period is not attached because no comments were received on the issue.

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Teacher Certification

I.D. No. EDU-08-15-00007-A
Filing No. 400
Filing Date: 2015-05-19
Effective Date: 2015-06-03

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

Action taken: Amendment of section 80-1.6(c) of Title 8 NYCRR.

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

Subject: Teacher certification.

Purpose: 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 without penalizing the certificate holder.

Text or summary was published in the February 25, 2015 issue of the Register, I.D. No. EDU-08-15-00007-EP.

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

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

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.

NOTICE OF ADOPTION

Requirements for Medical Physics Education Programs and Eligibility for Limited Permits in Specialty Areas of Medical Physics

I.D. No. EDU-10-15-00003-A
Filing No. 402
Filing Date: 2015-05-19
Effective Date: 2015-06-03

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

Action taken: Amendment of sections 52.31, 79-8.5 and 79-8.6 of Title 8 NYCRR.

Statutory authority: Education Law, sections 207 (not subdivided), 6504 (not subdivided), 6507(2)(a), 8701, 8705 and 8706

Subject: Requirements for medical physics education programs and eligibility for limited permits in specialty areas of medical physics.

Purpose: To reflect changes in national accreditation requirements for medical physics education programs and repeal obsolete provisions.

Text or summary was published in the March 11, 2015 issue of the Register, I.D. No. EDU-10-15-00003-P.

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

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

Initial Review of Rule

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

Assessment of Public Comment

Since the publication of a Notice of Proposed Rule Making in the March 11, 2015 State Register, the State Education Department received the following comments:

1. COMMENT:

A radiological and medical physics society expressed support for the amendment of 8 NYCRR § § 52.31 and 79-8.5. This commenter stated that replacing the current requirement that medical physics education programs offer a supervised clinical experience with the requirement that such programs provide their students with instruction in the clinical applications of medical physics is consistent with the current Commission on Accreditation of Medical Physics Education Program requirements. This commenter further stated that the amendment will permit "graduates from programs that do not include direct patient contact as part of the academic education, to be eligible for licensure in NY State." The commenter also stated that it has no objection to the repeal of 8 NYCRR § 79-8.6 because its licensing provisions became obsolete after August 25, 2004.

DEPARTMENT RESPONSE:

The Department appreciates the supportive comment as it works to both protect the public and provide greater access to medical physics services to New Yorkers.

2. COMMENT:

Another radiological society expressed its support of the amendment of 8 NYCRR § 52.31 because it eliminates the requirement that medical physics education programs offer a supervised clinical experience in order for their students to be eligible for licensure in New York State and instead permits such programs to offer instruction in the clinical applications of medical physics. This commenter further stated that this amendment reflects current Commission on Accreditation of Medical Physics Education Program requirements, which do not include clinical experience. This commenter asserted that by eliminating the supervised clinical experience requirement, the amendment removes an impediment to New York State licensure for students who attend programs that do not offer clinical experience that involves direct patient contact.

In addition, the commenter supports the amendment of 8 NYCRR § 79-8.5 because it only requires a limited permit in a specialty area of medical physics for students enrolled in programs that offer clinical experience that involves direct patient contact, which is consistent with the amendment of 8 NYCRR § 52.31.

This commenter also stated that it has no objection to the repeal of 8 NYCRR § 79-8.6 because, inter alia, it has no application to current applicants for licensure in New York State.

DEPARTMENT RESPONSE:

The Department appreciates the supportive comment as it works to both protect the public and provide greater access to medical physics services to New Yorkers.

NOTICE OF ADOPTION

Continuing Education Requirements for Optometrists Certified to Use Therapeutic Pharmaceutical Agents

I.D. No. EDU-10-15-00004-A

Filing No. 401

Filing Date: 2015-05-19

Effective Date: 2015-06-03

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

Action taken: Amendment of section 66.6 of Title 8 NYCRR.

Statutory authority: Education Law, sections 207 (not subdivided), 6504 (not subdivided), 6507(2)(a), 7101, and 7101-a(7)

Subject: Continuing education requirements for optometrists certified to use therapeutic pharmaceutical agents.

Purpose: To provide more flexibility in satisfying continuing education requirements by expanding the list of acceptable study methods.

Text or summary was published in the March 11, 2015 issue of the Register, I.D. No. EDU-10-15-00004-P.

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

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

Initial Review of Rule

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF EXPIRATION

The following notice has expired and cannot be reconsidered unless the Education Department publishes a new notice of proposed rule making in the NYS *Register.*

Mandatory Reporting of Information Regarding Possession, Sale, Use or Manufacture of Illegal Drugs on School Property/ Functions

I.D. No.	Proposed	Expiration Date
EDU-19-14-00009-P	May 14, 2014	May 14, 2015

Department of Environmental Conservation

NOTICE OF ADOPTION

Requirements for the Control of Criteria Air Contaminants and Toxic Air Contaminant Emissions from Process Operations

I.D. No. ENV-52-14-00027-A

Filing No. 383

Filing Date: 2015-05-14

Effective Date: 030 days after filing

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

Action taken: Repeal of Part 212; addition of new Part 212; and amendment of Part 200 of Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 1-0101, 3-0301, 19-0105, 19-0303, 19-0311, 71-2103 and 71-2105

Subject: Requirements for the control of criteria air contaminants and toxic air contaminant emissions from process operations.

Purpose: To protect public health and the environment from air pollution emitted by process operations.

Substance of final rule: The Department of Environmental Conservation (Department) is repealing and replacing 6 NYCRR Part 212 (Part 212) to streamline and update its provisions, align those provisions with the Department's permitting regulations, and provide more regulatory certainty for the regulated community. Currently, Part 212 regulates air emission sources associated with a process operation by establishing emissions limits for the release of toxic air contaminants. This rulemaking establishes consistent terminology between Part 212 and 6 NYCRR Part 200 (Part 200) and 6 NYCRR Part 201 (Part 201); establishes a Toxic-Best Available Control Technology (T-BACT) standard for toxic air contaminants; clarifies the interaction between Part 212 and the National Emission Standards for Hazardous Air Pollutants (NESHAPs); offers a streamlined approach for demonstrating compliance with regulatory standards for air contaminants by adopting a mass emission rate option; replac-

ing the existing Part 212 control requirement, which provides the Commissioner with discretion to establish the degree of required air cleaning, with a performance of air dispersion modeling analysis in order to demonstrate compliance with Department Guideline Concentrations or National Ambient Air Quality Standards (NAAQS); controls High Toxicity Air Contaminants (HTACs) to the greatest extent possible; and generally reorganizes Part 212. Aside from renumbering and replacement of the term "Lower Orange County" with a list of regulated Orange County towns, this proposed rulemaking does not change the language of existing Section 212.10, "Reasonably Available Control Technology for Major Facilities," which is proposed Subpart 212-3. Neither does this proposed rulemaking change the language of existing Section 212.12, "Control of Nitrogen Oxides for Hot Mix Asphalt Production Plants," other than renumbering the section to Section 212-2.4 in line with the proposed new numbering.

Proposed Part 212 will be reorganized; its terms and federal requirements will be updated; and it will present five changes to the way the rule is currently enforced. First, proposed Part 212 introduces an alternative compliance option for HTACs. Second, for all toxic air contaminants controlled by NESHAPs, proposed Part 212 allows demonstrated compliance with the federal program as sufficient to demonstrate compliance under Part 212. This change would not apply to the emissions of HTACs, which would require a Toxic Impact Analysis (TIA) to demonstrate compliance. Third, for non-criteria air contaminants, proposed Part 212 implements T-BACT in order to more effectively regulate toxic air contaminants. Fourth, proposed Part 212 allows regulated entities to perform air dispersion modeling analysis in order to demonstrate compliance with either the NAAQS or Annual and Short-term guideline concentrations (AGC/SGC) for emission sources with lesser emission rates. Finally, proposed Part 212 lowers the emission rate for when control requirements become applicable, from 1 pound per hour to 0.1 pounds per hour for A-rated, non-criteria air contaminants. Part 200 ("General Provisions") will be revised to include a new definition for the determination of toxic equivalency factors for Dioxin and Dioxin-Like Compounds; and to incorporate by reference federal NSPS and NESHAPs.

The evaluation process included in Part 212 is applied (1) when a regulated entity applies for a new or modified permit or registration for process emission sources and/or emission points; or (2) upon issuance of a renewal for an existing permit or registration. Compliance with Part 212 will work in a step-wise manner. The first step is to demonstrate all emission of HTACs are below the mass emission threshold limits. If a regulated entity can comply with the first step, the Part 212 evaluation process is complete. If not, the regulated entity will progress through the next steps of identifying hourly and yearly emissions of criteria, non-criteria air contaminants, and HTACs, receiving environmental ratings for these emissions, conducting any modeling if necessary, and determining how to proceed after evaluating these emissions amounts within the parameters of the regulatory tables contained in Subdivisions 212-2.3(a) Table 3 and (b) Table 4, taking off ramps from the Part 212 analysis whenever a step is satisfied. This step-wise process is discussed in detail in the Express Terms Summary as well as in the Regulatory Impact Statement. Any emission limitation in effect prior to the effective revision date of Part 212 shall remain in effect until a permit modification is submitted for an applicable process emission source or emission point or renewal of the permit or registration.

The first step a regulated entity must take to determine compliance under proposed Part 212 is to determine whether that entity has any process sources that are regulated. While proposed Part 212 regulates emissions from most process sources, proposed Section 212-1.4 provides a list of process sources that are excepted from regulation under the part. For all sources that fall under this exceptions list, the regulatory process under proposed Part 212 is over.

If a regulated entity does not fall under the exceptions list contained in Section 212-1.4, that entity must supply to the Department a list of all criteria and non-criteria air contaminants and their hourly and yearly emissions rates. The Department will verify this list and assign these air contaminants an environmental rating based on the four factors in Section 212-1.3: toxicity of the air contaminant; how the air contaminant is dispersed; where the dispersed air contaminant lands; and the number of other sources emitting this contaminant in surrounding areas. Once the Department has assigned ratings to these air contaminants, the regulated entity may proceed to the next step of the analysis, which depends on whether the facility is emitting a criteria air contaminant (see proposed Subdivision 212-2.3(a) Table 3), a non-criteria air contaminant (see proposed Subdivision 212-2.3(b) Table 4), or an air contaminant listed on the High Toxicity Air Contaminant List (see proposed Section 212-2.2 Table 2 for the list and proposed Subdivision 212-2.3(b) Table 4 for Degree of Air Cleaning Required for Non-Criteria Air Contaminants).

Criteria Air Contaminants:

If a regulated entity has emissions of criteria air contaminants and the entity provides verification that a regulated source emits less than one pound per hour for A-rated contaminants or less than 10 pounds per hour for B- or C-rated contaminants, and demonstrates that the offsite ambient concentrations from these emission points do not exceed the NAAQS concentrations, the Part 212 evaluation process ends and the entity is in compliance for those contaminants. However, if a regulated source emits one pound or greater per hour for A-rated contaminants or 10 pounds or greater per hour for B- or C-rated contaminants, the facility must employ control technology to achieve – depending on the amount of air contaminant emitted – 99 percent emissions reductions or greater for A-rated contaminants; between 90 percent and 99 percent or greater emissions reductions for B-rated contaminants; and between 70 percent and 98 percent or greater emissions reductions for C-rated contaminants.

Non-Criteria Air Contaminants:

If a regulated entity has emissions of non-criteria air contaminants not listed in the HTAC List (see proposed Section 212-2.2 Table 2) and the entity provides verification that a regulated source emits less than 0.1 pounds per hour for A-rated contaminants or less than 10 pounds per hour for B- or C-rated contaminants, and demonstrates that the off-site ambient concentrations from these emission points do not exceed the air concentrations contained in the Department's SGC and AGC tables, the Part 212 evaluation process ends and the entity is in compliance for those contaminants. However, if the regulated entity emits a non-criteria air contaminant that is assigned an A rating and emits 0.1 pounds or greater per hour, or emits 10 pounds or greater per hour for any B- or C-rated, non-criteria air contaminant, the facility must either engage in pollution prevention techniques that decrease emissions, apply control technology, or both, to achieve – depending on the amount of air contaminant emitted – between 90 percent and 99 percent emissions reductions for A-rated contaminants; 90 percent emissions reductions for B-rated contaminants; or 75 percent emissions reductions for C-rated contaminants. If the facility is unable to achieve sufficient emissions reductions at this point, it would need to engage in a T-BACT analysis, which is described in detail below.

High Toxicity Air Contaminants (HTACs):

For HTACs, the evaluation process is essentially the same as that for non-criteria air contaminants. First, the regulated entity must determine for each individual HTAC whether its HTAC emissions from all process operations are less than the HTAC mass emission limits. Next, the regulated entity would determine whether the facility emits 0.1 pounds or greater of a HTAC per hour for A-rated contaminants or 10 pounds or greater of a HTAC per hour for B- and C-rated contaminants. If a regulated entity emits HTACs assigned a B or C rating, where emissions are less than 10 pounds per hour and maximum offsite concentrations are less than the AGC/SGC, the Part 212 evaluation process ends. For an A-rated HTAC, a facility must emit less than 0.1 pounds per hour, emit less than the PB trigger (if applicable) (see proposed Section 212-2.2 Table 2) of ten times the mass emission limit, and demonstrate that the maximum offsite air concentration is less than the corresponding SGC/AGC. If a regulated entity emits more than these values for A-, B-, or C-rated air contaminants, it would have to engage in various pollution prevention techniques or combinations thereof, such as product substitution, and/or apply control technology. If the entity was still unable to achieve sufficient emissions reductions, it would need to engage in a T-BACT analysis.

Under T-BACT, the regulated entity must provide the Department with an analysis of whether there is an existing control technology that could limit that facility's emissions of non-criteria contaminants or HTACs and whether it is feasible to install that technology. T-BACT analysis would be conducted on a case-by-case basis, where the Department would determine the maximum achievable reductions or emissions limitations for a non-criteria air contaminant. The Department would make this determination based upon the several parameters contained in proposed Paragraph 212-1.2(b)(20). T-BACT need not be a last resort, a regulated entity may engage in a T-BACT analysis at any point during the step-wise process.

The Division of Air Resources is proposing to rename Part 212 to "Process Operations" and reorganize it into four subparts: General Provisions (212-1), Allowable Emissions from Process Operations (212-2), Reasonably Available Control Technology for Major Facilities (212-3), and Control of Nitrogen Oxides for Hot Mix Asphalt Production Plants (212-4).

Subpart 212-1 General Provisions

Proposed Section 212-1 'Applicability' establishes when facility owners or operators are required to demonstrate compliance with the new Part 212. The proposal requires compliance upon issuance of a new or modified permit or registrations, and during the renewal process for permits and registrations.

Proposed Section 212-1.2 'Definitions' will introduce definitions that are currently in guidance only, such as 'Animal Oncogens', 'Carcinogenic to Humans', 'Guideline Concentrations', 'Genotoxic Chemicals', 'High

Toxicity Air Contaminants', 'Likely to be Carcinogenic to Humans', 'Lethal Dose Fifty or Lethal Concentration Fifty (LD50 or LC50)', 'Low Toxicity Air Contaminant', 'Moderate Toxicity Air Contaminants', 'Persistent and Bioaccumulative (PB) Trigger.', 'Toxic - Best available control technology (T-BACT).' 'Reproductive and Developmental Chemical', and 'Toxic Impact Assessment.

Proposed Section 212-1.3 'Determination of environmental rating' has been revised to be consistent with the current 6 NYCRR Part 201 permitting and registrations requirements.

Proposed Section 212-1.4 'Exceptions' has been revised to be consistent with 6 NYCRR Part 201 permitting and registrations requirements; and to include new or revised regulations which qualify for an exception to Part 212.

Proposed Section 212-1.5 'Determining applicable emission standards for process operations' has been revised to include the provisions of Toxic Best Available Control Technology (T-BACT) under Subdivision 212-1.5(d). Paragraph 212-1.5(e)(2) includes the revised language to coordinate the overlap between the federal 40 CFR Part 63 National Emission Standard for Hazardous Air Pollutant (NESHAP) program and the revised Part 212. Subdivision 212-1.5(f) has been revised to clear up inconsistencies between compliance options required under Subpart 212-3 VOC and NOx Reasonable Available Control Technology for Major Facilities and control requirements in Subdivision 212-2.3(b) Table 4.

Proposed Section 212-1.6 'Limiting of opacity' has not been revised.

Proposed Section 212-1.7 'Sampling and monitoring' has been reformatted to conform to the requirements of the Department of State.

Subpart 212-2 Allowable Emissions from Process Operations

Proposed Section 212-2.1. 'Requirements' has been introduced to clearly define the allowable emissions from emission sources of criteria and non-criteria air contaminants. Subdivision 212-2.1(a) introduces the alternative compliance option for High Toxicity Air Contaminants (HTACs). Subdivision 212-2.1(b) introduces Tables 3 and 4. Table 3 is similar to the current Section 212.9 Table 2 but is now specifically for criteria air contaminants. Table 4 is a new table and is specifically for non-criteria air contaminants. The purpose of the proposed change is to clearly delineate the requirements between the two different types of air contaminants.

Proposed Section 212-2.2 Table 2 'High Toxicity Air Contaminant' list introduces the non-criteria toxic air contaminants for the alternative compliance action allowed under Subdivision 212-2.1(a).

Proposed Section 212-2.3 Table 3 and Table 4 (a) Table 3 – 'Degree of air cleaning required for criteria air contaminants and non-criteria air contaminants' respectively.

Proposed Section 212-2.4 'The control of particulate emissions released from existing process emission sources' has not been revised and reflects the control of particulate emissions being controlled under Section 212.4 currently.

Proposed Subdivision 212-2.5(a) Table 5 'Process weight source categories' has not been revised and is the same table found in Section 212.9 Table 4 currently. Proposed Subdivision 212-2.5(b) has not been revised and is the same table found in Section 212.9 Table 5 currently.

Subpart 212-3 Reasonably available control technology for major facilities.

Proposed Subpart 212-3 represents the requirements for facility owners or operators subject to reasonably available control technologies (RACT) for major facilities. Subpart 212-3 replicates the requirements of Section 212.10 currently, with one change. The current rule refers to owners and/or operators of facilities located in the Lower Orange County or New York City metropolitan areas and the proposed rule defines this as owners and/or operators of facilities located in the Orange County towns of Blooming Grove, Chester, Highlands, Monroe, Tuxedo, Warwick, and Woodbury or New York City metropolitan areas.

Subpart 212-4 Control of nitrogen oxides for hot mix asphalt production plants.

Proposed Subpart 212-4 replicates the requirements of Section 212.12 currently with one change.

Included in 212-1 is a definition for hot mix asphalt plants.

Finally, a new Subdivision (cx), 'Polychlorinated Dibenzo-para-dioxins and Polychlorinated Dibenzofurans', containing definitions and equivalents using the toxic equivalency factors (TEFs), would be added to Section 200.1, while 200.9 has been updated by incorporating four new federal regulations by reference and by removing three obsolete federal regulations from 1989.

Final rule as compared with last published rule: Nonsubstantive changes were made in sections 212-1.7(a) and 212-2.4(b)(1).

Text of rule and any required statements and analyses may be obtained from: Thomas Gentile, NYSDEC, 625 Broadway, Albany, NY 12233-3259, (518) 402-8402, email: Air.Regs@dec.ny.gov

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

There were no changes to the previously published Revised Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement. The effect of the regulations remain the same.

Initial Review of Rule

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

Assessment of Public Comment

The Department is repealing Part 212, General Process Emission Sources, and replacing it with Part 212, Process Operations. This rulemaking proposed to streamline and update Part 212's provisions, align those provisions with the Department's permitting regulations, provide more regulatory certainty for the regulated community, ensure public health and welfare; and attendant revisions to Part 200. The Department proposed Part 212 on December 31, 2014. Public hearings were held in four locations and the public comment period closed at 5:00 P.M. on February 17, 2015. The Department received comments from 17 Commenters, all of which have been reviewed, summarized, and responded to by the Department.

Overall, comments received by the Department expressed support for the proposal, or commented on specific portions of Part 212. The Department did not receive any comments objecting to the proposal in its entirety.

Several commenters raised issues with the proposed table of High Toxicity Air Contaminants (HTACs). These issues included: the disparity between the HTAC table in the proposal and the Significant Mass Emission Rates for Persistent, Bioaccumulative and Toxic Compounds contained in Part 201-9 table; requests to add specific chemicals to the HTAC list; request to include a list used by United States Environmental Protection Agency (EPA) to identify specific chemicals within a chemical family; and clarifications on how the mass emission rates should be calculated for metal compound classes. The Department responded to these comments stating that DEC would: align Part 201 and Proposed Part 212 at a later date; evaluate the addition of chemicals to the HTAC table during future rule revisions; would not include EPA's list because it was less inclusive; and provided clarification that mass emission limits for metals are based on the parent metal ion, not the entire metal compound.

Several commenters requested clarification on: when the best achievable control technology (BACT) and toxic best achievable control technology (T-BACT) determinations would be made during the permitting process; who would make these determinations; and, if these determinations are made and do not result in the required degree of air pollution removal as specified by the tables, what would be the final decision on granting them. The Department responded to these comments by indicating that: the proposed regulation always allows a source owner to submit a BACT or T-BACT analysis during the permitting process for a determination to satisfy the air pollution control requirements of Part 212; the determinations are made in the Regional Offices and in consultation with Central Office staff when assistance is requested; there will be instances where the level of removal under a BACT or T-BACT determination may be below the amount of air pollution removal specified by the tables; and these determinations would be made in a timely manner under the current permitting process.

Several commenters noted that: it may be impossible to attain the level of air pollution removal specified in the Part 212 Tables due to cost and physical limitations; the percent removal values in the tables are too rigid; and the Department should establish RACT and BACT requirements for specific pollutants. The Department responded to these comments by stating it recognizes that the percent removal requirements as specified by the tables may be difficult to demonstrate at very low concentrations, which is why BACT and T-BACT determinations will made in these cases, and that there is existing guidance for RACT and BACT determinations for various forms of air pollution.

One commenter requested that process emission sources subject to federal air pollution requirements should be totally exempt from Part 212 requirements. The Department responded that there are instances where additional requirements beyond federal control levels are necessary to protect public health and the environment.

Several commenters requested clarification about the frequency of BACT and T-BACT determinations; requested that they be one time determinations and not be required during permit renewal. The Department responded that these determinations would not be required during the permit renewal process, unless there have been significant facility modifications that increased emissions, new scientific information required a reassessment of the air pollution control requirements, or there were changes in the air quality attainment designation made by the EPA.

Several commenters requested clarification about the use of the environmental rating process; if it could be streamlined; could they propose environmental ratings and guideline values; and when these ratings could change. The Department responded that the environmental rating process currently exista in the current Part 212 and would not be

changed with this rulemaking; source owners could propose environmental ratings and guidelines for consideration by the Department; and provided examples of when an environmental rating might change.

Commenters stated the environmental rating process provided the Department with too much discretion and should be based solely on the toxicity of the air contaminant. The Department responded that the Environmental Rating process is not designed to be one size fits all approach and requires a comprehensive evaluation of all aspects of the emission impacts on a community.

Several commenters asked about the Department's decision to locate certain provisions under Part 212-1 General Provisions and not Part 212-2 Allowable Emissions. The Department explained that many of provisions in Part 212 were designed to clearly delineate the difference between exemptions and Federal requirements, which guided where the provisions were ultimately located.

Commenters stated that the regulations do not explain how a facility's annual emissions and hourly emissions are determined. The Department responded that source owners provide the Department with annual and hourly emission rates of air contaminants in order to determine air pollution control requirements.

Commenters question how accurate are the results when conditions at the facility differ from the assumptions, and how far can conditions at the facility violate the assumptions before the calculation or model breaks down? The Department responded that the air dispersion model uses an emission rate in pounds per hour or pounds per year, which is placed in the permit. These emission rates are placed in the permit and the facility cannot exceed these established limits.

Commenters inquired about staffing numbers necessary for implementation of the new rule; requested bounding cost for T-BACT determinations; inquired whether guidance document DAR-20 would govern cost thresholds in T-BACT determinations; stated that requiring controls prior to dispersion modeling is too costly and without benefits, and the cost of demonstrating compliance with the proposal was underestimated. The Department responded that no new staff is required; there are no bounding costs for T-BACT determinations; DAR-20 is only used for RACT determinations; the control of criteria pollutant emissions are mandatory under the federal Clean Air Act to maintain existing or improve air quality and that the cost of demonstrating compliance with the proposal was not underestimated.

Commenters were concerned that some facilities may be put at a competitive advantage or disadvantage based on distance to the nearest off-site receptor; that maintenance of process equipment should not be a requirement of the rule because it is too great of a financial burden; and that there is very little data regarding control costs in the proposal. The Department responded that facilities located in densely populated areas or near sensitive environmental receptors need to be properly controlled to prevent adverse effects from air pollution, which is why the environmental rating system is calculated by distance to the nearest offsite receptor; failure to maintain air pollution control equipment can lead to a decrease in final control efficiency and contribute to fugitive air contaminants and is therefore necessary and appropriate for this rule to require maintenance; and the RIS provides an estimate of various pollution control costs.

Commenters inquired about expected emission reductions under the proposal; stated that the public process was inadequate; requested a definition and explanation of a public hearing; expressed dissatisfaction for perceived inaccessibility and number of rulemaking documents; requested that the determination of mass emission limits be included in the Part 212 express terms rather than in the RIS; and requested that sampling requirements be written into Part 212. The Department stated that the rule will achieve reductions beyond the NESHAP program, but no exact number could be calculated at this time because of the many variables associated with each facility; discussed the public process for this rulemaking in detail including the extensive outreach conducted prior to proposing the rule; defined the purpose of a public hearing and explained how one is conducted; explained that the number of rulemaking documents and their contents are statutorily defined and how those requirements were satisfied by this rulemaking package; stated that the explanation for determination of mass emission limits was properly included in the RIS, while the actual emissions limits are properly included in the express terms because they are the enforceable language of the rulemaking; and explained that sampling and monitoring requirements are contained in Section 212-1.7.

Commenters stated that: existing language related to major source RACT was not sufficiently protective and should be changed; that regulations provide certainty and consistency; language should be added to Table 2 stating that combustion and trivial/exempt sources are exempt; and that consumer products and small gasoline dispensing sites should be exempted from Part 212. The Department stated that: we had decided not to revise major source RACT provisions at this time; combustion, trivial/exempt sources, and consumer products are already exempted in the Regulation; and that small gasoline dispensing sites must meet NESHAP requirements and are therefore deemed to be in compliance with Part 212.

Commenters suggested rewording of paragraph 212-1.5(f) and clarification of Section 212-2.1(a); and reformatting of Table 2. The Department provided clarification, but did not make any structural changes to the Express Terms.

Commenters requested clarification on: which non-criteria air contaminants would be evaluated under the regulation; whether small businesses must undergo a 212 analysis if they do not emit A rated contaminants; and how the Annual Guideline Concentrations and Short-term Guideline Concentrations (AGC/SGC) values are derived. The Department stated that all air contaminants are evaluated under the regulation; applicability is based upon what is being emitted and not size; and that technical information regarding the AGC/SGC values is available on the Department's website.

Commenters stated that they were encouraged by the potential for T-BACT to reduce toxins, but concerned about how emissions from local industrial facilities affect health and quality of life and whether – in light of DEC's discretion in assigning environmental ratings and determining BACT and T-BACT analyses – there was any assurance that a community's health and well-being would not be preempted by the interests of a regulated entity. The Department stated that it agrees, it shares these concerns and that the proposed regulation will improve air quality by reducing air toxics, and that DEC discretion is guided by DAR-1, which is publically available for review.

Department of Financial Services

NOTICE OF ADOPTION

Independent Dispute Resolution For Emergency Services And Surprise Bills

I.D. No. DFS-52-14-00009-A

Filing No. 406

Filing Date: 2015-05-19

Effective Date: 2015-06-03

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

Action taken: Addition of Part 400 to Title 23 NYCRR.

Statutory authority: Financial Services Law, sections 202, 301, 302 and art. 6; Insurance Law, section 301; L. of 2014, ch. 60, part H

Subject: Independent Dispute Resolution For Emergency Services And Surprise Bills.

Purpose: To establish a dispute resolution process and standards for that process.

Substance of final rule: Section 400.0 is the preamble.

Section 400.1 describes the applicability of the regulation and states that the regulation is applicable to health care services provided in New York State.

Section 400.2 provides definitions.

Section 400.3 establishes the independent dispute resolution entity ("IDRE") certification requirements. IDREs apply for certification to the superintendent and must demonstrate that they are able to review disputes involving payment for emergency services and surprise bills. IDREs must ensure that reviews are completed in the required timeframes, and must have a network of reviewers, including physicians.

Section 400.4 details prohibited conflicts of interest. IDRE and IDRE reviewers may not have a prohibited affiliation with a health care plan, provider, facility, developer of a health care service, or patient involved in the dispute.

Section 400.5 details the responsibilities of health care plans for disputes regarding emergency services and surprise bills. Health care plans must pay the claim and may attempt to negotiate the amount. Health care plans must provide the insured with notice that the insured shall incur no greater out-of-pocket costs for the services than the insured would have incurred with a participating physician or health care provider. Health care plans are also required to provide information on their websites about surprise bills.

Section 400.6 details the responsibilities of non-participating physicians and non-participating referred health care providers for disputes regarding emergency services and surprise bills. Non-participating physicians and non-participating referred health care providers must hold insured patients that complete an assignment of benefits form harmless for surprise bills. Non-participating physicians must also include a claim form and an assignment of benefits form with a bill to an insured.

Section 400.7 establishes the process to submit disputes regarding emergency services or surprise bills. Health care plans, non-participating physicians, non-participating referred health care providers and patients may submit disputes involving payment for emergency services and surprise bills to an IDRE. The parties must complete an application in the form and manner determined by the superintendent and the parties must provide information about the dispute.

Section 400.8 establishes the responsibilities of an IDRE. Within three business days of receipt of an application submitted by a health care plan, non-participating physician, non-participating referred health care provider or a patient, an IDRE shall screen the application for any conflicts of interest, eligibility and request any additional information. If the requested information is not received within five business days, the IDRE shall make a determination based on the information available to the IDRE. If the IDRE determines, in a case involving a health care plan, based on the health care plan's payment and the non-participating physician's or non-participating referred health care provider's fee, that a settlement between the health care plan and the non-participating physician or non-participating referred health care provider is reasonably likely, or that both the health care plan's payment and the non-participating physician's or non-participating referred health care provider's fee represent unreasonable extremes, the IDRE may direct both parties to attempt a good faith negotiation for settlement. The IDRE shall have the dispute reviewed by a neutral and impartial reviewer with training and experience in health care billing, reimbursement, and usual and customary charges. All determinations shall be made in consultation with a neutral and impartial licensed reviewing physician in active practice in the same or similar specialty as the physician providing the service that is subject to the dispute. To the extent practicable, the reviewing physician shall be licensed in this State. An IDRE shall make a determination within 30 days of receiving the request for the dispute resolution. For disputes involving a health care plan, the IDRE must choose as the reasonable fee either the health care plan's payment or the non-participating physician's or non-participating referred health care provider's fee. For disputes that do not involve a health care plan, the IDRE must determine the reasonable fee. In determining a reasonable fee, the IDRE must use the conditions and factors set forth in Financial Services Law Section 604.

Section 400.9 establishes IDRE record retention and compliance requirements. An IDRE shall retain case records in accordance with 11 NYCRR 243 (Insurance Regulation 152) for audit and examination purposes for a period of six years from the date of the IDRE's determination. An IDRE shall provide any information as required or requested by the superintendent within two business days or such other period acceptable to the superintendent.

Section 400.10 establishes payment responsibility for the IDRE. If an IDRE determines the health care plan's payment is reasonable, payment for the dispute resolution process shall be the responsibility of the non-participating physician or as applicable, non-participating referred health care provider. If an IDRE determines the non-participating physician's or non-participating referred health care provider's fee is reasonable, payment for the dispute resolution process shall be the responsibility of the health care plan. If good faith negotiations directed by the IDRE results in a settlement between the health care plan and the non-participating physician or non-participating referred health care provider, the health care plan and the non-participating physician or non-participating referred health care provider shall evenly divide and share the prorated cost for dispute resolution. For disputes that are rejected as ineligible or due to the requesting non-participating physician, non-participating referred health care provider or health care plan's failure to submit information, an IDRE may charge an application processing fee, which shall be the responsibility of the requesting physician, health care provider or health care plan.

Final rule as compared with last published rule: Nonsubstantive changes were made in sections 400.0, 400.2, 400.3, 400.4, 400.5, 400.7, 400.8 and 400.9.

Revised rule making(s) were previously published in the State Register on April 1, 2015

Text of rule and any required statements and analyses may be obtained from: Colleen Rumsey, New York State Department of Financial Services, One Commerce Plaza, Albany, NY 12257, (518) 474-0154, email: colleen.rumsey@dfs.ny.gov

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

The changes to the rule are non-substantive; therefore this rule is substantially the same as the previously published revised proposed rulemaking. The non-substantive changes are technical revisions made to correct capitalizations to lower case type, spacing and grammar, and to clarify the rule (i.e., clarified that health care plans can satisfy the requirement to provide information on how an insured, non-participating physician or, as applicable, a non-participating referred health care provider may submit a dispute to an independent dispute resolution entity by posting the information on their web sites).

Initial Review of Rule

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

Assessment of Public Comment

The Department of Financial Services ("Department") received comments from two interested parties in response to its revised proposed rule. The Department had received most of the public comments on this rulemaking in response to its initial proposed rule, published in the State Register on December 31, 2014. The Department addressed those comments in the assessment of public comments that were published with the revised proposed rule in the State Register on April 1, 2015. New comments on the revised proposed rule and the Department's responses thereto are discussed below.

Comment:

A commenter requested that Section 400.2(u)(2) be revised to clarify that a referral to a non-participating referred health care provider occurs without the insured's written consent.

Response:

Section 400.2(u)(2) tracks the definition of surprise bill set forth in Financial Services Law Section 603(h). A surprise bill is defined as "a bill for health care services, other than emergency services, received by an insured for services rendered by a non-participating referred health care provider, where the services were referred by a participating physician to a non-participating referred health care provider without explicit written consent of the insured acknowledging that the participating physician is referring the insured to a non-participating referred health care provider and that the referral may result in costs not covered by the health care plan." The requested language is unnecessary because the definition states that the referral is without the explicit written consent of the insured.

Comment:

A commenter requested revisions to Section 400.5(2) to clarify that a health plan is not obligated to provide notice of the independent dispute resolution ("IDR") process to a non-participating physician, or a non-participating referred health care provider when a claim for out-of-network services is paid by the health plan and the health plan subsequently receives an assignment of benefits form.

Response:

The requested change to clarify the notice requirements to providers was not made. It is clear in Section 400.5(e) that a health plan is not obligated to provide notice of the IDR process to a non-participating physician or a non-participating referred health care provider when a claim for out-of-network services is paid by the health plan and the health plan subsequently receives an assignment of benefits form. Section 400.5(e) requires a health plan that receives and pays a claim for the services of a non-participating physician or a non-participating referred health care provider that is not submitted with an assignment of benefits form to, upon receipt of an assignment of benefits form, determine whether the health plan will negotiate additional reimbursement with the provider. If the health plan attempts to negotiate additional reimbursement and the attempts do not result in resolution, or if the health plan does not attempt to negotiate additional reimbursement, the health plan shall pay the non-participating physician or a non-participating referred health care provider any additional amount that the health plan determines is reasonable. The health plan is required to provide notice to the insured that explains the insured's out-of-pocket costs and advises the insured to contact the health plan if the insured receives additional bills. A health plan is not obligated to provide any additional notice to the non-participating physician or non-participating referred health care provider.

Comment:

A commenter requested the revised proposed rule clarify that the IDR process for emergency services applies only to physician charges for emergency services and not to hospital services.

Response:

The Department previously received this comment and made a change in the revised proposed rule. Section 400.7(a)(1) was amended to clarify that a health care plan, a non-participating physician, or a patient who is not an insured may submit a dispute regarding emergency services rendered by a physician to the superintendent for review by an independent dispute resolution entity ("IDRE"). No further changes are needed to clarify that the IDR process for emergency services applies only to physician charges for emergency services.

Department of Health

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Chronic Renal Dialysis Services (CRDS)

I.D. No. HLT-22-15-00016-P

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

Proposed Action: Amendment of Part 757 of Title 10 NYCRR.

Statutory authority: Public Health Law, section 2803

Subject: Chronic Renal Dialysis Services (CRDS).

Purpose: To update the CRDS provisions concerning Medicare and Medicaid Programs for coverage for End Stage Renal Disease Facilities.

Text of proposed rule: Part 757 Chronic Renal Dialysis Services is REPEALED in its entirety, and New Part 757 is added as follows:

PART 757 CHRONIC RENAL DIALYSIS SERVICES

§ 757.1 Codes and Standards

Operators of chronic renal dialysis centers shall comply with the codes and standards referred to in this section. Nothing herein shall preclude the operator of a chronic renal dialysis center from exceeding any codes and standards relating to the quality of care set forth in this Part. If a conflict occurs between the codes and standards set forth herein, or between them and regulations found elsewhere in this Chapter, the operator of a chronic renal dialysis center shall comply with the more restrictive requirement. The following codes and standards are hereby incorporated by reference, with the same force and effect as if fully set forth at length herein. Copies of such codes and standards are available for inspection and copying at the Regulatory Affairs Unit, New York State Department of Health, Corning Tower, Empire State Plaza, Albany, NY 12237. Copies are also available from the publisher or issuing organization at the addresses listed below.

(a) Title 42 of the Code of Federal Regulations, Part 494, Conditions for Coverage for End-Stage Renal Disease Facilities, 2008 edition, including all standards incorporated therein. These regulations are published by the Office of the Federal Register National Archives and Records Administration. Copies may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D. C. 20402.

