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**NEW YORK STATE**  
**REGISTER**

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***INSIDE THIS ISSUE:***

- Regulations Governing the Recreational Harvest of Black Sea Bass
- Public Retirement Systems
- Emergency Shelters for the Homeless

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

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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 September 11, 2016
- the 45-day period expires on August 27, 2016
- the 30-day period expires on August 12, 2016

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# NEW YORK STATE REGISTER

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## Be a part of the rule making process!

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

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

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

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

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

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

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

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# RULE MAKING ACTIVITIES

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

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

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

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## New York State Athletic Commission

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

#### Conduct and Regulation of Authorized Combative Sports

I.D. No. ATH-28-16-00018-P

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

**Proposed Action:** Repeal of Parts 205 through 217; and addition of new Parts 206, 207, 208, 209, 210, 211, 212, 213 and 214 to Title 19 NYCRR.

**Statutory authority:** L. 2016, ch. 32, sections 2 and 11

**Subject:** Conduct and regulation of authorized combative sports.

**Purpose:** To implement the provisions of ch. 32 of the Laws of 2016, effective September 1, 2016, authorizing certain combative sports.

**Substance of proposed rule (Full text is posted at the following State website: <http://www.dos.ny.gov/athletic/index>):** Chapter 32 of the laws of 2016, establishing a new Article 41 in the General Business Law entitled “Combative Sports,” effective September 1, 2016, provides that combative sports legally undertaken in this state are subject to the licensing and regulatory authority of the State Athletic Commission. Additionally within the purview of the Commission is professional wrestling. Section 11 of chapter authorizes the Commission to promulgate rules “necessary for the implementation of this act...to be made on or before” the September 1 effective date.

In providing a framework for the licensure and regulation of authorized combative sports and professional wrestling, the legislature repealed the existing statutory structure related to “boxing, sparring and

wrestling” and replaced it with a more comprehensive scheme for the regulation of those endeavors as well as, among others, professional and amateur mixed martial arts, kickboxing, and other combative sports. Additionally, the legislation seeks to protect combatants in all combative endeavors by establishing insurance minimums for some and vesting in the Commission the discretion to establish them for others. This proposal would effectuate such statutory scheme by providing rules intended to ensure appropriate protections for the health and safety of combative sports athletes, to ensure integrity in athletic competition, to prevent abuses in the business practices within the covered industries, and to provide reasonable requirements for the licensure of professional boxing and mixed martial arts promoters, ringside personnel and combatants. Additionally, it provides for the authorization of third party entities to oversee the conduct of certain authorized combative sports including, kickboxing, wrestling (which is distinguished from “professional wrestling” as defined in section 1017 of Article 41 of the General Business Law), amateur mixed martial arts, and the martial arts of Judo, Tae Kwon Do, Karate and Kempo.

These rules are necessary to effectuate the regulation of combative sports and professional wrestling so that they may be safely conducted while contributing to the economy and general prosperity of New York State.

**Text of proposed rule and any required statements and analyses may be obtained from:** James Leary, Esq., NYS Department of State, One Commerce Plaza, 99 Washington Ave., 11th Fl., Albany, NY 12232-0001, (518) 474-6740, email: James.Leary@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: Chapter 32 of the laws of 2016, which established a new Article 41 in the General Business Law entitled “Combative Sports,” effective September 1, 2016, provides that combative sports legally undertaken in this state are subject to the licensing and regulatory authority of the State Athletic Commission. Professional wrestling is also within the purview of the Commission. Section 11 of Chapter 32 authorizes the Commission to promulgate rules “necessary for the implementation of this act. . .to be made on or before” the September 1 effective date. The new Article 41 also provides general rulemaking authority in the Commission for its effectuation (GBL § 1003(2)) and explicit rulemaking authority relevant to: “licensing standards (GBL § 1003(2)); training facilities (GBL § 1009(2)(a)); fees for temporary working permits (GBL § 1011); the “conduct of authorized professional combative sports” (GBL § 1014); and the adjustment of “minimum limits” of required insurance and financial guarantees (GBL § 1015(11)).

2. Legislative objectives: In providing a framework for the licensure and regulation of authorized combative sports and professional wrestling, the legislature repealed the existing statutory structure related to “boxing, sparring and wrestling” and replaced it with a more comprehensive scheme for the regulation of those endeavors as well as, among others, professional and amateur mixed martial arts, kickboxing, and other combative sports. Additionally, the legislation seeks to protect combatants in all combative endeavors by establishing insurance minimums for some and vesting in the Commission the discretion to establish them for others. This proposal would effectuate the purpose of the statute by providing rules intended to ensure appropriate protections for the health and safety of combative sports athletes, to ensure integrity in athletic competition, to prevent abuses in the business practices within the covered industries, and to provide reasonable requirements for the licensure of professional boxing and mixed martial arts promoters, ringside personnel and combatants.

The proposal also provides for the authorization of third party entities to oversee the conduct of certain authorized combative sports including kickboxing, wrestling (which is distinguished from "professional wrestling" as defined in section 1017 of Article 41 of the General Business Law), amateur mixed martial arts, and the martial arts of Judo, Tae Kwon Do, Karate and Kempo. It should be noted, however, that these regulations do not apply to amateur training or instructional activities conducted by a business entity for the purposes of providing instruction and evaluation in a combative sport to customers for the purposes of health and fitness, personal development, self-defense or preparation for participation in amateur events conducted by an authorized sanctioning entity, as Section 1021 of the General Business Law expressly exempts such activities from the regulatory jurisdiction of the State Athletic Commission.

3. Needs and benefits: Existing law (Chapter 912 of the Laws of 1920, as amended, and the regulations promulgated pursuant thereto) vests in the Commission regulatory authority for the conduct of "boxing, sparring and professional wrestling." As of September 1, 2016, the effective date of Chapter 32 of the laws of 2016, such authority is repealed and replaced with Article 41 of the General Business Law, which provides a more inclusive scheme for the regulation of professional wrestling and authorized combative sports, comprised of "amateur and professional boxing, wrestling, sparring, kick boxing, single discipline martial arts and mixed martial arts." (GBL § 1001). In addition to newly authorizing and providing for the regulation of mixed martial arts, the legislation provides explicit requirements related to the protection of combatants with respect to their physical safety and economic needs in the event of an injury sustained while engaged in combat. These rules are necessary to effectuate the regulation of combative sports and professional wrestling regulation so that they may be safely conducted while contributing to the economy and general prosperity of New York State.

4. Costs:

a. Costs to regulated parties: New Article 41 provides a path for the sanctioning and conduct of professional mixed martial arts in New York State. Such activities will be new to this state, and the cost of compliance with regulatory requirements will be absorbed within the industry's business models and offset by revenue. The regulatory requirements set forth in new Article 41 and clarified in this proposal are in substantial conformance with those of other major market states which have historically permitted the conduct of mixed martial arts.

With respect to both the boxing and professional wrestling industries, compliance costs will be similar to current costs. Application fees for boxing licensure are statutorily frozen until September 1, 2018, and will thus continue unchanged. However, there will be additional costs associated with the provision of enhanced insurance coverage requirements for boxers. Adhering to the new Article 41 minimums, this proposal would require at least \$50,000 for medical, surgical and hospital expenses, a \$50,000 death benefit and \$1,000,000 for the treatment of any "life-threatening brain injury." The Department estimates that the cost of such a policy's premium would be between \$7,500 and \$9,000. There is no anticipated cost increase for professional wrestling promotions.

With respect to a professional kickboxing and other professional single discipline martial arts events conducted under the oversight of an authorized sanctioning entity, this proposal would require at least \$50,000 for medical, surgical and hospital expenses and a \$50,000 death benefit, costing between \$3,000 and \$6,000 per event. The promoter of an amateur combative sport match or exhibition is required to maintain a \$10,000 policy at an anticipated cost of approximately \$800 - \$1,000 per event.

b. Costs to the Department of State, the State and local governments: Presently, the cost of administering the program with its limited jurisdiction is approximately \$1M. With the addition of mixed martial arts, this figure is expected to increase. There will be no cost to local governments.

c. Cost methodology: The Department has estimated the resources necessary to implement the new licensing/regulatory programs sanctioned by new Article 41. It has projected the need for additional staff and non-personal resources by extrapolation from the resources necessary to administer its current licensing/regulatory responsibilities.

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

6. Paperwork: The proposal requires the completion of licensing applications by promoters, individual professional combatants and third party sanctioning entities. Promoters and sanctioning entities are required to maintain documents and records associated with the conduct of events, matches and exhibitions.

7. Duplication: No other state or federal rule or legal requirement duplicates, overlaps or conflicts with this rule.

8. Alternatives: The proposal provides comprehensive policy and procedure for the licensing and conduct of combative sports and professional wrestling in New York State. An alternative considered was to provide less specific guidance, leaving much of the administration of the program

to be set forth in unofficial policy and practice. This was rejected as unhelpful to the regulated industries.

9. Federal standards: The federal "Professional Boxing Safety Act of 1996" as amended by the "Mohammad Ali Boxing Reform Act of 2000" (15 USC 6301, et seq.) requires the approval of a "host state's" boxing commission for the conduct of a professional boxing event. Additionally, it sets forth certain minimum health and safety standards for the protection of boxers, and establishes standards for contracts and disclosures designed to protect boxers from unfair and coercive contracts. This proposal is fully consistent with Federal requisites.

10. Compliance schedule: Immediate upon effective date of new Article 41, which is September 1, 2016.

**Regulatory Flexibility Analysis**

1. Effect of rule: Currently, there are approximately 50 licensed promoters of professional boxing events and 40 licensed promoters of professional wrestling. Professional kickboxing is legally hosted by only one active statutorily authorized entity. A majority of such promoters service small venues and would be considered small businesses. With the introduction of professional mixed martial arts and a proposed process for the licensure of third party sanctioning entities, it is expected that a number of new small businesses will enter the market.

2. Compliance requirements: The proposal requires the completion of licensing applications by promoters, managers, seconds/trainers, matchmakers, referees, judges, individual professional combatants and third party sanctioning entities. Promoters and sanctioning entities are required to maintain documents and records associated with the conduct of events, matches and exhibitions.

3. Professional services: No professional services are likely to be required as a result of this rule.

4. Compliance costs: New Article 41 provides a path for the sanctioning and conduct of professional mixed martial arts in New York State. Such activities will be new to this state, and it is anticipated that the cost of compliance with regulatory requirements will be absorbed within the industry's business models and offset by revenue. It is of note that the regulatory requirements set forth in new Article 41 and clarified in this proposal are in substantial conformance with those of other major market states which have historically permitted the conduct of mixed martial arts.

With respect to both the boxing and professional wrestling industries, nearly all compliance costs will be similar to current costs. Application fees for boxing licensure are statutorily frozen until September 1, 2018, and will thus continue unchanged. However, there will be additional costs associated with the statutory mandate of enhanced insurance minimums for professional boxers. Adhering to the new Article 41 minimums, this proposal would require at least \$50,000 for medical, surgical and hospital expenses, a \$50,000 death benefit and a minimum of \$1,000,000 in coverage for the treatment of any "life-threatening brain injury." The Department estimates that the cost of such a policy for a professional boxing promoter would be between \$7,500 and \$9,000 to provide requisite coverage to all participants on a ten bout professional boxing card. There is no anticipated cost increase for professional wrestling promoters.