(b) In the document entitled ''Guidelines for the Prevention of Intravascular Catheter Related Infections'', the provisions entitled ''Recommendations for Placement of Intravascular Catheters in Adults and Children'', Parts I -IV; and ''Central Venous Catheters, Including PICCs, Hemodialysis and Pulmonary Artery Catheters in Adult and Pediatric Patients'', pages 16 through 18, Morbidity and Mortality Weekly Report, volume 51, number RR-10, August 9, 2002. This publication is available for inspection at the CMS Information Resource Center, 7500 Security Boulevard, Central Building, Baltimore, MD or at the National Archives and Records Administration, United States Government Printing Office, Washington, D. C. 20402.

(c) ''Recommendation for Preventing Transmission of Infections Among Chronic Hemodialysis Patients'', developed by the Centers for Disease Control and Prevention, Morbidity and Mortality Weekly Report, volume 50, number RR05, April 27, 2001. This publication is available for inspection at the CMS Information Resource Center, 7500 Security Boulevard, Central Building, Baltimore, MD or at the National Archives and Records Administration, United States Government Printing Office, Washington, D. C. 20402.

§ 757.2 Additional requirements for chronic renal dialysis centers.

(a) Whenever referred to in this Part, the following definitions shall have the following meanings:

(1) Dialysis station means an individual patient treatment area that accommodates the dialysis equipment and the routine and emergency care indicated, and is sufficiently separate from other dialysis stations to afford protection from cross-contamination with blood-borne pathogens. A hemodialysis station shall be equipped with a chair or a bed, a hemodialysis machine, and access to a purified water source and dialysate concentrates.

(2) End-Stage Renal Disease (ESRD) network means entities contracted with the federal government that collect and share data and other information with the Centers for Medicare and Medicaid Services (CMS), New York State and chronic renal dialysis centers within a specific geographic area.

(3) Chronic renal dialysis center means an ambulatory care facility approved by CMS to provide chronic renal dialysis services and licensed by the New York State Department of Health to provide such services.

(4) Home dialysis means dialysis provided at home by a patient or care partner who is trained by a registered professional nurse to deliver dialysis (peritoneal or hemodialysis) treatments at the patient's place of residence. The nurse responsible for home dialysis training must be a registered professional nurse who meets the licensure and practice requirements of New York State, has 12 months experience providing nursing care and 3 months experience working as a nurse in the specific dialysis modality (peritoneal or hemodialysis).

(5) Dialysate means aqueous fluid containing electrolytes and, usually, dextrose, which is intended to exchange solutes with blood during hemodialysis. It is the fluid made from water and concentrates delivered to the dialyzer by the dialysate supply system.

(6) Product water means water produced by a water treatment system or by an individual component of a system.

(b) Operators of chronic renal dialysis centers shall comply with Parts 751 and 752 of this Subchapter.

(c) The operator of a chronic renal dialysis center that provides pediatric services on other than an emergency basis, shall obtain pediatric nephrology consultation services with one or more board certified pediatric nephrologists. Such board certified pediatric nephrologist(s) shall follow current evidence based professionally accepted clinical practice standards for evaluating and monitoring the pediatric dialysis patients.

(d) Each chronic renal dialysis center certified for home dialysis services must ensure through its interdisciplinary team, that home dialysis services are at least equivalent to those provided to patients who receive such services at the chronic renal dialysis center, and meet all applicable requirements contained in Title 42 of the Code of Federal Regulations, Part 494, Conditions for Coverage for End-Stage Renal Disease Facilities, 2008 edition.

(e) Each chronic renal dialysis center shall ensure that its water treatment and dialysate supply systems protect hemodialysis patients from adverse effects arising from known chemical and microbial contaminates that may be found in water and improperly prepared dialysate. Each chronic renal dialysis center shall develop, implement and comply with policies and procedures related to water treatment, dialysate, and reuse that are understandable and include the following:

(1) sample of product water and a sample of dialysate shall have a microbiological examination at least once every month;

(2) sample of product water shall have a chemical examination at least once every three months; and

(3) water samples shall be examined by a laboratory licensed pursuant to Section 502 of the Public Health Law that is approved by the Department for the analysis of potable water.

(f) Each chronic renal dialysis center shall ensure that dialysis stations meet the requirements set forth in subdivision (a)(1) of this section.

(g) Each chronic renal dialysis center shall collaborate with its ESRD network, suppliers, utility service providers and the Department for surveys and for emergency preparedness, and shall also collaborate with other chronic renal dialysis centers to ensure that lifesaving dialysis services are available in the event of an emergency or disaster. The chronic renal dialysis center shall develop written policies and procedures that detail the actions it shall take and plan to be implemented in the event of an emergency or disaster.

§ 757.3 Chronic renal dialysis service staffing.

(a) In addition to other requirements that may be applicable to the operator as set forth in this Chapter, the operator of chronic renal dialysis center shall ensure that the center is adequately staffed with qualified personnel as described in and in accordance with this section.

(1) Registered Professional Nurses. All registered professional nurses (RNs) working in a chronic renal dialysis center shall hold an active New York State license to practice in accordance with Article 139 of the Education Law and its implementing regulations. At least one RN shall be present, on duty, and available to provide nursing services including nursing supervisory duties at all times when patients are present at the center.

(2) Licensed Practical Nurse. All licensed practical nurses (LPNs) working in a chronic renal dialysis center shall hold an active New York State license to practice in accordance with Article 139 of the Education Law and its implementing regulations. LPN responsibilities shall be consistent with the authorization and training provided by the center. In addition, LPNs practicing in a chronic renal dialysis center who have received training and demonstrated the competencies required by such chronic renal dialysis center may, if authorized by the LPNs' supervising RN, access and provide care to patients with central venous catheters. A supervising RN shall, in his or her sole discretion, determine whether an LPN has received the appropriate training and demonstrated competencies as required by the center to provide care to patients with central

venous catheters. All LPNs who are authorized to perform intravenous therapy procedures shall perform such procedures in accordance with the provisions set forth in Section 400.15 of this Title.

(3) Qualified Social Worker. The operator of chronic renal dialysis center shall have on staff, a qualified social worker who is licensed and registered by the New York State Education Department to practice as a licensed master social worker (LMSW) or licensed clinical social worker (LCSW) as defined in and in accordance with Article 154 of the Education Law.

(4) Patient Care (Dialysis) Technicians. The operator of a chronic renal dialysis center shall ensure that all unlicensed staff who have responsibility for direct patient care meet or exceed the center's written policies and procedures that define the minimum experience and training qualifications of patient care technicians(PCTs) and perform such patient care only under the direction of an RN. The operator of a chronic renal dialysis center shall ensure that all PCTs that provide patient care at its center are certified by a CMS approved national commercial dialysis technician certification organization within 18 months post hire. Such PCTs must, under the direction of an RN, complete a training program approved by the medical director of the chronic renal dialysis center.

(b) The operator of chronic renal dialysis center shall comply with the following requirements and shall annually review, approve and implement policies and procedures that include or address the following:

(1) Non-catheter patient assessment and documentation must be completed by the RN within sixty (60) minutes of initiation of dialysis.

(2) Catheter patient assessment and documentation must be completed by the RN within forty-five (45) minutes of initiation of dialysis.

(3) All supervising RNs must be thoroughly familiar with and clearly understand the training and qualifications of LPNs under their supervision as well as the types of tasks that may be delegated to such LPNs at the chronic renal dialysis center Supervising RNs shall determine, at their discretion, whether to delegate such tasks to the LPNs.

(4) All unlicensed staff that has patient care responsibilities must be supervised by RNs.

(5) Training, qualifications, practice, supervision and other requirements for all LPNs that may access central venous catheters. LPNs that may access central venous catheters must successfully complete an initial and thereafter an annual training program for central venous access which includes successful completion of a written examination and competency demonstration. This training must be approved by the operator's governing body and the medical director. Documentation of such training must be maintained by the chronic renal dialysis center and made available to the Department upon request. LPNs who access central venous catheters must provide such care under the direction of an RN.

(6) The chronic renal dialysis center shall clearly define the minimum experience and training qualifications of all patient care technicians (PCTs) who provide services in such center and services that PCTs are authorized to perform. The operator of a chronic renal dialysis center shall maintain documentation that demonstrates that PCTs in its center have, within 18 months post hire, and maintain certification by a CMS approved national commercial dialysis technician certification organization.

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

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

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

Regulatory Impact Statement

Statutory Authority:

The statutory authority for the promulgation of this regulation is contained in Public Health Law (PHL) section 2803. Section 2803 authorizes the Public Health and Health Planning Council (PHHPC) to adopt and amend rules and regulations, subject to the approval of the Commissioner, to implement the purposes and provisions of PHL Article 28, and to establish minimum standards governing the operation of health care facilities.

Legislative Objectives:

The legislative objective of PHL Article 28 includes the protection and promotion of the health of the residents of New York State by requiring the efficient provision and proper utilization of health services of the highest quality at a reasonable cost, including chronic renal dialysis services.

Needs and Benefits:

Part 757 of Title 10 of the New York Codes Rules and Regulations (NYCRR) outlines the chronic renal dialysis requirements for services provided in New York State chronic renal dialysis centers. This regulation currently specifies that these centers must comply with the regulations contained in Title 42 of the Code for Federal Regulations (CFR), Public Health, Part 405, Subpart U – Conditions for Coverage of Suppliers of End State Renal Disease (ESRD) Service, (42 CFR Part 405), 1988 edition. In 2008, 42 CFR Part 405 was amended and renumbered as Part 494.

The amendments to 42 CFR Part 494 [formerly Part 405] establish new conditions for coverage that chronic renal dialysis centers must meet to be approved by the Centers for Medicare and Medicaid Services. It establishes performance expectations for centers and encourages patients to participate in their plan of care and treatment. It also reflects advances in dialysis technology and standard care practices.

10 NYCRR Part 757 must be updated to be in compliance with the revised federal Conditions for Coverage for ESRD Facilities. The proposed regulation also requires chronic renal dialysis centers to comply with certain standards that reflect current technology and practice in the field of ESRD care.

The proposed regulations clarify terms specific to dialysis treatment and requirements related thereto. The proposed regulations clarify that the operator of a chronic renal dialysis center that provides pediatric services must obtain pediatric nephrology consultation services with a board certified pediatric nephrologist. The proposed regulations also clarify standards for the frequency and analysis of product water samples, and ensures that the chronic renal dialysis center is adequately staffed by qualified personnel. The proposed regulations clearly define the scopes of practice, and the roles and responsibilities of the chronic renal dialysis staff.

Additionally, the proposed regulations require chronic renal dialysis centers to comply with certain requirements for ESRD care. In particular, for patients receiving dialysis at the chronic renal dialysis center, time frames for patient assessment and documentation to be completed by an RN would be required no later than 60 minutes of initiation of dialysis for non-catheter patients and no later than 45 minutes of initiation of dialysis for catheter patients. The purpose of this patient assessment is to evaluate the current health status of the patient, the appropriateness of the dialysis prescription and the tolerance of the procedure by the patient. Furthermore provisions were added to require each chronic renal dialysis center to collaborate with its ESRD network, suppliers, utility service providers and the Department for survey and for emergency preparedness, as well as with other chronic renal dialysis centers to ensure that life saving dialysis services are available in the event of an emergency or disaster.

Costs:

Operators of chronic renal dialysis centers are already required to meet the requirements set forth in 42 CFR Part 494 Conditions for Coverage for End-Stage Renal Disease (ESRD) Facilities which have been incorporated into the proposed regulation. The standards that chronic renal dialysis centers must adhere to under the proposed regulation reflect current technology and practice in the field of ESRD care. The proposed regulation will not impose any additional costs.

Local Government Mandates:

The proposed regulation does not impose any additional mandates on local governments.

Paperwork:

There is no additional paperwork required as a result of the proposed regulation.

Duplication:

The proposed regulation incorporates by reference amended federal regulations, and codes and standards and clarifies requirements for New York State chronic renal dialysis centers to provide a consistent regulatory and enforcement structure and to better meet expectations of the regulated parties and the public and ensure no conflict between federal and State regulations exist.

Alternatives:

There are no viable alternatives. The current regulations in Part 757 are outdated and do not reflect current technology and practice. Federal amendments to 42 CFR Part 494 [formerly Part 405] renders the provisions in Part 757 outdated and obsolete.

Federal Standards:

The proposed regulation incorporates by reference and conforms to the federal standards in 42 CFR Part 494, as well as national standards in end stage renal dialysis treatment. In addition, it clarifies certain definitions, water and dialysate quality provisions and personnel provisions specific to New York State standards.

Compliance Schedule:

This proposed amendment will become effective upon publication of a Notice of Adoption in the New York State Register.

Regulatory Flexibility Analysis

Effect of Rule:

There are 246 ESRD sites in New York State and 120 ESRD operators. There are 8 large operators (100 employees or more) and 113 small operators (1 to 99 employees). Of the 246 ESRD sites, 73 are run by large operators and 173 are run by small operators.

Compliance Requirements:

Chapter 524 of the Laws of 2011 requires agencies to include a "cure

period" or other opportunity for ameliorative action to prevent the imposition of penalties on the party or parties subject to enforcement when developing a regulation or explain in the Regulatory Flexibility Analysis why one was not included. ESRD facilities are already in compliance with these provisions as this measure incorporates by reference amended federal requirements set forth in 42 CFR Part 494. In addition, the proposed regulation clarifies standards for New York State chronic renal dialysis centers, and standards reflecting current technology and practice in the field of ESRD care. For patients receiving dialysis at the chronic renal dialysis center, time frames for patient assessment and documentation to be completed by an RN would be required no later than 60 minutes of initiation of dialysis for non-catheter patients and no later than 45 minutes of initiation of dialysis for catheter patients. The purpose of this patient assessment and documentation requirement is to ensure that an RN evaluates the current health status of the patient, the appropriateness of the dialysis prescription and the tolerance of the procedure by the patient. Furthermore provisions were added to require each chronic renal dialysis center to collaborate with its ESRD network, suppliers, utility service providers and the Department for survey and for emergency preparedness, as well as with other chronic renal dialysis centers to ensure that life saving dialysis services are available in the event of an emergency or disaster. Such standards must be immediately complied with in order not to jeopardize health and safety. Therefore, a cure period was not determined necessary and included in the rule.

Professional Services:

No additional professional standards are required as a result of the proposed regulation. This measure incorporates by reference amended federal regulations and standards reflecting current technology and practice in the field of ESRD care, and clarifies such standards for New York State chronic renal dialysis centers.

Compliance Costs:

This measure incorporates by reference amended federal regulations, and standards reflecting current technology and practice in the field of ESRD care, and clarifies requirements for New York State chronic renal dialysis centers.

Economic and Technological Feasibility:

This proposal is economically and technologically feasible.

Minimizing Adverse Impact:

There is no adverse impact.

Small Business and Local Government Participation:

Outreach to the affected parties is being conducted. Organizations who represent the affected parties and the public can also obtain the agenda of the Codes, Regulations and Legislation Committee of the Public Health and Health Planning Council (PHHPC) and the proposed regulation on the Department's website. The public, including any affected party, is invited to comment during the Codes and Regulations Committee meeting.

"Dear Chief Executive Officer (CEO)" letters were sent to affected parties outlining the components of 42 CFR Part 494 summarizing the general requirements that apply and linking them to the full text of the federal regulation online. The letter also included a Departmental contact for any questions. Chronic renal dialysis centers should already be in compliance with the federal regulations.

Rural Area Flexibility Analysis

No Rural Area Flexibility Analysis is required pursuant to section 202-bb(4)(a) of the State Administrative Procedure Act (SAPA). It is apparent, from the nature of the proposed regulation that it will not impose any adverse impact on rural areas, and does not impose any new reporting, recordkeeping or other compliance requirements on public or private entities in rural areas.

Job Impact Statement

No Job Impact Statement is required pursuant to section 201-a(2)(a) of the State Administrative Procedure Act (SAPA). It is apparent, from the nature of the proposed regulation that it will have no impact on jobs and employment opportunities.

Higher Education Services Corporation

EMERGENCY RULE MAKING

New York State Get on Your Feet Loan Forgiveness Program

I.D. No. ESC-22-15-00002-E
Filing No. 381
Filing Date: 2015-05-13
Effective Date: 2015-05-13

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

Action taken: Addition of section 2201.15 to Title 8 NYCRR.

Statutory authority: Education Law, sections 653, 655 and 679-g

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

Specific reasons underlying the finding of necessity: This statement is being submitted pursuant to subdivision (6) of section 202 of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's ("HESC") Emergency Rule Making seeking to add a new section 2201.15 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

This regulation implements a statutory student financial aid program providing for awards to be made to students who receive their undergraduate degree from a college or university located in New York State in December 2014 and thereafter. Emergency adoption is necessary to avoid an adverse impact on the processing of awards to eligible applicants. The statute provides for student loan relief to such college graduates who continue to live in New York State upon graduation, earn less than $50,000 per year, participate in either the federal Pay as You Earn (PAYE) or Income Based Repayment (IBR) program, which cap a federal student loan borrower's payments at 10 percent of discretionary income, and apply for this program within two years after graduating from college. Eligible applicants will have up to twenty-four payments made on their behalf towards their federal income-based repayment plan commitment. For those students who graduated in December 2014, their first student loan payment will become due upon the expiration of their grace period in June 2015. Therefore, it is critical that the terms of this program as provided in the regulation be effective immediately in order for HESC to process applications so that timely payments can be made on behalf of program recipients. To accomplish this mandate, the statute further provides for HESC to promulgate emergency regulations to implement the program. For these reasons, compliance with section 202(1) of the State Administrative Procedure Act would be contrary to the public interest.

Subject: New York State Get on Your Feet Loan Forgiveness Program.

Purpose: To implement the New York State Get on Your Feet Loan Forgiveness Program.

Text of emergency rule: New section 2201.15 is added to Title 8 of the New York Code, Rules and Regulations to read as follows:

Section 2201.15 New York State Get on Your Feet Loan Forgiveness Program.

(a) Definitions. As used in section 679-g of the education law and this section, the following terms shall have the following meanings:

(1) "Adjusted gross income" shall mean the applicant's adjusted gross income as reported to the Internal Revenue Service for the most recently completed tax year or may be that used by the U.S. Department of Education to qualify the applicant for the federal income-driven repayment plan. For a married applicant filing jointly, adjusted gross income shall mean the income of both the applicant and the applicant's spouse as reported to the Internal Revenue Service for the most recently completed tax year. For a married applicant filing separately, adjusted gross income shall mean only the applicant's income as reported to the Internal Revenue Service for the most recently completed tax year.

(2) "Award" shall mean a New York State Get on Your Feet Loan Forgiveness Program award pursuant to section 679-g of the education law.

(3) "Deferment" shall have the same meaning applicable to the William D. Ford Federal Direct Loan Program as set forth in 34 CFR Part 685.

(4) "Delinquent" shall mean the failure to timely pay a required

scheduled payment on the student loan, or repayment obligation, within thirty days of such payment's due date.

(5) "Forbearance" shall have the same meaning applicable to the William D. Ford Federal Direct Loan Program as set forth in 34 CFR Part 685.

(6) "Income" shall mean the total adjusted gross income of the applicant and the applicant's spouse, if applicable.

(7) "Program" shall mean the New York State Get on Your Feet Loan Forgiveness Program.

(8) "Undergraduate degree" shall mean an associate or baccalaureate degree.

(b) Eligibility. An applicant must satisfy the following requirements:

(1) have graduated from a high school located in the State or attended an approved State program for a State high school equivalency diploma and received such diploma;

(2) have graduated and obtained an undergraduate degree from a college or university located in the State in or after the two thousand fourteen-fifteen academic year;

(3) apply for this program within two years of obtaining such undergraduate degree;

(4) not have earned a degree higher than an undergraduate degree at the time of application;

(5) be a participant in a federal income-driven repayment plan whose payment amount is generally ten percent of discretionary income;

(6) have income of less than fifty thousand dollars;

(7) comply with subdivisions three and five of section 661 of the education law;

(8) work in the State, if employed;

(9) not be delinquent or in default on a student loan made under any statutory New York State or federal education loan program or repayment of any New York State award; and

(10) be in compliance with the terms of any service condition imposed by a New York State award.

(c) Administration.

(1) An applicant for an award shall apply for program eligibility at such times, on forms and in a manner prescribed by the corporation. The corporation may require applicants to provide additional documentation evidencing eligibility.

(2) A recipient of an award shall:

(i) request payment at such times, on such forms and in a manner as prescribed by the corporation;

(ii) confirm he or she has adjusted gross income of less than fifty thousand dollars, is a resident of New York State, is working in New York State, if employed, and any other information necessary for the corporation to determine eligibility at such times prescribed by the corporation. Said submissions shall be on forms or in a manner prescribed by the corporation;

(iii) notify the corporation of any change in his or her eligibility status including, but not limited to, a change in address, employment, or income, and provide the corporation with current information;

(iv) not receive more than twenty four payments under this program; and

(v) provide any other information or documentation necessary for the corporation to determine compliance with the program's requirements.

(d) Amounts and duration.

(1) The amount of the award shall be equal to one hundred percent of the recipient's established monthly federal income-driven repayment plan payment.

(2) Disbursements shall be made directly to the servicer, or servicers, of the recipient's federal loans on a monthly basis.

(3) A maximum of twenty-four payments may be awarded, provided the recipient continues to satisfy the eligibility requirements set forth in section 679-g of the education law and the requirements set forth in this section.

(e) Disqualification. A recipient shall be disqualified from receiving further award payments under this program if he or she fails to satisfy any of the eligibility requirements or fails to respond to any request for information by the corporation.

(f) Renewed eligibility. A recipient who has been disqualified pursuant to subdivision (e) may reapply for this program and receive an award if he or she satisfies all of the eligibility requirements set forth in section 679-g of the education law and the requirements set forth in this section.

(g) Repayment. A recipient who is not a resident of New York State at the time any payment is made under this program shall be required to repay such payments to the corporation. In addition, at the corporation's discretion, a recipient may be required to repay any payment made under this program to a recipient that, at the time payment was made, should have been disqualified pursuant to subdivision (e). The corporation shall be entitled to recover such payments as follows:

(1) Interest shall begin to accrue on the day such payment was made on behalf of the recipient. In the event the recipient notifies the corporation of a change in residence within 30 days of such change, interest shall begin to accrue on the day such recipient was no longer a New York State resident.

(2) The interest rate shall be fixed and equal to the rate established in section 18 of the New York State Finance Law.

(3) Repayment must be made within five years.

(4) Where a recipient has demonstrated extreme hardship as a result of a disability, labor market conditions, or other such circumstances, the corporation may, in its discretion, waive or defer payment, extend the repayment period, or take such other appropriate action.

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 10, 2015.

Text of rule and any required statements and analyses may be obtained from: Cheryl B. Fisher, NYS Higher Education Services Corporation, 99 Washington Avenue, Room 1325, Albany, New York 12255, (518) 474-5592, email: regcomments@hesc.ny.gov

Regulatory Impact Statement

Statutory authority:

The New York State Higher Education Services Corporation's ("HESC") statutory authority to promulgate regulations and administer the New York State Get on Your Feet Loan Forgiveness Program ("Program") is codified within Article 14 of the Education Law. In particular, Part C of Chapter 56 of the Laws of 2015 created the Program by adding a new section 679-g to the Education Law. Subdivision 4 of section 679-g of the Education Law authorizes HESC to promulgate emergency regulations for the purpose of administering this Program.

Pursuant to Education Law § 652(2), HESC was established for the purpose of improving the post-secondary educational opportunities of eligible students through the centralized administration of New York State financial aid programs and coordinating the State's administrative effort in student financial aid programs with those of other levels of government.

In addition, Education Law § 653(9) empowers HESC's Board of Trustees to perform such other acts as may be necessary or appropriate to carry out the objects and purposes of the corporation including the promulgation of rules and regulations.

HESC's President is authorized, under Education Law § 655(4), to propose rules and regulations, subject to approval by the Board of Trustees, governing, among other things, the application for and the granting and administration of student aid and loan programs, the repayment of loans or the guarantee of loans made by HESC; and administrative functions in support of state student aid programs. Also, consistent with Education Law § 655(9), HESC's President is authorized to receive assistance from any Division, Department or Agency of the State in order to properly carry out his or her powers, duties and functions. Finally, Education Law § 655(12) provides HESC's President with the authority to perform such other acts as may be necessary or appropriate to carry out effectively the general objects and purposes of HESC.

Legislative objectives:

The Education Law was amended to add a new section 679-g to create the "New York State Get on Your Feet Loan Forgiveness Program" (Program). The objective of this Program is to ease the burden of federal student loan debt for recent New York State college graduates.

Needs and benefits:

More than any other time in history, a college degree provides greater opportunities for graduates than is available to those without a postsecondary degree. However, financing that degree has also become more challenging. According to a June 9, 2014 Presidential Memorandum issued by President Obama, over the past three decades, the average tuition at a public four-year college has more than tripled, while a typical family's income has increased only modestly. More students than ever are relying on loans to pay for college. Today, 71 percent of those earning a bachelor's degree graduate with debt, which averages $29,400. Many of these students feel burdened by debt, especially as they seek to start a family, buy a home, launch a business, or save for retirement. To ensure that student debt is manageable, the federal government enacted income-driven repayment plans, such as the Pay as You Earn (PAYE) plan, which caps a federal student loan borrower's payments at 10 percent of income.

Although New York's public colleges and universities offer among the lowest tuition in the nation, currently the average New York student graduates from college with a four-year degree saddled with more than $25,000 in student loans. Mounting student debt makes it difficult for recent graduates to deal with everyday costs of living, which often increases the amount of credit card and other debt they must take on in order to survive. To help mitigate the disparate growth in the cost of financing a postsecondary education, this Program offers financial aid relief to recent college graduates by providing up to twenty-four payments towards an eligible ap-

plicant's federal income-based student loan repayment plan commitment. Students who receive their undergraduate degree from a college or university located in New York State in December 2014 and thereafter, who continue to live in New York State upon graduation, earn less than $50,000 per year, participate in either the federal Pay as You Earn (PAYE) or applicable federal Income Based Repayment (IBR) program, and apply for this Program within two years after graduating from college are eligible for this Program.

Costs:

a. It is anticipated that there will be no new costs to the agency for the implementation of, or continuing compliance with this rule.

b. The maximum cost of the program to the State is $5.2 million in the first year based upon budget estimates.

c. It is anticipated that there will be no costs to local governments for the implementation of, or continuing compliance with, this rule.

d. The source of the cost data in (b) above is derived from the New York State Division of the Budget.

Local government mandates:

No program, service, duty or responsibility will be imposed by this rule upon any county, city, town, village, school district, fire district or other special district.

Paperwork:

This proposal will require applicants to file an electronic application for eligibility and payment together with supporting documentation.

Duplication:

No relevant rules or other relevant requirements duplicating, overlapping, or conflicting with this rule were identified.

Alternatives:

The proposed regulation is the result of HESC's outreach efforts to the U.S. Department of Education with regard to this Program. Several alternatives were considered in the drafting of this regulation. For example, several alternatives were considered in defining terms used in the regulation as well as the administration of the Program. Given the statutory language as set forth in section 679-g of the Education Law, a "no action" alternative was not an option.

Federal standards:

This proposal does not exceed any minimum standards of the Federal Government. Since this Program is intended to supplement federal repayment programs, efforts were made to align the Program with the federal programs.

Compliance schedule:

The agency will be able to comply with the regulation immediately upon its adoption.

Regulatory Flexibility Analysis

This statement is being submitted pursuant to subdivision (3) of section 202-b of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's ("HESC") Emergency Rule Making, seeking to add a new section 2201.15 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

It is apparent from the nature and purpose of this rule that it will not impose an adverse economic impact on small businesses or local governments. HESC finds that this rule will not impose any compliance requirement or adverse economic impact on small businesses or local governments. Rather, it has potential positive economic impacts inasmuch as it implements a statutory student financial aid program that eases the burden of federal student loan debt for recent New York State college graduates who continue to live in the State. Providing students with direct financial assistance will encourage students to attend college in New York State and remain in the State following graduation, which will provide an economic benefit to the State's small businesses and local governments as well.

Rural Area Flexibility Analysis

This statement is being submitted pursuant to subdivision (4) of section 202-bb of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's Emergency Rule Making, seeking to add a new section 2201.15 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

It is apparent from the nature and purpose of this rule that it will not impose an adverse impact on rural areas. Rather, it has potential positive impacts inasmuch as it implements a statutory student financial aid program that eases the burden of federal student loan debt for recent New York State college graduates who continue to live in the State. Providing students with direct financial assistance will encourage students to attend college in New York State and remain in the State following graduation, which benefits rural areas around the State as well.

This agency finds that this rule will not impose any reporting, record-keeping or other compliance requirements on public or private entities in rural areas.

Job Impact Statement

This statement is being submitted pursuant to subdivision (2) of section 201-a of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's Emergency Rule Making seeking to add a new section 2201.15 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

It is apparent from the nature and purpose of this rule that it will not have any negative impact on jobs or employment opportunities. Rather, it has potential positive economic impacts inasmuch as it implements a statutory student financial aid program that eases the burden of federal student loan debt for recent New York State college graduates who continue to live in the State. Providing students with direct financial assistance will encourage students to attend college in New York State and remain in the State following graduation, which benefits the State as well.

EMERGENCY RULE MAKING

New York State Achievement and Investment in Merit Scholarship (NY-AIMS)

I.D. No. ESC-22-15-00003-E

Filing No. 382

Filing Date: 2015-05-13

Effective Date: 2015-05-13

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

Action taken: Addition of section 2201.16 to Title 8 NYCRR.

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

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

Specific reasons underlying the finding of necessity: This statement is being submitted pursuant to subdivision (6) of section 202 of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's ("HESC") Emergency Rule Making seeking to add a new section 2201.16 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

This regulation implements a statutory student financial aid program providing for awards to be made to students beginning with the fall 2015 term, which generally starts in August. Emergency adoption is necessary to avoid an adverse impact on the processing of awards to eligible scholarship applicants. The statute provides New York high school graduates who excel academically with merit-based scholarships to support their cost of attendance at any college or university located in New York State. Five thousand awards, of $500 each, will be granted annually in 2015-16 and 2016-17. Decisions on applications for this Program are made prior to the beginning of the term. Therefore, it is critical that the terms of this program as provided in the regulation be effective immediately so that students can make informed choices and in order for HESC to process scholarship applications in a timely manner. To accomplish this mandate, the statute further provides for HESC to promulgate emergency regulations to implement the program. For these reasons, compliance with section 202(1) of the State Administrative Procedure Act would be contrary to the public interest.

Subject: The New York State Achievement and Investment in Merit Scholarship (NY-AIMS).

Purpose: To implement The New York State Achievement and Investment in Merit Scholarship (NY-AIMS).

Text of emergency rule: New section 2201.16 is added to Title 8 of the New York Code, Rules and Regulations to read as follows:

Section 2201.16 The New York State Achievement and Investment in Merit Scholarship (NY-AIMS).

(a) Definitions. As used in section 669-g of the Education Law and this section, the following terms shall have the following meanings:

(1) "Good academic standing" shall have the same meaning as set forth in section 665(6) of the education law.

(2) "Grade point average" shall mean the student's numeric grade calculated on the standard 4.0 scale.

(3) "Program" shall mean The New York State Achievement and Investment in Merit Scholarship codified in section 669-g of the education law.

(4) "Unmet need" for the purpose of determining priority shall mean the cost of attendance, as determined for federal Title IV student financial aid purposes, less all federal, State, and institutional higher education aid and the expected family contribution based on the federal formula.

(b) Eligibility. An applicant must:

(1) have graduated from a New York State high school in the 2014-15 academic year or thereafter; and

(2) enroll in an approved undergraduate program of study in a public or private not-for-profit degree granting post-secondary institution located in New York State beginning in the two thousand fifteen-sixteen academic year or thereafter; and

(3) have achieved at least two of the following during high school:

(i) Graduated with a grade point average of 3.3 or above;

(ii) Graduated with a "with honors" distinction on a New York State regents diploma or receive a score of 3 or higher on two or more advanced placement examinations; or

(iii) Graduated within the top fifteen percent of their high school class, provided that actual class rank may be taken into consideration; and

(4) satisfy all other requirements pursuant to section 669-g of the education law; and

(5) satisfy all general eligibility requirements provided in section 661 of the education law including, but not limited to, full-time attendance, good academic standing, residency and citizenship.

(c) Distribution and priorities. In each year, new awards made shall be proportionate to the total new applications received from eligible students enrolled in undergraduate study at public and private not-for-profit degree granting institutions. Distribution of awards shall be made in accordance with the provisions contained in section 669-g(3)(a) of the education law within each sector. In the event that there are more applicants who have the same priority than there are remaining scholarships or available funding, awards shall be made in descending order based on unmet need established at the time of application. In the event of a tie, distribution shall be made by means of a lottery or other form of random selection.

(d) Administration.

(1) Applicants for an award shall apply for program eligibility at such times, on forms and in a manner prescribed by the corporation. The corporation may require applicants to provide additional documentation evidencing eligibility.

(2) Recipients of an award shall:

(i) request payment annually at such times, on forms and in a manner specified by the corporation;

(ii) receive such awards for not more than four academic years of undergraduate study, or five academic years if the program of study normally requires five years as defined by the commissioner pursuant to Article 13 of the education law; and

(iii) provide any information necessary for the corporation to determine compliance with the program's requirements.

(e) Awards.

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

(2) Disbursements shall be made annually to institutions on behalf of recipients.

(3) Awards may be used to offset the recipient's total cost of attendance determined for federal Title IV student financial aid purposes or may be used in addition to such cost of attendance.

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 10, 2015.

Text of rule and any required statements and analyses may be obtained from: Cheryl B. Fisher, NYS Higher Education Services Corporation, 99 Washington Avenue, Room 1325, Albany, New York 12255, (518) 474-5592, email: regcomments@hesc.ny.gov

Regulatory Impact Statement

Statutory authority:

The New York State Higher Education Services Corporation's ("HESC") statutory authority to promulgate regulations and administer The New York State Achievement and Investment in Merit Scholarship (NY-AIMS), hereinafter referred to as "Program", is codified within Article 14 of the Education Law. In particular, Part Z of Chapter 56 of the Laws of 2015 created the Program by adding a new section 669-g to the Education Law. Subdivision 6 of section 669-g of the Education Law authorizes HESC to promulgate emergency regulations for the purpose of administering this Program.

Pursuant to Education Law § 652(2), HESC was established for the purpose of improving the post-secondary educational opportunities of eligible students through the centralized administration of New York State financial aid programs and coordinating the State's administrative effort in student financial aid programs with those of other levels of government.

In addition, Education Law § 653(9) empowers HESC's Board of Trustees to perform such other acts as may be necessary or appropriate to carry out the objects and purposes of the corporation including the promulgation of rules and regulations.

HESC's President is authorized, under Education Law § 655(4), to propose rules and regulations, subject to approval by the Board of Trustees, governing, among other things, the application for and the granting and administration of student aid and loan programs, the repayment of loans or the guarantee of loans made by HESC; and administrative functions in support of state student aid programs. Also, consistent with Education Law § 655(9), HESC's President is authorized to receive assistance from any Division, Department or Agency of the State in order to properly carry out his or her powers, duties and functions. Finally, Education Law § 655(12) provides HESC's President with the authority to perform such other acts as may be necessary or appropriate to carry out effectively the general objects and purposes of HESC.

Legislative objectives:

The Education Law was amended to add a new section 669-g to create The New York State Achievement and Investment in Merit Scholarship (NY-AIMS). The objective of this Program is to grant merit-based scholarship awards to New York State high school graduates who achieve academic excellence.

Needs and benefits:

The cost to attain a postsecondary degree has increased significantly over the years; alongside this growth, the financing of that degree has become increasingly challenging. According to a June 9, 2014 Presidential Memorandum issued by President Obama, over the past three decades, the average tuition at a public four-year college has more than tripled, while a typical family's income has increased only modestly. All federal student financial aid and a majority of state student financial aid programs are conditioned on economic need. Despite stagnant growth in household incomes, there continues to be far fewer academically-based financial aid programs, which are awarded to students regardless of assets or income. This has resulted in more limited financial aid options for those who are ineligible for need-based aid. Concurrently, greater numbers of students are relying on loans to pay for college. Today, 71 percent of those earning a bachelor's degree graduate with student loan debt averaging $29,400. Many of these students feel burdened by their college loan debt, especially as they seek to start a family, buy a home, launch a business, or save for retirement.

This Program cushions the disparate growth in the cost of a postsecondary education by providing New York State high school graduates who excel academically with merit-based scholarships to support their cost of attendance at any college or university located in the State for up to four years of undergraduate study (or five years if enrolled in a five-year program). Five thousand awards, of $500 each, will be granted annually in 2015-16 and 2016-17.

Costs:

a. It is anticipated that there will be no new costs to the agency for the implementation of, or continuing compliance with this rule.

b. The maximum cost of the program to the State is $2.5 million in the first year based upon budget estimates.

c. It is anticipated that there will be no costs to local governments for the implementation of, or continuing compliance with, this rule.

d. The source of the cost data in (b) above is derived from the New York State Division of the Budget.

Local government mandates:

No program, service, duty or responsibility will be imposed by this rule upon any county, city, town, village, school district, fire district or other special district.

Paperwork:

This proposal will require applicants to file an electronic application for eligibility and payment together with supporting documentation.

Duplication:

No relevant rules or other relevant requirements duplicating, overlapping, or conflicting with this rule were identified.

Alternatives:

The proposed regulation is the result of HESC's outreach efforts to financial aid professionals with regard to this Program. Several alternatives were considered in the drafting of this regulation. For example, several alternatives were considered in defining terms used in the regulation as well as the administration of the Program. Given the statutory language as set forth in section 669-g of the Education Law, a "no action" alternative was not an option.

Federal standards:

This proposal does not exceed any minimum standards of the Federal Government and efforts were made to align it with similar federal subject areas as evidenced by the adoption of the federal definitions/methodology concerning unmet need, expected family contribution, and cost of attendance.

Compliance schedule:

The agency will be able to comply with the regulation immediately upon its adoption.

Regulatory Flexibility Analysis

This statement is being submitted pursuant to subdivision (3) of section 202-b of the State Administrative Procedure Act and in support of the

New York State Higher Education Services Corporation's ("HESC") Emergency Rule Making, seeking to add a new section 2201.16 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

It is apparent from the nature and purpose of this rule that it will not impose an adverse economic impact on small businesses or local governments. HESC finds that this rule will not impose any compliance requirement or adverse economic impact on small businesses or local governments. Rather, it has potential positive economic impacts inasmuch as it implements a statutory student financial aid program that provides merit-based scholarships to students who pursue their undergraduate degree at any college or university located in New York State. Providing students with direct financial assistance will encourage them to attend college in New York State, which will provide an economic benefit to the State's small businesses and local governments as well.

Rural Area Flexibility Analysis

This statement is being submitted pursuant to subdivision (4) of section 202-bb of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's Emergency Rule Making, seeking to add a new section 2201.16 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

It is apparent from the nature and purpose of this rule that it will not impose an adverse impact on rural areas. Rather, it has potential positive impacts inasmuch as it implements a statutory student financial aid program that provides merit-based scholarships to students who pursue their undergraduate degree at any college or university located in New York State. Providing students with direct financial assistance will encourage them to attend college in New York State, which benefits rural areas around the State as well.

This agency finds that this rule will not impose any reporting, record keeping or other compliance requirements on public or private entities in rural areas.

Job Impact Statement

This statement is being submitted pursuant to subdivision (2) of section 201-a of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's Emergency Rule Making seeking to add a new section 2201.16 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

It is apparent from the nature and purpose of this rule that it will not have any negative impact on jobs or employment opportunities. Rather, it has potential positive economic impacts inasmuch as it implements a statutory student financial aid program that provides merit-based scholarships to students who pursue their undergraduate degree at any college or university located in New York State. Providing students with direct financial assistance will encourage them to attend college in New York State and possibly seek employment opportunities in the State as well, which will benefit the State.

State Liquor Authority

NOTICE OF ADOPTION

Signage, Services and Gifts to Retailers

I.D. No. LQR-02-15-00002-A

Filing No. 405

Filing Date: 2015-05-19

Effective Date: 2015-06-03

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

Action taken: Amendment of sections 83.3, 86.2, 86.3, 86.4, 86.5 and 86.6 of Title 9 NYCRR.

Statutory authority: Alcoholic and Beverage Control Law, sections 101(1)(c) and 105(7)

Subject: Signage, Services and Gifts to Retailers.

Purpose: To enact business friendly amendments; eliminate interior sign restrictions; and increase annual dollar limits for advertising.

Text or summary was published in the January 14, 2015 issue of the Register, I.D. No. LQR-02-15-00002-P.

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

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

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

Since publication of a Notice of Proposed Rule Making in the January 14, 2015 State Register, 6 comments were received. Two responses commended the State Liquor Authority ("Authority") and expressed approval for the proposed amendments. Several comments expressed industry concerns but were subsequently withdrawn by the respective commenters and, as a result, are not dealt with here. The remaining concerns and Authority responses are set forth below, categorized by proposed amendment:

Concerns expressed with regard to Part 86.3 were:

* Initial product display language could be read to require retailers to purchase the minimum amount of alcoholic beverages to fill a display even if they have sufficient product on hand already to satisfy the requirement.

AUTHORITY RESPONSE: SLA disagrees. Alcoholic Beverage Control Law ("ABCL") Sec. 101(1)(c) provides the authority with discretion to prosecute manufacturers or wholesalers for providing gifts or services to retailers that are intended to induce the retailer to purchase more beverages from the manufacturer or wholesaler. A requirement that a retailer purchase more product than necessary in order to obtain a given product display would likely be seen by the Authority as discriminatory in nature in violation of ABCL Sec. 101(1)(c), or possibly a sale at an unposted price in violation of ABCL Sec. 101-b(3)(b).

* Product display language could be read to allow a creative manufacturer or wholesaler to pool annual dollar limits to provide a retailer with a more expensive display.

AUTHORITY RESPONSE: SLA disagrees. Given the plain language of the revised Part 86.3 as well as the consistent verbal advice given by the Authority for several years, industry members are unlikely to be confused about their inability to pool annual dollar limits in any way.

* Product display language should be revised to state that the "primary function" of the display is to "hold, shelve or display" product and also to specifically provide that a cooling unit could be included as part of the racks, bins, barrels, casks, shelving, etc.

AUTHORITY RESPONSE: SLA disagrees. The Authority believes the primary function of alcoholic beverage product displays to be self-evident. As to cooling units, it is longstanding SLA policy not to allow the provision of complete coolers to retail licensees by wholesalers or manufacturers as same are considered impermissible gifts under ABCL Sec. 101(1)(c), and the Authority believes that inclusion of any mention of cooling units here would undermine that policy and create confusion in enforcement of same.

Concerns expressed with regard to Part 86.4 were:

* Allowing digital display advertisements in New York liquor licensed premises would result in a competitive advantage and an un-equal playing field in favor of suppliers and wholesalers with the largest and best selling brands.

AUTHORITY RESPONSE: SLA disagrees. The liquor and wine industries have long sought liberalization of the indoor signage restrictions in Part 86.4, and the Authority believes the inclusion of digital displays for the purposes of advertising alcoholic beverages inside licensed premises to be a common sense, business-friendly reform in this area.

* Allowing digital display advertisements in New York liquor licensed premises and would likely be problematic from a prohibited gifts and services perspective under ABCL Sec. 101(1)(c) since interior signage is not permitted to have a secondary use pursuant to Part 83.3, and could lead to a slippery slope in enforcement in this area.

AUTHORITY RESPONSE: SLA disagrees. The Authority believes that digital signage could be monitored for possible secondary use violations with relative ease by SLA investigators and industry members alike. The Authority believes that the presence of a USB port or similar input jack which would enable a change in programming or a cable jack which would enable the display to double as a television or computer monitor are items that could be easily discovered and would likely indicate possible secondary use problems within the future judgment of the Members of the Authority. As a result, the Authority does not believe any supposed risk of a "slippery slope" in the enforcement of the secondary use prohibition in this area outweighs the benefits of liberalizing the interior signage restrictions in Part 86.4 with the explicit addition of digital displays.

Concerns expressed with regard to Part 86.5 were:

* Retailer advertising specialty language could be read to allow a

creative manufacturer or wholesaler to pool annual dollar limits to provide a retailer with a more expensive package of specialties in a given year.

AUTHORITY RESPONSE: SLA disagrees. Given the plain language of the revised Part 86.5 as well as the consistent verbal advice given by the Authority for several years, industry members are unlikely to be confused about their inability to pool annual dollar limits in any way.

* Annual dollar limitations should be rescinded for retailer advertising specialties in New York.

AUTHORITY RESPONSE: SLA disagrees. The Authority believes the dollar limitations set forth in Part 86.5 serves a vital function for the industry and regulators alike by establishing a clear and understandable bright line rule in light of the Authority's obligation to enforce the gifts and services prohibition set forth in ABCL Sec. 101(1)(c).

Office of Mental Health

NOTICE OF ADOPTION

Medical Assistance Rates of Payment for Residential Treatment Facilities for Children and Youth

I.D. No. OMH-11-15-00013-A
Filing No. 385
Filing Date: 2015-05-15
Effective Date: 2015-06-03

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

Action taken: Amendment of Part 578 of Title 14 NYCRR.

Statutory authority: Mental Hygiene Law, sections 7.09 and 43.02

Subject: Medical Assistance Rates of Payment for Residential Treatment Facilities for Children and Youth.

Purpose: Amend date of trend factor elimination to December 31, 2014 instead of June 30, 2015.

Text or summary was published in the March 18, 2015 issue of the Register, I.D. No. OMH-11-15-00013-P.

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

Text of rule and any required statements and analyses may be obtained from: 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

Registration of Pick Up Trucks

I.D. No. MTV-13-15-00011-A
Filing No. 393
Filing Date: 2015-05-19
Effective Date: 2015-06-04

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

Action taken: Amendment of section 106.6 of Title 15 NYCRR.

Statutory authority: Vehicle and Traffic Law, sections 215(a), 401(7) and (15)

Subject: Registration of pick up trucks.

Purpose: To allow the registration of pick up trucks in the passenger class up to 6,000 pound.

Text or summary was published in the April 1, 2015 issue of the Register, I.D. No. MTV-13-15-00011-P.

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

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

Assessment of Public Comment
The agency received no public comment.

NOTICE OF ADOPTION

Montgomery County Motor Vehicle Use Tax

I.D. No. MTV-13-15-00013-A
Filing No. 394
Filing Date: 2015-05-19
Effective Date: 2015-06-03

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

Action taken: Amendment of section 29.12 of Title 15 NYCRR.

Statutory authority: Vehicle and Traffic Law, sections 215(a), 401(6)(d)(ii); Tax Law, section 1202(c)

Subject: Montgomery County motor vehicle use tax.

Purpose: To impose a Montgomery County motor vehicle use tax.

Text or summary was published in the April 1, 2015 issue of the Register, I.D. No. MTV-13-15-00013-P.

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

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

Assessment of Public Comment
The agency received no public comment.

Niagara Frontier Transportation Authority

NOTICE OF ADOPTION

Smoking

I.D. No. NFT-04-15-00015-A
Filing No. 380
Filing Date: 2015-05-13
Effective Date: 2015-06-03

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

Action taken: Amendment of Part 1151 of Title 21 NYCRR.

Statutory authority: Public Authorities Law, sections 1299-e(14), 1299-f(4) and (7)

Subject: Smoking.

Purpose: To clarify where smoking is prohibited at NFTA locations.

Text or summary was published in the January 28, 2015 issue of the Register, I.D. No. NFT-04-15-00015-P.

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

Text of rule and any required statements and analyses may be obtained from: Brigette R. Whitmore, Niagara Frontier Transportation Authority, 181 Ellicott Street, Buffalo, New York 14203, (716) 855-7219, email: Brigette__Whitmore@nfta.com

Assessment of Public Comment
The agency received no public comment.

Office for People with Developmental Disabilities

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Costs of Real Property

I.D. No. PDD-22-15-00006-EP
Filing No. 388
Filing Date: 2015-05-18
Effective Date: 2015-05-20

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

Proposed Action: Amendment of Subpart 635-6 of Title 14 NYCRR.

Statutory authority: Mental Hygiene Law, sections 13.07 and 13.09(b)

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

Specific reasons underlying the finding of necessity: The emergency adoption of these amendments, which amend provisions on the allowable costs of real property, is necessary to protect the health, safety, and welfare of individuals receiving services in the OPWDD system.

Existing regulations include provisions that place limits on allowable costs when a previous owner of a property had costs funded in whole or in part by New York State. The existing regulations do not, however, address circumstances in which OPWDD, a court, or someone else has designated a substitute service provider to operate a program at the same physical location where the previous owner or lessee was funded by OPWDD, but ceased to provide the OPWDD funded services.

Recent events will require OPWDD to quickly designate substitute providers for a number of facilities and programs that are currently operated by Non-State provider agencies and certified by OPWDD. These facilities include certified residential programs that are homes to individuals receiving services.

The emergency/proposed regulations include provisions that allow for a substitute provider to take the place of the previous owner under the terms of OPWDD's approval of the previous owner's costs of ownership of the real property. These regulations also allow OPWDD to pay for a property sold to a substitute provider, where a previous owner of the property had costs funded in whole or in part by OPWDD, using an alternative historical cost to exceed the seller's net book value should OPWDD determine that allowing such cost is an economic and efficient use of resources and is necessary to protect the health, safety, or welfare of individuals receiving services at the location. The emergency/proposed regulations also allow lease costs greater than the fair market rent of a facility under those circumstances where OPWDD has designated a substitute provider to operate a program at the location.

The emergency/proposed regulations are necessary because it may not be possible to secure substitute providers for all of the facilities and programs in need of substitute providers without paying lease or property costs in excess of those currently allowed or to relocate services to an alternate location.

The emergency adoption of these amendments is necessary to preserve the health, safety, and welfare of individuals receiving services by providing them with continuity of the services they currently receive.

Subject: Costs of Real Property.

Purpose: To allow OPWDD to pay lease or property costs not otherwise allowed in existing regulations.

Text of emergency/proposed rule: • Paragraph 635-6.3(a)(5) is amended to read as follows:

(5) The commissioner may, upon application from a provider, allow lease costs in an amount equal to contract rent and greater than fair market rent if *all of* the [following] conditions *in subparagraph (i) or (ii)* are met.

(i) The commissioner will allow such lease costs only for as long as it is necessary for the provider to relocate the program or services located on the lease property[.]*; and*

[(i)]*(a)* [T]*t*he lease is a renewal [which] *that* is not pursuant to an option to renew;

[(ii)]*(b)* [T]*t*he lease is a renewal of a lease for an existing program or services[.]*; and*

[(iii)]*(c)* [T]*t*he provider has shown that:

[(a)]*(1)* the provider has made diligent efforts to negotiate a lease renewal for fair market rent or less;

[(b)]*(2)* the provider has been unable to negotiate a lease renewal for less than the current rent;

[(c)]*(3)* the parties to the lease renewal are not related; and

[(d)]*(4)* allowance of lease costs in the amount of contract rent is necessary to ensure the continued operation of the program [of] *or* services[.]*; or*

(ii) A substitute provider (see subdivision 635-99(bp) of this Part) is designated to operate the program at the same physical location, and OPWDD determines that allowing such lease costs:

(a) is an economic and efficient use of resources; and

(b) is necessary to protect the health, safety, or welfare of the persons who are receiving or will receive services at the facility or program in question.

• Paragraph 635-6.4(h)(4) is amended to read as follows:

(4) Where the previous owner of the real property had the costs of such property funded, in whole or in part, by OPWDD,

(i) the historical cost of the property shall be the least of:

[i]*(a)* the acquisition cost of the property to the new owner;

[ii]*(b)* the seller's net book value (see glossary, section 635-99 of this Part)[,]*;* or

[iii]*(c)* fair market value[.]*; or*

(ii) notwithstanding the provisions of subparagraph (i) of this paragraph, where the previous owner of the real property had its costs of ownership of the real property approved by OPWDD, and a substitute provider is designated to operate the program at the same physical location, the substitute provider may take the place of the previous owner under the terms of OPWDD's approval of the previous owner's costs.

• Subdivision 635-6.4(h) is amended with the addition of a new paragraph (9) as follows:

(9) Alternative historical cost for a substitute provider. Where the previous owner of the real property had the costs of the property funded, in whole or in part, by OPWDD, and a substitute provider is designated to continue operation of a program at the same physical location, OPWDD may allow an alternative historical cost of the property to exceed the seller's net book value (see glossary, section 635-99 of this Part). The alternative historical cost may not exceed the acquisition cost of the property to the new provider as approved and determined to be reasonable by OPWDD. The alternative historical cost allowed under this paragraph is only available if OPWDD determines that allowing such alternative historical cost:

(i) is an economic and efficient use of resources; and

(ii) is necessary to protect the health, safety, or welfare of the persons who are receiving or will receive services at the facility or program in question.

• Subdivision 635-99(bp) is amended as follows:

(bp) *Provider. For the purpose of this Part:*

(1) Provider. Someone or an organization licensed or otherwise approved by OMRDD to provide goods, services*,* or property to [consumers] *individuals* receiving services.

(2) Provider, Substitute. A provider designated by OPWDD or a court, or designated by another entity and approved by OPWDD, to take the place of another provider.

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire August 15, 2015.

Text of rule and any required statements and analyses may be obtained from: Regulatory Affairs Unit, OPWDD, 44 Holland Avenue, Albany, NY 12229, (518) 474-7700, email: RAU.unit@opwdd.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.

Additional matter required by statute: Pursuant to the requirements of the State Environmental Quality Review Act, OPWDD, as lead agency, has determined that the action described will have no effect on the environment, and an E.I.S. is not needed.

Regulatory Impact Statement

1. Statutory Authority:

a. OPWDD has the authority to assure and encourage the development of programs and services in the area of care, treatment, rehabilitation, education and training of persons with developmental disabilities, as stated in the New York State Mental Hygiene Law Section 13.07.

b. OPWDD has the authority to adopt rules and regulations necessary and proper to implement any matter under its jurisdiction as stated in the New York State Mental Hygiene Law Section 13.09(b).

c. OPWDD has the statutory authority to adopt regulations concerning the operation of programs and provision of services pursuant to the New York State Mental Hygiene Law Section 16.00.

2. Legislative Objectives: These emergency/proposed amendments further the legislative objectives embodied in sections 13.07, 13.09(b), and 16.00 of the Mental Hygiene Law. The emergency/proposed regulations amend provisions on the allowable costs of real property in a manner that will allow OPWDD to pay lease or property costs not otherwise allowed in existing regulations when a substitute provider is designated to operate an existing OPWDD certified program.

3. Needs and Benefits: OPWDD has longstanding regulations on allowable costs for lease arrangements and property ownership that are applicable to programs and services funded by OPWDD.

Existing regulations include provisions that place limits on allowable costs when a previous owner of a property had costs funded in whole or in part by New York State. The existing regulations do not, however, address circumstances in which a substitute provider has been designated to operate a program at the same physical location where the previous owner or lessee was funded by OPWDD, but ceased to provide the OPWDD funded services.

Recent events will require OPWDD to quickly designate substitute providers for a number of facilities and programs that are currently operated by Non-State provider agencies and certified by OPWDD. These facilities include certified residential programs that are homes to individuals receiving services.

The emergency/proposed regulations include provisions that allow for a substitute provider to take the place of the previous owner under the terms of OPWDD's approval of the previous owner's costs of ownership of the real property. These regulations also allow OPWDD to pay for a property sold to a substitute provider, where a previous owner of the property had costs funded in whole or in part by OPWDD, using an alternative historical cost to exceed the seller's net book value should OPWDD determine that allowing such cost is an economic and efficient use of resources and is necessary to protect the health, safety, or welfare of individuals receiving services at the location. The emergency/proposed regulations also allow lease costs greater than the fair market rent of a facility under those circumstances where a substitute provider has been designated to operate a program at the location.

The emergency/proposed regulations are necessary because it may not be possible to secure substitute providers for all of the facilities and programs in need of substitute providers without paying lease or property costs in excess of those currently allowed.

4. Costs:

a. Costs to the Agency and to the State and its local governments:

Allowing an alternative historical cost for real property, and allowing greater than fair market value rent for leased properties, where a substitute provider has been designated to operate a program or facility previously operated by another provider, will result in some additional costs to the State. However, OPWDD believes that designating substitute providers to operate existing programs in their current locations will result in savings compared with costs associated with developing new locations to provide the same or similar services.

There will be no costs to local governments associated with these emergency/proposed regulations. There will be no savings or costs to local governments as a result of these regulations because pursuant to Social Services Law sections 365 and 368-a, either local governments incur no costs for these services or the State reimburses local governments for their share of the cost of Medicaid funded programs and services. In addition, even if the amendments lead to an increase in Medicaid expenditures in a particular county, these amendments will not have any fiscal impact on local governments, as the contribution of local governments to Medicaid has been capped. Chapter 58 of the Laws of 2005 places a cap on the local share of Medicaid costs and local governments are already paying for Medicaid at the capped level.

b. Costs to private regulated parties: The proposed amendments will not result in any cost to providers. On the contrary, they will allow substitute providers to be reimbursed at cost (contract rent or acquisition cost) where OPWDD has determined such allowance is an economic and efficient use of resources and is needed to protect the individuals in the program.

5. Local Government Mandates: There are no new requirements imposed by the rule on any county, city, town, or village, or school, fire or other special district.

6. Paperwork: Read in isolation, these amendments will impose some paperwork requirements on regulated parties. A substitute provider will have to submit proof of lease costs or acquisition costs. However, the substitute provider would have to submit the same paperwork if it opened the program at a new location.

7. Duplication: The emergency/proposed amendments do not duplicate any existing State or Federal requirements.

8. Alternatives: The course of action allowed in these emergency/proposed regulations presents what OPWDD believes to be a fiscally prudent, cost-effective way to enable substitute providers to operate existing programs where individuals reside and receive services, and to avoid the costs and disruption of individuals' lives that would result from closing the existing programs and developing new locations to provide the same or similar services.

9. Federal Standards: The emergency/proposed amendments do not exceed any minimum standards of the federal government for the same or similar subject areas.

10. Compliance Schedule: The emergency regulations are effective May 20, 2015. OPWDD has concurrently filed a Notice of Proposed Rule Making, and intends to finalize the regulations as soon as possible within the time frames mandated by the State Administrative Procedure Act. These amendments do not impose any new compliance requirements on regulated parties.

Regulatory Flexibility Analysis

A Regulatory Flexibility Analysis is not submitted for this rulemaking because the amendments will not impose any adverse impact or significant reporting, record keeping, or other compliance requirements on public or private entities that are small businesses employing fewer than 100 employees or on local governments. The emergency/proposed regulations amend provisions on the allowable costs of real property in a manner that will allow OPWDD to pay lease or property costs not otherwise allowed in existing regulations when a substitute provider is designated to operate an existing OPWDD certified program. The emergency/proposed regulations will increase reimbursement to substitute providers in certain situations described in the amendments, and will therefore not impose an adverse economic impact on providers that are small businesses. The emergency/proposed regulations will not increase costs to local governments and will therefore not impose an adverse economic impact on local governments. Although the regulations require a substitute provider to submit proof of lease costs or acquisition costs, the provider would have to submit the same paperwork if it opened the program at a new location. Therefore, the regulations will not impose reporting, recordkeeping or compliance requirements on providers.

Rural Area Flexibility Analysis

A Rural Area Flexibility Analysis is not submitted for this rulemaking because the amendments will not impose any adverse impact or significant reporting, record keeping, or other compliance requirements on public or private entities in rural areas. The emergency/proposed regulations amend provisions on the allowable costs of real property in a manner that will allow OPWDD to pay lease or property costs not otherwise allowed in existing regulations when a substitute provider is designated to operate an existing OPWDD certified program. The emergency/proposed regulations will increase reimbursement to substitute providers in certain situations described in the amendments, and will therefore not impose an adverse economic impact on providers that are small businesses in rural areas. The emergency/proposed regulations will not increase costs to local governments and will therefore not impose an adverse economic impact on local governments in rural areas. Although the regulations require a substitute provider to submit proof of lease costs or acquisition costs, the provider would have to submit the same paperwork if it opened the program at a new location. Therefore, the regulations will not impose reporting, recordkeeping or compliance requirements on providers.

Job Impact Statement

A Job Impact Statement is not submitted for this rulemaking because OPWDD determined that the emergency/proposed regulations will not cause a loss of more than 100 full time annual jobs State wide. The emergency/proposed regulations amend provisions on the allowable costs of real property in a manner that will allow OPWDD to pay lease or property costs not otherwise allowed in existing regulations when a substitute provider is designated to operate an existing OPWDD certified program. OPWDD expects that a substitute provider would maintain the same or a similar staffing arrangement compared with that of the previous provider agency operating the program at that location.

Public Service Commission

NOTICE OF ADOPTION

Allowing the Modifications to the Existing Inter-Carrier Service Quality Guildelines to Become Effective

I.D. No. PSC-41-14-00016-A
Filing Date: 2015-05-14
Effective Date: 2015-05-14

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

Action taken: On 5/14/15, the PSC adoped the modifications to the existing Inter-Carrier Service Quality Guidelines to include 13 administrative changes and 108 specific performance measurement process changes.

Statutory authority: Public Service Law, section 94(2)

Subject: Allowing the modifications to the existing Inter-Carrier Service Quality Guildelines to become effective.

Purpose: To allow the modifications to the existing Inter-Carrier Service Quality Guidelines to become effective.

Substance of final rule: The Commission, on May 14, 2015, adopted the modifications to the existing Inter-Carrier Service Quality Guidelines to include 13 administrative changes and 108 specific performance measurement process changes to become effective.

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

Text of rule may be obtained from: Elaine Agresta, Public Service Commission, Three Empire State Plaza, Albany, New York 12223, (518) 486-2660, email: elaine.agresta@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

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

(97-C-0139SA34)

NOTICE OF ADOPTION

LDC Inspection and Remediation Plans for Plastic Fusions

I.D. No. PSC-44-14-00020-A
Filing Date: 2015-05-15
Effective Date: 2015-05-15

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

Action taken: On 5/14/15, the PSC adopted an order directing local distribution corporations (LDC's) to follow their plastic fusion and inspection remediation plans addressing safety risks.

Statutory authority: Public Service Law, sections 65 and 66

Subject: LDC inspection and remediation plans for plastic fusions.

Purpose: To direct LDC's to comply with their inspection and remediation plans for plastic fusions.

Substance of final rule: The Commission, on May 14, 2015, adopted an order directing Central Hudson Gas and Electric Corporation, National Fuel Gas Distribution Corporation, New York State Electric & Gas Corporation and Rochester Gas & Electric Corporation, to continue their continuous leakage surveys until the Department of Public Service Staff (Staff) states in writing that all assessment and remediation plans are completed satisfactorily, to follow their assessment and remediation plans and to work directly with Staff to improve upon or more comprehensively complete the assessment and remediation plans, and to submit monthly a detailed summary of the results of their risk assessments, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: Elaine Agresta, Public Service Commission, Three Empire State Plaza, Albany, New York 12223, (518) 486-2660, email: elaine.agresta@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

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

(14-G-0212SA1)

NOTICE OF ADOPTION

Approving the Audit Implementation Plan Submitted by the National Grid Gas Companies

I.D. No. PSC-47-14-00012-A
Filing Date: 2015-05-14
Effective Date: 2015-05-14

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

Action taken: On 5/14/15, the PSC adopted an order approving the Audit Implementation Plan submitted by the National Grid gas companies and direct the implementation of audit recommendations.

Statutory authority: Public Service Law, section 66(19)

Subject: Approving the Audit Implementation Plan submitted by the National Grid gas companies.

Purpose: To approve the Audit Implementation Plan submitted by the National Grid gas companies.

Substance of final rule: The Commission, on May 14, 2015, adopted an order approving the Audit Implementation Plan submitted by the National Grid gas companies and directed the companies to continue to provide periodic progress reports until the plan is deemed fully implemented, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: Elaine Agresta, Public Service Commission, Three Empire State Plaza, Albany, New York 12223, (518) 486-2660, email: elaine.agresta@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

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

(13-G-0009SA1)

NOTICE OF ADOPTION

LDC Inspection and Remediation Plans for Plastic Fusions

I.D. No. PSC-52-14-00023-A
Filing Date: 2015-05-15
Effective Date: 2015-05-15

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

Action taken: On 5/14/15, the PSC adopted an order directing local distribution corporations (LDC's) to follow their plastic fusion and inspection remediation plans addressing safety risks.

Statutory authority: Public Service Law, sections 65 and 66

Subject: LDC inspection and remediation plans for plastic fusions.

Purpose: To direct LDC's to comply with their inspection and remediation plans for plastic fusions.

Substance of final rule: The Commission, on May 14, 2015, adopted an order directing Consolidated Edison Company of New York, Inc. and Orange & Rockland Utilities, Inc. to continue their continuous leakage surveys until the Department of Public Service Staff (Staff) states in writing that all assessment and remediation plans are completed satisfactorily, to follow their assessment and remediation plans and to work directly with Staff to improve upon or more comprehensively complete the assessment and remediation plans, and to submit monthly a detailed summary of the results of their risk assessments, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: Elaine Agresta, Public Service Commission, Three Empire State Plaza, Albany, New York 12223, (518) 486-2660, email: elaine.agresta@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment
An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.
(14-G-0212SA2)

NOTICE OF ADOPTION

Approving the Tariff Filing by NFG to Make Amendments to P.S.C. No. 8—Gas

I.D. No. PSC-52-14-00024-A
Filing Date: 2015-05-15
Effective Date: 2015-05-15

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:
Action taken: On 5/4/15, the PSC adopted an order approving the tariff filing by National Fuel Gas Distribution Corporation (NFG) to make amendments to the rates, charges, rules and regulations contained in its Schedule for P.S.C. No. 8—Gas.
Statutory authority: Public Service Law, section 66(12)
Subject: Approving the tariff filing by NFG to make amendments to P.S.C. No. 8—Gas.
Purpose: To approve the tariff filing by NFG to make amendments to P.S.C. No. 8—Gas.
Substance of final rule: The Commission, on May 14, 2015, adopted an order approving the tariff filing by National Fuel Gas Distribution Corporation (NFG) to make amendments to P.S.C. No. 8 – Gas, to extend its Distributed Generation (DG) and Natural Gas Vehicle (NGV) Programs, and authorize the Partnership to Revitalize the Industrial Manufacturing Economy of Western New York (Prime-WNY) program, subject to the terms and conditions set forth in the order.
Final rule as compared with last published rule: No changes.
Text of rule may be obtained from: Elaine Agresta, Public Service Commission, Three Empire State Plaza, Albany, New York 12223, (518) 486-2660, email: elaine.agresta@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.
Assessment of Public Comment
An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.
(14-G-0551SA1)

NOTICE OF ADOPTION

Allowing Windemere Highlands, Inc. to Increase Annual Revenues

I.D. No. PSC-52-14-00025-A
Filing Date: 2015-05-18
Effective Date: 2015-05-18

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:
Action taken: On 5/14/15, the PSC adopted an order allowing Windemere Highlands, Inc. to increase its rates to produce additional revenues of $10,718 or 21.3%.
Statutory authority: Public Service Law, sections 4(1), 5(1)(f), 89-c(1), (10)(a), (b), (e) and (f)
Subject: Allowing Windemere Highlands, Inc. to increase annual revenues.
Purpose: To allow Windemere Highlands, Inc. to increase annual revenues.
Substance of final rule: The Commission, on May 14, 2015 adopted an order allowing Windemere Highlands, Inc. to increase its rates to produce additional revenues of $10,718 or 21.3%, subject to the terms and conditions set forth in the order.
Final rule as compared with last published rule: No changes.
Text of rule may be obtained from: Elaine Agresta, Public Service Commission, Three Empire State Plaza, Albany, New York 12223, (518) 486-2660, email: elaine.agresta@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.
Assessment of Public Comment
An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.
(14-W-0552SA1)

NOTICE OF ADOPTION

Allowing New York American Water's Filing to Refinance Existing Long-Term Debt and Issue Long-Term Debt

I.D. No. PSC-09-15-00004-A
Filing Date: 2015-05-15
Effective Date: 2015-05-15

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:
Action taken: On 5/14/15, the PSC adopted an order approving, with conditions, the petition filed by New York American Water Company, Inc. for authorization to refinance existing long-term debt and issue new long-term debt.
Statutory authority: Public Service Law, section 89-f
Subject: Allowing New York American Water's filing to refinance existing long-term debt and issue long-term debt.
Purpose: To allow New York American Water's filing to refinance existing long-term debt and issue long-term debt.
Substance of final rule: The Commission, on May 14, 2015, adopted an order approving, with conditions, a petition filed by New York American Water Company Inc. to refinance up to $22,600,000 of existing long-term debt and issue up to $45,300,000 of long-term debt, no later than December 31, 2017, subject to the terms and conditions set forth in the order.
Final rule as compared with last published rule: No changes.
Text of rule may be obtained from: Elaine Agresta, Public Service Commission, Three Empire State Plaza, Albany, New York 12223, (518) 486-2660, email: elaine.agresta@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.
Assessment of Public Comment
An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.
(15-W-0045SA1)

NOTICE OF ADOPTION

Approving an Extension of an Agreement to Procure Reliability Support Services

I.D. No. PSC-12-15-00005-A
Filing Date: 2015-05-18
Effective Date: 2015-05-18

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:
Action taken: On 5/14/15, the PSC adopted an order approving an extension of an agreement by Niagara Mohawk Power Corp. (d/b/a National Grid) to procure Reliability Support Services from NRG Energy, Inc.'s Dunkirk Power LLC generating facility.
Statutory authority: Public Service Law, sections 4(1), 5(1)(b), (2), 65(1), (2), (3), 66(1), (2), (3), (4), (5), (6), (8), (9), (10), (11), (12), (12-a), (12-b), (16) and 20
Subject: Approving an extension of an agreement to procure Reliability Support Services.
Purpose: To approve an extension of an agreement to procure Reliability Support Services.
Substance of final rule: The Commission, on May 14, 2015, adopted an order approving an extension of seven months to an agreement by Niagara Mohawk Power Corp. (d/b/a National Grid) to procure Reliability Support Services from NRG Energy, Inc.'s Dunkirk Power LLC generating facility, subject to the terms and conditions set forth in the order.
Final rule as compared with last published rule: No changes.
Text of rule may be obtained from: Elaine Agresta, Public Service Commission, Three Empire State Plaza, Albany, New York 12223, (518) 486-

2660, email: elaine.agresta@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment
An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.
(12-E-0136SA3)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Modification of New York American Water's Current Rate Plan

I.D. No. PSC-22-15-00013-P

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

Proposed Action: The Commission is considering whether to adopt, reject or modify the terms of a joint proposal from New York American Water and DPS Staff that would extend the company's system improvement charge mechanism and freeze rates for two years.

Statutory authority: Public Service Law, sections 89-b and 89-c

Subject: Modification of New York American Water's current rate plan.

Purpose: Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff.

Substance of proposed rule: In 2012, the Commission established New York American Water Company, Inc.'s (NYAW) (f/k/a Long Island Water Corporation) current rate plan. That plan includes a System Improvement Charge (SIC) mechanism for NYAW's Lynbrook District, which allows NYAW to recover carry charges for specific completed infrastructure projects until the Company's next rate case. In an October 27, 2014 Petition, NYAW states that the SIC projects identified in the current rate plan are either completed or near completion and proposes that the SIC mechanism be updated to include new infrastructure projects identified in the petition. The petition states that updating the SIC mechanism as proposed will allow the Company to continue to construct necessary capital improvements that benefit ratepayers, while providing NYAW with an opportunity to earn its authorized rate of return under the current rate plan. NYAW and Department of Public Service Staff (Staff), filed a notice of pending negotiations on March 16, 2015. These negotiations lead to the Joint Proposal (JP) the Commission is now considering. Under the terms of the JP, six new capital projects would be added to the SIC mechanism, with a 2.5% cap on the increase to the SIC surcharge. In addition, NYAW would be allowed to defer abnormally high increases in property taxes (greater than 8%) in the Lynbrook District, the Company's pre-tax rate of return will be reduced from 10.14% to 9.57%, the allowed return on equity will be reduced from 9.65% to 9.0%, and the Company's equity ratio will be set at 47%. In addition, earning sharing mechanisms will be instituted for the Company's Lynbrook, Merrick and Sea Cliff Districts, and base rates will be frozen for the term of the agreement. The Commission is considering whether to adopt, reject or modify the terms of the JP and may consider related matters.

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

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

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

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement
Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.
(14-W-0489SP2)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

An Ownership Transfer Transaction for an Electric Generation Facility

I.D. No. PSC-22-15-00014-P

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

Proposed Action: The Commission is considering a petition from Saranac Power Partners, L.P., addressing a transfer of ownership interests in its 252 MW electric generation facility located in Plattsburgh, New York.

Statutory authority: Public Service Law, sections 5(2) and 70

Subject: An ownership transfer transaction for an electric generation facility.

Purpose: To consider actions for an ownership transfer transaction for an electric generation facility.

Substance of proposed rule: The Commission is considering a petition from Saranac Power Partners, L.P., addressing a transfer of ownership interests in its 252 MW electric generation facility located in Plattsburgh, New York. 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

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

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

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement
Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.
(15-E-0208SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

To Consider the Request for Waiver of the Individual Residential Unit Meter Requirements and 16 NYCRR 96.1(a)

I.D. No. PSC-22-15-00015-P

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

Proposed Action: The Public Service Commission is considering whether to grant, deny or modify, in whole or part, the petition filed by St. John's Meadows for waiver of the individual residential unit meter requirements at 1 Johnsarbor Drive West, Rochester, New York.

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

Subject: To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a).

Purpose: To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a).

Substance of proposed rule: The Public Service Commission is considering whether to grant, deny or modify, in whole or part, the petition filed by St. John's Meadows for a waiver of the individual residential unit meter requirements in Opinion 76-17, for 1 Johnsarbor Drive West, Rochester, New York, located in the service territory of Rochester Gas & Electric Corporation.

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

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

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

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

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

(15-E-0079SP1)

Department of State

EMERGENCY RULE MAKING

Personal Protective Equipment

I.D. No. DOS-22-15-00007-E

Filing No. 389

Filing Date: 2015-05-18

Effective Date: 2015-05-18

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

Action taken: Amendment of sections 160.11 and 160.20 of Title 19 NYCRR.

Statutory authority: Executive Law, section 91; General Business Law, sections 402(5) and 404

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

Specific reasons underlying the finding of necessity: The Department of State ("Department") is charged, inter alia, with the enforcement of New York General Business Law ("NY GBL") Article 27, which relates to the appearance enhancement industry. A principal purpose behind the enactment of Article 27 was to provide a system of licensure of appearance enhancement businesses and operators that would both allow for the greatest possible flexibility in the establishment of regulated services and implement measures to protect those who practice in the industry. Consistent with this legislative intent of Article 27, the Department is empowered to issue regulations which protect the general welfare of the public, including those who provide nail care services. New information regarding the practice of nail specialty indicates that many practitioners are at risk from preventable disease and injury because of the lack of readily available protective gear.

To help ensure that workers, who often are victims of unsafe working conditions, are better protected the Department is adopting these emergency health and safety regulations. The enhancement of public safety, health and general welfare necessitates the promulgation of this regulation on an emergency basis. The Department finds that imposing new requirements and clarifying existing regulations will protect the approximate 162,000 licensed cosmetologists and nail specialists in New York.