With respect to events undertaken by an authorized sanctioning entity, this proposal would require at least \$50,000 for medical, surgical and hospital expenses and a \$50,000 death benefit for a professional kickboxing or other professional single discipline martial arts event. The cost for such insurance, per event, is estimated to range between \$3,000 and \$6,000. The promoter of an amateur combative sport match or exhibition is required to maintain a \$10,000 policy at a cost of \$800 - \$1,000 per event.

5. Economic and technological feasibility: Some small businesses conducting professional boxing and kickboxing events in smaller venues may find the increased insurance costs problematic.

6. Minimizing adverse impact: The Department considered the downward adjustment of statutorily prescribed and newly imposed insurance minimums, but determined that such action would not be in the best interests of the combatants and contrary to legislative intent.

7. Small business and local government participation: The Department has discussed these matters with promoters and other interested parties.

8. For rules that either establish or modify a violation or penalties associated with a violation: Disciplinary action, including reprimand, fine, suspension or revocation, may be taken against licensees for violations of Article 41 of the General Business Law. A licensee may contest such action and is afforded an opportunity to be heard in the matter. Such disciplinary jurisdiction is necessary to protect the integrity of athletic competition, to deter and appropriately penalize foul play and unsportsmanlike conduct, and to provide for suspensions and revocations in the interest of health and safety.

**Rural Area Flexibility Analysis**

1. Types and estimated numbers of rural areas: Statewide.

2. Reporting, recordkeeping and other compliance requirements; and



professional services: The rule requires the completion of licensing applications by promoters, individual professional combatants and third party sanctioning entities. Promoters and sanctioning entities are required to maintain documents and records associated with the conduct of events, matches and exhibitions. No professional services are likely to be required as a result of this rule.

3. Costs: New Article 41 provides a path for the sanctioning and conduct of professional mixed martial arts in New York State. These activities will be new to this state, and the cost of compliance with regulatory requirements will be absorbed within the industry’s business models and offset by revenue. The regulatory requirements set forth in new Article 41 and clarified in this proposal are in substantial conformance with those of other major market states which have historically permitted the conduct of mixed martial arts.

With respect to both the boxing and professional wrestling industries, compliance costs will be similar to current costs. Application fees for boxing licensure are statutorily frozen until September 1, 2018 and thus, will continue unchanged. However, there will be additional costs associated with the provision of enhanced insurance minimums and requirements for boxers. Adhering to the new Article 41 minimums, this proposal would require at least \$50,000 for medical, surgical and hospital expenses, a \$50,000 death benefit and \$1,000,000 for the treatment of any “life-threatening brain injury.” The Department estimates that the cost of such a policy would be between \$7,500 and \$9,000. There will be no cost increase for insurance required for professional wrestling.

With respect to events undertaken by an authorized sanctioning entity, this proposal would require at least \$50,000 for medical, surgical and hospital expenses and \$50,000 death benefit for a professional kickboxing or other professional single discipline martial arts event. The cost for such insurance, per event, is estimated to range between \$5,000 and \$6,000. The promoter of an amateur combative sport match or exhibition is required to maintain a \$10,000 policy at a cost of \$800 - \$1,000 per event.

The above described costs will not differ between rural and non-rural areas.

4. Minimizing adverse impact: The Department considered the downward adjustment of statutorily prescribed and newly imposed insurance minimums, but determined that such action would not be in the best interests of the combatants and contrary to legislative intent.

5. Rural area participation: The Department has discussed these matters with promoters and other interested parties at small venue events. The proposed rulemaking process provides additional opportunity for public participation and comment.

**Job Impact Statement**

1. Nature of impact: The rule provides a path for the sanctioning and conduct of professional mixed martial arts in New York State. This industry is new to New York State and will result in significant economic opportunities and growth.

2. Categories and numbers affected: The professional mixed martial arts industry will provide new jobs in relation to the conduct of live professional events, large and small, throughout the State. More significantly, collateral economic activity surrounding professional mixed martial arts events, both large and small, will be substantial, leading to the creation of jobs in diverse sectors, including those associated with athletic training, merchandizing, dining, entertainment, and tourism. The positive economic impact is estimated to be in the millions.

3. Regions of adverse impact: Promotions holding low-revenue generating professional boxing or professional kickboxing events may be negatively impacted as a result of the anticipated \$3,000 to \$5,000 incurred in increased costs per event for the purchase of requisite accident insurance coverage for combatants, which may not be readily absorbed in the cost structure of such for-profit events.

4. Minimizing adverse impact: The Department considered the downward adjustment of statutorily prescribed and newly imposed insurance minimums, but determined that such action would not be in the best interests of the combatants.

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

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

**Subject:** Jurisdictional Classification.

**Purpose:** To delete positions from the non-competitive class.

**Text or summary was published** in the August 26, 2015 issue of the Register, I.D. No. CVS-34-15-00008-P.

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

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

**Assessment of Public Comment**

The agency received no public comment.

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## Department of Environmental Conservation

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

**Regulations Governing the Recreational Harvest of Black Sea Bass**

**I.D. No.** ENV-28-16-00002-EP

**Filing No.** 616

**Filing Date:** 2016-06-23

**Effective Date:** 2016-06-23

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

**Proposed Action:** Amendment of Part 40 of Title 6 NYCRR.

**Statutory authority:** Environmental Conservation Law, sections 11-0303, 13-0105 and 13-0340-f

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

**Specific reasons underlying the finding of necessity:** This rulemaking is necessary for New York to remain in compliance with the National Marine Fisheries Service’s (NMFS) and the Atlantic States Marine Fisheries Commission’s (ASMFC) required limits for the coast-wide recreational harvest of black sea bass. NMFS set the 2016 coast-wide recreational harvest limit (RHL) for black sea bass at 2.82 million pounds in October of 2015. In mid-February 2016, harvest estimates for the entire 2015 fishing year became available. Based upon coast-wide fishery performance, ASMFC then determined that each northern member state (Massachusetts through New Jersey) must reduce recreational black sea bass harvest by 23% in order to not exceed the 2016 RHL. Once all data was available and the required reduction known, DEC Division of Marine Resources (DMR) developed several regulatory options that would result in the required reduction. DEC made these options available to the public for review and consulted with members of New York’s fishing public for feedback. This rulemaking contains the option that DEC has selected in an effort to provide New York’s anglers with appropriate and equitable access to this popular recreational fishery.

DEC is adopting these changes by emergency rulemaking in order to protect the general welfare. The regulations currently in place for recreational harvest of black sea bass were developed for the previous fishing year, and are not restrictive enough for the current fishing year. Current black sea bass regulations do not satisfy the latest reduction mandated by the ASMFC, and leaving them unchanged would likely result in the over-harvest of black sea bass by New York anglers. Falling out of compliance with the ASMFC requirements could result in federal sanctions and closure of the black sea bass fishery. In addition, the normal rulemaking process would not promulgate these regulations in time for the proposed season opening on June 27. This would result in the loss of fishing days and unnecessarily disadvantage New York’s anglers and associated businesses.

**Subject:** Regulations governing the recreational harvest of black sea bass.

**Purpose:** To reduce recreational black sea bass harvest in New York State.

**Text of emergency/proposed rule:** Existing subdivision 40.1 (f) of 6 NYCRR is amended to read as follows:

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## Department of Civil Service

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### NOTICE OF ADOPTION

**Jurisdictional Classification**

**I.D. No.** CVS-34-15-00008-A

**Filing No.** 615

**Filing Date:** 2016-06-22

**Effective Date:** 2016-07-13

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

Species Striped bass through Scup remain the same. Species Black sea bass is amended to read as follows:

40.1(f) Table A – Recreational Fishing.

Species	Open Season	Minimum Length	Possession Limit
Black sea bass	June 27-Aug. 31	15" TL	3
	[July 15]Sept.	[14]15" TL	8
	1-Oct. 31	[14]15" TL	10
	Nov. 1-Dec. 31		

Species Anadromous river herring through Oyster toadfish remain the same.

**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 September 20, 2016.

**Text of rule and any required statements and analyses may be obtained from:** Stephen Heins, New York State Department of Environmental Conservation, 205 North Belle Mead Road, Suite 1, East Setauket, NY 11733, (631) 444-0435, email: steve.heins@dec.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:** The action is subject to SEQR as an Unlisted action and a Short EAF was completed. The Department has determined that an EIS need not be prepared and has issued a negative declaration. The EAF and negative declaration are available upon request.

#### Regulatory Impact Statement

##### 1. Statutory authority:

Environmental Conservation Law (ECL) sections 11-0303, 13-0105, and 13-0340-f authorize the Department of Environmental Conservation (DEC or the department) to establish by regulation the open season, size, catch limits, possession and sale restrictions and manner of taking for black sea bass.

##### 2. Legislative objectives:

It is the objective of the above-cited legislation that DEC manages marine fisheries to optimize resource use for commercial and recreational harvesters in a manner that is consistent with marine fisheries conservation and management policies and interstate fishery management plans.

##### 3. Needs and benefits:

This rulemaking is necessary for New York to remain in compliance with the National Marine Fisheries Service's (NMFS) and the Atlantic States Marine Fisheries Commission's (ASMFC) required limits for the coast-wide recreational harvest of black sea bass. NMFS set the 2016 coast-wide recreational harvest limit (RHL) for black sea bass at 2.82 million pounds in October of 2015. In mid-February 2016, harvest estimates for the entire 2015 fishing year became available. Based upon coast-wide fishery performance, ASMFC then determined that each northern member state (Massachusetts through New Jersey) must reduce recreational black sea bass harvest by 23% in order to not exceed the 2016 RHL. Once all data was available and the required reduction known, DEC Division of Marine Resources (DMR) developed several regulatory options that would result in the required reduction. DEC made these options available to the public for review and consulted with members of New York's fishing public for feedback. This rulemaking contains the option that DEC has selected in an effort to provide New York's anglers with appropriate and equitable access to this popular recreational fishery.

DEC is adopting these changes by emergency rulemaking in order to protect the general welfare. The regulations currently in place for recreational harvest of black sea bass were developed for the previous fishing year, are not restrictive enough for the current fishing year. Current black sea bass regulations do not satisfy the latest reduction mandated by the ASMFC, and leaving them unchanged would likely result in the over-harvest of black sea bass by New York anglers. Falling out of compliance with the ASMFC requirements could result in federal sanctions and closure of the black sea bass fishery. In addition, the normal rulemaking process would not promulgate these regulations in time for the proposed season opening on June 27. This would result in the loss of fishing days and unnecessarily disadvantage New York's anglers and associated businesses.