Subject: Personal protective equipment.

Purpose: To require the provision and use of personal protective equipment.

Text of emergency rule: Section 160.20 of Title 19 of the NYCRR is amended as follows:

160.20 Hygienic practices.

(a) Cotton applicators may be used and must be stored in a closed container or sealed bag.

(b) A clean sheet of paper or a clean towel not previously used for any purpose shall be placed on the table or headrest before any client reclines on a table or chair.

(c) Cloth towels may be used once then bagged, machine washed and dried.

(d) A paper strip or clean towel shall be placed completely around the neck of each client before an apron or any other protective device is fastened around the neck.

(e) All practitioners and nail care clients must wash hands with soap and water before each client service.

(f) All sharp or pointed equipment shall be stored when not in use so as not to be accessible to consumers.

(g) All fluids, semifluids and powders must be dispensed with a shaker, dispenser pump or spray type container. All creams, lotions and other cosmetics used for clients must be kept in closed containers and dispensed with disposable applicators. When only a portion of a preparation is to be used on a client, it shall be removed from the container in such a way as not to contaminate the remaining portion.

(h) All practitioners must use a properly fitted N-95 or N-100 respirator, approved by the National Institute for Occupational Safety and Health ("NIOSH") in accordance with manufacturer's specifications when buffing or filing nails or using acrylic powder.

(i) All practitioners must wear gloves when handling potentially hazardous chemicals or waste and during cleanup, or when performing any procedure that has a risk of breaking a customer's skin.

(j) All practitioners must wear eye protection when pouring or transferring potentially hazardous chemicals from bulk containers and when preparing potentially hazardous chemicals for use in nail care services.

(k) The requirements of Subdivisions (a) through (g) were in effect prior to the filing of this emergency regulation, and remain in continuous full force and effect. Subdivisions (h), (i), and (j) of this Section shall take effect on June 15, 2015.

Section 160.11 of Title 19 of the NYCRR is amended as follows:

Section 160.11. Owner responsibilities.

(a) An owner [, an area renter or both] shall be responsible for the proper conduct of the licensed business and for the proper provision of appearance enhancement services to the public by its employees or operators.

(b) An owner [, an area renter or both] shall be responsible for compliance with all applicable health and sanitary codes, and all statutory and regulatory requirements with respect to the practices of the occupation and business prescribed by this Part.

(c) An owner shall be responsible for maintaining the following equipment at each workstation, to be made available, upon request and without cost, to each person providing nail care services who uses such workstation:

(1) A properly fitting N-95 or N-100 respirator, approved by the National Institute for Occupational Safety and Health ("NIOSH"), for each individual who uses such workstation, to reduce inhalation of dust and particulate matter;

(2) Protective gloves made of nitrile, or other similar non-permeable material for workers with a sensitivity to nitrile gloves, in quantities sufficient to allow each individual providing nail care services to have a new pair of gloves for each customer served; and

(3) Eye protection sufficient to protect from splashes when pouring or transferring potentially hazardous chemicals from bulk containers or when preparing potentially hazardous chemicals for use in nail care services.

(d) The requirements of Subdivisions (a) and (b) were in effect prior to the filing of this emergency regulation, and remain in continuous full force and effect. Subdivision (c) of this Section shall take effect on June 15, 2015.

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 15, 2015.

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

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

A Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement are not submitted, but will be published in the*Register* within 30 days of the rule's effective date.

Assessment of Public Comment

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

EMERGENCY RULE MAKING

Mandatory Public Posting of Notices of Violations

I.D. No. DOS-22-15-00008-E

Filing No. 390

Filing Date: 2015-05-18

Effective Date: 2015-05-18

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

Action taken: Addition of section 160.39 to Title 19 NYCRR.

Statutory authority: Executive Law, section 91; General Business Law, sections 402(5) and 404

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

Specific reasons underlying the finding of necessity: The Department of State ("Department") is charged, inter alia, with the enforcement of New York General Business Law ("NY GBL") Article 27, which relates to the appearance enhancement industry. A principal purpose behind the enactment of Article 27 was to provide a system of licensure of appearance enhancement businesses and operators that would both allow for the greatest possible flexibility in the establishment of regulated services and implement measures to protect the consumer. Adequate requirements for maintaining public health and safety standards and for ensuring financial responsibility with respect to businesses are important elements of such a system. Consistent with this legislative intent of Article 27, the Department is empowered to issue orders directing the cessation of unlicensed activity by businesses and operators whose continued unlicensed operations pose a potential threat to the general welfare of the public. Providing appearance enhancement services without an appropriate license is a violation and may result in a civil penalty of up to five hundred dollars for the first violation; one thousand dollars for a second such violation; and two thousand five hundred dollars for a third violation and any subsequent violation.

To combat the dangers associated with unlicensed appearance enhancement operations and to help ensure that the public is aware that such businesses and/or persons are not permitted to offer appearance enhancement services, which require close personal contact between providers and the consumer, the Department finds that it is necessary to require public postings of Notices of Violations seeking orders directing the cessation of unlicensed activities. The enhancement of public safety, health and general welfare necessitates the promulgation of this regulation on an emergency basis. The Department finds that greater public awareness regarding such unlawful activity should reduce the potential risk of injury posed by such unlicensed businesses and persons.

Subject: Mandatory public posting of Notices of Violations.

Purpose: To inform the public that the Department of State has commenced an enforcement proceeding against an unlicensed business.

Text of emergency rule: Section 160.39 is added to Title 19 of the NYCRR to read as follows:

Section 160.39. Notification of Proceeding to Direct Cessation of Unlicensed Activity

(a) All businesses and operators served with a Notice of Violation relating to unlicensed activity pursuant to Article 27 of the New York General Business Law shall immediately affix a copy of such notice on the front window, door or exterior wall of the business. The Notice of Violation shall be within five feet of the front door or other opening to the business where customers enter from the street, at a vertical height no less than four feet and no more than six feet from the ground or floor. An establishment without a direct entrance from the street shall post such Notice of Violation at its immediate point of entry in a place where consumers are likely to see it.

(b) Such Notice of Violation shall not be removed except when authorized by the Department.

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 15, 2015.

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

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

A Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement are not submitted, but will be published in the *Register* within 30 days of the rule's effective date.

Assessment of Public Comment

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

EMERGENCY RULE MAKING

Posting Requirements

I.D. No. DOS-22-15-00009-E
Filing No. 391
Filing Date: 2015-05-18
Effective Date: 2015-05-18

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

Action taken: Amendment of section 160.10 of Title 19 NYCRR.

Statutory authority: New York Executive Law, section 91; General Business Law, sections 402(5) and 404

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

Specific reasons underlying the finding of necessity: The Department of State ("Department") is charged, inter alia, with the enforcement of New York General Business Law ("NY GBL") Article 27, which relates to the appearance enhancement industry. A principal purpose behind the enactment of Article 27 was to provide a system of licensure of appearance enhancement businesses and operators that would both allow for the greatest possible flexibility in the establishment of regulated services and implement measures to protect those inextricably entwined in the industry. Consistent with this legislative intent of Article 27, the Department is empowered to issue regulations which protect the general welfare of the public, including licensed nail specialists. Notwithstanding existing laws and regulations, a number of businesses have taken unfair advantage of a significant number of licensed nail specialists who contribute to the community and economy. The ease with which some establishments have been able to deprive workers of fair wages and other rights is due in part to the inadequacy of effective efforts to educate workers and consumers on such rights.

To help ensure that consumers and workers, who are often vulnerable to abuses, are aware of certain workers' rights, the Department finds that it is necessary to require public posting of a Bill of Rights sign at every establishment that offers such services. The enhancement of public safety, health and general welfare necessitates the promulgation of this regulation on an emergency basis. The Department finds that greater public and worker awareness of fair wages and other rights should reduce such unlawful activity and potential abuses by unscrupulous business owners.

Subject: Posting requirements.

Purpose: To require posting of a Bill of Rights sign at all businesses where nail specialist services are offered.

Text of emergency rule: New Subdivision (e) is added to Section 160.10 of Title 19 of the NYCRR.

Section 160.10. Posting requirements

(a) An owner shall conspicuously post a sign at the entrance of the business indicating that the business and individual operators are licensed by the New York State Department of State and that rules and regulations governing the business and practices are available for review upon request.

(b) An individual holding a license in waxing, nail specialty, esthetics, natural hairstyling, or cosmetology must conspicuously post the license at the station or location where the occupation is being practiced.

(c) An owner shall conspicuously post its business license at: the entrance or reception area of the establishment; or, the public business desk or counter of the establishment; or, the area where the licensed activities are performed.

(d) An owner shall conspicuously post an itemized list of all services performed at the business establishment and the prices charged for those services.

(e) An owner who permits the practice of nail specialty to be conducted in an appearance enhancement business shall conspicuously post a nail practitioner bill of rights in a place where it will be readily visible by practitioners and the public. The Department of State shall furnish such sign to every place of business that permits the practice of nail specialty.

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 15, 2015.

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

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

A Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement are not submitted, but

will be published in the *Register* within 30 days of the rule's effective date.

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

EMERGENCY RULE MAKING

Rules Relating to Insurance and Bond Requirements

I.D. No. DOS-22-15-00010-E
Filing No. 392
Filing Date: 2015-05-18
Effective Date: 2015-05-18

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

Action taken: Repeal of section 160.9; and addition of new section 160.9 to Title 19 NYCRR.

Statutory authority: Executive Law, section 91; General Business Law, sections 402(5) and 404

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

Specific reasons underlying the finding of necessity: The Department of State ("Department") is charged, inter alia, with the enforcement of New York General Business Law ("NY GBL") Article 27, which relates to the appearance enhancement industry. A principal purpose behind the enactment of Article 27 was to provide a system of licensure of appearance enhancement businesses and operators that would both allow for the greatest possible flexibility in the establishment of regulated services and implement measures to protect those inextricably entwined in the industry. Consistent with this legislative intent of Article 27, the Department is empowered to issue regulations which protect the general welfare of the public, including workers employed by business owners. Notwithstanding existing laws and regulations, a number of businesses have taken unfair advantage of a significant number of licensed workers who contribute to the community and economy. The ease with which some establishments have been able to deprive workers of fair wages and other rights is due in part to the inadequate protections.

To help ensure that workers, who are often vulnerable to abuses, are guaranteed to receive wages which are legally due, new bonding and insurance requirements are needed. The enhancement of public safety, health and general welfare necessitates the promulgation of this regulation on an emergency basis. The Department finds that by imposing new bonding and insurance provisions potential abuses by unscrupulous business owners will be reduced and hardworking employees will be protected.

Subject: Rules relating to insurance and bond requirements.

Purpose: To enhance protections to workers by adding new provisions requiring wage coverage.

Text of emergency rule: Section 160.9 of Title 19 of the NYCRR is repealed and a new 160.9 is added to read as follows:

19 NYCRR § 160.9 Bond or liability insurance

(a) An owner must maintain liability coverage in the following amounts:

(1) for accident and professional liability, at least $25,000 per individual occurrence and $75,000 in the aggregate; and

(2) for payment of wages and remuneration legally due employees and providers of appearance enhancement services pursuant to the following schedule:

(i) if owner employs one to four individuals, at least $25,000 or in such other amount as directed by the Secretary;

(ii) if owner employs five to ten individuals, at least $40,000 or in such other amount as directed by the Secretary;

(iii) if owner employs 11 to 25 individuals, at least $75,000 or in such other amount as directed by the Secretary; or

(iv) if owner employs 26 or more individuals, at least $125,000 or in such other amount as directed by the Secretary.

(b) Such liability coverage may be obtained by purchasing:

(1) a bond with a corporate surety, from a company authorized to do business in this state, payable in favor of the people of the state of New York; or

(2) accidental and professional liability insurance, or general liability insurance; or

(3) any combination of (1) or (2) as provided in this Subdivision provided that the coverage amounts set forth in Subdivision (a) of this Section are satisfied.

(c) Bond or liability insurance coverage may be terminated in accordance with the following provisions:

(1) A bond obtained pursuant to this Section shall be filed with the Secretary. Such bond shall not be cancelled, revoked, or terminated by the owner, nor shall the owner take action that would result in the cancellation, revocation, or termination of such bond, except after notice to, and with the consent of, the Secretary at least forty-five days in advance of such cancellation, revocation, or termination. The bond shall include a provision requiring the surety to provide sixty days' notice to the Secretary prior to the effective date of cancellation of the bond. Additionally, no business owner license shall be issued or renewed until such bond, if applicable, is filed.

(2) Upon the termination of a liability insurance policy obtained pursuant to this Section, an owner must submit to the Secretary a notice of termination of insurance in a form prescribed by the Secretary. Such notice must filed with the Secretary prior to the effective date of termination.

(d) Evidence of such bond or liability insurance policy must be maintained on the business premises. Such evidence shall be accessible by all employees at all times that the business is open.

(e) An owner will be permitted to maintain a bond or liability insurance policy as required by former Section 160.09 until June 30, 2015. All owners shall comply with the provisions of this Section on or after July 1, 2015. The requirements of this Section shall apply immediately to any owner who was not licensed on or before the effective date of this Section.

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 15, 2015.

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

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement
A Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement are not submitted, but will be published in the *Register* within 30 days of the rule's effective date.

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

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Regulations Establishing Safety Standards for Anchoring, Securing, and Counter-Weighting a Movable Soccer Goal

I.D. No. DOS-22-15-00011-EP
Filing No. 398
Filing Date: 2015-05-19
Effective Date: 2015-05-20

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

Proposed Action: Addition of Part 4608 to Title 21 NYCRR.

Statutory authority: General Business Law, section 399-j

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

Specific reasons underlying the finding of necessity: The Department of State ("Department") is charged, inter alia, with the promulgation of rules and regulations establishing safety standards for anchoring, securing and counter-weighting a moveable soccer goal pursuant to New York General Business Law ("NY GBL") section 399-j, Chapter 436 of the Laws of 2014. The statute requires that such regulations substantially comply with the guidelines for moveable soccer goal safety produced by the United States Consumer Product Safety Commission.

A principal purpose behind the enactment of Chapter 436 of the Laws of 2014 was to prevent injuries and fatalities resulting from improperly secured portable soccer goals. Consistent with the clear direction of the statute which references the U.S. Consumer Product Safety Commission Guidelines for Movable Soccer Goal Safety, and the legislative intent of Chapter 436, the Department is empowered to issue regulations which protect the general safety and welfare of the public.

NY GBL § 399-j becomes effective on May 20, 2015. To help ensure

that the State's soccer fields are maintained in a safe manner, the Department finds that it is necessary to require immediate adoption of the U.S. Consumer Product Safety Commission Guidelines for Movable Soccer Goal Safety. The protection of public safety, health and general welfare necessitates the promulgation of this regulation on an emergency basis. The Department finds that the use of the U.S. Consumer Product Safety Commission Guidelines for Movable Soccer Goal Safety will reduce the risk of death and injuries related to improperly secure moveable soccer goals.

Subject: Regulations establishing safety standards for anchoring, securing, and counter-weighting a movable soccer goal.

Purpose: Establish the U.S. Consumer Product Safety Commission Guidelines for Movable Soccer Goal Safety as the New York standard.

Text of emergency/proposed rule: A new Part 4608 is added to Title 21 of the NYCRR as follows:

Part 4608

Anchoring, Securing and Counter-Weighting a Moveable Soccer Goal

(Statutory Authority: General Business Law § 399-j)

§ 4608.1 Definitions.

(a) ''Moveable soccer goal'' shall mean a freestanding structure consisting of at least two upright posts, a crossbar, and support bars that is designed:

(1) to be used by adults or children for the purposes of a soccer goal;

(2) to be used without any other form of support or restraint other than pegs, stakes, or other forms of temporary anchoring device; and

(3) to be able to be moved to different locations.

§ 4608.2 Incorporation by reference.

This Part adopts safety standards for anchoring, securing and counter-weighting moveable soccer goals contained within the U.S. Consumer Product Safety Commission Guidelines for Movable Soccer Goal Safety as New York State's safety standards for anchoring, securing and counter-weighting moveable soccer goals. This publication is thus incorporated by reference in this Part. Said publication, entitled: Guidelines for Movable Soccer Goal Safety, published by the U.S. Consumer Product Safety Commission in 1995, as Publication No. 326, is online free of charge at: http://www.cpsc.gov/en/Safety-Education/Safety-Guides/Sports-Fitness-and-Recreation/Guidelines-for-Movable-Soccer-Goal-Safety/.

Said publication may be viewed at the New York State Department of State, Division of Consumer Protection, 99 Washington Avenue, Suite 640, Albany, New York 12231, the New York State Department of State website at www.dos.ny.gov and the New York State Office of Parks, Recreation and Historic Preservation, 625 Broadway, Albany, NY 12207.

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire August 16, 2015.

Text of rule and any required statements and analyses may be obtained from: Paula J. O'Brien, Esq., Department of State, 99 Washington Avenue, Suite 640, Albany, NY 12231, (518) 474-2257, email: paula.obrien@dos.ny.gov

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

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

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

Regulatory Impact Statement

1. STATUTORY AUTHORITY:

Subdivision 3 (a)(6) of section 94-a of the Executive Law, powers and duties of the New York State Department of State Division of Consumer Protection and the Secretary of State, grants general rulemaking authority to the Department to implement other powers and duties by regulation and otherwise as prescribed by any provision of law. Section 399-j of the General Business Law mandates that the Department in consultation with the Office of Parks, Recreation and Historic Preservation (State Parks) promulgate a regulation establishing safety standards for anchoring, securing and counter-weighting moveable soccer goals. The proposed rule simply incorporates by reference the U.S. Consumer Product Safety Commission Handbook for Moveable Soccer Goal Safety (Guidelines or CPSC Handbook).

2. LEGISLATIVE OBJECTIVES:

The legislative memorandum in support of General Business Law section 399-j directs promulgation of this proposal. This memorandum indicates that the legislative objective of General Business Law section 399-j is to address the hope of parents and guardians that soccer fields where their children meet friends, play, compete and exercise are among the safest places their children can spend time. From 1979 to 2014 there were 39 deaths and 56 injuries reported nationally due to insecurely anchored portable soccer goals with the predominant victims' children ages 9 to 11.[1] Further, that memorandum underscored that adherence to the U.S. Consumer Products Safety Commission (CPSC) moveable soccer goal safety guidelines established in January 1995 could prevent accidental deaths and injuries in children. The regulation establishes the CPSC Handbook as the standard in New York State for erecting and maintaining moveable soccer goals to reduce the frequency and severity of accidents.

3. NEEDS AND BENEFITS:

The purpose of the proposed rule is to achieve the statutory objectives of General Business Law section 399-j, which requires the Department of State, in consultation with the Office of Parks, Recreation and Historic Preservation to promulgate a rule regarding moveable soccer goals that encourages compliance with the CPSC Handbook. This may decrease the number of serious injuries and deaths related to unsafe moveable soccer goals. The Department and the Office of Parks, Recreation and Historic Preservation did collaborate as required by the statute.

Research conducted by the CPSC and reported by the Soccer Industry Council of America indicated that over 16 million persons in the United States play soccer at least once a year. Seventy-four percent (over 12 million) of these persons are under the age of 18. Soccer ranks fourth in participation for those under 18, following basketball, volleyball, and softball. Further, the Council indicated that there are approximately 225,000 to 500,000 soccer goals in the United States. Many of these soccer goals may be unsafe because their design is unstable or they are either unanchored or not properly anchored or counter-balanced. These moveable soccer goals pose an unnecessary risk of tip over if children are allowed to climb on goals (or nets) or hang from the crossbar.[2]

Accordingly, incorporating by reference the entire CPSC Handbook is the best way to comply with the intent of General Business Law section 399-j and enable soccer field owners and administrators the opportunity to become familiar with nationally recognized moveable soccer goal safety standards which will encourage necessary and effective compliance.

4. COSTS:

(a) Costs to State Government: The Department will develop and distribute informational material to aid with education and compliance with this new rule. This information will also be available on the Department's website. The cost to the Department is estimated at approximately two thousand ($2,000) dollars. While the implementing statute does not state it explicitly applies to the State or state agencies, incorporating the Guidelines into this regulation reinforces them as the prevailing industry practice, thus, indirectly requiring state agencies to voluntarily comply. One region of State Parks calculated the cost of compliance for its soccer facilities to be $7,900 if sandbags are used. If you multiply that by 11 park regions the total compliance cost for State Parks would be $86, 900. However, the cost of the development and distribution of informational material and state agencies' voluntary compliance with the CPSC Handbook is outweighed by the benefits to the public. Also, in the event of alleged non-compliance, the Office of the New York State Attorney General may incur costs related to investigation and enforcement against private parties.

(b) Costs to private regulated parties: These rules may impose some costs on businesses, clubs, schools or parks that erect and maintain moveable soccer goals in compliance with General Business Law section 399-j to provide safer soccer fields for children. However, because costs incurred will vary depending upon whether an entity has already implemented the Guidelines, the type of materials used to comply and the number of fields in need of compliance, the Department is unable to project potential cost impacts. The Department will carefully consider all oral and written comments received as a result of these proposed regulations.

(c) Costs to local governments: These rules may impose costs on school districts and local governments that are presently not complying with the Guidelines when they erect and maintain moveable soccer goals. The Association of Towns, New York State Conference of Mayors and the New York State Association of Counties were all consulted with respect to this proposal. No comments on compliance costs were offered.

Costs to other local government entities and school districts not presently managing soccer facilities would depend on the design and methods chosen in the future should they choose to erect and maintain moveable soccer goals. Therefore, the Department has no methodology upon which to project costs. The Department will carefully consider all oral and written comments received as a result of the proposed regulation.

5. LOCAL GOVERNMENT MANDATES:

The local government mandate to substantially comply with the CPSC Handbook is a result of General Business Law section 399-j and not this rule.

6. PAPERWORK:

No new paperwork requirements are anticipated for compliance with this proposal. However, parties in alleged non-compliance would have the opportunity to submit within five days a written response to the notice of a proceeding by the Attorney General. There are no reporting requirements to the Department in the proposed regulation. However, the Department may respond in writing to any inquires regarding these rules.

7. DUPLICATION:

The proposed regulation will not duplicate, overlap or conflict with any known State or federal regulatory requirements. The proposal will incorporate by reference the CPSC Handbook and create consistency with respect to moveable soccer goal safety standards throughout New York State.

8. ALTERNATIVES:

The Department is mandated by General Business Law section 399-j to promulgate a regulation that substantially complies with the CPSC Handbook on this issue. Accordingly, there were no significant alternatives considered. Nonetheless, the Department will carefully consider all comments received as a result of the proposed regulation.

9. FEDERAL STANDARDS:

The proposed rule does not conflict with any federal standards. The Guidelines were developed in consultation with the Coalition to Promote Soccer Goal Safety. The CPSC is an independent federal regulatory agency charged with addressing unreasonable risks of death and injury associated with over 15,000 types of consumer products. One way that the CPSC staff does this is to work with industry and other interested parties to develop voluntary product safety guidelines and standards.

10. COMPLIANCE SCHEDULE:

The provisions of the General Business Law are effective May 20, 2015. This rulemaking is required by the General Business Law and does not impose additional requirements on regulated parties. Therefore, no compliance schedule is feasible. This regulation will be effective as an emergency measure on May 20, 2015 and effective as a permanent regulation upon publication of Notice of Adoption in the State Register.

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[1] http://www.anchoredforsafety.org/incidents.html

[2] *Guidelines for Moveable Soccer Goal Safety*, CPSC, (January 1995).

Regulatory Flexibility Analysis

1. EFFECT OF RULE:

The proposed regulations will require local governments to comply with GBL § 399-j. The regulations will have an effect on small businesses, which are defined as employing 100 or less individuals (SAPA § 102(8)) that install or erect moveable soccer goals to be used by adults or children for the purposes of a soccer goal.

2. COMPLIANCE REQUIREMENTS:

Section 399-j of the General Business Law, requires the Department, in consultation with the Office of Parks, Recreation and Historic Preservation, to promulgate rules that will ensure moveable soccer goals used in New York State will substantially comply with guidelines published in the U.S. Consumer Product Safety Commission Guidelines for Moveable Soccer Goal Safety (CPSC Handbook), thereby decreasing the number of serious injuries and deaths related to unsafely erected moveable soccer goals. Compliance with the proposed rule by small businesses, school districts and local governments that use moveable soccer goals is required.

3. PROFESSIONAL SERVICES:

The Department believes that no professional skillset is required to follow the CPSC Handbook. In the event of alleged non-compliance with the proposed regulations, small businesses, school districts or local governments may incur legal expenses in connection with investigation and enforcement actions.

4. COMPLIANCE COSTS:

These rules may impose costs on small businesses and local governments that use existing or erect new moveable soccer goals. The amount of costs will depend upon a variety of factors including, the use of any anchoring or weighting materials, which for a single field may range from $100 to $400 for a single field. Whereas, retrofit kits for any movable goal posts that do not currently comply with the proposed regulation range from a few hundred dollars to just over $1,200 per goal post unit. Alternatively, sandbags provide a more economical means of compliance at $50 a bag. The labor required to erect the moveable soccer goal per the CPSC Handbook is estimated to take an hour per field (half an hour per goal). Labor costs very throughout the State. Therefore, the Department is unable to provide a projected cost with accuracy. The cost of non-compliance would be a fine of up to Five Hundred and 00/100 ($500.00) Dollars for each violation.

5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY:

With the exception of potential costs for small businesses, school districts and local governments, the Department has not identified any economic or technological barriers to compliance with provisions of this proposal.

6. MINIMIZING ADVERSE IMPACT:

Recognizing that the replacement of moveable soccer goals for permanently affixed soccer goals would be cost prohibitive to many entities, the legislation and this proposal require only that existing or new moveable soccer goals be anchored, secured and counter-weighted to conform to guidelines published in the U.S. Consumer Product Safety Commission's Guidelines for Moveable Soccer Goal Safety. Incorporating by reference a national standard that is familiar to many small businesses, schools, and local governments further minimizes any adverse impact. Compliance with federal guidelines that are nationally recognized, allows for continuity and one designated resource to which business and local governments can refer. This approach sensibly transitions all of New York State's soccer fields to equipment that meets the latest and nationally recognized safety standards.

The Department was contacted by the East New York Soccer League (League) and the New York State Youth Soccer Federation of Western New York (Federation) with respect to this proposal. The League and the Federation confirmed that most of the moveable soccer goals within their membership were in compliance with the CPSC Handbook. The President of the Red Hook Soccer Club expressed concern regarding the Handbook extinguishing an entity's ability to secure goals on turf with sandbags, as opposed to anchors. However, section 5 of the Handbook provides all viable anchoring/securing/ counter weighting guidelines. Thus, sandbags or other counter weights, regardless of surface, still fall under acceptable guidelines.

Additionally, flexibility is provided for in the enabling legislation and this proposal by exempting moveable soccer goals erected on one, two, or three-family residential property, some of which may be owned by small businesses or local governments.

7. SMALL BUSINESS AND LOCAL GOVERNMENT PARTICIPATION:

The Association of Towns of New York State, the New York State Conference of Mayors, and the New York State Association of Counties were all consulted with respect to this proposal. No comments were offered.

The East New York Soccer Leagues, the New York State Youth Soccer Federation of Western New York and Red Hook Soccer Club were consulted with respect to this proposal.

The Red Hook Soccer Club provided broad compliance costs estimates. The New York State Office of Parks, Recreation and Historic Preservation provided cost estimates on movable soccer goal retro kits and sandbags.

8. PENALTIES:

NYS General Business Law section 399-j(3) provides whenever the Attorney General finds sufficient evidence of non-compliance with the requirements of the rule, he or she may bring an action in the Supreme Court of the State of New York for a judgment to enjoin the continuance of non-compliance, and for a civil penalty of not more than $500 for each violation. Before any violation is sought to be enjoined, the Attorney General shall provide the subject person or entity with certified mail notification of such contemplation and an opportunity to show in writing within five business days after receipt of notice, why proceedings should not be instituted. An exception is made where the Attorney General finds that to give such notice and opportunity would violate the public interest. Accordingly, the five day period serves as an opportunity to cure and is only suspended if it violates the protection of the public's safety, health and general welfare interests.

Rural Area Flexibility Analysis

1. TYPES AND ESTIMATED NUMBERS OF RURAL AREAS:

Regulated businesses covered by the proposed regulations do business in every county in the State, including rural areas as defined in Section 102 (10) of the State Administrative Procedure Act.

2. REPORTING, RECORDKEEPING OR OTHER COMPLIANCE REQUIREMENTS:

The proposed regulations impose no new reporting requirements or record keeping compliance requirements. General Business Law Section 399-j requires compliance with the CPSC Handbook regarding the installation, use and storage of full-size or nearly full-size moveable soccer goals in rural areas of the state.

3. COSTS:

(a) Costs to State Government in Rural Areas: The Department will develop and distribute informational material to aid with education and compliance with these new rules. This information will also be available on the Department's website. This cost to the Department is estimated at approximately two thousand ($2,000) dollars. While the implementing statute does not state it explicitly applies to the State or state agencies, incorporating the Guidelines into this regulation reinforces them as the prevailing industry practice, thus, indirectly requiring state agencies to voluntarily comply. One region of State Parks calculated the cost of compliance for its soccer facilities to be $7,900 if sandbags are used. If you multiply that by 11 park regions the total compliance cost for State Parks would be $86, 900. However, the cost of the development and distribution of informational material and state agencies' voluntary compliance with the CPSC Handbook is outweighed by the benefits to the public. Also, in the event of alleged non-compliance, the Office of the New York State Attorney General may incur costs related to investigation and enforcement against private parties.

(b) Costs to private regulated parties in Rural Areas: These rules may impose costs on businesses that erect moveable soccer goals in rural areas. However, because costs incurred will vary depending upon plans related to specific moveable soccer goal erection and other factors, the Department is unable to provide projected costs with accuracy. The Department will carefully consider all oral and written comments received as a result of these proposed regulations.

(c) Costs to Local Governments in Rural Areas: These rules may impose costs on local governments that erect moveable soccer goals in rural areas of the state. Costs to local government entities in rural areas are dependent upon the specific plan related to erection of particular moveable soccer goals. Therefore, the Department has no methodology upon which to base projected costs. The Department will carefully consider all oral and written comments received as a result of these proposed regulations.

4. MINIMIZING ADVERSE IMPACT:

Recognizing that the replacement of moveable soccer goals for permanently affixed soccer goals would be cost prohibitive to entities in rural areas, the legislation and this proposal require only that existing or new moveable soccer goals be anchored, secured, and/or counter-weighted to conform to guidelines published in the U.S. Consumer Product Safety Commission's Guidelines for Moveable Soccer Goal Safety. This approach would sensibly transition all of New York State's soccer fields in rural areas to equipment that meets the latest and nationally recognized safety standards.

5. RURAL AREA PARTICIPATION:

The Department will develop and distribute informational material to aid with education and compliance with these new rules. This information will also be available on the Department's website. The Department will carefully consider any comments filed in response to this notice, and make changes to the extent necessary to reflect any impacts on rural areas.

Job Impact Statement

The proposed regulations should not have a substantial adverse impact defined as a decrease of 100 jobs (SAPA § 201-a (6)(c)). The Department estimates that as businesses and local governments go forward with new and improved moveable soccer goal construction they should be able to comply with the proposed rules at a minimal increase in cost. As it is evident from the nature of these amendments that they would not have an adverse impact on the number of jobs and employment opportunities, no affirmative steps were needed to ascertain that fact and none were taken. Accordingly, a job impact statement is not required.

NOTICE OF ADOPTION

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

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

Filing No. 408

Filing Date: 2015-05-20

Effective Date: 2015-06-03

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

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

Statutory authority: Executive Law, section 377(1)

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

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

Substance of final rule: This rule adds a new section 1228.3 to Part 1228 of Title 19 of the NYCRR. New Section 1228.3 is summarized as follows:

1228.3 Sparkling devices.

(a) Scope. The provisions of this section 1228.3 shall govern the possession, manufacture, storage, handling, sale, and use of sparkling devices. Any building or structure where sparkling devices are manufactured, stored, handled, sold or used shall be subject to the provisions of this section 1228.3 and to all other provisions of the Uniform Code applicable to such building or structure.

(b) Definitions. In this section, the following terms shall have the following meanings unless a different meaning is clearly required by the context:

(1) 2010 FCNYS. The term "2010 FCNYS" means the publication entitled "Fire Code of New York State" published by the International Code Council, Inc. (publication date: August 2010).

(2) APPROVED. The term "approved" means acceptable to the code enforcement official.

(3) CODE ENFORCEMENT OFFICIAL. The term "code enforcement official" means the officer or other designated authority charged with the administration and enforcement of the Uniform Code, or a duly authorized representative.

(4) HIGHWAY. The term "highway" means a public street, public alley or public road.

(5) LISTED. The term "listed" means equipment or materials included on a list published by an approved testing laboratory, inspection agency or other organization concerned with current product evaluation that maintains periodic inspection of production of listed equipment or materials, and whose listing states that equipment or materials comply with approved nationally recognized standards and have been tested or evaluated and found suitable for use in a specified manner.

(6) NFPA 495. The term "NFPA 495" means the publication entitled "Explosive Materials Code" published by the National Fire Protection Association (publication date: 2006).

(7) NFPA 1124. The term "NFPA 1124" means the publication entitled "Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles" published by the National Fire Protection Association (publication date: 2006).

(8) OPERATING BUILDING. The term "operating building" means a building occupied in conjunction with the manufacture, transportation or use of explosive materials, sparkling devices, or both. Operating buildings are separated from one another with the use of intraplant or intraline distances.

(9) SPARKLING DEVICES. The term "sparkling devices" shall have the meaning ascribed to that term by section 270.00(1)(a)(vi) of the Penal Law, and shall include "ground-based or hand-held devices" (as defined in subparagraph (i) of this paragraph) and "novelties" (as defined in subparagraph (ii) of this paragraph).

(i) Ground-Based or Hand-Held Devices. The term "ground-based or hand-held devices" shall include the category of devices described in section 270.00(1)(a)(vi)(1) of the Penal Law [the full text of the rule includes the statutory definition here].

(ii) Novelties. The term "novelties" shall include the category of devices described in section 270.00(1)(a)(iv)(2) of the Penal Law [the full text of the rule includes the statutory definition here].

(c) Other applicable laws. The provisions of this section 1228.3 shall be in addition to, and not in limitation of, (1) all other provisions of the Uniform Code applicable to any building or structure where sparkling devices are manufactured, stored, handled, sold or used and (2) all other statutes, rules, regulations, local laws, and ordinances applicable to the possession, manufacture, storage, handling, sale and/or use of sparkling devices, including but not limited to sections 270.00 and 405.00 of the Penal Law; section 392-j of the General Business Law; section 156-h of the Executive Law; Part 225 of Title 9 of the NYCRR; Part 39 of Title 12 of the NYCRR (Industrial Code Rule 39); and local laws, ordinances or regulations relating to operating permits as contemplated by 19 NYCRR section 1203.3(g). Nothing in this section 1228.3 shall be construed as permitting the possession, manufacture, handling, sale and/or use of sparkling devices in violation of any other law, statute, rule, regulation, local law or ordinance applicable to the possession, manufacture, storage, handling, sale and/or use of sparkling devices. Nothing in this section 1228.3 shall be construed as permitting the possession, manufacture, handling, sale and/or use of sparkling devices in any jurisdiction where the possession, manufacture, handling, sale and/or use of sparking devices has not been made legal in accordance with the provisions of section 405.00 of the Penal Law.

(d) Hazardous conditions.

(1) From time to time, the New York State Department of Environmental Conservation (DEC) publishes fire danger ratings for each fire danger rating area (FDRA) in the State. The use of sparkling devices at any location within a FDRA designated by the DEC as having a fire danger rating of "Extreme (Red)" at any time when such designation is in effect is prohibited.

(2) In addition, the DEC may from time to time designate certain areas within the State as being subject to "Red Flag" conditions. The use of sparkling devices at any location within any area designated by the DEC as being subject to "Red Flag" conditions at any time such designation remains in effect is prohibited.

(e) Use of ground-based or hand-held devices in or near buildings or structures.

(1) No ground-based or hand-held device (as defined in subparagraph (i) of paragraph (9) of subdivision (b) of this section) shall be used inside any building or structure unless (i) such ground-based or hand-held device is listed for indoor use and (ii) the use of such ground-based or hand-held device inside such building or structure has been approved.

(2) No ground-based or hand-held device (as defined in subparagraph (i) of paragraph (9) of subdivision (b) of this section) shall be used within 10 feet of any building or structure unless (i) such ground-based or hand-

held device is listed for indoor use or for use within 10 feet of a building or structure and (ii) the use of such ground-based or hand-held device within 10 feet of such building or structure has been approved.

(f) Retail sales.

(1) No persons shall construct a retail display of sparkling devices or offer sparkling devices for sale upon highways, sidewalks or public property or in a Group A or E occupancy.

(2) Retail sales of sparkling devices shall comply with the applicable requirements of NFPA 1124.

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

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

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

(h) Limit on quantity. The code enforcement official is authorized to limit the quantity of sparkling devices permitted to be kept or stored at any one- or two-family dwelling, townhouse, or any building or structure containing any Group R occupancy.

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

(j) Manufacture, assembly, and testing of sparkling devices.

(1) The manufacture, assembly, and testing of sparkling devices, and facilities where the manufacture, assembly and/or testing of sparkling device occur, shall comply with the requirements of this subdivision and NFPA 495 or NFPA 1124.

(2) Emergency plans, emergency drills, employee training and hazard communication shall conform to the provisions of this section and Sections 404, 405, 406 and 407 of the 2010 FCNYS.

(3) Detailed Hazardous Materials Management Plans (HMMP) and Hazardous Materials Inventory Statements (HMIS) complying with the requirements of Section 407 of the 2010 FCNYS shall be prepared and submitted to the local emergency planning committee, the code enforcement official, and the local fire department. A copy of the required HMMP and HMIS shall be maintained on site and furnished to the code enforcement official on request.

(4) Workers who handle or dispose of sparkling devices shall be trained in the hazards of the materials and processes in which they are to be engaged and with the safety rules governing such materials and processes.

(5) Approved emergency procedures shall be formulated for each facility where sparkling devices are manufactured, assembled and/or tested. Such procedures shall include personal instruction in any emergency that may be anticipated. All personnel shall be made aware of an emergency warning signal.

(k) Incorporation by reference.

(1) The 2010 FCNYS. The publication entitled "Fire Code of New York State" published by International Code Council, Inc. (publication date: August 2010) is hereby incorporated by reference in this section 1228.3. Copies of said publication (referred to herein as the 2010 FCNYS) may be obtained from the publisher at the following address: International Code Council, Inc., 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001. The 2010 FCNYS is available for public inspection and copying at New York State Department of State, 99 Washington Avenue, Albany, NY 12231-0001.

(2) NFPA 495. The publication entitled "Explosive Materials Code" published by the National Fire Protection Association (publication date: 2006) is hereby incorporated by reference in this section 1228.3. Copies of said publication (referred to herein as NFPA 495) may be obtained from the publisher at the following address: National Fire Protection Association, Batterymarch Park, Quincy, MA 02269. NFPA 495 is available for public inspection and copying at New York State Department of State, 99 Washington Avenue, Albany, NY 12231-0001.

(3) NFPA 1124. The publication entitled "Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles" published by the National Fire Protection Association (publication date: 2006) is hereby incorporated by reference in this section 1228.3. Copies of said publication (referred to herein as NFPA 1124) may be obtained from the publisher at the following address: National Fire Protection Association, Batterymarch Park, Quincy, MA 02269. NFPA 1124 is available for public inspection and copying at New York State Department of State, 99 Washington Avenue, Albany, NY 12231-0001.

Final rule as compared with last published rule: This rule will add a new Section 1228.3 to Part 1228 of Title 19 NYCRR. Nonsubstantive changes were made to the following subdivisions of the rule as originally proposed:

Subdivision (b): In the introductory sentence (which had read "In this section, the following terms shall have the following meanings unless a different meaning is clearly implied required by the context:"), the word "implied" has been changed to "required."

In addition, the definition of the term "sparkling devices displays" (originally in paragraph 10 of this subdivision) has been deleted.

Subdivision (d): Former subdivision (d) has been re-numbered as subdivision (e); re-captioned as "Use of ground-based or hand-held devices in or near buildings;" and revised to provide that the provisions of this subdivision apply only to ground-based or hand-held devices, and not to "novelties."

Subdivision (e): Former subdivision (e) has been re-numbered as subdivision (f) and revised by removing the prohibition against allowing members of the public to be able to handle or touch sparkling devices while they are on display for retail sale, and by adding a provision making retail sales subject to the provisions of NFPA 1124.

Subdivision (f): Former subdivision (f) has been re-numbered as subdivision (h) and revised to provide that the code enforcement official's authority to limit the quantity of sparkling devices to be kept or stored at a location applies only to one- and two-family dwellings, townhouses, and buildings containing a Group R occupancy.

Subdivision (g): Former subdivision (g), which would have added provisions relating to sparkling device displays, has been deleted.

Subdivision (h): Former subdivision (h), which would have authorized the code enforcement official to require supervision of any sparkling device display or any other use of sparkling devices, has been deleted.

Subdivision (i): Former subdivision (i), which would have added provisions relating to the removal and disposal of sparkling devises, has been deleted.

Subdivision (j): Former subdivision (j), which would have required the person using sparkling devices to report any accident involving the use of sparkling devices and resulting in death, personal injury or property damage to the code enforcement official, has been deleted.

Subdivision (k): Former subdivision (k) has been re-numbered as subdivision (i) and re-captioned as "Records," with no other change.

Subdivision (l): Former subdivision (l) has been re-numbered as subdivision (j), with no other change.

Subdivision (m): Former subdivision (m), which would have required discontinuance of the use of sparkling devices when the code enforcement official or the operator believed that a hazardous condition existed, has been re-numbered as subdivision (d) and revised to provide for a more objective means of determining when "hazardous conditions" warrant suspension of the use of sparkling devices, viz., when the Department of Environmental Conservation has designated the applicable fire danger rating area to be rated "Extreme (Red)" or the subject location to be subject to "Red Flag" conditions.

Subdivision (n): Former subdivision (n) has been re-numbered as subdivision (g), with no other change.

Subdivision (o): Former subdivision (o) has been re-numbered as subdivision (k), with no other change.

Text of rule and any required statements and analyses may be obtained from: Mark Blanke, Department of State, 99 Washington Ave., Albany, NY 12231-0001, (518) 474-4073, email: Mark.Blanke@dos.ny.gov

Additional matter required by statute: Executive Law § 378 (15)(a) provides that "no change to the [Uniform Code] shall become effective until at least ninety days after the date on which notice of such change has been published in the state register, unless the [State Fire Prevention and Building Code Council (the Code Council)] finds that (i) an earlier effective date is necessary to protect health, safety and security; or (ii) the change to the code will not impose any additional compliance requirements on any person."

At its meeting held on May 15, 2015, the Code Council found that making this rule effective immediately upon the publication of the Notice of Adoption is required to protect health, safety and security because Chapter 477 of the Laws of 2014 (the chapter law amending sections 270.00 and 405.00 of the Penal Law) became effective on December 21, 2014 and cities and counties may begin to legalize sparkling devices at any time on or after such effective date.

Accordingly, this rule will become effective immediately upon the publication of this Notice of Adoption.

Revised Regulatory Impact Statement

1. STATUTORY AUTHORITY.

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

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

2. LEGISLATIVE OBJECTIVES.

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

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

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

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

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

3. NEEDS AND BENEFITS.

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

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

This rule will add a new Section 1228.3 to Part 1228 of Title 19 NYCRR. New Section 1228.3 will include those provisions in the 2006 IFC's explosives and fireworks chapter which are currently missing from the 2010 FCNYS and which, in the opinion of the Department of State and the Code Council, are required to address the additional fire and safety concerns posed by the potential legalization of sparkling devices in this State (or in certain cities and counties in this State).

4. COSTS.

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

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

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

Other provisions to be added by this rule will restrict the use of sparkling devices in ways intended to reduce fire caused by sparkling devices; it is anticipated that these provisions will impose little or no costs on regulated parties. For example, new Section 1228.3(e) will restrict the use of ground-based or hand-held devices in or within 10 feet of buildings and structures; new Section 1228.3(f) will prohibit the sale of sparkling devices on highways, sidewalks or public property and in assembly occupancies and in educational occupancies; new Section 1228.3(h) will authorize the code enforcement official to limit the amount of sparkling devices in any one- or two-family dwelling, townhouse, or any building or structure containing any Group R occupancy; and new Section 1228.3(d) will prohibit the use of sparkling devices in an area designated by the NYS Department of Environmental Conservation as being in an "Extreme (Red)" fire risk area or being subject to "Red Flag" fire risk conditions.

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

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

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

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

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

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

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

5. PAPERWORK.

New Section 1228.3(i) will require manufacturers of sparkling devices to maintain records of chemicals, chemical compounds and mixtures required by the U.S. Department of Labor regulations set forth in 29 CFR Part 1910.1200 and Section 407 of the 2010 FCNYS.

6. LOCAL GOVERNMENT MANDATES.

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

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

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

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

7. DUPLICATION.

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

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

8. ALTERNATIVES.

The alternative of adding no new provisions expressly dealing with

sparkling devices was considered. However, since the recent amendments to the Penal Law will legalize sparkling devices in cities and counties that so elect, the Department of State determined that a rule clarifying that certain already existing requirements will apply to buildings where this newly legalized activity will occur, and adding certain new restrictions on the use of the newly legalized devices, was more appropriate.

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

9. FEDERAL STANDARDS.

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

10. COMPLIANCE SCHEDULE.

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

Revised Regulatory Flexibility Analysis

1. EFFECT OF RULE:

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

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

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

2. COMPLIANCE REQUIREMENTS:

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

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

New 19 NYCRR Section 1228.3(i) will provide that manufacturers of sparkling devices must maintain records of chemicals, chemical compounds and mixtures required by the U.S. Department of Labor regulations set forth in 29 CFR Part 1910.1200 and Section 407 of the 2010 FCNYS. This provision will not add to the requirements that already exist under 29 CFR Part 1910.1200 and Section 407 of the 2010 FCNYS. Rather, this provision will simply clarify that the requirements already existing under 29 CFR Part 1910.1200 and Section 407 of the 2010 FCNYS will apply to the newly-legalized activity of manufacturing sparkling devices.

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

3. PROFESSIONAL SERVICES:

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

4. COMPLIANCE COSTS:

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

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

5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY:

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

6. MINIMIZING ADVERSE IMPACT:

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

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

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

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

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

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

7. SMALL BUSINESS AND LOCAL GOVERNMENT PARTICIPATION:

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

Revised Rural Area Flexibility Analysis

1. TYPES AND ESTIMATED NUMBERS OF RURAL AREAS.

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

2. REPORTING, RECORDKEEPING AND OTHER COMPLIANCE REQUIREMENTS.

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

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

New 19 NYCRR Section 1228.3(i) will require that manufacturers of sparkling devices must maintain records of chemicals, chemical compounds and mixtures required by the U.S. Department of Labor regulations set forth in 29 CFR Part 1910.1200 and Section 407 of the 2010 FCNYS. This provision will not add to the requirements that already exist

under 29 CFR Part 1910.1200 and Section 407 of the 2010 FCNYS. Rather, this provision will simply clarify that the requirements already existing under 29 CFR Part 1910.1200 and Section 407 of the 2010 FCNYS will apply to the newly-legalized activity of manufacturing sparkling devices.

3. COMPLIANCE COSTS.

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

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

4. MINIMIZING ADVERSE IMPACT.

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

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

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

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

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

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

5. RURAL AREA PARTICIPATION.

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

Revised Job Impact Statement

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

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

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

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

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

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

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 Notice of Emergency Adoption and Proposed Rule Making was published in the State Register on February 4, 2015. A public hearing was held on March 2, 2015. The Department of State (DOS) received the comments described below. Where identical or substantially similar comments were received from more than one commenter, those comments are discussed in one consolidated statement below.

Summary and Analysis of Issues Raised and Significant Alternatives Suggested by Comments, and Reasons why any Significant Alternatives were not incorporated into the Rule

COMMENT 1: Defining the term "Sparking Device Display" (paragraph (10) of subdivision (b) of the rule as originally proposed) is unnecessary. Regulating private gatherings is not the intent of the law. Public gatherings are currently regulated.

DOS RESPONSE TO COMMENT 1: The provisions in the rule, as originally proposed, relating to "sparkling device displays" were based on provisions in the International Fire Code (IFC) relating to "fireworks displays." Upon further review of the IFC provision relating to fireworks displays, DOS has determined that application of those provisions to displays of sparkling devices is unnecessary. The definition of "sparkling device display" and all other provisions relating to "sparkling device displays" have been deleted from the rule as adopted.

COMMENT 2: Revise the provision restricting the use of sparkling devices in or near buildings (subdivision (d) in the rule as originally proposed) to provide that such restrictions do not apply to "novelties" such as party poppers and snaps.

DOS RESPONSE TO COMMENT 2: DOS has determined that provisions restricting the use of devices in or near buildings should apply to "ground-based or hand-held devices" but are not required in the case of the more benign "novelties." Former subdivision (d) has been re-numbered as subdivision (e) and has been revised to make its provisions applicable only to "ground-based or hand-held devices."

COMMENT 3: The provisions restricting the use of devices in or near buildings (subdivision (d) in the rule as originally proposed) will be difficult if not impossible to enforce and the violation of said provision will result in dangerous situations which will increase the risk of fire and injury. The enforcement action will only be applied after the fact.

DOS RESPONSE TO COMMENT 3: The commenter does not appear to argue that these provisions should be deleted; rather, it appears that the commenter agrees that these provisions are necessary albeit difficult to enforce. DOS agrees that these provisions are necessary. DOS also believes that these provisions will be no more difficult to enforce that similar provisions already found in the Uniform Code, such as Section F308 of the Fire Code of New York State, which regulates open flames, fire and burning on all premises. Former subdivision (d) has been re-numbered as subdivision (e), has been revised to make its provisions applicable only to "ground-based or hand-held devices" (as discussed in DOS Response to Comment 2, above), and has not been otherwise changed.

COMMENT 4: The provision that prohibits the public to reach, touch or handle the sparkling devices before he or she purchases them (paragraph (2) of subdivision (e) of the rule as originally proposed) is unnecessarily restrictive to the point where these regulations will essentially eliminate the sale of sparkling devices. Comprehensive retail sales guidelines are in NFPA 1124. There is no regulatory basis for this requirement.

DOS RESPONSE TO COMMENT 4: DOS agrees that the provision in question should be deleted and replaced with a provision requiring retail

sales of sparkling devices to comply with NFPA 1124. This change is reflected in paragraph (2) of subdivision (f) of the rule as adopted.

COMMENT 5: The provision requiring fire extinguishers in areas where sparkling devices are stored or displayed for retail sale (subdivision (e), paragraph (3), of the rule as originally proposed) will be difficult if not impossible and will require an inspection program for said occupancies; such program has not been identified in the regulations.

DOS RESPONSE TO COMMENT 5: DOS disagrees. Section 901.6, item 6, of the Fire Code of New York State would allow the Code Enforcement Official or Building Safety Inspector to require portable fire extinguishers be provided upon discovery of the offering of sparkling devices for sale. In addition, the window allowed by statute for the sale of sparkling devices each year is very small - June 1 through July 5, and December 26 through January 2. The provision in question has been re-numbered as subdivision (f), paragraph (3), of the rule as adopted, and retained with no other change.

COMMENT 6: The provision authorizing a Code Enforcement Official to limit the quantity of sparkling devices at a given location (subdivision (f) in the rule as originally proposed) is unnecessary in light of the guidelines in NFPA 1124. It is also confusing as to whether the limits on quantity provided for in this section are meant to apply to retail sales venues. The balance of the provision (specific to one- or two-family dwellings, townhouses, Group R occupancies) should be retained.

DOS RESPONSE TO COMMENT 6: DOS has reviewed NFPA 1124, and has determined (1) that the guidelines provided in NFPA 1124 are sufficient for retail locations, and (2) that the provision authorizing a Code Enforcement Official to limit the quantity of sparkling devices at a given location should be revised to apply only to one- or two-family dwellings, townhouses, and buildings or structures containing any Group R occupancy. The provision in question has been re-numbered as subdivision (h) and revised to apply only to one- or two-family dwellings, townhouses, and buildings or structures containing any Group R occupancy.

COMMENT 7: Code enforcement officials are not permitted to enter private properties and, therefore, the provision authorizing a Code Enforcement Official to limit the quantity of sparkling devices at a given location (subdivision (f) in the rule as originally proposed) will be impossible to enforce.

DOS RESPONSE TO COMMENT 7: DOS disagrees. Code Enforcement Officials may enter private property under appropriate circumstances, including entry with consent of the owner or entry pursuant to a court-issued search warrant. As stated in DOS Response to Comment 6, above, the provision in question has been re-numbered as subdivision (h) and revised to apply only to one- or two-family dwellings, townhouses, and buildings or structures containing any Group R occupancy.

COMMENT 8: The provisions relating to sparkling device displays (subdivision (g) in the rule as originally proposed), supervision of sparkling device displays (subdivision (h) in the rule as originally proposed), and removal and disposal of sparkling devices that are being manufactured, stored, handled, stored or used in violation of any provision of new section (subdivision (i) in the rule as originally proposed) are not needed because the requirements for public fireworks displays (such as the large Macy's Fireworks show) should already be covered in current law, even if sparkling devices happen to be used in such public fireworks displays.

DOS RESPONSE TO COMMENT 8: Former subdivisions (g), (h), and (i) were based on provisions in the International Fire Code (IFC). Upon further review of those IFC provisions, DOS has determined (1) that the IFC provisions are intended to apply to explosives, magazines, blasting, fireworks displays, or pyrotechnic special effect operations and (2) that application of these IFC provisions to sparking devices is unnecessary. Former subdivisions (g), (h), (i) have been deleted.

COMMENT 9: How is the code enforcement official to know that a sparkling device display is taking place? How will former subdivision (g) be enforceable?

DOS RESPONSE TO COMMENT 9: For the reasons stated in DOS Response to Comment 8, above, former subdivision (g) has been deleted.

COMMENT 10: Regarding the provision requiring the report of accidents to the code enforcement official (subdivision (j) of the rule as originally proposed): What will the code enforcement official do with this information? Will there be a reporting process, a central database and what will be done with the collected information? Who is charged with reporting the incidents? How is this to be accomplished in jurisdictions where there are only part time code officials who will not be on duty?

DOS RESPONSE TO COMMENT 10: Former subdivision (j) was based on a provision in the International Fire Code (IFC). Upon further review of that IFC provision, DOS has determined (1) that the IFC's provision requiring the reporting of accidents to the code enforcement official is indented to apply to accidents involving explosives, explosive materials, and fireworks and (2) that application of a provision requiring the reporting of accidents involving sparkling devices to the code enforcement official is unnecessary. Former subdivision (j) has been deleted.

COMMENT 11: The provision requiring the report of accidents to the code enforcement official (subdivision (j) of the rule as originally proposed) is applicable to manufacturing operations and should be moved to the subdivision relating to removal and disposal of sparkling devices (subdivision (i) of the rule as originally proposed).

DOS RESPONSE TO COMMENT 11: For the reasons stated in DOS Response to Comment 10, above, former subdivision (j) has been deleted.

COMMENT 12: The provision requiring manufacturers of sparkling devices to maintain records of chemicals, chemical compounds and mixtures as required by the U.S. Department of Labor regulations (subdivision (k) of the rule as originally proposed) is applicable to manufacturing operations and should be moved to the subdivision relating to removal and disposal of sparkling devices (former subdivision (i)).

DOS RESPONSE TO COMMENT 12: DOS disagrees. The intent of this provision is to require manufacturers to maintain records required by the U.S. Department of Labor. This provision has been re-numbered as new subdivision (i), has been re-captioned as "Records", and has been retained without other change.

COMMENT 13: A commenter suggested that the provision authorizing the code enforcement official to discontinue the use of sparking devices when a hazardous condition exists (subdivision (m) of the rule as originally proposed) should be revised to prohibit the use of sparkling devices in any Fire Danger Rating Area as shown on the map published by NY State Department of Environmental Conservation (http://www.dec.ny.gov/lands/68329.html) is rated by DEC as being subject to "Extreme (Red)" fire danger conditions or in any area designated by DEC as being subject to "Red Flag" conditions.

DOS RESPONSE TO COMMENT 13: DOS agrees that this revision would provide for a more objective, scientifically based determination of conditions that would require the discontinuance of the use of sparkling devices. The provision in question has been re-numbered as subdivision (d), and revised in a manner similar to that suggested by the commenter, in the rule as adopted.

COMMENT 14: The provision relating to storage of sparkling devices (subdivision (n) of the rule as originally proposed) should be moved to the beginning of the rule as it would cover the full regulatory guidelines that are needed to be compliant with the recently passed legislation and promote safety.

DOS RESPONSE TO COMMENT 14: DOS has re-organized the order of the subdivisions in new Section 1228.3 to improve clarity and enhance enforceability of new Section 1228.3. For example, the provision relating to storage of sparkling devices has been re-numbered as subdivision (g) of the rule as adopted.

COMMENT 15: Is it my understanding that the proposed rule allows for sparking devices is specifically targeting the use within cities and counties but not town and villages. Is this rule intended to require cities and counties to pass a local law, before the local municipality passes their local law, if municipalities within that county or city would like to enforce the proposed law on sparking devices?

DOS RESPONSE TO COMMENT 15: This rule does not purport to provide the mechanism for the legalization of sparkling devices in any county, city, town or village. Those issues are specified in the underlying legislation (Chapter 477 of the Laws of 2014).

COMMENT 16: A commenter asked if there is a "statistically significant marker" that warrants consideration of the proposed rules for sparkling devices, of if this rule reflects an arbitrary decision to control yet another minute aspect of public behavior "for our own good."

DOS RESPONSE TO COMMENT 16: The Legislature has enacted a law that allows cities and counties to legalize the use of sparkling devices. This rule amends the Uniform Code to add provisions relating to buildings and structures where sparkling devices are manufactured, stored, sold or used and to add other provisions intended to reduce the risk of fire associated with the manufacture, storage, sale or use of sparkling devices.

Description of Changes made in the Rule as a result of Comments

This rule will add a new Section 1228.3 to Part 1228 of Title 19 NYCRR. The following changes have been made to the rule as originally proposed:

Subdivision (a) – Scope: No change.

Subdivision (b) - Definitions: The definition of the term "sparkling devices displays" (originally in paragraph 10 of this subdivision) has been deleted.

Subdivision (c) – Other applicable laws: No change.

Former subdivision (d) - Use of Sparkling Devices in or near Buildings or Structures: Former subdivision (d) has been re-numbered as subdivision (e); re-captioned as "Use of ground-based or hand-held devices in or near buildings;" and revised to provide that the provisions of this subdivision apply only to ground-based or hand-held devices, and not to "novelties."

Former subdivision (e) – Retail sales: Former subdivision (e) has been re-numbered as subdivision (f) and revised by (1) removing the prohibi-

tion against allowing members of the public to be able to handle or touch sparkling devices while they are on display for retail sale, and (2) adding a provision making retail sales subject to the provisions of NFPA 1124.

Former subdivision (f) – Limit on quantity: Former subdivision (f) has been re-numbered as subdivision (h) and revised to provide that the code enforcement official's authority to limit the quantity of sparkling devices to be kept or stored at a location applies only to one- and two-family dwellings, townhouses, and buildings containing a Group R occupancy.

Former subdivision (g) – Sparkling device displays: Former subdivision (g), which would have added provisions relating to sparkling device displays, has been deleted.

Former subdivision (h) – Supervision: Former subdivision (h), which would have authorized the code enforcement official to require supervision of any sparkling device display or any other use of sparkling devices, has been deleted.

Former subdivision (i) – Removal and disposal: Former subdivision (i), which would have added provisions relating to the removal and disposal of sparkling devises, has been deleted.

Former subdivision (j) – Report of accidents: Former subdivision (j), which would have required the person using sparkling devices to report any accident involving the use of sparkling devices and resulting in death, personal injury or property damage to the code enforcement official, has been deleted.

Former subdivision (k) - Hazard communication: Former subdivision (k) has been re-numbered as subdivision (i) and re-captioned as "Records", with no other change.

Former subdivision (l) - Manufacture, assembly, and testing of sparkling devices: Former subdivision (l) has been re-numbered as subdivision (j), with no other change.

Former subdivision (m) - Hazardous conditions: Former subdivision (m), which would have required discontinuance of the use of sparkling devices when the code enforcement official or the operator believed that a hazardous condition existed, has been re-numbered as subdivision (d) and revised to provide for a more objective means of determining when "hazardous conditions" warrant suspension of the use of sparkling devices, viz., when the Department of Environmental Conservation has designated the applicable fire danger rating area to be rated "Extreme (Red)" or the subject location to be subject to "Red Flag" conditions.

Former subdivision (n) - Storage of sparkling devices: Former subdivision (n) has been re-numbered as subdivision (g), with no other change.

Former subdivision (o) – Incorporation by reference: Former subdivision (o) has been re-numbered as subdivision (k), with no other change.

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Facility Requirements for Businesses Which Offer Appearance Enhancement Services

I.D. No. DOS-22-15-00017-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 160.16 of Title 19 NYCRR.

Statutory authority: Executive Law, section 91; General Business Law, sections 402(5) and 404

Subject: Facility requirements for businesses which offer appearance enhancement services.

Purpose: Increase ventilation standards for businesses which offer appearance enhancement services.

Text of proposed rule: Section 160.16 of Title 19 of the NYCRR is amended as follows:

160.16 Facilities: ancillary provisions.

In addition to any requirement of the State Uniform Code, State Sanitary Code, State Industrial Code or similar law or regulation, an owner shall provide:

(a) hot and cold running water;

(b) toilet facilities and wash basins for use by clients and employees;

(c) illumination for the safe provision of licensed services;

(d) covered containers for hair, paper and other waste material; [and]

(e) sufficient space or working area to ensure the safety and health for both the operator and client[.]*; and*

(f) ventilation that complies with mechanical ventilation standards for nail salons set forth in the 2010 Mechanical Code of New York State or a more restrictive local standard, if one applies. Additionally, an owner shall ensure that both manicure and pedicure stations are equipped with a source-capture system capable of exhausting not less than 50 cubic-feet-per-minute and with exhaust inlets located 12 inches horizontally and vertically from the point of chemical application. Mechanical ventilation standards at sections 401-403, pages 27-30, of the Mechanical Code of New York State (MCNYS), published August, 2010 by the International Code Council, Inc., are incorporated herein by reference. Copies of the 2010 MCNYS may be obtained from the publisher at:

International Code Council, Inc.
500 New Jersey Avenue, NW, 6th Floor
Washington, D.C. 20001.

Said incorporated sections and pages of the MCNYS may be viewed at:
New York State Department of State
99 Washington Avenue
Albany, NY 12231-0001.

(1) Subdivision (f) of this Section shall apply only to owners who permit the practice of nail specialty.

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

New York Executive Law § 91 and New York General Business Law ("GBL") § § 402(5); 404. Section 91 of the Executive Law authorizes the Secretary of State to: "adopt and promulgate such rules which shall regulate and control the exercise of the powers of the department of state." In addition, Sections 402(5) and 404 of the GBL authorize the Secretary of State to promulgate rules specifically relating to the appearance enhancement industry.

2. Legislative objectives:

Article 27 of the GBL was enacted, inter alia¸ to provide a system of licensure of appearance enhancement businesses and operators that would both allow for the greatest possible flexibility in the establishment of regulated services and implement measures to protect those inextricably entwined in the industry. Consistent with this legislative intent of Article 27, the Department is empowered to issue regulations which protect the general welfare of the public, including licensed nail specialists.

3. Needs and benefits:

The proposed rulemaking amends current requirements relating to appearance enhancement businesses which offer nail specialty services. Specifically, the rulemaking requires that all businesses subject to this rule comply with the 2010 Mechanical Code of New York State or a more restrictive local standard, if one applies. Businesses which obtained a license prior to recent applicable ventilation standards and have not been renovated since obtaining such license are not generally required to comply with more rigorous ventilation codes. This rule would require that all business make improvements to ensure minimum compliance with applicable code. Further, if such business also offers nail specialty services, this rule would require that all manicure and pedicure stations are equipped with a source-capture system capable of exhausting not less than 50 cubic-feet-per-minute and with exhaust inlets located 12 inches horizontally and vertically from the point of chemical application. The rule will afford better working conditions to practitioners whose current conditions may not be adequate. After consulting with the Departments of Health and Labor, as well as advocacy groups, this regulation is needed to help protect the safety and wellbeing of approximately 160,000 licensees who engage in the practice of nail specialty.

4. Costs:

a. Costs to regulated parties:

Any nail salon which newly adapts space for business and structures built or substantially renovated after the implementation of the 2010 Mechanical Code of New York State (Code) must meet the standards set forth therein. However, those businesses and structures which preexist such implementation date need not. It is our understanding that a substantial percentage of such entities are "grandfathered." The majority of commercial building stock in some jurisdictions may be non-compliant. Thus, a substantial number of appearance enhancement business owners will be required to come into compliance with the ventilation requirements of the Code. Costs of compliance will differ depending on many factors, including but not limited to: age of the business, geographic location, and type of structure (i.e., whether the business operates in a standalone building, strip mall, enclosed shopping mall etc…). The Department estimates as little as $500 for a 1,000 square foot strip mall location to many thousands for a business located in a large, outdated commercial building. Assuming compliance with Code standards, the cost of a source capture system unit is estimated to range from $500 to $1500 per station.

b. Costs to the Department of State, the State, and Local Governments:

The Department does not anticipate any additional costs to implement the rule.

5. Local government mandates:
The rule does not impose any program, service, duty or responsibility upon any county, city, town, village, school district or other special district.
6. Paperwork:
The rule does not impose any new paperwork requirement on licenses.
7. Duplication:
This rule does not duplicate, overlap or conflict with any other state or federal requirement.
8. Alternatives:
The Department considered not proposing the instant rulemaking. It was determined, however, this rule is needed to protect the health and safety of a significant population of practitioners who are often subject to substandard workplace conditions.
9. Federal standards:
The proposed amendments do not exceed any minimum standards of the federal government for the same or similar subject areas.
10. Compliance schedule:
The rule will be effective upon publication of the Notice of Adoption in the State Register. The Department anticipates that upon publication of this Notice of Proposed Rulemaking, interested parties will be involved with the rulemaking process and will have sufficient opportunity to ensure that places of business which offer nail specialty services are in compliance with applicable code.

Regulatory Flexibility Analysis

1. Effect of rule:
The proposed rulemaking amends current requirements relating to places of business where appearance enhancement services are offered with additional requirements where such places also provide nail specialty services. Specifically, the rulemaking requires that all businesses subject to this rule comply with applicable mechanical ventilation standards. Businesses which obtained a license prior to recent applicable ventilation standards and have not been renovated since obtaining such license are not generally required to comply with more rigorous ventilation codes. This rule would require that all business make improvements to ensure that the business premises meet the ventilation standards set forth in the 2010 Mechanical Code of the State of New York. Further, if such business also offers nail specialty services, this rule would require that all manicure and pedicure stations are equipped with a source-capture system capable of exhausting not less than 50 cubic-feet-per-minute and with exhaust inlets located 12 inches horizontally and vertically from the point of chemical application.
This rule will improve the health and wellbeing of approximately 160,000 licensees who practice nail specialty.
The rule does not apply to local governments.
2. Compliance requirements:
Businesses which obtained a license pre-2010 and which have not renovated such place of business may be obligated to install new ventilation systems to code.
3. Professional services:
The Department does anticipate that businesses may have to retain design professionals which may include mechanical contractors, to ensure such business is compliant with applicable ventilation codes. In addition, if in the event such business is not compliant, the Department anticipates that engineers or contractors, may be required to bring the place of establishment into code.
4. Compliance costs:
Any nail salon which newly adapts space for business and structures built or substantially renovated after the implementation of the 2010 Mechanical Code of New York State (Code) must meet the standards set forth therein. However, those businesses and structures which preexist such implementation date need not. It is our understanding that a substantial percentage of such entities are "grandfathered." The majority of commercial building stock in some jurisdictions may be non-compliant. Thus, a substantial number of appearance enhancement business owners will be required to come into compliance with the ventilation requirements of the Code. Costs of compliance will differ depending on many factors, including but not limited to: age of the business, geographic location, and type of structure (i.e., whether the business operates in a stand-alone building, strip mall, enclosed shopping mall etc…). We estimate as little as $500 for a 1,000 square foot strip mall location to many thousands for a business located in a large, outdated commercial building. Assuming compliance with Code standards, the cost of a source capture system unit is estimated to range from $500 to $1500 per station.
5. Economic and technological feasibility:
Insomuch as the relevant mechanical codes and capture systems already exist the Department finds that it can be economically and technically feasible for those businesses which will be affected by this rule to comply.
6. Minimizing adverse impact:
The Department did not identify any alternatives which would achieve the results of the proposed rule and at the same time be less restrictive and less burdensome in terms of compliance. The Department has consulted with Department of Labor, Department of Health as well as several advocacy groups and finds this rule is necessary for the wellbeing of those who engage in the practice of nail specialty.
7. Small business and local government participation:
The Department, in conjunction with the Governor's Task Force to Stop Wage Theft, Unsafe Working Conditions and Unlicensed Businesses ("Task Force") in the nail salon industry, has consulted with small business interests which may be affected by this rule. The Korean American Nail Salon Association of New York, which represents a significant number of nail salon owners, was consulted as part of the Task Force's efforts. Although this particular proposal was not presented, the group was, generally, supportive and amenable to the changes discussed. The publication of the rule in the State Register will provide further notice of the proposed rulemaking to all interested parties. Additional comments will be received and entertained during the public comment period associated with this Notice of Proposed Rulemaking.
8. Compliance:
This rule will be effective upon adoption.
9. Cure period:
The Department is not providing for a cure period prior to enforcement of these regulations. The Department anticipates that upon Notice of Proposed Rulemaking that interested parties will be involved with the rulemaking process and will have sufficient opportunity to ensure that places of business which offer nail specialty services are in compliance with applicable code.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas:
The rule will apply to appearance enhancement businesses that are licensed pursuant to Article 27 of the General Business Law. The Department of State (the "Department") currently licenses approximately 30,000 such businesses, many of which operate in rural areas. Licensed owners are responsible for complying with this rule. Businesses which do not comply with the applicable code will be required to come into compliance. Further, owners who permit the practice of nail services will be required to ensure that both manicure and pedicure stations are equipped with a source-capture system capable of exhausting not less than 50 cubic-feet-per-minute and with exhaust inlets located 12 inches horizontally and vertically from the point of chemical application.
2. Reporting, recordkeeping and other compliance requirements; and professional services:
The Department does not anticipate any additional reporting or recordkeeping will be required to comply with this rule. The Department does anticipate that businesses in rural areas will have to retain code compliance specialists, to ensure such business is compliant with applicable ventilation codes. In addition, if in the event such business is not compliant, the Department anticipates professional engineering services will be required to bring the place of establishment into code.
3. Costs:
Any nail salon which newly adapts space for business and structures built or substantially renovated after the implementation of the 2010 Mechanical Code of New York State (Code) must meet the standards set forth therein. However, those businesses and structures which preexist such implementation date need not. It is our understanding that a substantial percentage of such entities are "grandfathered." The commercial building stock in some jurisdictions may range as high as 90% non-compliant. Thus, a substantial number of appearance enhancement business owners will be required to come into compliance with the ventilation requirements of the Code. Costs of compliance will differ depending on many factors, including but not limited to: age of the business, geographic location, and type of structure (i.e., whether the business operates in a stand-alone building, strip mall, enclosed shopping mall etc…). We estimate as little as $500 for a 1,000 square foot strip mall location to many thousands for a business located in a large, outdated commercial building. Assuming compliance with Code standards, the cost of a source capture system unit is estimated to range from $500 to $1500 per station.
4. Minimizing adverse impact:
The proposed rulemaking will improve the health and wellbeing of approximately 160,000 licensees who practice nail specialty. The Department has consulted with Department of Labor, Department of Health as well as several advocacy groups, but did not identify any alternatives which would achieve the results of the proposed rules and at the same time be less restrictive and less burdensome in terms of compliance.
5. Rural area participation:
No significant comments have been received regarding the proposed rulemaking. Publication of the Notice in the State Register will provide notice of the proposed rulemaking to all interested parties, including those in rural areas. Additional comments will be received and entertained during the public comment period associated with this Notice of Proposed Rulemaking.

Job Impact Statement

1. Nature of impact:

The proposed rulemaking amends current requirements relating to places of business where appearance enhancement services are offered with additional requirements where such places also provide nail specialty services. Specifically, the rulemaking requires that all businesses subject to this rule comply with the 2010 Mechanical Code of New York State or a more restrictive local standard, if one applies. Businesses which obtained a license prior to recent applicable ventilation standards and have not been renovated since obtaining such license are not generally required to comply with more rigorous ventilation codes. This rule would require that all business make improvements to ensure minimum compliance with applicable code. Further, if such business also offers nail specialty services, this rule would require that all manicure and pedicure stations are equipped with a source-capture system capable of exhausting not less than 50 cubic-feet-per-minute and with exhaust inlets located 12 inches horizontally and vertically from the point of chemical application. The rule will afford better working conditions to practitioners whose current conditions may not be adequate.

2. Categories and numbers affected:

There are approximately 30,000 licensees which would potentially be subject to this rulemaking. That number should be reduced by the number of licensees who obtained a license after 2010 or who obtained a license pre-2010 but have since undergone a renovation which required such business to comply with the newer applicable code.

3. Regions of adverse impact:

The proposed rulemaking will not have any disproportionate regional adverse impact on jobs or employment opportunities.

4. Minimizing adverse impact:

The proposed rulemaking will improve the health and wellbeing of approximately 160,000 licensees who practice nail specialty. The Department has consulted with Department of Labor, Department of Health as well as several advocacy groups, but did not identify any alternatives which would achieve the results of the proposed rules and at the same time be less restrictive and less burdensome in terms of compliance.

Office of Temporary and Disability Assistance

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Supplemental Nutrition Assistance Program

I.D. No. TDA-22-15-00005-P

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

Proposed Action: Amendment of section 387.1; and addition of section 387.25 to Title 18 NYCRR.

Statutory authority: 7 USC section 2020(s); Social Services Law, sections 20(3)(d) and 95

Subject: Supplemental Nutrition Assistance Program.

Purpose: Update regulations for the Transitional Benefits Alternative program.

Text of proposed rule: Subdivisions (ll), (mm) and (nn) of section 387.1 of Title 18 NYCRR are amended to read as follows:

(ll) *Transitional Benefits Alternative (TBA) provides five months of transitional SNAP benefits to eligible households after they leave the family assistance and/or safety net assistance program pursuant to the requirements set forth in section 387.25 of this Part.*

(mm) Transitional SNAP benefits are SNAP benefits allotted to eligible TBA households pursuant to section 387.25 of this Part for five months immediately following the month in which the household's case for family assistance and/or safety net assistance was closed.

(nn) Verification is the process of obtaining information which establishes the accuracy of information provided by the applicant/recipient.

[(mm)] *(oo)* Veteran means a person who served in the active military, naval, or air service of the United States, and who was discharged or released therefrom under conditions other than dishonorable.

[(nn)] *(pp)* United States Department of Agriculture (USDA) is the Federal agency responsible for the administration of [the food stamp program] *SNAP*.