This rulemaking is intended to reduce the harvest of black sea bass by increasing the size limit and reducing the possession limit. However, the proposed amendments will also increase the open season by 19 days which will provide some relief to New York State recreational anglers.

##### 4. Costs:

There are no new costs to state and local governments from this action.

The department will incur limited costs associated with both the implementation and administration of these rules, including the costs relating to notifying recreational harvesters, party and charter boat operators and other recreational fishing associated businesses of the new rules.

##### 5. Local government mandates:

The emergency rule does not impose any mandates on local government.

##### 6. Paperwork:

None.

##### 7. Duplication:

The amendment does not duplicate any state or federal requirement.

##### 8. Alternatives:

The management measures proposed in this rulemaking were developed by DMR staff working with a group of anglers and recreational fishing industry members. Twelve options were developed through the manipulation of minimum size limits, possession limits, and length of fishing seasons to achieve the required harvest reduction. These options were made publicly available through the Marine Resource Advisory Council (MRAC) website. They were also available on several local fishing websites. After consulting with the public, DEC is moving to adopt regulations that provide New York's anglers with appropriate and equitable access to this popular recreational fishery.

"No action" alternative: If New York were to not adopt regulations that reduced recreational black sea bass harvest in 2016, the State would be out of compliance with ASMFC and NMFS requirements and subject to federal sanctions.

##### 9. Federal standards:

The amendments to Part 40 are in compliance with the ASMFC and the Mid-Atlantic Fishery Management Council fishery management plan for black sea bass.

##### 10. Compliance schedule:

These regulations are being adopted by emergency rulemaking and therefore will take effect immediately upon filing with Department of State. Regulated parties must comply immediately and will be notified of the changes to the regulations through appropriate news releases, by mail, and through DEC's website.

#### Regulatory Flexibility Analysis

##### 1. Effect of rule:

The proposed amendment will implement more restrictive fishing rules for New York recreational anglers targeting black sea bass. The proposed rule will adopt the following provisions: increase the minimum size by 1 inch, from 14 to 15 inches, for the entire season; reduce the possession limit from 8 fish to 3 fish from June 27-August 31; open the recreational fishing season 19 days earlier than current regulations, moving the start of the season from July 15 to June 27. The possession limits and open fishing season for dates after August 31 will remain the same as in the current regulations.

The proposed rule is more restrictive than last year's regulations. In 2015, there were 488 licensed party and charter businesses in New York State. There were also a number of retail and wholesale marine bait and tackle shop businesses operating in New York. The 1-inch increase in size limit and 5-fish decrease in possession limit during the summer months may decrease angler interest in targeting black sea bass and may impact businesses dependent upon these trips. The new size limit will not impact all anglers in the same manner; small boat owners, inshore anglers, and anglers from the western portions of Long Island will be less likely to catch black sea bass of legal size than those fishing offshore and in eastern portions of Long Island.

This rulemaking is intended to reduce the harvest of black sea bass by increasing the size limit and reducing the possession limit. However, the proposed amendments will also increase the open season by 19 days which will provide some relief to New York State recreational anglers.

##### 2. Compliance requirements:

None.

##### 3. Professional services:

None.

##### 4. Compliance costs:

There are no initial capital costs that will be incurred by a regulated business or industry that complies with the emergency rule.

##### 5. Economic and technological feasibility:

The emergency regulations do not require any expenditure on the part of affected businesses in order to comply with the changes. The emergency regulations may decrease the income of party and charter businesses, marinas and marine bait and tackle shops that depend heavily upon the recreational black sea bass fishery, especially in areas where larger fish are less available.

##### 6. Minimizing adverse impact:

The promulgation of this regulation is necessary for DEC to reduce recreational black sea bass harvest in order to maintain compliance with the Atlantic States Marine Fisheries Commission (ASMFC) while providing New York's anglers with appropriate and equitable access to this

popular recreational fishery. These proposed amendments are consistent with the required harvest reduction, and DEC anticipates that New York State will therefore remain in compliance with ASMFC and federal requirements.

Ultimately, the maintenance of long-term sustainable fisheries will have a positive effect on employment for the fisheries in question, including party and charter boat fisheries as well as wholesale and retail bait and tackle shops and other support industries for recreational fisheries. Failure to comply and take required actions to protect our natural resources could cause the collapse of a stock and have a severe, adverse impact on the commercial and recreational fisheries for that species as well as the supporting industries for those fisheries.

#### 7. Small business and local government participation:

The management measures proposed in this proposed rulemaking were developed by DEC staff working with a group of anglers and recreational fishing industry members. Twelve options were developed through the manipulation of minimum size limits, possession limits, and length of fishing seasons to achieve the required harvest reduction. These options were made publicly available through the Marine Resource Advisory Council (MRAC) website. They were also available on several local fishing websites. After consulting with the public—including commercial fishing interests, recreational fishing organizations, party and charter boat owners and operators, retail and wholesale bait and tackle shop owners, recreational anglers and state law enforcement personnel—the DEC is moving to adopt regulations that provide New York's anglers with appropriate and equitable access to this popular recreational fishery.

#### 8. Cure period or other opportunity for ameliorative action:

Pursuant to the State Administrative Procedure Act § 202-b(1-a)(b) (SAPA), a cure period is not included in the rule because of the potential adverse impact on the resource. Cure periods for the illegal taking of fish or wildlife are neither desirable nor recommended. Immediate compliance is required to ensure that the general welfare of the public and the resource are both protected.

#### 9. Initial review of rule:

The department will conduct an initial review of the rule within three years as required by SAPA § 207(1)(b).

#### Rural Area Flexibility Analysis

The Department of Environmental Conservation has determined that this rule will not impose an adverse impact on rural areas. There are no rural areas within the marine and coastal district. The black sea bass fishery directly affected by the proposed rule is entirely located within the marine and coastal district and is not located adjacent to any rural areas of the state. Further, the proposed rule does not impose any reporting, record-keeping, or other compliance requirements on public or private entities in rural areas. Since no rural areas will be affected by the proposed amendments of 6 NYCRR Part 40, a Rural Area Flexibility Analysis is not required.

#### Job Impact Statement

##### 1. Nature of impact:

The proposed amendment will implement more restrictive fishing rules for recreational anglers targeting black sea bass. The proposed rule will adopt the following provisions: increase the minimum size by 1 inch, from 14 to 15 inches for the entire season; reduce the possession limit from 8 fish to 3 fish from June 27-August 31; and open the recreational fishing season 19 days earlier than current regulations, moving the start of the season from July 15 to June 27. The possession limits and open fishing season for dates after August 31 will remain the same as in the current regulations.

##### 2. Categories and numbers affected:

In 2015, there were 488 licensed party and charter businesses in New York State. There were also a number of marinas, retail and wholesale marine bait and tackle shop businesses operating in New York. According to the American Sportfishing Association, in 2011 New York had an estimated 800,811 marine recreational anglers that spent \$1,194,493,042 on saltwater fishing, generating \$144,539,079 in state and local tax revenue. In 2015 New York anglers took an estimated 330,715 fishing trips targeting black sea bass, the most trips in any of the last 5 years.

##### 3. Regions of adverse impact:

The proposed regulation will impact recreational fishing anglers and associated businesses throughout most of New York's Marine and Coastal District. The more restrictive black sea bass possession limit, reduced from 8 fish to 3 fish, will likely reduce the number of trips anglers take in pursuit of this species, thereby decreasing the amount of money they spend on bait, tackle, fares, and gas. This decrease in spending will have a negative impact upon those businesses (e.g. bait and tackle retail, party and charter operations, gas docks, marinas, etc.) that cater to recreational anglers. Also, the lower possession limit during the time of the year (June 27-August 31) when most people and boat owners are on the water may discourage anglers from pursuing black sea bass as anything more than a bycatch fishery.

The 1-inch increase in minimum size will not impact all anglers in the same manner. Anglers fishing from the western south shore or in western and central Long Island Sound have less access to large fish. In addition, large fish are more available further offshore, especially later in the season. This proposed rule will have greater impacts on small boat owners, inshore fishermen, and anglers who fish the western shores of Long Island.

#### 4. Minimizing adverse impact:

The promulgation of this regulation is necessary for DEC to reduce recreational black sea bass harvest in order to maintain compliance with the Atlantic States Marine Fisheries Commission and avoid federal sanctions.

DEC staff, working with a group of anglers and recreational fishing industry members, developed the management measures put forth in this proposed rulemaking. They developed twelve options through the manipulation of minimum size limits, possession limits, and length of fishing seasons to achieve the required harvest reduction. These options were made publicly available through the Marine Resource Advisory Council (MRAC) website. They were also available on several local fishing websites. After consulting with the public, DEC is moving to adopt regulations that provide New York's anglers with appropriate and equitable access to this popular recreational fishery.

Ultimately, the maintenance of long-term sustainable fisheries will have a positive effect on employment for the fisheries in question, including party and charter boat fisheries as well as wholesale and retail bait and tackle shops and other support industries for recreational fisheries.

#### 5. Self-employment opportunities:

The party and charter boat businesses, the bait and tackle shops, and marinas are, for the most part, small businesses, owned and often operated by a single owner. The recreational fishing industry is mostly self-employed. This rule will likely have a negative effect upon opportunities for businesses related to the recreational harvest of black sea bass. However, failing to adopt this rulemaking and comply with ASMFC requirements could lead to federal closure of New York's black sea bass fishery.

6. Initial review of the rule, pursuant to the State Administrative Procedure Act § 207 (SAPA):

The department will conduct an initial review of the rule within three years as required by SAPA § 207(b).

## NOTICE OF ADOPTION

### Croton Gorge Unique Area

I.D. No. ENV-17-16-00001-A

Filing No. 621

Filing Date: 2016-06-28

Effective Date: 2016-07-13

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

**Action taken:** Addition of section 190.10(g) to Title 6 NYCRR.

**Statutory authority:** Environmental Conservation Law, sections 1-0101(3)(b), 3-0301(1)(b), (2)(m), 9-0105(1) and (3)

**Subject:** Croton Gorge Unique Area.

**Purpose:** To protect public safety and the natural resources on the Croton Gorge Unique Area.

**Text of final rule:** A new subdivision (g) is added to 6 NYCRR section 190.10 to read as follows:

(g) *Croton Gorge Unique Area. Description: For the purposes of this section, Croton Gorge Unique Area, referred to in this section as "the area", means all those state lands located in Westchester County in the Town of Cortlandt, in a portion of the Cortlandt Patent.*

(1) *All camping shall be prohibited.*

(2) *Public use of the property will be allowed from sunrise to sunset only.*

(3) *The use of any type of fire shall be prohibited including the use of charcoal or gas grills.*

(4) *Possession or consumption of alcoholic beverages shall be prohibited.*

(5) *No person shall play a musical instrument or audio device, including, but not limited to radios, tape players, compact disc or digital players, unless the noise is rendered inaudible to the public by personal noise-damping devices such as headphones or earbuds.*

**Final rule as compared with last published rule:** Nonsubstantive changes were made in section 190.10(g)(5).

**Text of rule and any required statements and analyses may be obtained from:** Jeff Wiegert, NYS DEC, 21 South Putt Corners Road, New Paltz, New York 12561, (845) 256-3084, email: jeffrey.wiegert@dec.ny.gov

**Additional matter required by statute:** A Short EAF has been prepared in compliance with Article 8 of the Environmental Conservation Law.

**Revised Regulatory Impact Statement**

1. Statutory authority:

Environmental Conservation Law (“ECL”) section 1-0101(3)(b) directs the Department of Environmental Conservation (Department) to guarantee “that the widest range of beneficial uses of the environment is attained without risk to health or safety, unnecessary degradation or other undesirable or unintentional consequences.” ECL section 3-0301(1)(b) gives the Department the responsibility to “promote and coordinate management of...land resources to assure their protection, enhancement, provision, allocation, and balanced utilization...and take into account the cumulative impact upon all such resources in promulgating any rule or regulation.” ECL section 9-0105(1) authorizes the Department to “[e]xercise care, custody, and control” of state lands. ECL section 3-0301(2)(m) authorizes the Department to adopt rules and regulations “as may be necessary, convenient or desirable to effectuate the purposes of [the ECL],” and ECL 9-0105(3) authorizes the Department to “[m]ake necessary rules and regulations to secure proper enforcement of [ECL Article 9].”

2. Legislative objectives:

In adopting various articles of the ECL, the legislature has established that forest, fish, and wildlife conservation are policies of the state and has empowered the Department to exercise care, custody, and control over certain state lands and other real property. Consistent with these statutory interests, the proposed regulations will protect natural resources and the safety and welfare of those who engage in recreational activities within the Croton Gorge Unique Area. The Department has also been authorized by the state legislature to manage state owned lands (see ECL section 9-0105(1)), and to promulgate rules and regulations for the use of such lands (see ECL sections 3-0301(2)(m) and 9-0105(3)).

3. Needs and benefits:

The Croton Gorge Unique Area (“the Area”) is located in the town of Cortlandt in Westchester County and was acquired in 1978 by the state because of its natural beauty. As early as 1965, Westchester County identified this stretch of the Croton River for public acquisition in its open space program. In 1974, discussions involving the Department, Westchester County officials, the Nature Conservancy, and various local and regional conservationists culminated in the formal submission of a nomination of a portion of the Croton Gorge for acquisition by the Department with Environmental Quality Bond Act funds under the unique category for inclusion in the State Nature and Historical Preserve. In 1976, the Board of the State Nature and Historical Preserve Trust advised the commissioner of the Department of Environmental Conservation that “the Croton River and Gorge from the New Croton Dam to the River’s confluence with the Hudson qualifies as a “Unique Area” in the natural beauty category; that the Board recommend that the commissioner explore and report on means of protecting the entire Gorge either by State, County, private or municipal acquisition or other method of protection; and that as a first step the commissioner acquire by easement or fee title up to 40 acres in the section designated....” Original parcels identified for acquisition included lands owned by (a) the Village of Croton-on-Hudson, (b) the Union Free School District #2, (c) Towns of Cortlandt and Yorktown, and (d) three private landowners. An internal memo described the acquisition as “one of the grandest hemlock gorges in the State, and the finest immediately adjacent to the Tidal Hudson. Despite the propinquity to New York City, the tract is largely undisturbed.” The same memo proposed that an emergency action was required “in order to secure a crucial portion from adverse development.”

In 1978, the Department acquired 19.2 acres in three separate parcels east of the Croton River in the Town of Cortlandt, from two willing private sellers. The 19.2 acre acquisition by the Department became the Croton Gorge Unique Area. Part 190 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (“6 NYCRR”) contain the general regulations concerning the public’s use of state lands, but it does not adequately address the majority of management issues confronting this property including overuse, alcohol consumption, campfires, and camping.

Due to the large influx of public users to this small property in the summer months, there is degradation to the natural resources of the Area and an increase in public safety issues. These include the trampling of vegetation resulting in areas of compacted soil and bare ground, damage to trees resulting from limb removal for fire use, littering, and graffiti. In addition, trespassing onto neighboring private properties is an issue. In the case of wildfire, efforts to contain a blaze by local first responders would be hampered with the lack of fire hydrants near the property and the rugged terrain. Another problem are loud noises that reverberate throughout the gorge from audio devices used on the Area.

The proposed regulations will improve public safety by prohibiting the consumption of alcohol and the use of fire on the property. By prohibiting camping and restricting hours of use, it is anticipated that litter, trespass

and other degradation problems will be reduced or eliminated. In contrast to other similar regulations, the proposed regulations specify the start and end of hours of public use as sunrise and sunset, rather than times of day. This language will help to ensure that users leave the area while there is still sufficient daylight to safely navigate the steep trail that is the only means of ingress and egress from the property.

Local government is very supportive of this regulatory proposal and are expected to assist the Department with enforcement. Local law enforcement and public safety officials are the first responders to incidents on this property. A Task Force composed of local municipal leaders, neighbors, law enforcement and public safety officials has been formed to address management issues on the Croton Gorge Unique Area. The Task Force has requested that the Department promulgate regulations to increase public safety and address overuse while still providing a quality outdoor recreational experience for users of the property. It has been pointed out that Department lands are the only publicly managed lands along the Croton River that allow alcohol consumption, campfires and camping. Consistency in permitted uses on publicly managed lands along the Croton River is desired. The uniqueness of the area and its uses require some additional restrictions on Department lands. For these and other reasons the Department seeks to promulgate regulations for the Croton Gorge Unique Area. The Department has concluded that it is reasonable and appropriate to develop regulations to regulate the activities at the Croton Gorge Unique Area in order to protect the Area’s natural resources given its unique character and level of public use.

Department staff attended a Task Force meeting on October 2, 2014 to listen to concerns and issues with public use of the Croton Gorge Unique Area. This is a continuation of meetings the Department has attended since 2006. Attendees at this meeting included Town Supervisors from Cortlandt and Ossining, the Mayor of Croton-on-Hudson, the Director of Environmental Services for the Town of Cortlandt, police and emergency personnel from Westchester County and the above municipalities, interested members of the public, users of the property and neighbors. At that meeting Department staff agreed to a field visit to the property which occurred on November 8, 2014. A handful of people showed up including the Director of Environmental Services for the Town of Cortlandt and a couple of neighbors. The content of the proposed Unique Area regulations was discussed.

Information regarding the Department’s intent to propose a regulation, the content of the regulation and the public process associated with the rulemaking will appear in a widely- distributed Spanish-language newspaper in the area. In addition, a public meeting in the local community will be held during the formal regulatory comment period. All regulatory documents will appear on the Department’s website.

4. Costs:

There will be no increased staffing, construction or compliance costs projected for state or local governments or to private regulated parties as a result of this rulemaking. Costs to local governments and Department enforcement personnel will not increase as a result of increased patrols since patrol levels will remain the same. Costs to the Department will be minimal and are estimated to be approximately \$500.00 for necessary signage for the property explaining the new regulations.

5. Local government mandates:

This proposal will not impose any program, service, duty or responsibility upon any county, city, town, village, school district or fire district.

6. Paperwork:

The proposed regulations will not impose any reporting requirements or other paperwork on any private or public entity.

7. Duplication:

There is no duplication, conflict, or overlap with state or federal regulations.

8. Alternative approaches:

The no-action alternative is not feasible since it does not adequately protect the Croton Gorge Unique Area from overuse and abuse. Reliance on current Part 190 regulations for State Forest lands does not provide adequate public safety or law enforcement protections that are necessary for the protection of the Croton Gorge Unique Area because of its unique characteristics and geographic location.

9. Federal standards:

There is no relevant federal standard governing the use of state lands.

10. Compliance schedule:

The regulations will become effective on the date of publication of the rulemaking in the New York State Register. Once the regulations are adopted they are effective immediately. The Department will educate the public about the regulations through information posted on the Departments’ web site, signage posted on the property, and by working with the Task Force to help disseminate information regarding the regulations.

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

A non-substantive change was made to the regulation that did not necessitate revision to the previously published statement for the Revised

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

**Initial Review of Rule**

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2019, which is no later than the 3rd year after the year in which this rule is being adopted.

**Assessment of Public Comment**

Croton Gorge Unique Area Regulations Change

Comment: Happy and supportive of the regulations. Feels that the regulations will help deter abuse and overuse of the property. (6 Comments)

Response: Thank you.

Comment: An additional regulation should be added to address the noise issues on the property, especially loud music from boom boxes. The noise echoes in the gorge and is quite disruptive to the surrounding property owners on both sides of the river. Several other meeting attendees also nodded their heads in agreement on the additional noise regulation.

At a meeting with police officers before the public meeting, the issue was also brought up by local law enforcement, who agreed that an additional regulation intended to limit noise would help.

Response: An additional regulation will be added in an attempt to limit noise.

Comment: Who is responsible for enforcing the new regulations? Can the Village of Croton-on-Hudson police be empowered to write tickets per the new regulations?

Response: The Croton Gorge Unique Area is a DEC property managed under Environmental Conservation Law (ECL), so DEC has the main jurisdiction. However, any police officer has the ability to write tickets against ECL and DEC is working with the New York State Police and the Westchester County Sheriff's Office to enforce the new regulations. The Village of Croton-on-Hudson Police have stated that the property is outside of their jurisdictional area.

Comment: Is there anything that would prevent DEC from putting up the Special Regulations prior to formal adoption?

Response: Such action at this time would be a departure from the public process that has been started. Signs with the new regulations will be put up after the new regulations are final.

Comment: Commenter would like to see the parking area lot reopened.

Response: The parking area is not on DEC property. Supervisor Puglisi (Town of Cortlandt), who was in attendance, stated that half the parking lot is open now.

Comment: Any discussion regarding limiting the number of people who use the property on a given day?

Response: Limiting the number of people on the property is not being discussed at present. The new regulations are intended to help reduce natural resource damage by addressing the types of uses, not the number of users. If this approach is unsuccessful, limiting the number of users could be considered.

Numerous comments on the new regulations are consolidated and summarized below.

Comments: Need to stress the importance of clear and plentiful signage. Realize it will be an educational process to get the word out about the regulations to those who use the property. Village of Croton police have a mega phone to use while out on the water. Provide ECO's with brochures detailing the proposed regulations to give out during their patrols of the property. It may be a good idea to reach out to members of St. Anne's church in Ossining. Many of the population that use this property may attend this particular church and they have a website. Special Regulations should be posted on DEC's website. Hoping Special Regulations will allow users to have a quality experience when they visit the property.

Response: The Department is interested in getting the word out about the new regulations also. Signage with the new regulations will be posted on the property, in English and Spanish. The regulations will also be posted on the Department's website.