A new section 387.25 is added to Title 18 NYCRR to read as follows:

387.25 Transitional Supplemental Nutrition Assistance Program Benefits

Transitional Benefits Alternative (TBA) provides five months of transitional SNAP benefits to eligible households after they leave the family assistance and/or safety net assistance program pursuant to the requirements set forth in this section.

(a) Eligible Households. Transitional SNAP benefits must be provided to eligible SNAP households as set forth below:

(1) Family Assistance. Households leaving family assistance except for those excluded under subdivision (b) of this section.

(2) Safety Net Assistance. Households leaving safety net cash or safety net federally non-participating programs, except for those excluded under subdivision (b) of this section, who meet each of the following conditions:

(i) The household must include at least one child who is:

(a) Under 22 years of age and living with a parent; or

(b) Under 18 years of age and under the parental control of an adult member of the household; or

(c) Under 18 years of age and is a minor head of household at the time of the safety net case closing.

(ii) The child/children do not need to be participating in either the safety net case or the SNAP case at the time of the safety net case closing.

(iii) The child/children must be verified with the social services district as active, sanctioned or inactive household members at the time of the safety net case closing.

(iv) Eligibility for TBA cannot be established subsequent to the safety net case closing.

(3) Eligible households as determined in paragraphs (1) and (2) of this subdivision who have a member(s) participating in an employment program that provides wages that are funded or reimbursed, at least in part, through a grant diversion program that diverts the household's entire family assistance or safety net assistance grant ($0 cash grant case) are considered to have left family assistance and/or safety net assistance for the purpose of TBA eligibility.

(b) Ineligible Households. Transitional SNAP benefits must not be provided when one of the following conditions exists:

(1) The household is not in receipt of SNAP benefits at the time of the closing;

(2) A household member is not compliant with a family assistance or safety net assistance requirement, and the State agency or social services district is imposing a comparable SNAP sanction;

(3) A household member is currently in violation of a SNAP work requirement;

(4) A household member is currently disqualified from participation in the family assistance program, the safety net assistance program or SNAP for an intentional program violation;

(5) A household's SNAP case is closing for failure to comply with SNAP reporting requirements;

(6) No household member is eligible to participate in SNAP; or

(7) A safety net assistance household has not reported and verified the residence of a child, as required by subparagraph (iii) of paragraph (2) of subdivision (a) of this section, at the time of the safety net case closing.

(c) TBA Transition Period. The social services district provides five months of transitional SNAP benefits.

(1) The transitional SNAP benefits are issued to TBA eligible households for a period of five months following the closing of the public assistance case even if it results in the shortening or the extending of a household's currently assigned certification period, unless:

(i) A household has recertified for SNAP benefits as a result of voluntarily reporting a change that resulted in an increase in SNAP benefits; or

(ii) A household has a member or members who begin receiving family assistance or safety net assistance. This includes a household under a grant diversion program who begins receiving a cash grant.

(2) As provided in paragraph (1) of this subdivision, the TBA transition period will end after a household has been issued transitional SNAP benefits for a period of five months, except that:

(i) for a household that recertifies for SNAP benefits, as provided in subparagraph (i) of paragraph (1) of this subdivision, the household's TBA transition period will end the last day of the month immediately preceding the first month of the new certification period;

(ii) for a household that has a member who begins receiving either family assistance or safety net assistance, as provided in subparagraph (ii) of paragraph (1) of this subdivision, on or before the twentieth day of the month, the household's TBA transition period will end no later than the last day of the month in which the household member begins receiving such assistance; and

(iii) for a household that has a member who begins receiving either

family assistance or safety net assistance, as provided in subparagraph (ii) of paragraph (1) of this subdivision, after the twentieth day of the month, the household's TBA transition period will end no later than the last day of the month following the month in which the household member begins receiving such assistance.

(d) Calculation of Transitional SNAP Benefits. All transitional SNAP benefits will be calculated by removing the public assistance income from the SNAP budget in effect immediately prior to the closing of the public assistance case; all other budget factors will remain the same. The SNAP budget then will be recalculated to establish the transitional SNAP benefit amount. Transitional SNAP benefits will remain at the established level for five months, unless the household's TBA benefits are discontinued pursuant to paragraph (1) of subdivision (c) of this section.

(e) Reporting Requirements and Reporting Changes.

(1) TBA households are not required to report changes during the five-month TBA transition period.

(2) TBA households may voluntarily report changes. Only changes that will result in an increase in benefits and that are authorized through a recertification of the household will be enacted.

(f) Recertification.

(1) TBA households must recertify for SNAP benefits in order to continue to receive SNAP benefits after the five-month TBA transition period.

(2) TBA households must be allowed to file a recertification at any time during the five-month TBA transition period.

(i) Only a client-requested recertification that will result in an increase in SNAP benefits will be enacted to end the five-month TBA transition period.

(ii) The increased SNAP benefits will be issued for the new certification period that will begin the month after the month in which the household completes all recertification requirements.

(iii) Unless conducted on the same day as the recertification filing date, client-requested recertification interviews must be scheduled as soon as possible, but no later than ten days prior to the end of the month following the month in which the recertification is requested.

(iv) TBA households that fail to appear for a scheduled interview must have their transitional SNAP benefits continue until the end of the five-month TBA transition period.

(v) TBA households that request an early recertification, but fail to provide required verification or that report changes that would result in a decrease in SNAP benefits, will continue to receive transitional SNAP benefits unchanged until the end of the five-month TBA transition period.

(g) Notice Requirements. At the commencement of the TBA transition period, a notice must be issued advising the household of the following:

(1) The amount of the TBA benefits.

(2) The length of the TBA transition period.

(3) TBA households will receive the same TBA benefit amount until the end of the TBA transition period.

(4) TBA households are not required to report any changes until the recertification at the end of the TBA transition period.

(5) TBA households may report changes if income decreases or if expenses or household size increase.

(6) TBA households may request an early recertification.

(7) TBA households with a member or members who begin receiving family assistance or safety net assistance lose eligibility for TBA.

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:

Section 2020 of Title 7 of the United States Code (7 USC § 2020) provides a transitional benefits option under the Supplemental Nutrition Assistance Program (SNAP).

7 USC § 2020(s)(1) provides the transitional SNAP benefits option to all States in order to assist households with children that are leaving federally-funded cash assistance programs or State-funded cash assistance programs.

7 USC § 2020(s)(2) provides that a household may receive transitional SNAP benefits for a period of not more than five months after the date on which the household's cash assistance is terminated.

7 USC § 2020(s)(3) provides that during the five-month transitional benefits period, a household will receive an amount of SNAP benefits equal to the allotment received in the month immediately preceding the date on which case assistance was terminated, adjusted for the change in household income as a result of the termination of cash assistance. This adjustment always results in a benefit equal to or greater than the allotment received immediately preceding the date on which case assistance was terminated.

7 USC § 2020(s)(4) provides that in the final month of the transitional benefits period, the State agency may require the household to cooperate in a recertification of eligibility for SNAP benefits and initiate a new certification period for the household without regard to whether the preceding certification period has expired. The household must recertify and be found eligible to continue to receive SNAP benefits.

7 USC § 2020(s)(5) provides that a household shall not be eligible for transitional SNAP benefits under the following circumstances: if the household loses eligibility for SNAP benefits pursuant to the eligibility disqualifications set forth in 7 USC § 2015; if the household is sanctioned for failure to perform an action required by federal, State or local law relating to its cash assistance program; or if the household is a member of any other category of households designated by the State agency as ineligible for transitional benefits.

7 USC § 2020(s)(6)(A) provides that a household receiving transitional SNAP benefits may apply for recertification at any time during the five-month transitional benefits period. Recertifications are processed only when there is a client requested recertification that will result in an increase in SNAP benefits.

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 § 95 authorizes OTDA to administer SNAP in New York State and to perform such functions as may be appropriate, permitted or required by or pursuant to federal law.

Executive Order No. 17, signed by Governor Paterson on April 27, 2009, required each State agency to review its existing regulations and report on proposed changes to the regulations that would reduce the impact of existing mandates on local governments. This regulatory proposal is being promulgated consistent with Executive Order No. 17.

2. Legislative objectives:

It has been the intent of Congress to ease the transition period from reliance on public assistance programs to financial independence by providing additional SNAP benefits to families who are attempting to improve their financial well-being.

3. Needs and benefits:

OTDA originally implemented the Transitional Benefits Alternative (TBA) program for SNAP in December 2001. Since that time, OTDA has found the TBA program to be very beneficial for both families and the social services districts. The TBA program provides additional federally-funded SNAP benefits to certain households with children that are leaving cash assistance programs. These additional benefits help families meet their nutritional needs while making the transition from cash assistance to employment. The TBA program also provides administrative ease to the social services districts by requiring fewer recipient recertifications, easier budget calculations and less paperwork. As a result of its favorable impact, the TBA program has received the support of recipients, advocates and the social services districts.

The TBA program is a federal option available to all States. Originally, the federal government permitted the States to provide three months of transitional SNAP benefits to certain families leaving federally-funded cash assistance programs. In December 2001, New York State became the first State to implement the TBA program for eligible families leaving federally-funded cash assistance programs. The implementation of the TBA program in New York State permitted many households with earnings to receive additional months of SNAP benefits that they otherwise would not have been eligible for, thereby easing the transition from public assistance to employment.

The federal government then simplified the TBA program by establishing a five-month transitional benefits period, providing a standard transitional benefit computation and eliminating reporting requirements during the five-month transitional benefits period. In October 2002, OTDA implemented these changes to its TBA program and thereby eased requirements on both recipients and social services districts by reducing the number of recertifications, simplifying budget calculations and limiting the amount of required paperwork.

The Food, Conservation and Energy Act of 2008 enabled States to expand the TBA program to include households with children leaving State-funded cash assistance programs. As a result of the TBA program's prior success and due to encouragement from the social services districts, OTDA implemented this expansion in December 2009 so that households with children could potentially be eligible for the TBA program whether they were leaving federally-funded cash assistance programs or State-funded cash assistance programs.

The proposed amendments would assist recipients leaving cash assistance by setting forth eligibility requirements that households must satisfy to be eligible for transitional SNAP benefits, as well as clarifying criteria

that would render any household ineligible for such benefits. The proposed regulations would provide details regarding the five-month transitional benefits period and the standard calculation for transitional SNAP benefits. Guidance would be provided to recipients regarding the voluntary reporting of changes in circumstances during the five-month transitional benefits period and the potential outcomes of such reporting. Lastly, the proposed amendments would address recertification at the end of the five-month transitional benefits period and the notices that must be provided by OTDA to all TBA households.

4. Costs:

The proposed amendments would not impose initial costs or any annual costs upon New York State or the social services districts to comply with the regulatory enactment of the TBA program. Since the proposed amendments would simply clarify the existing requirements of the TBA program, there would be no costs associated with the proposed changes.

5. Local government mandates:

Experience has shown that the TBA program eases local mandates in three significant ways. First, the TBA authorization period is automatic for qualifying households and lasts for up to five months. This transitional benefits period controls costs by significantly limiting the number of interviews and recertification forms that need to be processed by social services districts. Second, the TBA program provides a simplified transitional benefit computation. Social services districts calculate the TBA amount for households by removing the public assistance income from the SNAP budget in effect immediately prior to the closing of the public assistance case. No other changes or budget comparisons are made when calculating transitional SNAP benefit amounts. Third, households in receipt of TBA are not required to report any changes during the transitional benefits period. This eases the social services districts' responsibility to handle paperwork and verify changes in household circumstances.

6. Paperwork:

The proposed amendments would not impose any new forms or new reporting requirements.

7. Duplication:

The proposed amendments would not conflict with any existing State or federal statutes or regulations.

8. Alternatives:

One alternative is not to update State regulations to reflect the requirements of the TBA program. However, this alternative is not a viable option. Social services districts and recipients would both benefit if the requirements of the TBA program were set forth in State regulations.

Another alternative is to eliminate the TBA program in New York State. However, this alternative is not a viable option. The TBA program has been a successful means of providing nutritional assistance to families who are transitioning from public assistance programs to employment and self-sufficiency. Prior to the implementation of the TBA program, many households, particularly those leaving public assistance due to earnings, would lose eligibility for SNAP benefits or would request to close their SNAP cases when their public assistance ended. The implementation of the TBA program permitted many of these households to receive five additional months of SNAP benefits that they otherwise would not have been eligible for, thereby easing the transition from public assistance to employment. Also the TBA program has reinforced public awareness that eligibility for SNAP benefits can continue after the end of eligibility for public assistance.

9. Federal standards:

The proposed amendments do not conflict with the federal standards set forth in 7 USC § 2020(s).

10. Compliance schedule:

Since the proposed amendments would simply clarify the existing requirements of the TBA program in New York State, all social services districts would be in compliance with the proposed amendments upon their effective date.

Regulatory Flexibility Analysis

1. Effect of Rule:

The proposed amendments would have no effect on small businesses. However, the proposed amendments would benefit the fifty-eight social services districts in the State by updating State regulations to reflect the requirements of the TBA program.

2. Compliance Requirements:

The proposed amendments would not impose any reporting, recordkeeping or other compliance requirements on the social services districts.

3. Professional Services:

The proposed amendments would not require the social services districts to hire additional professional services to comply with the new regulations. It is noted that the calculation of TBA budgets and the resulting issuances of transitional SNAP benefits are mostly automated processes in New York City and the rest of the State using OTDA's Welfare Management System.

4. Compliance Costs:

The proposed amendments would not impose initial capital costs or any annual costs upon the social services districts to comply with the regulatory enactment of the TBA program. Since the proposed amendments would simply clarify the existing requirements of the TBA program in New York State, there would be no costs associated with the proposed changes.

5. Economic and Technological Feasibility:

All social services districts have the economic and technological ability to comply with these regulations.

6. Minimizing Adverse Impact:

The proposed amendments would not have an adverse impact on social services districts.

7. Small Business and Local Government Participation:

Social services districts have supported the TBA program as a simplification initiative because it eases administrative mandates for them. They have consistently encouraged the extension of the TBA program. In 2009 OTDA developed an Administrative Directive (09-ADM-22) to address the federal government's most recent expansions of the TBA program. All of the social services districts had an opportunity to review and comment on 09-ADM-22 prior to its official release. At that time, the social services districts did not raise any concerns or objections to the TBA program.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas:

The proposed amendments would benefit the forty-four social services districts in rural areas of the State by updating State regulations to reflect the requirements of the TBA program.

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

The proposed amendments would not impose any reporting, recordkeeping or other compliance requirements on the social services districts in rural areas. Such districts would not need to hire additional professional services to comply with the proposed regulations. It is noted that the calculation of TBA budgets and the resulting issuance of transitional SNAP benefits are mostly automated processes in New York City and the rest of the State using OTDA's Welfare Management System.

3. Costs:

The proposed amendments would not impose initial capital costs or any annual costs upon the social services districts in rural areas to comply with the regulatory enactment of the TBA program. Since the proposed amendments would simply clarify the existing requirements of the TBA program in New York State, there would be no costs associated with the proposed changes.

4. Minimizing adverse impact:

The proposed amendments would not have an adverse impact on the social services districts in rural areas.

5. Rural area participation:

Social services districts, including those in rural areas, have supported the TBA program as a simplification initiative because it eases administrative mandates for them. They have consistently encouraged the extension of the TBA program. In 2009 OTDA developed an Administrative Directive (09-ADM-22) to address the federal government's most recent expansions of the TBA program. All of the social services districts, including those in rural areas, had an opportunity to review and comment on 09-ADM-22 prior to its official release. At that time, the social services districts, including those in rural areas, did not raise any concerns or objections to the TBA program.

Job Impact Statement

A Job Impact Statement is not required for the proposed amendments. It is apparent from the nature and purpose of the proposed amendments that they would not have a substantial adverse impact on jobs and employment opportunities in the State. The proposed amendments would not affect in any real way the jobs of the workers in the social services districts. The regulatory enactment of the TBA program would clarify the State's current TBA policies and procedures and not impose any additional mandates or costs upon the State or the social services districts.

HEARINGS SCHEDULED FOR PROPOSED RULE MAKINGS

Agency I.D. No.	Subject Matter	Location—Date—Time
Agriculture and Markets, Department of		
AAM-22-15-00004-EP	Importation of poultry, that have not been determined to be free of avian influenza, into the State	Department of Agriculture and Markets, 10B Airline Dr., Albany, NY—July 23, 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
AAM	**01**	**12**	**00001**	**P**

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ADIRONDACK PARK AGENCY			
APA-05-15-00006-P	03/04/16	Emergency projects	The purpose of the proposed rule is to define when jurisdictional land use and development constitutes an emergency project
AGRICULTURE AND MARKETS, DEPARTMENT OF			
AAM-05-15-00002-P	02/04/16	Incorporation by reference of the 2013 edition of the Grade A Pasteurized Milk Ordinance (''PMO'')	To require certain producers, processors and manufacturers of milk and milk products to comply with the 2013 edition of the PMO
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
AAM-21-15-00004-EP	05/26/16	Species of ash trees, parts thereof and products and debris therefrom which are at risk for infestation by the emerald ash borer	To limit the emerald ash borer quarantine to 14 restricted zones where infestations exist
AAM-22-15-00004-EP	07/22/16	Importation of poultry, that have not been determined to be free of avian influenza, into the State	To minimize the incidence of avian influenza in the State's poultry population
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
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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
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
CIVIL SERVICE, DEPARTMENT OF			
CVS-25-14-00003-P	06/25/15	Jurisdictional Classification	To classify a position in the exempt class
CVS-30-14-00006-P	07/30/15	Jurisdictional Classification	To classify a position in 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

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CIVIL SERVICE, DEPARTMENT OF			
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
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
COMMISSIONER OF PILOTS, BOARD OF			
COP-15-15-00014-P	exempt	Supplementary fees--Port of New York	Establishes rates and charges for pilotage in the Port of New York
CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF			
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
CRIMINAL JUSTICE SERVICES, DIVISION OF			
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
ECONOMIC DEVELOPMENT, DEPARTMENT OF			
EDV-46-14-00001-EP	11/19/15	Empire State Musical and Theatrical Production Tax Credit Program	Establish application procedures for the Empire State Musical and Theatrical Production Tax Credit Program
EDV-03-15-00001-P	01/21/16	Empire State Post Production Tax Credit Program	Establish application procedure for the Empire State Post Production Tax Credit Program
EDUCATION DEPARTMENT			
EDU-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-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
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
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 Progreess (AYP) and Local Assistance Plan (LAP) schools
EDU-22-15-00012-EP	06/02/16	Teacher Certification	To provide a safety net for candidates who take the new teacher certification examinations (ALST, EAS, and the redeveloped CSTs) and to extend the time validity of the existing edTPA safety net
ELECTIONS, STATE BOARD OF			
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
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
ENV-31-14-00006-P	10/14/15	Petroleum Bulk Storage (PBS) and Used Oil Management	To harmonize existing State requirements with overlapping Federal requirements
ENV-31-14-00007-P	10/14/15	Chemical Bulk Storage	To amend existing CBS rule to be at least as stringent as EPA federal rule (40 CFR 280) and include NYS 2008 statutory changes
ENV-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-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
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
ENV-21-15-00010-P	05/26/16	Emerald Ash Borer Quarantine	To restrict EAB to 14 restricted zones where infestations exist

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
FINANCIAL SERVICES, DEPARTMENT OF			
DFS-29-14-00014-P	07/23/15	Title insurance agents, affiliated relationships, and title insurance business	To implement requirements of Chapter 57 of Laws of NY 2014 re: title insurance agents and placement of title insurance business
DFS-29-14-00015-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-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)
GAMING COMMISSION, NEW YORK STATE			
SGC-28-14-00006-EP	07/16/15	Implementation of rules pertaining to gaming facility request for application and gaming facility license application	To facilitate a fair and transparent process for applying for a license to operate a gaming facility
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
GENERAL SERVICES, OFFICE OF			
GNS-36-14-00001-P	09/10/15	Procurement of New York State food products	To provide guidance to State Agencies as to how they procure food
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
HEALTH, DEPARTMENT OF			
*HLT-14-94-00006-P	exempt	Payment methodology for HIV/AIDS outpatient services	To expand the current payment to incorporate pricing for services
HLT-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
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
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.
HLT-22-15-00016-P	06/02/16	Chronic Renal Dialysis Services (CRDS)	To update the CRDS provisions concerning Medicare and Medicaid Programs for coverage for End Stage Renal Disease Facilities

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JOINT COMMISSION ON PUBLIC ETHICS, NEW YORK STATE			
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
LABOR, DEPARTMENT OF			
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
LAB-21-15-00009-P	05/26/16	Methods of Payment of Wages	This regulation provides clarification and specification as to the permissible methods of payment, including payroll debit cards
LIQUOR AUTHORITY, STATE			
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
LONG ISLAND POWER AUTHORITY			
*LPA-08-01-00003-P	exempt	Pole attachments and related matters	To approve revisions to the authority's tariff
*LPA-41-02-00005-P	exempt	Tariff for electric service	To revise the tariff for electric service
*LPA-04-06-00007-P	exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan
*LPA-03-10-00004-P	exempt	Residential late payment charges	To extend the application of late payment charges to residential customers
LPA-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
MOTOR VEHICLES, DEPARTMENT OF			
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-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
MTV-21-15-00002-P	05/26/16	Insurance ID cards	To accept insurance ID cards for up to 180 days from effective date for part of the vehicle registration process
NIAGARA FALLS WATER BOARD			
*NFW-04-13-00004-EP	exempt	Adoption of Rates, Fees and Charges	To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders
*NFW-13-14-00006-EP	exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR			
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
PDD-22-15-00006-EP	06/02/16	Costs of Real Property	To allow OPWDD to pay lease or property costs not otherwise allowed in existing regulations.
POWER AUTHORITY OF THE STATE OF NEW YORK			
*PAS-01-10-00010-P	exempt	Rates for the sale of power and energy	Update ECSB Programs customers' service tariffs to streamline them/include additional required information
PAS-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
PUBLIC SERVICE COMMISSION			
*PSC-28-97-00032-P	exempt	General service by Central Hudson Gas & Electric Corporation	To limit certain special provisions
*PSC-34-97-00009-P	exempt	Collection agency fees by Consolidated Edison Company of New York, Inc.	To pass collection agency fees on to the customer
*PSC-04-98-00015-P	exempt	Interconnection service overcharges by Niagara Mohawk Power Corporation	To consider a complaint by Azure Mountain Power Co.
*PSC-19-98-00008-P	exempt	Call forwarding by CPU Industries Inc./MKL Net, et al.	To rehear the petition
*PSC-02-99-00006-EP	exempt	Intralata freeze plan by New York Telephone Company	To approve the plan
*PSC-09-99-00012-P	exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-50-99-00009-P	exempt	Retail access uniform business practices by The Brooklyn Union Gas Company and KeySpan Gas East Corporation d/b/a Brooklyn Union of Long Island	To approve a joint petition requesting a waiver extension of a requirement set forth in the commission's order
*PSC-52-99-00006-P	exempt	Wide area rate center calling	To implement number conservation measures
*PSC-12-00-00001-P	exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-14-00-00004-EP	exempt	NXX code in the 716 NPA by Broadview Networks	To assign an NXX code in Buffalo
*PSC-14-00-00026-P	exempt	Interconnection agreement between New York Telephone Company d/b/a Bell Atlantic-New York and Media Log, Inc.	To review the terms and conditions of the negotiated agreement

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-14-00-00027-P	exempt	Interconnection agreement between New York Telephone Company d/b/a Bell Atlantic-New York and Pilgrim Telephone, Inc.	To review the terms and conditions of the negotiated agreement
*PSC-14-00-00029-P	exempt	Interconnection agreement between New York Telephone Company d/b/a Bell Atlantic-New York and CoreComm New York, Inc.	To review the terms and conditions of the negotiated agreement
*PSC-16-00-00012-P	exempt	Termination of local telecommunications traffic by Hyperion Communications of New York, Inc.	To determine appropriate compensation levels
*PSC-21-00-00007-P	exempt	Initial tariff schedule by Drew Road Association	To set forth the rates, charges, rules and regulations
*PSC-31-00-00026-P	exempt	Water service by Windover Water Works	To abandon the water system
*PSC-33-00-00010-P	exempt	Electric rate and restructuring plan by Rochester Gas and Electric Corporation	To evaluate possible modifications
*PSC-36-00-00039-P	exempt	Steam increase by Consolidated Edison Company of New York, Inc.	To provide for an annual increase in the first year of a proposed four-year rate plan
*PSC-37-00-00001-EP	exempt	Interruptible gas customers	To ensure customers have an adequate supply of alternative fuel available
*PSC-39-00-00004-P	exempt	Blockable central office codes by PaeTec Communications, Inc.	To review the commission's requirements for assignment of numbering resources
*PSC-44-00-00014-P	exempt	Recovery of costs through adjustment mechanisms by Consolidated Edison Company of New York, Inc.	To permit the recovery of certain costs
*PSC-49-00-00007-P	exempt	Gas sales and purchases by Corning Natural Gas Corporation	To determine whether certain gas sales and purchases were in the public interest and whether customers should bear the resulting costs
*PSC-01-01-00023-P	exempt	Installation, maintenance and ownership of service laterals by Rochester Gas and Electric Corporation	To update and clarify the provisions
*PSC-06-01-00009-P	exempt	Uniform system of accounts by Rochester Gas and Electric Corporation	To defer an item of expense beyond the end of the year in which it was incurred
*PSC-13-01-00001-P	exempt	Request for accounting authorization by Rochester Gas and Electric Corporation	To defer an item of expense beyond the end of the year in which it was incurred
*PSC-13-01-00002-P	exempt	Request for accounting authorization by Rochester Gas and Electric Corporation	To defer an item of expense beyond the end of the year in which it was incurred
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-36-01-00010-P	exempt	Competitive metering by eBidenergy.com	To clarify meter ownership rules and requirements
*PSC-44-01-00005-P	exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-01-02-00007-P	exempt	Accounting and rate treatment of proceeds by Consolidated Edison Company of New York, Inc.	To consider proceeds from sale of nuclear generating facilities
*PSC-05-02-00005-P	exempt	Uniform system of accounts by Consolidated Edison Company of New York, Inc.	To defer expenditures incurred in connection with emergency response services affected by the World Trade Center disaster
*PSC-06-02-00015-P	exempt	Network reliability performance mechanism by Consolidated Edison Company of New York, Inc.	To earn rewards for meeting the targets of the network reliability performance mechanism
*PSC-07-02-00032-P	exempt	Uniform business practices	To consider modification
*PSC-29-02-00014-P	exempt	Financing by Valley Energy, Inc.	To issue a note and allocate costs
*PSC-49-02-00021-P	exempt	Requests for lightened regulation by PSEG Power Bellport, LLC	To consider the company's request
*PSC-08-03-00009-P	exempt	Provision of gas service to World Kitchen Incorporated	To establish terms and conditions
*PSC-09-03-00012-P	exempt	Incremental service line installations by New York State Electric & Gas Corporation	To revise the current flat rate per foot charged
*PSC-09-03-00014-P	exempt	Deferral accounting by Consolidated Edison Company of New York, Inc. and Orange and Rockland Utilities, Inc.	To defer expense items beyond the end of the year(s) in which they were incurred
*PSC-11-03-00012-P	exempt	Economic development plan by New York State Electric & Gas Corporation	To consider the plan
*PSC-18-03-00004-P	exempt	Lightened regulation by East Hampton Power and Light Corporation (EHPLC)	To provide for lightened regulation and grant financing approval
*PSC-22-03-00020-P	exempt	Inter-departmental gas pricing by Consolidated Edison Company of New York, Inc.	To revise the method used in steam and steam-electric generating stations
*PSC-32-03-00020-P	exempt	Issuance of debt and approval of surcharge by Rainbow Water Company	To approve necessary financing
*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 MClMetro 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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-40-03-00015-P	exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00008-P	exempt	Lightened regulation by Sterling Power Partners, L.P.	To consider granting lightened regulation
*PSC-41-03-00010-P	exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-41-03-00011-P	exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-42-03-00005-P	exempt	Interest rate by the Bath Electric, Gas, and Water Systems	To use an alternate interest rate
*PSC-43-03-00036-P	exempt	Merchant function backout credit and transition balancing account by KeySpan Gas East Corporation	To continue the credit and account until May 31, 2005
*PSC-43-03-00037-P	exempt	Merchant function backout credit and transition balancing account by The Brooklyn Union Gas Company	To continue the credit and account until May 31, 2005
*PSC-44-03-00009-P	exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates
*PSC-47-03-00024-P	exempt	Lightened regulation and financing approval by Medford Energy LLC	To consider the requests
*PSC-02-04-00008-P	exempt	Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York	To rehear the Nov. 25, 2003 order
*PSC-06-04-00009-P	exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC
*PSC-10-04-00005-P	exempt	Temporary protective order	To consider adopting a protective order
*PSC-10-04-00008-P	exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement
*PSC-14-04-00008-P	exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway
*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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-45-05-00011-P	exempt	Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation	To defer certain costs
*PSC-46-05-00015-P	exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale
*PSC-47-05-00009-P	exempt	Transferral of gas supplies by Corning Natural Gas Corporation	To approve the transfer
*PSC-50-05-00008-P	exempt	Long-term debt by Saratoga Glen Hollow Water Supply Corp.	To obtain long-term debt
*PSC-04-06-00024-P	exempt	Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc.	To approve of the transfer
*PSC-06-06-00015-P	exempt	Gas curtailment policies and procedures	To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established
*PSC-07-06-00009-P	exempt	Modification of the current Environmental Disclosure Program	To include an attributes accounting system
*PSC-22-06-00019-P	exempt	Hourly pricing by National Grid	To assess the impacts
*PSC-22-06-00020-P	exempt	Hourly pricing by New York State Electric & Gas Corporation	To assess the impacts
*PSC-22-06-00021-P	exempt	Hourly pricing by Rochester Gas & Electric Corporation	To assess the impacts
*PSC-22-06-00022-P	exempt	Hourly pricing by Consolidated Edison Company of New York, Inc.	To assess the impacts
*PSC-22-06-00023-P	exempt	Hourly pricing by Orange and Rockland Utilities, Inc.	To assess the impacts
*PSC-24-06-00005-EP	exempt	Supplemental home energy assistance benefits	To extend the deadline to Central Hudson's low-income customers
*PSC-25-06-00017-P	exempt	Purchased power adjustment by Massena Electric Department	To revise the method of calculating the purchased power adjustment and update the factor of adjustment
*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

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PUBLIC SERVICE COMMISSION			
*PSC-39-06-00019-P	exempt	Investigation of Richard M. Osborne by Corning Natural Gas Corporation	To determine the interests, plans and commitments that will be in place if he is successful in blocking the merger of Corning Gas and C&T Enterprises
*PSC-39-06-00022-P	exempt	Uniform business practices and related matters by U.S. Energy Savings Corporation	To establish a contest period
*PSC-40-06-00005-P	exempt	Orion Integral automatic meter reading transmitter by New York State Electric and Gas Corporation	To permit gas utilities in NYS to use the Badger Meter Incorporated Orion Integral transmitters
*PSC-42-06-00011-P	exempt	Submetering of electricity by 225 5th LLC	To submeter electricity at 255 Fifth Ave., New York, NY
*PSC-43-06-00014-P	exempt	Electric delivery services by Strategic Power Management, Inc.	To determine the proper mechanism for the rate-recovery of costs
*PSC-44-06-00014-P	exempt	Electric power outages in Northwest Queens by Consolidated Edison Company of New York, Inc.	To review the terms and conditions of the agreement
*PSC-45-06-00007-P	exempt	Alleged failure to provide electricity by Robert Andrews	To assess validity of allegations and appropriateness of fines
*PSC-01-07-00031-P	exempt	Enforcement mechanisms by National Fuel Gas Distribution Corporation	To modify enforcement mechanisms
*PSC-04-07-00012-P	exempt	Petition for rehearing by Orange and Rockland Utilities, Inc.	To clarify the order
*PSC-06-07-00015-P	exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for electric service
*PSC-06-07-00020-P	exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for gas service
*PSC-11-07-00010-P	exempt	Investigation of the electric power outages by the Consolidated Edison Company of New York, Inc.	To implement the recommendations in the staff's investigation
*PSC-11-07-00011-P	exempt	Storm-related power outages by Consolidated Edison Company of New York, Inc.	To modify the company's response to power outages, the timing for any such changes and other related matters
*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

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PUBLIC SERVICE COMMISSION			
*PSC-22-07-00015-P	exempt	Demand Side Management Program by Consolidated Edison Company of New York, Inc.	To recover incremental program costs and lost revenue
*PSC-23-07-00022-P	exempt	Supplier, transportation, balancing and aggregation service by National Fuel Gas Distribution Corporation	To explicitly state in the company's tariff that the threshold level of elective upstream transmission capacity is a maximum of 112,600 Dth/day of marketer-provided upstream capacity
*PSC-24-07-00012-P	exempt	Gas Efficiency Program by the City of New York	To consider rehearing a decision establishing a Gas Efficiency Program
*PSC-39-07-00017-P	exempt	Gas bill issuance charge by New York State Electric & Gas Corporation	To create a gas bill issuance charge unbundled from delivery rates
*PSC-41-07-00009-P	exempt	Submetering of electricity rehearing	To seek reversal
*PSC-42-07-00012-P	exempt	Energy efficiency program by Orange and Rockland Utilities, Inc.	To consider any energy efficiency program for Orange and Rockland Utilities, Inc.'s electric service
*PSC-42-07-00013-P	exempt	Revenue decoupling by Orange and Rockland Utilities, Inc.	To consider a revenue decoupling mechanism for Orange and Rockland Utilities, Inc.
*PSC-45-07-00005-P	exempt	Customer incentive programs by Orange and Rockland Utilities, Inc.	To establish a tariff provision
*PSC-02-08-00006-P	exempt	Additional central office codes in the 315 area code region	To consider options for making additional codes
*PSC-03-08-00006-P	exempt	Rehearing of the accounting determinations	To grant or deny a petition for rehearing of the accounting determinations
*PSC-04-08-00010-P	exempt	Granting of easement rights on utility property by Central Hudson Gas & Electric Corporation	To grant easement rights to Millennium Pipeline Company, L.L.C.
*PSC-04-08-00012-P	exempt	Marketing practices of energy service companies by the Consumer Protection Board and New York City Department of Consumer Affairs	To consider modifying the commission's regulation over marketing practices of energy service companies
*PSC-08-08-00016-P	exempt	Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al.	To consider the transfer
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-23-08-00008-P	exempt	Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project	To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project
*PSC-23-08-00009-P	exempt	The transfer of certain real property with an original cost under $100,000 in the Town of Throop	To consider the filing for the transfer of certain real property in the Town of Throop
*PSC-25-08-00007-P	exempt	Policies and procedures regarding the selection of regulatory proposals to meet reliability needs	To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs
*PSC-25-08-00008-P	exempt	Report on Callable Load Opportunities	Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years
*PSC-28-08-00004-P	exempt	Con Edison's procedure for providing customers access to their account information	To consider Con Edison's implementation plan and timetable for providing customers access to their account information
*PSC-31-08-00025-P	exempt	Recovery of reasonable DRS costs from the cost mitigation reserve (CMR)	To authorize recovery of the DRS costs from the CMR
*PSC-32-08-00009-P	exempt	The ESCO referral program for KEDNY to be implemented by October 1, 2008	To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program
*PSC-33-08-00008-P	exempt	Noble Allegany's request for lightened regulation	To consider Noble Allegany's request for lightened regulation as an electric corporation
*PSC-36-08-00019-P	exempt	Land Transfer in the Borough of Manhattan, New York	To consider petition for transfer of real property to NYPH
*PSC-39-08-00010-P	exempt	RG&E's economic development plan and tariffs	Consideration of the approval of RG&E's economic development plan and tariffs
*PSC-40-08-00010-P	exempt	Loans from regulated company to its parent	To determine if the cash management program resulting in loans to the parent should be approved
*PSC-41-08-00009-P	exempt	Transfer of control of cable TV franchise	To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved
*PSC-43-08-00014-P	exempt	Annual Reconcilliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-46-08-00008-P	exempt	Property transfer in the Village of Avon, New York	To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York
*PSC-46-08-00010-P	exempt	A transfer of indirect ownership interests in nuclear generation facilities	Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities
*PSC-46-08-00014-P	exempt	The attachment of cellular antennae to an electric transmission tower	To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower

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PUBLIC SERVICE COMMISSION			
*PSC-48-08-00005-P	exempt	A National Grid high efficiency gas heating equipment rebate program	To expand eligibility to customers converting from oil to natural gas
*PSC-48-08-00008-P	exempt	Petition for the master metering and submetering of electricity	To consider the request of Bay City Metering, to master meter & submeter electricity at 345 E. 81st St., New York, New York
*PSC-48-08-00009-P	exempt	Petition for the submetering of electricity	To consider the request of PCV/ST to submeter electricity at Peter Cooper Village & Stuyvesant Town, New York, New York
*PSC-50-08-00018-P	exempt	Market Supply Charge	A study on the implementation of a revised Market Supply Charge
*PSC-51-08-00006-P	exempt	Commission's October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458	To consider a Petition for rehearing of the Commission's October 27, 2008 Order in Case 07-M-0458
*PSC-51-08-00007-P	exempt	Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078	To consider Petitions for rehearing of the Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078
*PSC-53-08-00011-P	exempt	Use of deferred Rural Telephone Bank funds	To determine if the purchase of a softswitch by Hancock is an appropriate use of deferred Rural Telephone Bank funds
*PSC-53-08-00012-P	exempt	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY
*PSC-53-08-00013-P	exempt	To transfer common stock and ownership	To consider transfer of common stock and ownership
*PSC-01-09-00015-P	exempt	FCC decision to redefine service area of Citizens/Frontier	Review and consider FCC proposed redefinition of Citizens/Frontier service area
*PSC-02-09-00010-P	exempt	Competitive classification of independent local exchange company, and regulatory relief appropriate thereto	To determine if Chazy & Westport Telephone Corporation more appropriately belongs in scenario 1 rather than scenario 2
*PSC-05-09-00008-P	exempt	Revenue allocation, rate design, performance metrics, and other non-revenue requirement issues	To consider any remaining non-revenue requirement issues related to the Company's May 9, 2008 tariff filing
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-07-09-00018-P	exempt	Whether to permit the submetering of natural gas service to an industrial and commercial customer at Cooper Union, New York, NY	To consider the request of Cooper Union, to submeter natural gas at 41 Cooper Square, New York, New York
*PSC-12-09-00010-P	exempt	Charges for commodity	To charge customers for commodity costs
*PSC-12-09-00012-P	exempt	Charges for commodity	To charge customers for commodity costs
*PSC-13-09-00008-P	exempt	Options for making additional central office codes available in the 718/347 numbering plan area	To consider options for making additional central office codes available in the 718/347 numbering plan area
*PSC-14-09-00014-P	exempt	The regulation of revenue requirements for municipal utilities by the Public Service Commission	To determine whether the regulation of revenue requirements for municipal utilities should be modified
*PSC-16-09-00010-P	exempt	Petition for the submetering of electricity	To consider the request of AMPS on behalf of Park Imperial to submeter electricity at 230 W. 56th Street, in New York, New York
*PSC-16-09-00020-P	exempt	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity
*PSC-17-09-00010-P	exempt	Whether to permit the use of Elster REX2 solid state electric meter for use in residential and commerical accounts	To permit electric utilities in New York State to use the Elster REX2
*PSC-17-09-00011-P	exempt	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes
*PSC-17-09-00012-P	exempt	Petition for the submetering of gas at commercial property	To consider the request of Turner Construction, to submeter natural gas at 550 Short Ave., & 10 South St., Governors Island, NY
*PSC-17-09-00014-P	exempt	Benefit-cost framework for evaluating AMI programs prepared by the DPS Staff	To consider a benefit-cost framework for evaluating AMI programs prepared by the DPS Staff
*PSC-17-09-00015-P	exempt	The construction of a tower for wireless antennas on land owned by National Grid	To approve, reject or modify the petition to build a tower for wireless antennas in the Town of Onondaga
*PSC-18-09-00012-P	exempt	Petition for rehearing of Order approving the submetering of electricity	To consider the request of Frank Signore to rehear petition to submeter electricity at One City Place in White Plains, New York
*PSC-18-09-00013-P	exempt	Petition for the submetering of electricity	To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York
*PSC-18-09-00017-P	exempt	Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers	To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower
*PSC-20-09-00016-P	exempt	The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc	To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with it's AMI pilots etc

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-20-09-00017-P	exempt	The recovery of, and accounting for, costs associated with CHG&E's AMI pilot program	To consider a filing of CHG&E as to the recovery of, and accounting for, costs associated with it's AMI pilot program
*PSC-22-09-00011-P	exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-25-09-00005-P	exempt	Whether to grant, deny, or modify, in whole or in part, the petition	Whether to grant, deny, or modify, in whole or in part, the petition
*PSC-25-09-00006-P	exempt	Electric utility implementation plans for proposed web based SIR application process and project status database	To determine if the proposed web based SIR systems are adequate and meet requirements needed for implementation
*PSC-25-09-00007-P	exempt	Electric rates for Consolidated Edison Company of New York, Inc	Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc
*PSC-27-09-00011-P	exempt	Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access.	To review the terms and conditions of the negotiated agreement between Vernon and tw telecom of new york l.p.
*PSC-27-09-00014-P	exempt	Billing and payment for energy efficiency measures through utility bill	To promote energy conservation
*PSC-27-09-00015-P	exempt	Interconnection of the networks between Oriskany and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Oriskany and tw telecom of new york l.p
*PSC-29-09-00006-P	exempt	Petition for the submetering of electricity at a residential senior citizen facility	To consider the request of Shinda Management Corp. to submeter electricity at 107-37 166th Street, Jamaica, New York
*PSC-29-09-00011-P	exempt	Consideration of utility compliance filings	Consideration of utility compliance filings
*PSC-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-39-09-00018-P	exempt	The offset of deferral balances with Positive Benefit Adjustments	To consider a petition to offset deferral balances with Positive Benefit Adjustments
*PSC-40-09-00013-P	exempt	Uniform System of Accounts - request for deferral and amortization of costs	To consider a petition to defer and amortize costs
*PSC-51-09-00029-P	exempt	Rules and guidelines for the exchange of retail access data between jurisdictional utilities and eligible ESCOs	To revise the uniform Electronic Data Interchange Standards and business practices to incorporate a contest period
*PSC-51-09-00030-P	exempt	Waiver or modification of Capital Expenditure condition of merger	To allow the companies to expend less funds for capital improvement than required by the merger
*PSC-52-09-00006-P	exempt	ACE's petition for rehearing for an order regarding generator-specific energy deliverability study methodology	To consider whether to change the Order Prescribing Study Methodology
*PSC-52-09-00008-P	exempt	Approval for the New York Independent System Operator, Inc. to incur indebtedness and borrow up to $50,000,000	To finance the renovation and construction of the New York Independent System Operator, Inc.'s power control center facilities
*PSC-05-10-00008-P	exempt	Petition for the submetering of electricity	To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY
*PSC-05-10-00015-P	exempt	Petition for the submetering of electricity	To consider the request of 243 West End Avenue Owners Corp. to submeter electricity at 243 West End Avenue, New York, NY
*PSC-06-10-00022-P	exempt	The Commission's Order of December 17, 2009 related to redevelopment of Consolidated Edison's Hudson Avenue generating facility	To reconsider the Commission's Order of December 17, 2009 related to redevelopment of the Hudson Avenue generating facility
*PSC-07-10-00009-P	exempt	Petition to revise the Uniform Business Practices	To consider the RESA petition to allow rescission of a customer request to return to full utility service
*PSC-08-10-00007-P	exempt	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847
*PSC-08-10-00009-P	exempt	Consolidated Edison of New York, Inc. energy efficiency programs	To modify approved energy efficiency programs
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-18-10-00009-P	exempt	Electric utility transmission right-of-way management practices	To consider electric utility transmission right-of-way management practices
*PSC-19-10-00022-P	exempt	Whether National Grid should be permitted to transfer a parcel of property located at 1 Eddy Street, Fort Edward, New York	To decide whether to approve National Grid's request to transfer a parcel of vacant property in Fort Edward, New York
*PSC-22-10-00006-P	exempt	Requirement that Noble demonstrate that its affiliated electric corporations operating in New York are providing safe service	Consider requiring that Noble demonstrate that its affiliated electric corporations in New York are providing safe service
*PSC-22-10-00008-P	exempt	Petition for the submetering of electricity	To consider the request of 48-52 Franklin Street to submeter electricity at 50 Franklin Street, New York, New York
*PSC-24-10-00009-P	exempt	Verizon New York Inc. tariff regulations relating to voice messaging service	To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff
*PSC-25-10-00012-P	exempt	Reassignment of the 2-1-1 abbreviated dialing code	Consideration of petition to reassign the 2-1-1 abbreviated dialing code
*PSC-25-10-00015-P	exempt	To allow NYWC to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2009	Consideration of NYWC's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2009
*PSC-27-10-00016-P	exempt	Petition for the submetering of electricity	To consider the request of 9271 Group, LLC to submeter electricity at 960 Busti Avenue, Buffalo, New York
*PSC-31-10-00007-P	exempt	Waiver of the Attachment 23 requirement in 2001 Rate Order that NMPC Board of Directors consist of ''outside directors''	To consider the waiver of the requirement that a majority of NMPC Board of directors consist of ''outside directors''
*PSC-34-10-00003-P	exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-34-10-00005-P	exempt	Approval of a contract for $250,000 in tank repairs that may be a financing	To decide whether to approve a contract between the parties that may be a financing of $250,000 for tank repairs
*PSC-34-10-00006-P	exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-36-10-00010-P	exempt	Central Hudson's procedures, terms and conditions for an economic development plan	Consideration of Central Hudson's procedures, terms and conditions for an economic development plan
*PSC-40-10-00014-P	exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by National Grid
*PSC-40-10-00021-P	exempt	Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall	To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall
*PSC-41-10-00018-P	exempt	Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter	Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-41-10-00022-P	exempt	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY
*PSC-42-10-00011-P	exempt	Petition for the submetering of electricity	To consider the request of 4858 Group, LLC to submeter electricity at 456 Main Street, Buffalo, New York
*PSC-43-10-00016-P	exempt	Utility Access to Ducts, Conduit Facilities and Utility Poles	To review the complaint from Optical Communications Group
*PSC-44-10-00003-P	exempt	Third and fourth stage gas rate increase by Corning Natural Gas Corporation	To consider Corning Natural Gas Corporation's request for a third and fourth stage gas rate increase
*PSC-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%

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-26-11-00009-P	exempt	Petition for the submetering of electricity at commercial property	To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York
*PSC-26-11-00012-P	exempt	Waiver of generation retirement notice requirements	Consideration of waiver of generation retirement notice requirements
*PSC-29-11-00011-P	exempt	Petition requesting the Commssion reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order.	To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing.
*PSC-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-01-12-00007-P	exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-01-12-00008-P	exempt	Transfer of real property and easements from NMPNS to NMP3	Consideration of the transfer of real property and easements from NMPNS to NMP3
*PSC-01-12-00009-P	exempt	Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove	To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered
*PSC-11-12-00002-P	exempt	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff
*PSC-11-12-00005-P	exempt	Transfer of land and water supply assets	Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman
*PSC-13-12-00005-P	exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-17-12-00007-P	exempt	Whether a proposed agreement for the provision of water service by Saratoga Water Services, Inc. is in the public interest	Whether the Commission should issue an order approving the proposed provision of water service
*PSC-17-12-00008-P	exempt	Whether a proposed agreement for the provision of water service by Saratoga Water Services, Inc. is in the public interest	Whether the Commission should issue an order approving the proposed provision of water service
*PSC-17-12-00009-P	exempt	Whether a proposed agreement for the provision of water service by Saratoga Water Services, Inc. is in the public interest	Whether the Commission should issue an order approving the proposed provision of water service
*PSC-19-12-00019-P	exempt	EEPS programs administered by New York State Electric & Gas Corporation and Rochester Gas and Electric Corporation	To modify the C&I sector by combining multiple approved C&I programs into a single C&I program for each PA
*PSC-19-12-00022-P	exempt	Approval of a combined heat and power performance program funding plan administered by NYSERDA	Modify NYSERDA's EEPS programs budget and targets to fund the CHP program
*PSC-19-12-00023-P	exempt	Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than $100,000	To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc.
*PSC-21-12-00006-P	exempt	Tariff filing requirements and refunds	To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted
*PSC-21-12-00011-P	exempt	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-23-12-00009-P	exempt	Over earnings sharing between rate payers and shareholders	To establish an Earnings Sharing Mechanism to be applied following the conclusion of Corning's rate plan
*PSC-27-12-00012-P	exempt	Implementation of recommendations made in a Management Audit Report	To consider implementation of recommendations made in a Management Audit Report
*PSC-28-12-00013-P	exempt	Exemption of reliability reporting statistics for the purpose of the 2012 Reliability Performance Mechanism	Consideration of Orange and Rockland Utilities request for exemption of the 2012 reliability reporting statistics
*PSC-29-12-00019-P	exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Hamden to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-30-12-00010-P	exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Andes to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-33-12-00009-P	exempt	Telecommunications companies ability to attach to utility company poles	Consideration of Tech Valley's ability to attach to Central Hudson poles
*PSC-35-12-00014-P	exempt	To implement an abandonment of White Knight's water system	To approve the implementation of abandonment of White Knight's water system
*PSC-37-12-00009-P	exempt	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers
*PSC-42-12-00007-P	exempt	Petition for the submetering of electricity	To consider the request of 215 West 91st Street Corp. to submeter electricity at 215 West 91st Street, New York, New York
*PSC-42-12-00009-P	exempt	Regulation of Gipsy Trail Club, Inc.'s long-term financing agreements	To exempt Gipsy Trail Club, Inc. from Commission regulation of its financing agreements
*PSC-45-12-00008-P	exempt	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff
*PSC-45-12-00010-P	exempt	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District
*PSC-50-12-00003-P	exempt	Affiliate standards for Corning Natural Gas Corporation	To resolve issues raised by Corning Natural Gas Corporation in its petition for rehearing
*PSC-04-13-00006-P	exempt	Expansion of mandatory day ahead hourly pricing for customers of Orange and Rockland Utilities with demands above 100 kW	To consider the expansion of mandatory day ahead hourly pricing for customers with demands above 100 kW
*PSC-04-13-00007-P	exempt	Authorization to transfer certain real property.	To decide whether to approve the transfer of certain real property.
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-08-13-00014-P	exempt	Uniform System of Accounts - Request for Accounting Authorization	To allow the company to defer an item of expense or capital beyond the end of the year in which it was incurred
*PSC-12-13-00007-P	exempt	Protecting company water mains	To allow the company to require certain customers to make changes to the electrical grounding system at their homes
*PSC-13-13-00008-P	exempt	The potential waiver of 16 NYCRR 255.9221(d) completion of integrity assessments for certain gas transmission lines.	To determine whether a waiver of the timely completion of certain gas transmission line integrity assessments should be granted.
*PSC-14-13-00005-P	exempt	Recovery of incremental expense.	To consider petition for recovery of incremental expense.
*PSC-17-13-00008-P	exempt	Provision of historical utility pricing information for comparison purposes for residential ESCO customers	Provision of historical utility pricing information for comparison purposes for residential ESCO customers
*PSC-17-13-00010-P	exempt	Provision of historical pricing information for comparison purposes for residential ESCO customers	Provision of historical pricing information for comparison purposes for residential ESCO customers
*PSC-18-13-00007-P	exempt	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes
*PSC-20-13-00008-P	exempt	Relief of the exhausting 315 Area Code	To reinstate the relief process for the 315 area code region beyond 2015
*PSC-21-13-00003-P	exempt	To consider policies that may impact consumer acceptance and use of electric vehicles	To consider and further develop policies that may impact consumer acceptance and use of electric vehicles
*PSC-21-13-00005-P	exempt	To implement an abandonment of Windover's water system	To approve the implementation of abandonment of Windover's water system
*PSC-21-13-00008-P	exempt	Rates of National Fuel Gas Distribution Corporation	To make the rates of National Fuel Gas Distribution Corporation temporary, subject to refund, if they are found to be excessive
*PSC-21-13-00009-P	exempt	Reporting requirements for natural gas local distribution companies	To help ensure efficient and economic expansion of the natural gas system as appropriate
*PSC-22-13-00009-P	exempt	On remand from New York State court litigation, determine the recovery of certain deferred amounts owed NFG by ratepayers	On remand, to determine the recovery of certain deferral amounts owed NFG from ratepayers
*PSC-23-13-00005-P	exempt	Waiver of partial payment, directory database distribution, service quality reporting, and service termination regulations	Equalize regulatory treatment based on level of competition and practical considerations
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-25-13-00008-P	exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-25-13-00009-P	exempt	Provision by utilities of natural gas main and service lines.	To help ensure efficient and economic expansion of the natural gas system as appropriate.
*PSC-25-13-00011-P	exempt	Waiver of certain Commission requirements related to provision of customer information to credit reporting agencies.	To waive a utility's right to provide information to credit reporting agencies related to customers' payment histories.
*PSC-25-13-00012-P	exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-27-13-00014-P	exempt	Columbia Gas Transmission Corporation Cost Refund	For approval for temporary waiver of tariff provisions regarding its Columbia Gas Transmission Corporation cost refund.
*PSC-28-13-00014-P	exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-28-13-00016-P	exempt	The request of NGT for lightened regulation as a gas corporation.	To consider whether to approve, reject, or modify the request of Niagara gas transport of Lockport, NY LLC.
*PSC-28-13-00017-P	exempt	The request by TE for waiver of regulations requiring that natural gas be odorized in certain gathering line segments	Consider the request by TE for waiver of regulations that gas be odorized in certain lines
*PSC-32-13-00009-P	exempt	To consider the definition of ''misleading or deceptive conduct'' in the Commission's Uniform Business Practices	To consider the definition of ''misleading or deceptive conduct'' in the Commission's Uniform Business Practices
*PSC-32-13-00010-P	exempt	Permission to write off and eliminate record keeping for regulatory reserves for Pensions and Other Post Retirement Benefits	To allow write off and eliminate record keeping of Pension and Other Post Retirement Benefits Reserves
*PSC-32-13-00012-P	exempt	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion
*PSC-33-13-00027-P	exempt	Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines.	Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines.
*PSC-33-13-00029-P	exempt	Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy.	To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy.
*PSC-34-13-00004-P	exempt	Escrow account and surcharge to fund extraordinary repairs	To approve the establishment of an escrow account and surcharge
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-42-13-00015-P	exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-43-13-00015-P	exempt	Petition for submetering of electricity	To consider the request of 2701 Kingsbridge Terrace L.P. to submeter electricity at 2701 Kingsbridge Terrace, Bronx, N.Y.
*PSC-45-13-00021-P	exempt	Investigation into effect of bifurcation of gas and electric utility service on Long Island.	To consider a Petition for an investigation into effect of bifurcation of gas and electric utility service on Long Island.
*PSC-45-13-00022-P	exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00023-P	exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00024-P	exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4); waiver of filing deadlines.	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00025-P	exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-47-13-00009-P	exempt	Petition for submetering of electricity.	To consider the request of Hegeman Avenue Housing L.P. to submeter electricity at 39 Hegeman Avenue, Brooklyn, N.Y.
*PSC-47-13-00012-P	exempt	Conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.	Consideration of conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.
*PSC-49-13-00008-P	exempt	Authorization to transfer all of Crystal Water Supply Company, Inc. stocks to Essel Infra West Inc.	To allow Crystal Water Supply Company, Inc to transfer all of its issued and outstanding stocks to Essel Infra West Inc.
*PSC-51-13-00009-P	exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00010-P	exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00011-P	exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-52-13-00012-P	exempt	The development of reliability contingency plan(s) to address the potential retirement of Indian Point Energy Center (IPEC).	To address the petition for rehearing and reconsideration/motion for clarification of the IPEC reliability contingency plan(s).
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-04-14-00005-P	exempt	National Fuel Gas Corporation's Conservation Incentive Programs.	To modify National Fuel Gas Corporation's Non-Residential Conservation Incentive Program.
*PSC-05-14-00010-P	exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-07-14-00008-P	exempt	Petition for submetering of electricity	To consider the request of Greater Centennial Homes HDFC, Inc. to submeter electricity at 102, 103 and 106 W 5th Street, et al.
*PSC-07-14-00012-P	exempt	Water rates and charges	Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project
*PSC-08-14-00015-P	exempt	Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities	To improve Verizon New York Inc.'s service quality andthe Customer Trouble Report Rate levels at certain central office entities
*PSC-10-14-00006-P	exempt	Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance	To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance
*PSC-11-14-00003-P	exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-19-14-00018-P	exempt	Uniform System of Accounts, deferral of an expense item	Authorization of a deferral for an expense item beyond the end of the year in which it was incurred
*PSC-20-14-00011-P	exempt	Petitioners request an order approving enhanced benefits under the Renewable Portfolio Standard Program.	To enable continued operation of a 51 MW biomass fueled electric generating facility in Niagara Falls, New York.
PSC-22-14-00013-P	exempt	Petition to transfer and merge systems, franchises and assets.	To consider the Comcast and Time Warner Cable merger and transfer of systems, franchises and assets.
PSC-23-14-00010-P	exempt	Whether to permit the use of the GE Dresser Series B3-HPC 11M-1480 rotary gas met for use in industrial gas meter applications	To permit gas utilities in New York State to use the GE Dresser Series B3-HPC 11M-1480 rotary gas meter
PSC-23-14-00014-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-26-14-00013-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-26-14-00017-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-26-14-00020-P	exempt	New electric utility backup service tariffs and standards for interconnection may be adopted.	To encourage development of microgrids that enhance the efficiency, safety, reliability and resiliency of the electric grid.
PSC-26-14-00021-P	exempt	Consumer protections, standards and protocols pertaining to access to customer data may be established.	To balance the need for the information necessary to support a robust market with customer privacy concerns.
PSC-28-14-00014-P	exempt	Petition to transfer systems, franchises and assets.	To consider the Comcast and Charter transfer of systems, franchise and assets.
PSC-30-14-00023-P	exempt	Whether to permit the use of the Sensus iPERL Fire Flow Meter.	Pursuant to 16 NYCRR Part 500.3 , it is necessary to permit the use of the Sensus iPERL Fire Flow Meter.
PSC-30-14-00025-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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 remnewables in New York State to promote fuel diversity and reduce carbon emissions.
PSC-36-14-00011-P	exempt	To defer pension settlement losses associated with retirements in the year ended March 31, 2014.	To resolve the ratemaking of the pension settlement loss.
PSC-38-14-00003-P	exempt	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.
PSC-38-14-00004-P	exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
PSC-38-14-00005-P	exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-38-14-00007-P	exempt	Whether to expand Con Edison's low income program to include Medicaid recipients.	Whether to expand Con Edison's low income program to include Medicaid recipients.
PSC-38-14-00008-P	exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
PSC-38-14-00010-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.
PSC-41-14-00009-P	exempt	Establishment of a Clean Energy Fund and related actions	Consideration of proposal by NYSERDA for the establishment of a Clean Energy Fund and related actions
PSC-41-14-00010-P	exempt	Reallocation of EEPS and SBC funds	Consideration of proposal by NYSERDA for reallocation of EEPS and SBC funds

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-41-14-00011-P	exempt	Establishment of annual collections caps and collection and spending mechanisms as described in the Clean Energy Fund Proposal	Consideration of proposal by NYSERDA for the establishment of annual collections caps and collection and spending mechanisms
PSC-41-14-00012-P	exempt	Funding and management of the NY-Sun program as described in the Clean Energy Fund Proposal	Consideration of proposal by NYSERDA for the funding and management of the NY-Sun program
PSC-41-14-00013-P	exempt	Funding and management of the New York Green Bank as described in the Clean Energy Fund Proposal and NY Green Bank Petition	Consideration of proposal by NYSERDA for the funding and management of the New York Green Bank
PSC-41-14-00014-P	exempt	Funding and management of a Market Development program as described in the Clean Energy Fund Proposal	Consideration of proposal by NYSERDA for the funding and management of a Market Development program
PSC-41-14-00015-P	exempt	Funding and management of a Technology and Business Innovation program as described in the Clean Energy Fund Proposal	Consideration of proposal by NYSERDA for the funding and management of a Technology and Business Innovation program
PSC-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-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 NYSERDA for the funding and eligibility rule changes for the Green Bank program.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-52-14-00026-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
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-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.

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-12-15-00006-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
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 Arteche's Medium Voltage Class Metering Instrument Transformers in New York State	Whether to approve the use of Arteche'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

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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
PSC-21-15-00005-P	exempt	Limitations on locating multiple generation facilities under electric utility tariffs for remote net metering	Consider limitations on locating multiple generation facilities under electric utility tariffs for remote net metering
PSC-21-15-00006-P	exempt	Issuance of promissory notes and the assumption of the costs and benefits of certain derivative instruments	To authorize the issuance of the above notes and to authorize entering into agreements concerning derivative transactions
PSC-21-15-00007-P	exempt	Whether Bath should be permitted to recover purchased gas costs, interest and consulting fees from its ratepayers	Whether Bath should be permitted to recover purchased gas costs, interest and consulting fees from its ratepayers
PSC-21-15-00008-P	exempt	Transfer of water supply assets	Transfer the water supply assets of West Valley Crystal Water Company, Inc. to the Town of Ashford
PSC-22-15-00013-P	exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
PSC-22-15-00014-P	exempt	An ownership transfer transaction for an electric generation facility	To consider actions for an ownership transfer transaction for an electric generation facility
PSC-22-15-00015-P	exempt	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)
STATE, DEPARTMENT OF			
DOS-41-14-00001-P	10/20/15	Minimum standards for code enforcement training	To establish minimum training standards so as to increase the level of competency and reliability of code enforcement personnel
DOS-02-15-00004-EP	03/01/16	Use of truss type, pre-engineered wood or timber construction in residential structures	To implement the provisions of new section 382-b of the Executive Law, as added by chapter 353 of the Laws of 2014
DOS-04-15-00004-EP	03/19/16	Issuance of an order to remedy a violation of the Uniform Code	Fix the time for compliance with an order to remedy any condition found to exist in buildings in violation of the Uniform Code
DOS-22-15-00011-EP	06/02/16	Regulations establishing safety standards for anchoring, securing, and counter-weighting a movable soccer goal	Establish the U.S. Consumer Product Safety Commission Guidelines for Movable Soccer Gaol Safety as the New York standard
DOS-22-15-00017-P	06/02/16	Facility requirements for businesses which offer appearance enhancement services	Increase ventilation standards for businesses which offer appearance enhancement services

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
TAXATION AND FINANCE, DEPARTMENT OF			
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
TAF-21-15-00001-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 July 1, 2015 through September 30, 2015
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
TDA-49-14-00001-P	12/10/15	Local Advisory Councils	Repeal the regulatory requirement that social services districts establish and maintain local advisory councils
TDA-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
TDA-22-15-00005-P	06/02/16	Supplemental Nutrition Assistance Program	Update regulations for the Transitional Benefits Alternative program
TRANSPORTATION, DEPARTMENT OF			
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
WORKERS' COMPENSATION BOARD			
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

REGULATORY AGENDA

Workers' Compensation Board

Pursuant to section 202-d of the State Administrative Procedure Act, notice is hereby provided of the following rules which the Workers' Compensation Board is considering proposing but for which a rule making proceeding has not been commenced. All references are to Title 12 of the New York Code of Rules and Regulations unless otherwise noted. The Workers' Compensation Board's regulatory plans are subject to change and the Board reserves the right to add, delete or modify any item herein. The Board is not required to propose for adoption any rule summarized in this regulatory agenda. In addition, the Board may propose a rule for adoption which was not under consideration at the time that this regulatory agenda was submitted for publication.

This notice is also intended to provide small businesses, local governments, and public and private interests in rural areas with the opportunity to participate in the rule making process, as provided for in State Administrative Procedure Act sections 202-b and 202-bb. All of the rules described below may require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis pursuant to State Administrative Procedure Act sections 202-b and 202-bb, respectively.

The public is welcome to send written comments on the Workers' Compensation Board's Regulatory Agenda to the contact person at the end of this list.

The Chair and/or the Board is considering proposing rules described in items numbered one through five. These items are regulatory suggestions that came out of the Business Process Reengineering that took place at the Board in 2014 among the Board and its stakeholders:

1. Amend 300.5 to permit different options for parties to a workers' compensation claims to enter into stipulations resolving issues in a claim.

2. Amend 313 to clarify that a Board decision is not a prerequisite to the parties' compliance with statutory and regulatory obligations, and to set forth the criteria when a Board decision will be issued.

3. Amend 300.13 to specify the requirements for filing a request for administrative review and to clarify that deficient request will be rejected without decision by the Board.

4. Amend 300.36 to permit a mediated resolution of issues in a claim using a Section 32 agreement.

5. Amend 300.17 to identify the process an attorney or licensed hearing representative must follow when requesting a fee and seeking to withdraw from representation of a client.

The Chair and/or the Workers' Compensation Board are also considering proposing the following rules:

6. Add a new part 300.39 to establish rules for the cross-examination of medical witnesses and to repeal section 300.10(c).

7. Amendment to multiple sections of Parts 327, 328, 329, 330, 332, 342, 345, 347, and 349 to implement the provision for a single arbitrator process as set forth in recently amended Workers' Compensation Law § § 13-g, 13-k, 13-l and 13-m.

8. Amendment of sections 329.3, 333.2, 343.2, 348.2 and 442.2 to update the medical fee schedules of the Board.

9. Amend 311.1 to increase the fees for funeral expenses to reflect the increase in those costs since the adoption of this regulation in 1991.

10. The Board will continue to review its rules in an effort to provide for clearer and more accurate references to Board policies and procedures, while also eliminating typographical errors and obsolete forms/practices, etc.

To obtain information about or submit written comments concerning any item in this Regulatory Agenda, contact: Heather M. MacMaster, Associate Attorney, Workers' Compensation Board, 328 State St., Schenectady, NY 12305-2318, (518) 486-9564, e-mail: regulations@wcb.ny.gov

GUIDANCE DOCUMENTS

Not less than once each year, every agency shall submit to the Secretary of State for publication in the *State Register* a list of all Guidance Documents on which the agency currently relies [SAPA, section 202-e(1)]. However, an agency may be exempted from compliance with the requirements of SAPA section 202-e(1) if the agency has published on its website the full text of all Guidance Documents on which it currently relies [SAPA, section 202-e(2)].

Office of Mental Health

The Office of Mental Health has published the full text of all guidance documents on which said agency currently relies at the following website: http://www.omh.ny.gov/omhweb/guidance/

SECURITIES OFFERINGS

STATE NOTICES

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

DEALERS; BROKERS

13 City Zip/Tizado, LLC
800 Arbor Dr. N, Louisville, KY 40223

13 Eskendereya/Sambora, LLC
800 Arbor Dr. N, Louisville, KY 40223

1818 Partners LP
140 Broadway, New York, NY 10005
Partnership — Brown Brothers Harriman & Co.

9299 College Parkway, LLC
5112 W. Taft Rd., Suite M, Liverpool, NY 13088
State or country in which incorporated — Delaware

AirLift Investments, LLC
546 Fifth Ave., 5th Fl., New York, NY 10036
State or country in which incorporated — Delaware

Ameriprise Financial Services, Inc.
70100 Ameriprise Financial Center, Minneapolis, MN 55474
State or country in which incorporated — Delaware

ATEL 17, LLC
600 Montgomery St., 9th Fl., San Francisco, CA 94111
State or country in which incorporated — California limited liability company

Bloomington LP
2608 E. Windermere Woods Dr., Bloomington, IN 47401
Partnership — Linton Partners LLC

certussecurites, Inc.
1170 Peachtree St. NE, Suite 2400, Atlanta, GA 30309
State or country in which incorporated — Delaware

Closed-End Bond Fund, a series of 525 Market Street Fund, LLC
525 Market St., 12th Fl., San Francisco, CA 94105

Closed-End International Bond Fund, a series of 525 Market Street Fund, LLC
525 Market St., 12th Fl., San Francisco, CA 94105

Colchis Income Plus Fund, L.P.
One Maritime Plaza, Suite 1975, San Francisco, CA 94111
Partnership — Colchis Income Advisors III, LLC

Colchis Income Plus Fund, Ltd.
c/o Opus Fund Services (Bermuda) Ltd., 12 Church St., 4th Fl., Hamilton, HM11 Bermuda
State or country in which incorporated — Cayman Islands

CORE Nutrition, LLC
1222 E. Grande Ave., Suite 102, El Segundo, CA 90245
State or country in which incorporated — Delaware

Crawford Lake Enhanced Onshore Fund, LP
410 Monmouth Ave., Suite 301, Lakewood, NJ 08701
Partnership — Crawford Lake GP, LLC

CRCM Opportunity Fund II, L.P.
One Maritime Plaza, Suite 1107, San Francisco, CA 94111
Partnership — CRCM Opportunity Fund GP II LLC

DVO Gap Equity Fund LP
Seven Penn Plaza, Suite 1400, New York, NY 10001
State or country in which incorporated — Delaware

Emerging Markets Equity Fund, a series of 525 Market Street Fund, LLC
525 Market St., 12th Fl., San Francisco, CA 94105

Emerging Markets Large/Mid Cap Fund, a series of 525 Market Street Fund, LLC
525 Market St., 12th Fl., San Francisco, CA 94105

Emination, LLC
443 Clement St., San Francisco, CA 94118
State or country in which incorporated — California

Endurance Capital Fund, L.P.
One Ferry Bldg., Suite 255, San Francisco, CA 94111
Partnership — Endurance Capital Partners, LLC

Essential Energy Services Ltd.
250 – 2nd St. SW, Suite 1100, Calgary, Alberta T2P 0C1
State or country in which incorporated — Alberta

Fidessa Group plc
Dukes Court, Duke St., Woking, Surrey, GU21 5BH, United Kingdom
State or country in which incorporated — United Kingdom

Finding Neverlanding USA LLC
c/o Weinstein Live Entertainment LLC, c/o National Artists Management Company, Inc., 165 W. 46th St., Suite 1200, New York, NY 10036
State or country in which incorporated — Delaware limited liability company

Floating Rate Loan Fund, a series of 525 Market Street Fund, LLC
525 Market St., 12th Fl., San Francisco, CA 94105

GAI Agility Income Fund
c/o Wells Fargo Investment Institute, Inc., 401 S. Tryon St., Charlotte, NC 28202

GAI Aurora Opportunities Fund, LLC
c/o Wells Fargo Investment Institute, Inc., 401 S. Tryon St., Charlotte, NC 28202

GAI Corbin Multi-Strategy Fund, LLC
c/o Wells Fargo Investment Institute, Inc., 401 S. Tryon St., Charlotte, NC 28202

GAI Mesirow Insight Fund, LLC
c/o Wells Fargo Investment Institute, Inc., 401 S. Tryon St., Charlotte, NC 28202

Global Tactical Allocation Fund, a series of 525 Market Street Fund, LLC
525 Market St., 12th Fl., San Francisco, CA 94105

Harbor Light Securities, LLC
1211 N. Westshore Blvd., Suite 103, Tampa, FL 33607

High Yield Bond Fund, a series of 525 Market Street Fund, LLC
525 Market St., 12th Fl., San Francisco, CA 94105

HPI Real Estate Opportunity Fund IV, LLC
Two Huntley Rd., Old Lyme, CT 06371

International Bond Fund, a series of 525 Market Street Fund, LLC
525 Market St., 12th Fl., San Francisco, CA 94105

iSwapp, Inc.
37-57 85th St., Unit 24, Jackson Heights, NY 11372
State or country in which incorporated — Delaware

Lincoln Financial Advisors Corporation
1300 S. Clinton St., Suite 150, Fort Wayne, IN 46802
State or country in which incorporated — Indiana

Lone Star Real Estate Fund IV (U.S.), L.P.
2711 N. Haskell Ave., Suite 1700, Dallas, TX 75204
Partnership — Lone Star Real Estate Partners IV, L.P.

Magna Resources BD #59 - Frietsch #17 Joint Venture
5422 Alpha Rd., Dallas, TX 75240
State or country in which incorporated — Texas

Mascia Development, LLC
c/o B.M. Smith & Associates, Inc., 2407 Columbia Pike, Suite 200, Arlington, VA 22204

McKinley Capital International Growth Fund, L.P.
3301 C St., Suite 500, Anchorage, AK 99503
Partnership — McKinley Capital Management, LLC, general partner

Muesli Fusion, Inc.
30 Thayer St., Rochester, NY 14607
State or country in which incorporated — New York

Net Element, Inc.
3363 NE. 163rd St., Suite 705, North Miami Beach, FL 33160
State or country in which incorporated — Delaware

PartPic, Inc.
P.O. Box 950192, Atlanta, GA 30318
State or country in which incorporated — Delaware

PCM Kissner Co-Invest L.P.
4900 Main St., Suite 700, Kansas City, MO 64112
Partnership — PCM Capital - Kissner Co-Invest LLC

Perus Wine Company, LLC
3351 NW. 53rd Circle, Boca Raton, FL 33496
State or country in which incorporated — California

Pro Cat US, Inc.
Five Lincoln Blvd., Rouses Point, NY 12979
State or country in which incorporated — New York

Quantum Materials Corp.
3055 Hunter Rd., San Marcos, TX 78666
State or country in which incorporated — Nevada

Randolph Street Investment Partners, L.P. - 2014 DIF
300 N. LaSalle, Chicago, IL 60654
Partnership — Randolph Street Investment Mgmt., LLC

Ravello Precision Fund, LP
c/o Ravello Management, LLC, 1345 Avenue of the Americas, 3rd Fl., New York, NY 10105
Partnership — Ravello Management, LLC

Red Hook Fund LP
101 Park Ave., 23rd Fl., New York, NY 10178
Partnership — Red Hook GP LLC

Regal Oil Creek #1 Joint Venture
5602 Democracy Dr., Suite 280, Plano, TX 75024
Partnership — Regal Energy, L.L.C.

Renaissance Apartment Opportunity Fund, LLC
10579 W. Bradford Rd., Suite 100, Littleton, CO 80127
State or country in which incorporated — Colorado

Resonate Core, LP
425 Bush St., Suite 415, San Francisco, CA 94108
Partnership — Resonate Capital, LLC

SA Real Assets 3 US Ltd.
c/o Intertrust Corporate Services (Cayman) Limited, 190 Elgin Ave., George Town, Grand Cayman, Cayman Islands KY1-9005
State or country in which incorporated — Cayman Islands

SE TUCSON, DST
350 N. LaSalle St., Suite 800, Chicago, IL 60654
State or country in which incorporated — Delaware

Stadium Capital Partners, L.P.
199 Elm St., New Canaan, CT 06804-5321
Partnership — Stadium Capital Management, LLC, general partner

SPIN Chicago LLC
350 N. State St., Chicago, IL 60654
State or country in which incorporated — Delaware

TCA Global Credit Fund, Ltd.
c/o TCA Fund Management Group, 19950 W. Country Club Dr., Aventura, FL 33180
Partnership — TCA Fund Management Group

Theranos Private Stock Acquisitions, LLC
170 Sequoia Ave., Hesperia, CA 92345
State or country in which incorporated — California

U.S. Core Fixed Income Fund, a series of 525 Market Street Fund, LLC
525 Market St., 12th Fl., San Francisco, CA 94105

Victory Bancorp, Inc., The
548 N. Lewis Rd., Limerick Township, PA 19468
State or country in which incorporated — Pennsylvania

Vital Healthtell Investors LLC
7101 Wisconsin Ave., Suite 1210, Bethesda, MD 20814

Vital TOMA Investors LLC
7101 Wisconsin Ave., Suite 1210, Bethesda, MD 20814

Vital Twist Investors LLC
7101 Wisconsin Ave., Suite 1210, Bethesda, MD 20814

VPC Special Opportunities Fund III Onshore, L.P.
227 W. Monroe St., Suite 3900, Chicago, IL 60606
Partnership — VPC Special Opportunities Fund III GP, L.P.