**Department of Financial Services**

**EMERGENCY  
RULE MAKING**

**Public Retirement Systems**

**I.D. No.** DFS-28-16-00001-E

**Filing No.** 614

**Filing Date:** 2016-06-22

**Effective Date:** 2016-06-22

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

**Action taken:** Amendment of Part 136 (Regulation 85) of Title 11 NYCRR.

**Statutory authority:** Financial Services Law, sections 202 and 302; Insurance Law, sections 301, 314, 7401(a) and 7402(n)

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

**Specific reasons underlying the finding of necessity:** The Second Amendment to 11 NYCRR 136 (Insurance Regulation 85), effective November 19, 2008, established new standards of behavior with regard to investment of the assets of the New York State Common Retirement Fund ("Fund"), conflicts of interest, and procurement. In addition, it created new audit and actuarial committees, and greatly strengthened the investment advisory committee. The Second Amendment also set high ethical standards, strengthened internal controls and governance, enhanced the operational transparency of the Fund, and strengthened supervision by the Department.

Nevertheless, recent events surrounding how placement agents conduct business on behalf of their clients with regard to the Fund compel the Superintendent to conclude that the mere strengthening of the Fund's control environment is insufficient to protect the integrity of the state employees' retirement systems. Rather, only an immediate ban on the use of placement agents will ensure sufficient protection of the Fund's members and beneficiaries and safeguard the integrity of the Fund's investments.

This regulation was previously promulgated on an emergency basis on June 18, 2009, September 16, 2009, January 5, 2010, April 2, 2010, May 28, 2010, July 29, 2010, September 23, 2010, November 19, 2010, January 18, 2011, March 21, 2011, May 19, 2011, August 16, 2011, November 10, 2011, February 7, 2012, May 7, 2012, August 3, 2012, October 31, 2012, January 28, 2013, April 26, 2013, July 24, 2013, October 21, 2013, January 17, 2014, April 16, 2014, July 14, 2014, October 10, 2014, January 7, 2015, April 6, 2015, July 3, 2015, September 30, 2015, December 28, 2015, and March 25, 2016.

**Subject:** Public Retirement Systems.

**Purpose:** To ban the use of placement agents by investment advisors engaged by the State Employees' Retirement Systems.

**Text of emergency rule:** Section 136-2.2 is amended to read as follows:  
§ 136-2.2 Definitions.

The following words and phrases, as used in this Subpart, unless a different meaning is plainly required by the context, shall have the following meanings:

[(a) Retirement system shall mean the New York State and Local Employees' Retirement System and the New York State and Local Police and Fire Retirement System.]

[(b) Fund shall mean the New York State Common Retirement Fund, a fund in the custody of the Comptroller as trustee, established pursuant to Section 422 of the Retirement and Social Security Law, which holds the assets of the retirement system.]

[(c)](a) Comptroller shall mean the Comptroller of the State of New York in his capacity as administrative head of the Retirement System and the sole trustee of the [fund] Fund.

[(d) OSC shall mean the Office of the State Comptroller.]

[(e)](b) Consultant or advisor shall mean any person (other than an OSC employee) or entity retained by the [fund] Fund to provide technical or professional services to the [fund] Fund relating to investments by the [fund] Fund, including outside investment counsel and litigation counsel, custodians, administrators, broker-dealers, and persons or entities that identify investment objectives and risks, assist in the selection of [money] investment managers, securities, or other investments, or monitor investment performance.

(c) Family member shall mean any person living in the same household as the Comptroller, and any person related to the Comptroller within the third degree of consanguinity or affinity.

(d) *Fund* shall mean the New York State Common Retirement Fund, a fund in the custody of the Comptroller as trustee, established pursuant to Section 422 of the Retirement and Social Security Law ("RSSL"), which holds the assets of the Retirement System.

[(f)(e) Investment manager shall mean any person (other than an OSC employee) or entity engaged by the Fund in the management of part or all of an investment portfolio of the [fund] *Fund*. "Management" shall include, but is not limited to, analysis of portfolio holdings, and the purchase, sale, and lending thereof. For the purposes hereof, any investment made by the Fund pursuant to RSSL § 177(7) shall be deemed to be the investment of the Fund in such investment entity (rather than in the assets of such investment entity).

(f) *Investment policy statement* shall mean a written document that, consistent with law, sets forth a framework for the investment program of the Fund.

(g) OSC shall mean the Office of the State Comptroller.

[(g)](h) Placement agent or intermediary shall mean any person or entity, including registered lobbyists, directly or indirectly engaged and compensated by an investment manager (other than [an] a regular employee of the investment manager) to promote investments to or solicit investment by [assist the investment manager in obtaining investments by the fund, or otherwise doing business with] the [fund] *Fund*, whether compensated on a flat fee, a contingent fee, or any other basis. Regular employees of an investment manager are excluded from this definition unless they are employed principally for the purpose of securing or influencing the decision to secure a particular transaction or investment by the Fund. [obtaining investments or providing other intermediary services with respect to the fund.] For purpose of this paragraph, the term "employee" shall include any person who would qualify as an employee under the federal Internal Revenue Code of 1986, as amended, but shall not include a person hired, retained or engaged by an investment manager to secure or influence the decision to secure a particular transaction or investment by the Fund.

[(h) Investment policy statement shall mean a written document that, consistent with law, sets forth a framework for the investment program of the fund.]

[(i) Third party administrator shall mean any person or entity that contractually provides administrative services to the retirement system, including receiving and recording employer and employee contributions, maintaining eligibility rosters, verifying eligibility for benefits or paying benefits and maintaining any other retirement system records. Administrative services do not include services provided to the fund relating to fund investments.]

(i) *Retirement System* shall mean the New York State and Local Employees' Retirement System and the New York State and Local Police and Fire Retirement System.

(j) *Third party administrator* shall mean any person or entity that contractually provides administrative services to the Retirement System, including receiving and recording employer and employee contributions, maintaining eligibility rosters, verifying eligibility for benefits, paying benefits or maintaining any other Retirement System records. "Administrative services" do not include services provided to the Fund relating to Fund investments.

[(j)](k) Unaffiliated Person shall mean any person other than: (1) the Comptroller or a family member of the Comptroller, (2) an officer or employee of OSC, (3) an individual or entity doing business with OSC or the [fund] *Fund*, or (4) an individual or entity that has a substantial financial interest in an entity doing business with OSC or the [fund] *Fund*. For the purpose of this paragraph, the term "substantial financial interest" shall mean the control of the entity, whereby "control" means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of the entity, whether through the ownership of voting securities, by contract (except a commercial contract for goods or non-management services) or otherwise; but no individual shall be deemed to control an entity solely by reason of his being an officer or director of such entity. Control shall be presumed to exist if any individual directly or indirectly owns, controls or holds with the power to vote ten percent or more of the voting securities of such entity.

[(k) Family member shall mean any person living in the same household as the Comptroller, and any person related to the Comptroller within the third degree of consanguinity or affinity.]

Section 136-2.4(d) is amended to read as follows:

(d) Placement agents or intermediaries: In order to preserve the independence and integrity of the [fund] *Fund*, to [address] preclude potential conflicts of interest, and to assist the Comptroller in fulfilling his or her duties as a fiduciary to the [fund] *Fund*, [the Comptroller shall maintain a reporting and review system that must be followed whenever the fund] the *Fund* shall not [engages, hires, invests with, or commits] engage, hire, invest with or commit to[,] an outside investment manager who is using the services of a placement agent or intermediary to assist the investment

manager in obtaining investments by the [fund] *Fund*. [, or otherwise doing business with the fund. The Comptroller shall require investment managers to disclose to the Comptroller and to his or her designee payments made to any such placement agent or intermediary. The reporting and review system shall be set forth in written guidelines and such guidelines shall be published on the OSC public website.]

Section 136-2.5(g) is amended to read as follows:

(g) The Comptroller shall:

(1) file with the superintendent an annual statement in the format prescribed by Section 307 of the Insurance Law, including the [retirement system's] *Retirement System's* financial statement, together with an opinion of an independent certified public accountant on the financial statement;

(2) file with the superintendent the Comprehensive Annual Financial Report within the time prescribed by law, but no later than the time it is published on the OSC public website;

(3) disclose on the OSC public website, on at least an annual basis, all fees paid by the [fund] *Fund* to investment managers, consultants or advisors, and third party administrators;

[(4) disclose on the OSC public website, on at least an annual basis, instances where an investment manager has paid a fee to a placement agent or intermediary;]

[(5)](4) disclose on the OSC public website the [fund's] *Fund's* investment policies and procedures; and

[(6)](5) require fiduciary and conflict of interest reviews of the [fund] *Fund* every three years by a qualified unaffiliated person.

**This notice is intended** to serve only as an emergency adoption, to be valid for 90 days or less. This rule expires September 19, 2016.

**Text of rule and any required statements and analyses may be obtained from:** Mark McLeod, New York State Department of Financial Services, One State Street, New York, NY 10004, (212) 480-4937, email: mark.mcleod@dfs.ny.gov

#### **Regulatory Impact Statement**

1. Statutory authority: The Superintendent's authority for the adoption of the rule to 11 NYCRR 136 is derived from sections 202 and 302 of the Financial Services Law ("FSL") and sections 301, 314, 7401(a), and 7402(n) of the Insurance Law.

FSL section 202 establishes the office of the Superintendent and designates the Superintendent to be the head of the Department of Financial Services ("DFS").

FSL section 302 and Insurance Law section 301, in material part, authorize the Superintendent to effectuate any power accorded to him by the Insurance Law, the Banking Law, the Financial Services Law, or any other law of this state and to prescribe regulations interpreting the Insurance Law.

Insurance Law section 314 vests the Superintendent with the authority to promulgate standards with respect to administrative efficiency, discharge of fiduciary responsibilities, investment policies and financial soundness of the public retirement and pension systems of the State of New York, and to make an examination into the affairs of every system at least once every five years in accordance with Insurance Law sections 310, 311 and 312. The implementation of the standards is necessarily through the promulgation of regulations.

As confirmed by the Court of Appeals in *Matter of Dinallo v. DiNapoli*, 9 N.Y. 3d 94 (2007), the Superintendent functions in two distinct capacities. The first is as regulator of the insurance industry. The second is as statutory receiver of financially distressed insurance entities. Article 74 of the Insurance Law sets forth the Superintendent's role and responsibilities in this latter capacity.

Insurance Law section 7401(a) sets forth the entities, including the public retirement systems, to which Article 74 applies.

Insurance Law section 7402(n) provides that it is a ground for rehabilitation if an entity subject to Article 74 has failed or refused to take such steps as may be necessary to remove from office any officer or director whom the Superintendent has found, after appropriate notice and hearing, to be a dishonest or untrustworthy person.

2. Legislative objectives: Insurance Law section 314 authorizes the Superintendent to promulgate and amend, after consultation with the respective administrative heads of public retirement and pension systems and after a public hearing, standards with respect to the public retirement and pension systems of the State of New York.

This rule, which in effect bans the use of an investment tool that has been found to be untrustworthy, is consistent with the public policy objectives that the Legislature sought to advance in enacting Insurance Law section 314, which provides the Superintendent with the powers to promulgate standards to protect the New York State Common Retirement Fund (the "Fund").

3. Needs and benefits: The Second Amendment to 11 NYCRR 136 (Regulation 85), effective November 19, 2008, established new standards

with regard to investment of the assets of the Fund, conflicts of interest and procurement. In addition, the Second Amendment created new audit and actuarial committees, and greatly strengthened the investment advisory committee. The Second Amendment also set high ethical standards, strengthened internal controls and governance, enhanced the operational transparency of the Fund, and strengthened supervision by the Department.

Nevertheless, recent allegations regarding “pay to play” practices, whereby politically connected individuals reportedly sold access to investment opportunities with the Fund, compel the Superintendent to conclude that the mere strengthening of the Fund’s control environment is insufficient to protect the integrity of the state employees’ retirement systems. The Third Amendment to Regulation 85 will adopt an immediate ban on the use of placement agents to ensure sufficient protection of the Fund’s members and beneficiaries, and safeguard the integrity of the Fund’s investments. Further, the rule defines “placement agent or intermediary” in a manner that both thwarts evasion of the ban while ensuring that such ban not extend to persons otherwise acting lawfully on behalf of investment managers.

4. Costs: The rule does not impose any additional requirements on the Comptroller, and no additional costs are expected to result from the implementation of the ban imposed by this rule. There are no costs to the Department or other state government agencies or local governments. Investment managers, consultants and advisors who provide services to the Fund, which are required to discontinue the use of placement agents in connection with investment services they provide to the Fund, may lose opportunities to do business with the Fund.

5. Local government mandates: The rule imposes no new programs, services, duties or responsibilities on any county, city, town, village, school district, fire district or other special district.

6. Paperwork: No additional paperwork should result from the prohibition imposed by the rule.

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

8. Alternatives: The Superintendent considered other ways to limit the influence of placement agents, including a partial ban, increased disclosure requirements, and adopting alternative definitions of placement agent or intermediary. The Department considered limiting the ban to include intent on the part of the party using placement agents, or defining “placement agent” in more general terms.

In developing the rule, the Superintendent and State Comptroller not only consulted with one another, but also briefed representatives of: (1) New York State and New York City Public Employee Unions; (2) New York City Retirement and Pension Funds; (3) the Borough Presidents of the five counties of New York City; and (4) officials of the New York City Mayor’s Office, Comptroller’s Office and Finance Department. These entities agreed with the concerns expressed by the Department and intend to explore remedies most appropriate to the pension funds that they represent.

Initially, the Superintendent concluded that only an immediate total ban on the use of placement agents could provide sufficient protection of the Fund’s members and beneficiaries and safeguard the integrity of the Fund’s investments. The proposed rule was published in the State Register on March 17, 2010. A Public Hearing was held on April 28, 2010. The following comments were received:

Blackstone Group, a global investment manager and financial advisor, wrote to oppose the proposed ban on the use of placement agents by investment advisors engaged by the New York State Common Retirement Fund (“The Fund”). It stated that the rule would lessen the number of investment opportunities brought before the Fund, adversely affect small, medium-sized and women- and minority-owned investment firms seeking to do business with the Fund, and adversely affect a number of New York-headquartered financial institutions doing business as placement agents.

Blackstone suggested the inclusion of the following provisions in the rule instead:

- A ban on political contributions by any employee of any placement agent seeking to do business with the Fund;
- A requirement that any placement agent seeking to do business with the Fund be registered as a broker dealer with the SEC and ensure that its professionals have passed the appropriate Series qualifications administered by Financial Industry Regulatory Authority (“FINRA”);
- A requirement that any placement agent seeking to do business in New York register with the Department; and
- A requirement that any placement agent representing an investment manager before the Fund fully disclose the contractual arrangement between it and the manager, including the fee arrangement and the scope of services to be provided.

The Securities Industry and Financial Markets Association (“SIFMA”), representing hundreds of securities firms, banks, and asset managers, commented that the proposed rule (1) inadvertently limits the access of smaller fund managers to the Fund; (2) restricts the number and types of advisers

that could be utilized by the Fund; (3) creates an inherent conflict between federal and state law that would make it impossible to do business with the Fund while complying with both; and (4) adds duplicative regulation in an area already substantially regulated at the state level and that is primed for further federal regulation through the imminent imposition of a federal pay-to-play regime on all registered broker-dealers acting as placement agents. In addition, SIFMA provided language that it believes would be consistent with the existing federal requirements on the use of placement agents. SIFMA requested that the Department either exclude from the proposed rule those placement agents who are registered as broker-dealers under the Securities Exchange Act of 1934 or delay the enactment of the proposed rule until the federal and state placement agent initiatives are finalized.

The Superintendent did consider other ways to limit the influence of placement agents, including a partial ban, increased disclosure requirements, and adopting alternative definitions of placement agent or intermediary. The Department considered limiting the ban to include intent on the part of the party using placement agents, or defining “placement agent” in more general terms. At the time, the Superintendent concluded that only an immediate, total ban on the use of placement agents could provide sufficient protection of the Fund’s members and beneficiaries and safeguard the integrity of the Fund’s investments.

9. Federal standards: The Securities and Exchange Commission issued a “Pay-To-Play” regulation for financial advisors on July 1, 2010, which may have an impact on the issues addressed in the proposed rule.

10. Compliance schedule: The emergency adoption of this regulation on June 18, 2009 ensured that the ban would become enforceable immediately. The ban needs to remain in effect on an emergency basis until such time as an amended regulation can be made permanent.

#### **Regulatory Flexibility Analysis**

1. Effect of the rule: This rule strengthens standards for the management of the New York State and Local Employees’ Retirement System and New York State and Local Police and Fire Retirement System (collectively, “the Retirement System”), and the New York State Common Retirement Fund (“the Fund”).

The Second Amendment to 11 NYCRR 136 (Insurance Regulation 85), effective November 19, 2008, established new standards with regard to investment of the assets of the Fund, conflicts of interest and procurement. In addition, the Second Amendment created new audit and actuarial committees, and greatly strengthened the investment advisory committee. The Second Amendment also set high ethical standards, strengthened internal controls and governance, enhanced the operational transparency of the Fund, and strengthened supervision by the Department.

Nevertheless, recent allegations regarding “pay to play” practices, whereby politically connected individuals reportedly sold access to investment opportunities with the Fund, compel the Superintendent to conclude that the mere strengthening of the Fund’s control environment is insufficient to protect the integrity of the state employees’ retirement systems. The Third Amendment to Insurance Regulation 85 will adopt an immediate ban on the use of placement agents to ensure sufficient protection of the Fund’s members and beneficiaries, and safeguard the integrity of the Fund’s investments. Further, the rule defines “placement agent or intermediary” in a manner that both thwarts evasion of the ban while ensuring that such ban not extend to persons otherwise acting lawfully on behalf of investment managers.

These standards are intended to assure that the conduct of the business of the Retirement System and the Fund, and of the State Comptroller (as administrative head of the Retirement System and as sole trustee of the Fund), are consistent with the principles specified in the rule. Most among all affected parties, the State Comptroller, as a fiduciary whose responsibilities are clarified and broadened, is impacted by the rule. The State Comptroller is not a “small business” as defined in section 102(8) of the State Administrative Procedure Act.

This rule will affect investment managers and other intermediaries (other than OSC employees) who provide technical or professional services to the Fund related to Fund investments. The rule will prohibit investment managers from using the services of a placement agent unless such agent is a regular employee of the investment manager and is acting in a broader capacity than just providing specific investment advice to the Fund. In addition, the rule is also directed to placement agents, who as a result of this rule, will no longer be engaged directly or indirectly by investment managers that do business with the Fund. Some investment managers and placement agents may come within the definition of “small business” set forth in section 102(8) of the State Administrative Procedure Act, because they are independently owned and operated, and employ 100 or fewer individuals.

The rule bans the use of placement agents in connection with investments by the Fund. This may adversely affect the business of placement agents, who will lose opportunities to earn profits in connection with investments by the Fund. Nevertheless, as a result of recent allegations

regarding “pay to play” practices, whereby politically connected individuals reportedly sold access to investment opportunities with the Fund, the Superintendent has concluded that an immediate ban on the use of placement agents is necessary to protect the Fund’s members and beneficiaries and to safeguard the integrity of the Fund’s investments.

This rule will not impose any adverse compliance requirements or result in any adverse impacts on local governments. The basis for this finding is that this rule is directed at the State Comptroller; employees of the Office of State Comptroller; and investment managers, placement agents, consultant or advisors - none of which are local governments.

2. Compliance requirements: None.

3. Professional services: Investment managers, consultants and advisors who provide services to the Fund, and are required to discontinue the use of placement agents in connection with investment services they provide to the Fund, may need to employ other professional services.

4. Compliance costs: The rule does not impose any additional requirements on the Comptroller, and no additional costs are expected to result from the implementation of the ban imposed by this rule. There are no costs to the Department of Financial Services or other state government agencies or local governments. However, investment managers, consultants and advisors who provide services to the Fund, which are required to discontinue the use of placement agents in connection with investment services they provide to the Fund, may lose opportunities to do business with the Fund.

5. Economic and technological feasibility: The rule does not impose any economic and technological requirements on affected parties, except for placement agents who will lose the opportunity to earn profits in connection with investments by the Fund.

6. Minimizing adverse impact: The costs to placement agents are lost opportunities to earn profits in connection with investments by the Fund. The Superintendent considered other ways to limit the influence of placement agents, including a partial ban, increased disclosure requirements, and adopting alternative definitions of placement agent or intermediary. But in the end, the Superintendent concluded that only an immediate total ban on the use of placement agents could provide sufficient protection of the Fund’s members and beneficiaries and safeguard the integrity of the Fund’s investments.

7. Small business and local government participation: In developing the rule, the Superintendent and State Comptroller not only consulted with one another, but also briefed representatives of: (1) New York State and New York City Public Employee Unions; (2) New York City Retirement and Pension Funds; (3) the Borough Presidents of the five counties of New York City; and (4) officials of the New York City Mayor’s Office, Comptroller’s Office and Finance Department.

A public hearing was held on April 28, 2010. Comments were received from two entities recommending that the total ban on the use of placement agents be modified. The Department will continue to assess the comments that have been received and any others that may be submitted.

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

1. Types and estimated numbers of rural areas: Investment managers, placement agents, consultants or advisors that do business in rural areas as defined under State Administrative Procedure Act Section 102(10) will be affected by this rule. The rule bans the use of placement agents in connection with investments by the New York State Common Retirement Fund (“the Fund”), which may adversely affect the business of placement agents and of other entities that utilize placement agents and are involved in Fund investments.

2. Reporting, recordkeeping and other compliance requirements, and professional services: This rule will not impose any reporting, recordkeeping or other compliance requirements on public or private entities in rural areas, with the exception of requiring investment managers, consultants and advisors who provide services to the Fund to discontinue the use of placement agents.

3. Costs: The costs to placement agents are lost opportunities to earn profits in connection with investments by the Fund.