Walton Street Real Estate Fund VIII, L.P.
900 N. Michigan Ave., Suite 1900, Chicago, IL 60611
Partnership — Walton Street Managers VIII, L.P.

Walton Street Real Estate Investors VIII, L.P.
900 N. Michigan Ave., Suite 1900, Chicago, IL 60611
Partnership — Walton Street Managers VIII, L.P.

Walton Street Real Estate Partners VIII, L.P.
900 N. Michigan Ave., Suite 1900, Chicago, IL 60611
Partnership — Walton Street Managers VIII, L.P.

Wells Financial Corp.
53 First St. SW, Wells, MN 56097
State or country in which incorporated — Minnesota

Westmoore Lending Partners I, LLC
400 Perimeter Center Terrace N, Suite 900, Atlanta, GA 30346
State or country in which incorporated — Georgia

XG Sciences, Inc.
3101 Grand Oak Dr., Lansing, MI 48911
State or country in which incorporated — Michigan

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

DEMOLISH
VARIOUS BUILDINGS
Camp Smith Training Site
Cortlandt Manor, Westchester County

Sealed bids for Project No. Q1629-C, for Construction Work, Demolish Various Buildings, Camp Smith Training Site, 11 Bear Mountain Bridge Road, Cortlandt Manor (Westchester County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Contract Administration, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Division of Military and Naval Affairs, until 2:00 p.m. on Wednesday, June 17, 2015, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of $29,200 for C.

All successful bidders on a multiple trade project or the successful bidder with a bid over $200,000 on a single trade project, will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between $500,000 and $1,000,000 for C. The requirement for Labor and Material and Performance Bonds may be waived on a bid under $200,000 on a single trade project.

Pursuant to State Finance Law § 139-j and § 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest notice of intent to solicit offers through final award and approval of the Procurement Contract by OGS D&C and Office of the State Comptroller ("restricted period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Frank Peris and Carl Ruppert in the Bureau of Contract Awards, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Director of Contract Administration, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a 4 year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the new Legislative and State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: http://ogs.ny.gov/aboutogs/regulations/defaultAdvisoryCouncil.asp.

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

The State intends to expedite award of this Contract and the Contractor shall be prepared to proceed with the Work accordingly. Bidders are warned that time is of the essence of the Contract and completion of the Work must be within 100 days after the Agreement is approved by the Comptroller. Due to the tightness of the construction schedule, bidders should consider the necessity for an increased work force and shift operations.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on June 4, 2015 at Camp Smith Training Site, OGS Field Office, Administration Building 501, Cortlandt Manor, NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

Phone the office of Tricia Picciano, (914) 941-1122 a minimum of 72 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

It is the policy of the State and the Office of General Services to encourage meaningful minority business enterprise participation in this project by contractors, subcontractors and suppliers who perform commercially useful functions under the Contract, and all bidders are expected to cooperate in implementing this policy.

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

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

For questions about purchase of bid documents, please send an e-mail to D&C.Plans@ogs.ny.gov, or call toll free at 1-877-647-7526.

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

By *John D. Lewyckyj, Contracting Officer*
Director Contract Administration
OGS Design & Construction Group

PROVIDE
SALT STORAGE BUILDING
Department of Transportation Region 7
Moffittsville, Clinton County

Sealed bids for Project Nos. 44755-C, 44755-E, comprising separate contracts for Construction Work and Electrical Work, Provide Salt Storage Building, DOT Region 7, Route 3, Moffittsville (Clinton County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Contract Administration, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Transportation, until 2:00 p.m. on Wednesday, June 10, 2015, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the

Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of $22,400 for C and $5,400 for E.

All successful bidders on a multiple trade project or the successful bidder with a bid over $200,000 on a single trade project, will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between $250,000 and $500,000 for C and between $50,000 and $100,000 for E. The requirement for Labor and Material and Performance Bonds may be waived on a bid under $200,000 on a single trade project.

Pursuant to State Finance Law § 139-j and § 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest notice of intent to solicit offers through final award and approval of the Procurement Contract by OGS D&C and Office of the State Comptroller ("restricted period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Frank Peris and Carl Ruppert in the Bureau of Contract Awards, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Director of Contract Administration, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a 4 year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the new Legislative and State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: http://ogs.ny.gov/aboutogs/regulations/defaultAdvisoryCouncil.asp.

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

The State intends to expedite award of this Contract and the Contractor shall be prepared to proceed with the Work accordingly. Bidders are warned that time is of the essence of the Contract and completion of the Work must be completed by November 5, 2015 after the Agreement is approved by the Comptroller. Due to the tightness of the construction schedule, bidders should consider the necessity for an increased work force and shift operations.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on May 28, 2015 at DOT Region 7, Clinton County, Route 2, Moffittsville, NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

For assistance pertaining to the site visit only, please phone Allan Corron (518) 492-2200 Ext. 109.

It is the policy of the State and the Office of General Services to encourage meaningful minority business enterprise participation in this project by contractors, subcontractors and suppliers who perform commercially useful functions under the Contract, and all bidders are expected to cooperate in implementing this policy.

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

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

For questions about purchase of bid documents, please send an e-mail to D&C.Plans@ogs.ny.gov, or call toll free at 1-877-647-7526.

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

By *John D. Lewyckyj, Contracting Officer*
Director Contract Administration
OGS Design & Construction Group

UPGRADE
RMU ELEVATORS AND ELECTRICAL SYSTEM
Wende Correctional Facility
Alden, Erie County

Sealed bids for Project Nos. 44945-H, 44945-P, 44945-E, 44945-U, comprising separate contracts for HVAC Work, Plumbing Work, Electrical Work and Elevator Work, Upgrade RMU Elevators & Electrical System, Wende Correctional Facility, 3040 Wende Road, Alden (Erie County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Contract Administration, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Corrections and Community Supervision, until 2:00 p.m. on Wednesday, July 1, 2015, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of $3,700 for H, $3,100 for P, $9,300 for E, and $32,500 for U.

All successful bidders on a multiple trade project or the successful bidder with a bid over $200,000 on a single trade project, will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between $25,000 and $50,000 for H, between $25,000 and $50,000 for P, between $100,000 and $250,000 for E, and between $500,000 and $1,000,000 for U. The requirement for Labor and Material and Performance Bonds may be waived on a bid under $200,000 on a single trade project.

Pursuant to State Finance Law § 139-j and § 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest notice of intent to solicit offers through final award and approval of the Procurement Contract by OGS D&C and Office of the State Comptroller ("restricted period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Frank Peris and Carl Ruppert in the Bureau of Contract Awards, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Director of Contract Administration, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a 4 year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the new Legislative and State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: http://ogs.ny.gov/aboutogs/regulations/defaultAdvisoryCouncil.asp.

The completion date for this project is 517 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on June 18, 2015 at Wende Correctional Facility, 2990 Wende Road, Alden, NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

Phone the office of Allyson Youdsavage, (716) 937-4200 a minimum of 72 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

It is the policy of the State and the Office of General Services to encourage meaningful minority business enterprise participation in this project by contractors, subcontractors and suppliers who perform commercially useful functions under the Contract, and all bidders are expected to cooperate in implementing this policy.

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

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

For questions about purchase of bid documents, please send an e-mail to D&C.Plans@ogs.ny.gov, or call toll free at 1-877-647-7526.

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

By *John D. Lewyckyj, Contracting Officer*
Director Contract Administration
OGS Design & Construction Group

PROVIDE
DAYCARE CENTER
State Campus
Albany, Albany County

Sealed bids for Project Nos. 45097-C, 45097-H, 45097-P, 45097-E, comprising separate contracts for Construction Work, HVAC Work, Plumbing Work, and Electrical Work, Provide Daycare Center, Building 3, State Office Building Campus, 1220 Washington Avenue, Albany (Albany County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Contract Administration, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of General Services, until 2:00 p.m. on Wednesday, June 17, 2015, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of $187,500 for C, 77,900 for H, $45,000 for P, and $41,300 for E.

All successful bidders on a multiple trade project or the successful bidder with a bid over $200,000 on a single trade project, will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between $7,000,000 and $8,000,000 for C, between $2,000,000 and $3,000,000 for H, between $1,000,000 and $2,000,000 for P, and between $1,000,000 and $2,000,000 for E. The requirement for Labor and Material and Performance Bonds may be waived on a bid under $200,000 on a single trade project.

Pursuant to State Finance Law § 139-j and § 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest notice of intent to solicit offers through final award and approval of the Procurement Contract by OGS D&C and Office of the State Comptroller ("restricted period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Frank Peris and Carl Ruppert in the Bureau of Contract Awards, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Director of Contract Administration, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a 4 year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the new Legislative and State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: http://ogs.ny.gov/aboutogs/regulations/defaultAdvisoryCouncil.asp.

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

The State intends to expedite award of this Contract and the Contractor shall be prepared to proceed with the Work accordingly. Bidders are warned that time is of the essence of the Contract and completion of the Work must be within 390 days after the Agreement is approved by the Comptroller. Due to the tightness of the construction schedule, bidders should consider the necessity for an increased work force and shift operations.

The Contract Documents provide for contract acceleration incentive not to exceed $300,000 for C, $45,000 for E, $102,000 for H and $48,000 for P.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on June 4, 2015 at State Office Building Campus, Building 3, 1220 Washington Avenue, Albany, NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

For assistance pertaining to the site visit only, please phone Mickey Levernois (518) 337-8722.

It is the policy of the State and the Office of General Services to encourage meaningful minority business enterprise participation in this project by contractors, subcontractors and suppliers who perform commercially useful functions under the Contract, and all bidders are expected to cooperate in implementing this policy.

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

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

For questions about purchase of bid documents, please send an e-mail to D&C.Plans@ogs.ny.gov, or call toll free at 1-877-647-7526.

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

By *John D. Lewyckyj, Contracting Officer*
Director Contract Administration
OGS Design & Construction Group

NOTICE OF AVAILABILITY
OF STATE AND FEDERAL FUNDS

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.

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

Notice of Abandoned Property Received by the State Comptroller

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

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

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

NOTICE OF PUBLIC HEARING
Department of Health

Subject: Preventive Health and Health Services Block Grant
Federal Fiscal Year (FFY) 2015 Funding Proposal

Purpose: To obtain public comment on the funding proposals for the Preventive Health and Health Services Block Grant for FFY 2015 (October 1, 2015 to September 30, 2016)

June 12, 2015
New York State Department of Health
Concourse Level, Conference room 125
Albany, New York 12237

The New York State Department of Health is preparing the State's application to the Federal Government for the Preventive Health and Health Services Block Grant for FFY2015. The proposals for FFY2015 funding will be reviewed. Federal statute requires states to form advisory committees to assist in the development of Work Plans and to hold public hearings on the proposed use of funds.

Copies of the 2015 Work Plan will be available for review by contacting Tina Mazula, Division of Environmental Health Investigation, New York State Department of Health, Empire State Plaza, Room 1629, Corning Tower, Albany, NY 12237, phone (518) 402-7510, e-mail: tina.thomas@health.ny.gov

To further publicize the hearing, please inform interested parties and organizations of the Committee's interest in hearing comments from all sources. Oral comments will be limited to ten minutes. The Preventive Health and Health Services Advisory Committee will attempt to accommodate individual requests to speak at particular times in consideration of special circumstances. Ten copies of any prepared testimony should be submitted to Ms. Thomas on the date of the hearing.

Persons wishing to attend the public hearing on the Preventive Health and Health Services Block Grant are requested to complete the attached reply form and mail it as soon as possible to Tina Mazula, PHHSBG Advisory Committee, Empire State Plaza, Room 1629, Corning Tower, Albany, NY 12237 or e-mail: tina.thomas@health.ny.gov

REPLY FORM: HEARING ON PREVENTIVE HEALTH AND HEALTH SERVICES BLOCK GRANT
FFY2015 Funding Proposals

NAME: _____ TITLE: _____
ORGANIZATION: _____
ADDRESS: _____
CITY: _____ STATE: ___ ZIP: ___
PHONE: _____ EMAIL: _____

NOTICE OF PUBLIC HEARING
Department of State

PURSUANT to 42 U.S.C. __9908(a) (2) (B), the Department of State hereby gives public notice that on Wednesday, June 3, 2015, The New York State Legislature will hold a public hearing on the Community Services Block Grant (CSBG) Program and the 2016-2017 draft CSBG Application and Plan.

The hearing will be held at 10:00 A.M. in Roosevelt Hearing Room C, Legislative Office Building, 2nd Floor, Albany, New York.

The CSBG Draft Application and Plan will be available prior to the hearing on the Department of State website at http://www.dos.gov/dcs/news.htm or by contacting: Veronica Cruz, Director, Department of State, Division of Community Services, One Commerce Plaza, 99 Washington Ave., Suite 1015, Albany, NY 12231-0001, (518) 474-5741

PUBLIC NOTICE
Department of Agriculture and Markets

IN THE MATTER OF THE ISSUANCE OF AN ORDER TO AGRICULTURAL AND HORTICULTURAL CORPORATIONS, THE NEW YORK STATE AGRICULTURAL SOCIETY, AND THE NEW YORK STATE FAIR.

NOTICE OF ORDER FOR THE CONDUCT OF FAIRS AND EXHIBITIONS

RICHARD A. BALL, Commissioner of Agriculture and Markets of the State of New York, hereby ORDERS that:

WHEREAS, Not-For-Profit Corporations Law section 1409(f) requires every agricultural or horticultural corporation, and the New York State Agricultural Society to hold annual fairs and exhibitions. Agriculture and Markets Law Section 31-b requires the Department of Agriculture and Markets to hold an annual state fair;

WHEREAS, such fairs and exhibitions typically allow for poultry from different farms and premises to be displayed and shown in poultry competitions. Such poultry, when so displayed or shown in poultry competitions, are closely held and readily come into contact with each other and with each other's bodily fluids and secretion;

WHEREAS, since December, 2014, highly pathogenic bacteria subtypes H5N2 and H5N8 have been detected in the United States and Canada. Approximately thirty-five million birds, located on over 170 premises in at least fifteen states, have been or will be destroyed due to having contracted such subtypes of avian influenza or having been exposed thereto; and

WHEREAS, Avian Influenza, including subtypes H5N2 and H5N8, is typically spread by an uninfected bird coming into contact with an infected bird or that bird's bodily fluids and/or secretions.

NOW, THEREFORE, BASED UPON THE FOREGOING, I hereby find that it is necessary, to prevent the spread of infectious disease (that is, Avian Influenza, subtypes H5N2 and H5N8) to the state's poultry population, that poultry not be displayed and shown in poultry competitions at fairs and exhibitions and;

I hereby ORDER, pursuant to A&ML sections 16(1) and (2), 31-b, 72(1) and (2), and 287, after having consulted with the Dean of the College of Agriculture and Life Sciences at Cornell University, that the corporations and Society referred to herein and that the New York State Fair do not and shall not allow for the display and showing of poultry at poultry competitions, until this Notice of Order is repealed.

RICHARD A. BALL

Commissioner of Agriculture and Markets of the State of New York

Dated: May 19,2015

PUBLIC NOTICE

New York State and Local Retirement System

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

The persons whose names and last known addresses are set forth below appear from records of the above named Retirement System to be entitled to accumulated contributions held by said retirement system whose membership terminated pursuant to Section 517-a of the Retirement and Social Security Law on or before April 30, 2014. This notice is published pursuant to Section 109 of the Retirement and Social Security Law of the State of New York. A list of the names contained in this notice is on file and open to public inspection at the office of the New York State and Local Retirement System located at the 110 State St, in the City of Albany, New York. At the expiration of six months from the date of the publication of this notice. The accumulated contributions of the persons so listed shall be deemed abandoned and shall be placed in the pension accumulation fund to be used for the purpose of said fund. Any accumulated contributions so deemed abandoned and transferred to the pension accumulation fund may be claimed by the persons who made such accumulated contributions or, in the event of his death, by his estate or such person as he shall have nominated to receive such accumulated contributions, by filing a claim with the State Comptroller in such form and in such a manner as may be prescribed by him, seeking the return of such abandoned contributions. In the event such claim is properly made the State Comptroller shall pay over to the person or persons or estate making the claim such amount of such accumulated contributions without interest.

Black,William A - Bronx, NY

Bonilla,Eliezer - Bronx, NY

Dudley,Melanie A - Castleton, NY

Harter,David R - Rockville,MD

Hartman,Penny L - Olean, NY

Henderson,Dorothy Ann - Roosevelt, NY

Sakalis,Nickolaos - Atlantic City,NJ

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

PUBLIC NOTICE

New York State and Local Retirement System

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

The persons whose names and last known addresses are set forth below appear from records of the above named Retirement System to be entitled to accumulated contributions held by said retirement system whose membership terminated pursuant to Section 613 of the Retirement and Social Security Law on or before April 30, 2014. This notice is published pursuant to Section 109 of the Retirement and Social Security Law of the State of New York. A list of the names contained in this notice is On file and open to public inspection at the office of the New York State and Local Retirement System located at the 110 State St., in the City of Albany, New York. At the expiration of six months from the date of the publication of this notice. The accumulated contributions of the persons so listed shall be deemed abandoned and shall be placed in the pension accumulation fund to be used for the purpose of said fund. Any accumulated contributions so deemed abandoned and transferred to the pension accumulation fund may be claimed by the persons who made such accumulated contributions or, in the event of his death, by his estate or such person as he shall have nominated to receive such accumulated contributions, by filing a claim with the State Comptroller in such form and in such a manner as may be prescribed by him, seeking the return of such abandoned contributions. In the event such claim is properly made the State Comptroller shall pay over to the person or persons or estate making the claim such amount of such accumulated contributions without interest.

Abruzzi,Jennifer B - Floral Park, NY

Adams,Alicia M - Ronkonkoma, NY

Adams,Elizabeth A - Norwich, NY

Admirand,Kathleen G - Port Washington, NY

Aguiar,Nestor F - West Hempstead, NY

Alcin,Abson - Holbrook, NY

Alessi,Valentina A - St James, NY

Alicea,Aileen J - Brentwood, NY

Altebrando,Nicholas J - Miller Place, NY

Areola-Idowu,Folakemi M - Brooklyn, NY

Armstrong,Brad T - Ballston Spa, NY

Arroliga,Maritza - Abington,PA

Auspelmeyer,Justin F - Amsterdam, NY

Batista,Jose A - Copiague, NY

Battle,Catherine V - Baldwin, NY

Battle,Nathaniel L - Bronx, NY

Beard,Tunika J - Cohoes, NY

Beatty,Thomas R - Mahopac, NY

Becker,Julie A - Little Falls, NY

Bellcourt,Gregory J - Albany, NY

Bellin,Aytan Y - White Plains, NY

Benjamin,Lea H - Endicott, NY

Benson,Edward J - Randolph, NY

Besong,James T - Daytona Beach, FL

Bilancia,Joseph V - Centereach, NY

Billingsley,Gary M - Lockport, NY

Bishop,John W - Menands, NY

Blakeney,Latanya - Far Rockaway, NY

Bloomstein,Alexander W - Hillsdale, NY

Bonilla,Hector A - Wyandanch, NY

Bonilla,Luz M - Brentwood, NY

Bonnell,Jean P - Middletown, NY

Booker,Wayne A - St Albans, NY

Bouchey,Bert J - Ballston Lake, NY

Bougades,Christy S - Stanfordville, NY

Bouvia,Lisa M - N Charleston,SC

Brady,John C - Elmira, NY

Broderick,Tracey M - Geneva, NY

Brown,Eric S - Nyack, NY

Brown,George K - Shirley, NY
Buchanan,Reta N - Monticello, NY
Burch,Justin E - Malta, NY
Burdick,Thomas G - Holmes, NY
Burns,Christian - Croton On Hudson, NY
Buske,Brandon W - Oswego, NY
Butt,Jeffrey J - Lawrence,MA
Cahill,Heather M - Binghamton, NY
Calabria,Michael A - E Rochester, NY
Cammarata,Dante A - Coram, NY
Campbell,Peta-Gay A - Laurelton, NY
Campbell,Sarah M - Oceanside, NY
Campos,Gerardo A - Roosevelt, NY
Carman,Kathleen D - Bohemia, NY
Carubba,Karen M - Clarence, NY
Casey,Andrew R - Endicott, NY
Castro,Maria A - Elmhurst, NY
Castrogiovanni,Lisa - Seattle,WA
Chesney,Lexia A - Springfield Gardens, NY
Chidsey,Linda A - Morehead City,NC
Chieffo,Christine C - N Bellmore, NY
Chilson,Hannah I - Salisbury Mills, NY
Christopher,Eric P - Buffalo, NY
Christopher,Laura V - Middleport, NY
Ciceron,Paul - Baldwin, NY
Cicileo,Joseph N - Greenwich,CT
Cimilluca,James A - Franklin Sq, NY
Clement,Kyle M - Honeoye, NY
Coffin,Teneka S - Cohoes, NY
Cohen,Michael J - Amsterdam, NY
Collins,John K - Canton, NY
Collyer,Micheal B - Binghamton, NY
Conning,Melinda A - Brackney,PA
Conti,Jacqueline R - Delmar, NY
Corellis,Toni M - Port Orange, FL
Correira,Justin P - Central Islip, NY
Coutros,J J - San Antonio,TX
Croote,Jeremy D - Cobleskill, NY
Cruse,Robert J - Cedar Rapids, IA
D'Anna,Nicole R - Pittsford, NY
Davis,Michael F - Beacon, NY
De Laszlo,Alexander B - New York, NY
De Marco,Valerie M - Elma, NY
De Vente,Daniel J - Greenlawn, NY
Dean,Andrew W - Brooktondale, NY
Delvalle,Maria D - Central Islip, NY
Dezell,Amber M - Saranac Lake, NY
Diaz,Crystal - Spring Hill, FL
Dillon,Scott M - Syracuse, NY
Dioguardi,Stephen J - Batavia, NY
Donald,Karen V - Waynesboro,VA
Donovan,Lucas G - Albany, NY
Donovan,Megan R - Centereach, NY
Dowdell,Julie E - Hauppauge, NY
Doyle,Daniel A - Poughkeepsie, NY
Drury,Frederick G - Ovid, NY
Earls,Terri A - Council Bluffs, IA
Elliott,Jennifer L - Stanfordville, NY
Evans,Jalon - Albany,NY
Feringa,Elizabeth L - Endicott, NY
Ficht,Richard - Ronkonkoma, NY
Finch,Sonya R - Halcott Center, NY
Finn,Carl - New York, NY
Galfunt,Neil B - Syosset, NY
Garcia,Stephen - Mesa, AZ
Gelin,Zalesky - Pomona, NY
Giancamilli,Frank E - Monroe, NY
Giordano,Debra A - Millerton, NY
Glass,Joni-Gayle - Sound Beach, NY
Goff,Kimberly A - Rochester, NY
Gonzales,Alex D - Bronx, NY
Gounardes,Andrew S - Brooklyn, NY
Grant,Winston W - Deer Park, NY
Graves,Joan - Staten Island, NY
Gray,Robert - Montgomery, NY
Graziosi,Anzelmo - Manchester Center,VT
Greene,Ashley M - Port Jervis, NY
Grimes,Elston - Rochester, NY
Gutierrez,Douglas - Bronx, NY
Halikias,Demetrios R - Southampton, NY
Hancock,Jennifer - Center Moriches, NY
Hanlon,Laura - Katonah, NY
Hart,James E - Ellenville, NY
Harwood,Abigail R - Pittsburgh,PA
Henderson,Nicolette L - Canastota, NY
Hendricks,Michelle C - Fairport, NY
Hetzer,Elizabeth C - Brooklyn, NY
Hillis,Joan M - Delhi, NY
Hillman,Frederick R - Newark Valley, NY
Hite,Richard F - Southampton, NY
Hogarth,Kelsey C - Syracuse, NY
Holloway-Ramsey,James P - Yonkers, NY
Horne,Crystal P - Schenectady, NY
Horvers,Elena M - Kingston, NY
Hull,Teresa M - Endicott, NY
Hull,Toni A - Las Cruces,NM
Humbach,Susanne M - West Nyack, NY
Hunter,Charlene - Brooklyn, NY
Hunter,Melissa A - Manlius, NY
Jacobson,Suzanne A - Lockport, NY
James,Latasha - Staten Island, NY
James,Trevor H - Potsdam, NY
Jennings,Alana M - Slingerlands, NY
Jimenez,Guillermo J - Bronx, NY
Jimenez,Hilda - Patchogue, NY
Johnson,Karen M - Oswego, NY
Jordan,Carolyn B - Danville,VA
Jordan,Jennifer M - Ridge, NY
Jordan,William P - East Greenbush, NY
Kalimeras,Anthony C - Ulster Park, NY
Kania,Lawrence J - Middletown, NY
Kelly,Kristen S - Owego, NY
Kendrick,Kathryn L - Airmont, NY
Kinderman,Brandon D - Gansevoort, NY
King,Barbara J - Corbin,KY
Kingsley,Christina M - Schenectady, NY
Kipp,Jonathan P - Schenectady, NY
Kleinschmidt,Robert C - Valley Stream, NY

Klushin,Henry R - Floral Park, NY
Knice,Kristen M - North Babylon, NY
Kocyba,Mary M - Barneveld, NY
Kurtenbach,Scott M - Putnam Valley, NY
Lamb,Donald J - Newark, NY
Lauture-Monjuste,Judith - Elmont, NY
Lawkowski,Stacy J - W Henrietta, NY
Lee,Greg J - Waterloo, NY
Litynsky,Chris M - Wynantskill, NY
Livingston,Casey D - Hudson Falls, NY
Lofton,Adrienne M - Webster, NY
Lohouse,Kimberly E - Rochester, NY
Longacker,Lisa - Rensselaer, NY
Lopez,Sol L - New Windsor, NY
Loveland,Tammy R - Shushan, NY
Lozier,Austin S - Vestal, NY
Luongo,Mayra M - Freeport, NY
Lynch,Patrick M - New Bern,NC
Lynch,Sarah I - Saint Paul,MN
Mabee,Thomas J - Ravena, NY
Manfredo,Marissa K - Rocky Point, NY
Manner,Emily M - Montrose, NY
Manzer,Allan D - Farmington, NY
Marino,Rich C - Earlton, NY
Martin-Williams,Eva E - Laurelton, NY
Martin,Jason S - Bloomingburg, NY
Mastrogiacomo,Michael - Rye, NY
Mattice,Mark R - Philmont, NY
Maxon,Connie S - Adams Ctr, NY
Mc Clure,Timothy W - Huntingdon,PA
Mc Dermott,Michael J - Cicero, NY
Mc Gauley,Jessica L - Stamford, NY
Mc Gee,James F - Rocky Point, NY
Mc Kendree,Carol A - De Kalb Juction, NY
Mc Spedon,Barbara A - Carmel, NY
Meisenheimer,Patricia L - Coxsackie, NY
Mierzwa,Susan M - Palmyra, NY
Milord,Joseph E - West Babylon, NY
Mitchell,Shanniqua M - Spring Valley, NY
Mohr,Erica - Schenectady, NY
Moore-Williams,Donna M - Elmira, NY
Moore,William D - Southold, NY
Moorer,Taryn A - Far Rockaway, NY
Morel,Anthony - Garnerville, NY
Moriarity,Christine L - Ballston Spa, NY
Morin,Marcella C - Greenwood Lake, NY
Moses,Jeremy S - Auburn Hills,MI
Mosquera,Margarita R - Albany, NY
Nash,Alice M - Massapequa, NY
Nasser,Catherine - Clifton Park, NY
Nicoletti,Mary E - Callicoon, NY
Noble,Denise - Oceanside, NY
Nolan,Jeanne M - Rochester, NY
Noonan,Megan E - Hoboken,NJ
O Neil,Jennifer A - Penfield, NY
O'Connor,Kristy R - Massapequa Pk, NY
Ogle,Kerry J - Hempstead, NY
Orlowski,Tiffany L - Lockwood, NY
Owens,Jonathan D - Smithtown, NY
Packard,Brett L - Baldwinsville, NY
Padilla,Patricia - Ocala, FL
Pagan,Rose J - Pine Bush, NY
Paternoster,Maria - Airmont, NY
Patten,Victoria J - Medina, NY
Penchansky,Amy S - Woodridge, NY
Perez,Crystal - Kerhonkson, NY
Perrotta,Jacqueline D - Troy, NY
Perry,John L - Syracuse, NY
Phillips,Diane L - Endicott, NY
Piarulli,Marc A - Mahopac, NY
Piccarreto,Sandra - Shortsville, NY
Pinnavaia,Luna - Buffalo, NY
Pollard,Herman R - Benton Harbor,MI
Pollina,Marisa D - Setauket, NY
Polsinelli,Susan R - Schenectady, NY
Poolman,Dolores V - Walla Walla,WA
Powell,Shawn J - Rochester, NY
Prendergast,Michael J - Mattituck, NY
Prentice,Brian D - Marathon, NY
Quilty,Shannon S - Vestal, NY
Ralph,Nora V - Jackson Heights, NY
Ramirez,Vicki L - Cleveland Heights,OH
Raymond,Anasta - Garnerville, NY
Richardson,Martin L - Bedford, NY
Riofrio,Maria-Cristina - Port Jefferson Sta, NY
Ritz,Joseph F - Binghamton, NY
Rivera,Ellen F - Palmyra,VA
Roberto,Daniel J - Fishkill, NY
Rodgers,Raynard R - Buffalo, NY
Rodriguez,Abraham - Brooklyn, NY
Roland,Fremont - Rosedale, NY
Ruzzi,Angela M - Cohoes, NY
Rydelek,Christine M - Baldwinsville, NY
Sabia,Kathryn A - Centereach, NY
Saltz,Michael L - Washingtonville, NY
Sampson,Jarrod K - Brooklyn, NY
Sams,Tarra L - Riverhead, NY
Sanchez,Abner J - Brentwood, NY
Schlosser,Melissa L - Copiague, NY
Schoff,Cheyenne D - Rome, NY
Seddiq,Mirriam - Vienna,VA
Seely,Patrick L - Delmar, NY
Seigel,Tammy H - Huntingtn Sta, NY
Sekhon,Bhupinder K - Miller Place, NY
Serafin,Helena - Brewster, NY
Shattuck,Georgina A - Oswego, NY
Shue,Vicki L - Port Leyden, NY
Siekmann-Marshfield,Karen A - Hamden, NY
Silverstein,Steve S - Mt Sinai, NY
Simmons,Eileen M - Franklin Square, NY
Simonds,Robert D - Martinsville,VA
Singleton,Sheredia D - Freeport, NY
Smith,Daniel M - Utica, NY
Smith,Donna J - Kinderhook, NY
Smith,Linda - Brooklyn, NY
Smith,Shannon M - Schenectady, NY
Solano,Vivian - Woodhaven, NY
Spallane,Susan M - Sebastian, FL

Squires,Darryl C - Bay Shore, NY
Stampley,David A - New York, NY
Stanley,Jacky - Kingston, NY
Stark,Matthew J - Weedsport, NY
Stein,Lauren M - Kingston, NY
Steinmetz,Heather J - Williamson, NY
Steinmetz,Michael D - Cabot,AR
Stevens,Eloise A - Le Roy, NY
Stone,Jason P - West Islip, NY
Sullivan,John M - Levittown, NY
Sullivan,Megan E - Depew, NY
Swiatkowski,William J - Manorville, NY
Taras,Jamie L - Geneva, NY
Taylor,Heather S - Elmira, NY
Tersigni,Tara E - Selden, NY
Thomas,Sara N - Whitney Point, NY
Thompson,Yolanda - Brooklyn, NY
Tillery,Stephen R - Poughkeepsie, NY
Tilton,Daniel A - Seattle,WA
Timmer,Suzanne M - Beacon, NY
Timmons,Melissa A - Houston,TX
Tomkins,Paul F - Johnson City, NY
Torres,Hector C - Albany, NY
Torres,Juan - Brandon, FL
Traynor,Megan R - South Wales, NY
Trbovich,Thomas D - Buffalo, NY
Trocchio,Michael A - East Setauket, NY
Ushkow,Michael J - New York, NY
Valderrama-Douglas,Erika - Tampa, FL
Van Denburgh,John W - Schenectady, NY
Vanable,Dionne T - Roosevelt, NY
Vinas,Marlene - Deer Park, NY
Vincent,Jinny - Yonkers, NY
Vitale,Vanessa C - Brooklyn, NY
Volkov,Zoya K - Brooklyn, NY
Wagner,Tammy M - Ticonderoga, NY
Wakeman,Patti J - Elmira, NY
Walker,Iris M - Cheektowaga, NY
Warren,John E - Kerhonkson, NY
Warsop,Dana - Central Islip, NY
Waugh,Erica L - Voorheesville, NY
Webb,Amy Jo - Middle Island, NY
White,Karen L - Port Richey, FL
White,Sarah R - Westbury, NY
Witter,Michael G - Jamaica, NY
Wlostowski,Ernest K - Depew, NY
Wolf,Barbara A - Valley Cottage, NY
Wood,Lloyd J - Corning, NY
Wood,Tiffany M - Corona Del Mar,CA
Woodin,Sabrina M - Poughkeepsie, NY
Yanni,Nicole L - Islandia, NY
Zbrzezny,Ariana - Endicott, NY
Zhai,Wenyi - Clifton Park, NY
Zimniewicz,Jill M - Cheektowaga, NY

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

PUBLIC NOTICE

Department of State

Pursuant to the federal Coastal Zone Management Act of 1972, as amended, a public meeting will be held as part of the federal performance evaluation of the New York Coastal Management Program. The meeting will be held at 4:00 p.m. on July 8, 2015 in Room 505 on the 5th floor of 1 Commerce Plaza Building at 99 Washington Avenue, Albany, NY. The purpose of the meeting is to receive public comments regarding the operation and implementation of the New York Coastal Management Program. Written comments are encouraged, and participation at the public meeting is not required for submission. Written comments should be sent to Carrie Hall, Evaluator, Planning and Performance Measurement Program, Office for Coastal Management, NOS/NOAA, 1305 East-West Highway, 11th Floor, N/OCM1, Silver Spring MD 20910 or via e-mail to Carrie.Hall@noaa.gov no later than July 24, 2015.

PUBLIC NOTICE

Uniform Code Regional Boards of Review

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

2015-0166 Matter of Anthony Myers, PO Box 8215, Utica, NY 13505 for a variance to the fire rating of a cellar ceiling in accordance with the New York State Multiple Residence Law.

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

2015-0175 Matter of RXR Realty, 525 RXR Plaza, 5th Floor, Uniondale, NY 11556 for an appeal and or variances concerning safety requirements, including the location of residential units within the parking portion of a separately regulated building.

Involved is a new building known as building I in the Garvies Point Waterfront Redevelopment Project, located at Sec 21, Block A, Lot 14, City of Glen Cove, Nassau County, New York.

2015-0176 Matter of RXR Realty, 525 RXR Plaza, 5th Floor, Uniondale, NY 11556 for an appeal and or variances concerning safety requirements, including the location of residential units within the parking portion of a separately regulated building.

Involved is a new building known as building H in the Garvies Point Waterfront Redevelopment Project, located at Sec 31, Block G, Lot 311, City of Glen Cove, Nassau County, New York.

2015-0197 Gurpal Singh, 3634 State Highway 28, Milford, NY 13807 for a variance related to the installation of a sprinkler system in accordance with the New York State Uniform Fire Prevention and Building Code.

Involved is one story building located at 3634 State Highway 28, Town of Milford, Otsego County, State of New York.

2015-0198 Matter of Milind Chavre, 933 Peninsula Blvd, Woodmere, NY 11598 for an appeal and or variances concerning safety requirements, including fire separation distances.

Involved is a new dwelling, located at 167 Davis Avenue, Inwood, Town of Hempstead, Nassau County, New York.

2015-0202 Matter of ELIZABETH WHITEHOUSE, 81 EAST 3RD STREET, CORNING, NY 14830, for a variance concerning safety requirements, including a required heating system in a building located at 81 East 3rd Street, City of Corning, County of Steuben, State of New York.

2015-0203 Matter of SANTIAGO BURGER, LLC, MICHAEL A BURGER, 1250 PITTSFORD-VICTOR ROAD, BLDG. 100, SUITE 190, PITTSFORD, NY 14534, for a an appeal of a Code Officials Decision regarding property maintenance violations at a building located at 74 Diem Street, City of Rochester, County of Monroe, State of New York.

2015-0206 Matter of Watertown International Airport Attn.: Mira Meljibovsky AIA Passero Associates, 242 West Main Street, Suite 100 Rochester, NY 14614. Owner: Jefferson County 22529 Airport Drive, Dexter NY 13534. The petitioner requesting a variance to construct an addition to the Watertown International Airport to house the TSA security check point. Building is of IIB construction. The addition will also be of IIB construction and approximately 2100 sq ft increasing the total square footage to approximately 9000 sq ft without providing the required Automatic Fire Sprinkler System as required in the Title 19 NYCRR XXXII part 1221 Building Code Section 903.2.1.3 and section 1001.2 Existing Building Code Creation or extension of nonconformity.

2015-0212 Matter of Angel Valdez, 1534 Oneida Street, Utica, NY 13501 for a variance related to wood on walls of exit stairway, second means of egress, the fire rating of a cellar ceiling in accordance with the New York State Multiple Residence Law.

Involved is a three story building located at 1534 Oneida Street, City of Utica, Oneida County, State of New York.