4. Minimizing adverse impact: The rule does not adversely impact rural areas.

5. Rural area participation: A public hearing was held on April 28, 2010. Comments were received from two entities recommending that the total ban on the use of placement agents be modified. The Department will continue to assess the comments that have been received and any others that may be submitted.

#### **Job Impact Statement**

The Department of Financial Services finds that this rule will have little or no impact on jobs and employment opportunities. The rule bans investment managers from using placement agents in connection with investments by the New York State Common Retirement Fund (“the Fund”). The rule may adversely affect the business of placement agents, who could lose the opportunity to earn profits in connection with investments by the

Fund. Nevertheless, in view of recent events about how placement agents conduct business on behalf of their clients with regard to the Fund, the Superintendent has concluded that an immediate ban on the use of placement agents is necessary to protect the Fund’s members and beneficiaries, and to safeguard the integrity of the Fund’s investments.

### **REVISED RULE MAKING NO HEARING(S) SCHEDULED**

#### **Standard Financial Aid Award Information Sheet for Institutions of Higher Education**

**I.D. No.** DFS-03-16-00003-RP

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

**Proposed Action:** Addition of Part 421 to Title 3 NYCRR.

**Statutory authority:** Banking Law, section 9-w

**Subject:** Standard financial aid award information sheet for institutions of higher education.

**Purpose:** Provides guidance to institutions of higher education for the implementation of a financial aid award information sheet.

**Text of revised rule:**

#### *PART 421*

#### *FINANCIAL AID AWARD INFORMATION SHEET*

##### *§ 421.1 Scope and application of this Part*

*Section 9-w of the Banking Law authorizes the superintendent to adopt rules and regulations for the implementation of a standard financial aid award letter.*

##### *§ 421.2 Definitions*

*(a) For purposes of this Part, unless otherwise stated herein, terms shall have the same meaning as set forth in section 601 of New York State Education Law.*

*(b) “Financial Aid Award Information Sheet” means standard financial aid award letter required by section 9-w of the Banking Law.*

##### *§ 421.3 Content and Delivery of Financial Aid Award Information Sheet*

*(a) In responding to an incoming or prospective undergraduate student’s financial aid application, a college, vocational institution or other institution that offers an approved program as defined in section 601 of the Education Law shall provide a Financial Aid Award Information Sheet. The Financial Aid Award Information Sheet shall be delivered in the same manner in which the school responds to a financial aid award application.*

*(b) The Financial Aid Award Information Sheet shall be in the form available at [www.dfs.ny.gov/studentprotection](http://www.dfs.ny.gov/studentprotection). Colleges, vocational institutions or other institutions that offer an approved program as defined in section 601 of the Education Law may make reasonable changes to the language or design of the Financial Aid Award Information Sheet if necessary to more accurately reflect a student’s cost of education or financial aid award, provided that the information in the Financial Aid Award Information Sheet is of such size, color, and contrast and is so presented as to be readily noticed, read and understood by the recipient.*

*(c) For purposes of the Financial Aid Award Information Sheet, the term “Campus” shall mean an institution affiliated with a single U.S. Department of Education Office of Postsecondary Education Identification code.*

**Revised rule compared with proposed rule:** Substantial revisions were made in sections 421.3 and 421.4.

**Text of revised proposed rule and any required statements and analyses may be obtained from** Max Dubin, Department of Financial Services, One State Street, New York, NY 10004, (212) 480-7232, email: FSLReg@dfs.ny.gov

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

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

#### **Revised Regulatory Impact Statement**

The revised rule does not change the regulatory impact of the rule. The rule implements Banking Law § 9-w and the revisions clarify the content and delivery requirements of the financial aid information sheet.

#### **Revised Regulatory Flexibility Analysis**

The revised rule will not impose any new adverse economic impact or reporting, recordkeeping or other compliance requirements on small busi-



nesses and local governments. The rule implements Banking Law § 9-w and the revisions clarify the content and delivery requirements of the financial aid information sheet.

**Revised Rural Area Flexibility Analysis**

The revised rule will not impose any new adverse economic impact on rural areas or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas. The rule implements Banking Law § 9-w and the revisions clarify the content and delivery requirements of the financial aid information sheet.

**Revised Job Impact Statement**

The revised rule should have no adverse impact on jobs and employment opportunities in New York. The rule implements Banking Law § 9-w and the revisions clarify the content and delivery requirements of the financial aid information sheet.

**Assessment of Public Comment**

The following is a summary of comments the Department received regarding proposed rule 3 NYCRR 421. The comments are from New York universities as well as associations representing New York colleges and universities.

Some comments objected to the state adopting a uniform information sheet. They pointed out that undergraduate, graduate and other types of higher education are structured differently and information relevant to one audience is not necessarily relevant to another. For example, some types of financial aid on the proposed form are only available to undergraduate students. The final rule allows for some additional flexibility however the Banking Law § 9-w mandates that the letter contain certain information.

Commenters suggested limiting the required recipients of the Financial Aid Information Sheet. Recommendations included limiting recipients to undergraduate students or to admitted students, instead of all financial aid applicants. The final rule incorporates changes to Banking Law § 9-w that only requires the letter for undergraduates.

Commenters requested that schools using the federal Student Shopping Sheet should not be required to adopt any changes to their financial aid award letters. They believe using the federal form should be sufficient to meet their requirements under Banking Law § 9-w. Banking Law § 9-w requires schools to provide information that is not included on the federal Student Shopping Sheet.

Commenters asked for assistance in automating any required forms including encouraging education software vendors to incorporate the required form into their software so schools do not need to develop their own systems.

Finally, some commenters suggested that including estimates of the cost of attendance for all years needed to obtain a degree, instead of the cost of one year, will alarm students and families regarding the cost of their education. This information is required by statute.

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## New York State Gaming Commission

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

**Criteria and Procedures for Patron Exclusion at a Gaming Facility**

**I.D. No.** SGC-28-16-00006-P

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

**Proposed Action:** Addition of Part 5327 to Title 9 NYCRR.

**Statutory authority:** Racing, Pari-Mutuel Wagering and Breeding Law, sections 104(19), 1307(1), 1342(1), (3) and (4)

**Subject:** Criteria and procedures for patron exclusion at a gaming facility.

**Purpose:** To establish criteria and procedures for patron exclusion at a gaming facility.

**Text of proposed rule:** PART 5327

*Excluded Persons*

§ 5327.1. Maintenance of the excluded persons list.

(a) The commission shall maintain a list of persons to be excluded or ejected from the gaming facility. The commission shall maintain such list on the commission's website. Such list shall not be deemed all-inclusive.

(b) Each gaming facility licensee shall exclude from its premises any person who such gaming facility licensee knows meets the exclusion criteria of Racing, Pari-Mutuel Wagering and Breeding Law section 1342 and section 5327.2 of this Part.

(c) The following information shall be provided on the list for each excluded individual:

(1) the full name and all aliases the person is believed to have used;

(2) a description of the person's physical appearance, including height, weight, type of build, color of hair and eyes and other physical characteristics that may assist in the identification of the person;

(3) the person's date of birth;

(4) the effective date of the order mandating the exclusion of the person; and

(5) photograph, if obtainable, and the date thereof.

(d) Each gaming facility licensee shall ensure that it reviews the excluded persons list on a regular basis and that such list is made available to all employees of the gaming facility.

§ 5327.2. Criteria for exclusion.

A person shall be placed on the excluded persons list if the commission determines that the person meets one or more of the following criteria:

(a) is a career or professional offender, whose presence in a gaming facility would, in the opinion of the commission, be contrary to the interests of New York State or of casino gaming therein, or both;

(b) has a known relationship or connection with a career or professional offender whose presence in a licensed facility would be contrary to the interest of New York State or of casino gaming therein, or both;

(c) has been convicted of a gambling offense under the laws of any state or the United States that is punishable by more than 12 months in a state prison, a house of correction or any comparable incarceration, a crime of moral turpitude or a violation of the gaming laws of any state;

(d) has a notorious or unsavory reputation that would adversely affect public confidence and trust that casino gaming is free from criminal or corruptive elements;

(e) poses, by presence in a gaming facility, the potential of injurious threat to the interests of New York State if the person is permitted in a gaming facility. In determining whether a person poses a potential of injurious threat, the commission may consider whether the person:

(1) is a gaming cheat;

(2) has had a license or registration issued in accordance with Parts 5303 through 5307 of this Subchapter, or a like license or registration issued by another jurisdiction, suspended or revoked or has been otherwise subjected to adverse action;

(3) poses a threat to the safety of the patrons or employees of a gaming facility;

(4) has a documented history of conduct involving the undue disruption of gaming operations in any jurisdiction;

(5) is subject to an order of a court of competent jurisdiction in New York State excluding those persons from a gaming facility;

(6) is subject to a no trespass order at any casino or gaming facility in any jurisdiction;

(7) is excluded from any video lottery facility in New York State;

(8) is excluded from any Indian gaming facility in New York State;

(9) is excluded from any horse racing track or off-track betting facility in New York State for any misconduct or behavior involving wagering or wagering integrity; or

(10) has pending charges or indictments for a gaming crime or a crime related to the integrity of gaming operations in New York State or any other jurisdiction.

§ 5327.3. Placement on the excluded persons list.

The placement of a person on the excluded persons list shall have the effect of requiring the exclusion or ejection of the excluded person from all New York State licensed gaming facilities.

§ 5327.4. Petition to remove name from the excluded persons list.

(a) An excluded person may file a petition with the secretary of the commission to request a hearing for removal of his or her name from the excluded persons list after five years have elapsed from the day of placement of his or her name on the excluded persons list.

(b) Any petition pursuant to this section shall be signed by the excluded person, contain supporting affidavits and state specific grounds believed by the excluded person to constitute good cause for removal from the excluded persons list.

**Text of proposed rule and any required statements and analyses may be obtained from:** Kristen Buckley, New York State Gaming Commission, One Broadway Center, 6th Floor, Schenectady, NY 12305, (518) 388-3407, email: kristen.buckley@gaming.ny.gov

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

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

#### Regulatory Impact Statement

1. **STATUTORY AUTHORITY:** Racing, Pari-Mutuel Wagering and Breeding Law (“Racing Law”) section 104(19) grants authority to the Gaming Commission (“Commission”) to promulgate rules and regulations that it deems necessary to carry out its responsibilities. Racing Law section 1307(1) authorizes the Commission to adopt regulations that it deems necessary to protect the public interest in carrying out the provisions of Racing Law Article 13.

Racing Law section 1342(1) authorizes the Commission to establish a list of persons who are required to be excluded from any licensed gaming facility and to define the standards for the exclusion of persons from the premises of a licensed gaming facility.

Racing Law section 1342(3) mandates the licensed gaming facilities exclude or eject from the premises any person placed by the Commission on the list of persons to be excluded or ejected.

Racing Law section 1342(4) mandates the Commission establish classifications of persons required to be excluded from the gaming facility premises by the licensed gaming facility.

2. **LEGISLATIVE OBJECTIVES:** The above referenced statutory provisions carry out the legislature’s stated goal “to tightly and strictly” regulate casinos “to guarantee public confidence and trust in the credibility and integrity of all casino gambling in the state and to prevent organized crime from any involvement in the casino industry” as set forth in Racing Law section 1300(10).

3. **NEEDS AND BENEFITS:** The proposed rules implement the above listed statutory directives regarding the exclusion of persons whose presence in a licensed gaming facility would be inimical to the interests of the state or to licensed gaming. The rules specify with respect to the above listed statutory directives to assure certain persons are not permitted upon the premises of any licensed gaming facility in New York State. The rules set forth the criteria upon which a person is considered inimical to the state or licensed gaming, their placement on the exclusion list, and the duty of the licensed facility to exclude the person from the premises.

#### 4. COSTS:

(a) Costs to the regulated parties for the implementation of and continuing compliance with these rules: There are no costs to the regulated parties as a result of these regulations.

(b) Costs to the regulating agency, the State, and local governments for the implementation of and continued administration of the rule: The Commission currently conducts hearings in lottery, video lottery gaming and horse racing and maintains an excluded persons list for video lottery gaming. Based on that experience, the Commission anticipates that the costs associated with the proposed rules would be negligible.

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

5. **LOCAL GOVERNMENT MANDATES:** There are no local government mandates associated with these rules.

6. **PAPERWORK:** These rules do not impose paperwork burdens on the regulated parties. The paperwork burden is born by the Commission with the responsibility to maintain the exclusion list with all criteria stated in the regulations.

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

8. **ALTERNATIVES:** The Commission consulted stakeholders and reviewed other gambling jurisdiction best practices and regulation. Alternatives were discussed and considered with stakeholders and compared to other jurisdictions regulations. This included providing clarification on a gaming facility licensee’s knowledge of patrons on the Commission’s excluded persons list. The Commission is also required to promulgate these rules pursuant to Racing Law sections 1342(1), 1342(3) and 1342(4).

9. **FEDERAL STANDARDS:** There are no federal standards applicable to the licensing of gaming facilities in New York; it is purely a matter of New York State law.

10. **COMPLIANCE SCHEDULE:** The Commission anticipates that the affected parties will be able to achieve compliance with these rules upon adoption.

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

These rules will not have any adverse impact on small businesses, local governments, jobs or rural areas. These rules are intended to promote public confidence and trust in the credibility and integrity of casino gambling in New York State. These rules will ensure that licensed gaming facilities exclude from their premises persons known to be inimical to the interest of the state or of licensed gaming.

These rules apply solely to licensed gaming facilities and therefore the rules do not impact local governments or small businesses as it is not expected that any local government or small business will hold a gaming facility license.

These rules impose no adverse impact on rural areas. These rules apply uniformly throughout the state and apply solely to licensed gaming facilities.

These rules will have no adverse impact on job opportunities.

These rules will not adversely impact small businesses, local governments, jobs, or rural areas. Accordingly, a full Regulatory Flexibility Analysis, Rural Area Flexibility Analysis, and Job Impact Statement are not required and have not been prepared.

## PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

### Definitions of Terms Used Throughout Subchapter B, Casino Gaming

**I.D. No.** SGC-28-16-00007-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 5300.1 of Title 9 NYCRR.

**Statutory authority:** Racing, Pari-Mutuel Wagering and Breeding Law, sections 104(19) and 1307(1)

**Subject:** Definitions of terms used throughout Subchapter B, Casino Gaming.

**Purpose:** To define terms applicable to Subchapter B, Casino Gaming.

**Text of proposed rule:** § 5300.1. Definitions.

Unless the context indicates otherwise, the following definitions and the definitions set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1301 are applicable throughout this Subchapter:

(a) Ancillary casino vendor means a vendor providing goods or services to a gaming facility applicant or licensee that are ancillary to gaming activity.

(b) Casino vendor means a vendor providing goods or services to a gaming facility applicant or licensee that directly relate to gaming activity.

(c) Career or professional offender means any person whose behavior is pursued in an occupational manner or context for the purpose of economic gain, using such methods as are deemed criminal violations of the public policy of this State.

(d) Career offender cartel means any group of persons who operate together as career offenders.

(e) Commission means the commissioners, staff and designees of the New York State Gaming Commission.

(f) Credit slip means a form used to record either the return of chips from a gaming table to the cage or the transfer of markers or negotiable checks from a table game to a cage or bankroll.

(g) Dealer means a person assigned to operate games.

(h) Drop box means the box attached to a table game that is used to collect the following items:

(1) currency;

(2) coin;

(3) cash equivalents;

(4) damaged chips; and

(5) all other forms used by the gaming facility and deposited in the drop box as part of the audit trail.

[(f)](i) Excluded person means a person who is excluded from a gaming facility pursuant to Part 5326 of this Subchapter.

(j) Fill means a transaction whereby a supply of chips or coins is transferred from a bankroll to a table.

(k) Gaming cheat means a person who is engaging in or attempting to engage in, or who is suspected of cheating, theft, embezzlement, a violation of this Subchapter or other illegal activities, or activities that are deemed a violation under Penal Law article 225 or equivalent violations in other jurisdictions, including a person who is required to be excluded or ejected from the licensed facility under Racing, Pari-Mutuel Wagering and Breeding Law section 1342 or Part 5327 of this Subchapter.

[g](l) Gaming facility means the premises approved under a gaming license, which includes a gaming area and any other nongaming structure related to the gaming area and may include, without limitation, hotels, restaurants and other amenities.

(m) Hand means either one game in a series, one deal in a card game or the cards held by a player in a card game, as the context requires.

(n) Match-play coupon means a coupon with a fixed, stated value that is issued and redeemed and the stated value of which, when presented by a patron with chips that are equal to or greater in value to the stated value

of the coupon, is included in the amount of the patron's wager in determining the payout on any winning bet at an authorized game.

[h](o) Material change means modification to physical or financial aspects in a manner that creates an inconsistency with the application submitted by a licensee or applicant for license. Physical aspects impact the proposed gaming facility or project site through addition, removal or alteration of the quality and nature of gaming and non-gaming amenities. Financial aspects impact the capital and financing structure through addition, removal or alteration of financing source or sources, schedule of financing source or sources and arrangement or agreements of financing plan.

[i](p) Non-gaming employee means any natural person, not otherwise included in the definition of casino key employee or gaming employee, who is employed by a gaming facility licensee or an affiliate, intermediary, subsidiary or holding company of a gaming facility licensee.

[j](q) Passive investor means an investor owning, holding or controlling up to 25 percent of the publicly traded securities issued by a gaming facility licensee or applicant or holding, intermediate or parent company of a licensee in the ordinary course of business for investment purposes only and who does not, nor intends to, exercise influence or control over the affairs of the issuer of such securities, nor over any licensed subsidiary of the issuer of such securities.

(r) Pit means the area enclosed or encircled by the arrangement of table games in which gaming facility personnel administer and supervise the live games played at the tables by patrons located outside the perimeter of such area.

(s) Promotional gaming chip and promotional coupon mean non-cashable instruments that may be used for game play.

[k](t) Qualified institutional investor means an institutional investor holding up to 15 percent of the publicly traded securities of a gaming facility applicant or licensee, or holding, intermediary or subsidiary company thereof, for investment purposes only and does not, nor intends, to exercise influence or control over the affairs of the issuer of such securities, nor over any licensed subsidiary of the issuer of such securities. To qualify as an institutional investor, an investor, other than a State or Federal pension plan, must meet the requirements of a qualified institutional buyer as defined in regulations of the United States Securities and Exchange Commission. A qualified institutional investor includes, without limitation, any of the following:

- (1) a bank as defined under Federal securities laws;
- (2) an insurance company as defined under Federal investment company laws;
- (3) an investment company registered under Federal investment company laws;
- (4) an investment advisor registered under Federal investment company laws;
- (5) collective trust funds as defined under Federal investment company laws;
- (6) an employee benefit plan or pension fund subject to the Employee Retirement Income Security Act, subject to certain exclusions;
- (7) a State or Federal government pension plan; and
- (8) such other persons as the commission may determine for reasons consistent with policies of the commission.

[l](u) Qualifier means a related party in interest to an applicant, including, without limitation, a close associate or financial resource of such applicant. Qualifiers may include, without limitation:

- (1) if the gaming facility applicant is a corporation:
  - (i) each officer;
  - (ii) each director;
- (iii) each shareholder holding five percent or more of the common stock of such company; and
  - (iv) each lender;
- (2) if the gaming facility applicant is a limited liability corporation:
  - (i) each member;
  - (ii) each transferee of a member's interest;
  - (iii) each director;
  - (iv) each manager; and
  - (v) each lender;
- (3) if the gaming facility applicant is a limited partnership:
  - (i) each general partner;
  - (ii) each limited partner; and
  - (iii) each lender;
- (4) if the gaming facility applicant is a partnership:
  - (i) each partner; and
  - (ii) each lender;
- (5) any gaming facility licensee manager or operator;
- (6) any direct and indirect parent entity of a gaming facility applicant or licensee, including any holding company;
- (7) any entity having a beneficial or proprietary interest of five percent or more in a gaming facility applicant or licensee;

(8) any other person or entity that has a business association of any kind with the gaming facility applicant or licensee; and

(9) any other person or entity that the commission may designate as a qualifier.

(v) Shift means the normal daily work period of a group of employees administering and supervising the operations of live gaming devices.

(w) Supervisor means a person employed in the operation of the authorized games in a gaming facility in a supervisory capacity or empowered to make discretionary decisions that regulate gaming facility operations, including without limitation, pit managers, floorpersons, gaming facility shift managers, the assistant gaming facility manager and the gaming facility manager.

[m](x) Temporary service provider means a vendor, a vendor's agents, servants and employees engaged by a gaming facility licensee to perform temporary services at a gaming facility for no more than 30 days in any 12-month period.

[n](y) Vendor registrant means any vendor that offers goods and services to a gaming facility applicant or licensee that is not a casino vendor or an ancillary casino vendor.

**Text of proposed rule and any required statements and analyses may be obtained from:** Kristen Buckley, New York State Gaming Commission, One Broadway Center, 6th Floor, Schenectady, NY 12305, (518) 388-3407, email: kristen.buckley@gaming.ny.gov

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

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

#### Regulatory Impact Statement

1. STATUTORY AUTHORITY: Racing, Pari-Mutuel Wagering and Breeding Law ("Racing Law") section 104(19) grants authority to the Gaming Commission ("Commission") to promulgate rules and regulations that it deems necessary to carry out its responsibilities. Racing Law section 1307(1) grants rule making authority to the Commission to implement, administer and enforce the provisions of Racing Law Article 13.

2. LEGISLATIVE OBJECTIVES: This rule making carries out the legislative objectives of the above-referenced statutes.

3. NEEDS AND BENEFITS: This rule making is necessary to establish the definitions of specific terms used throughout the New York State Gaming Commission Rules and Regulations, Chapter IV, Subchapter B, thereby enabling the Commission to implement Article 13 of the Racing Law and help New York State to capitalize on the economic development potential of legalized gambling, create thousands of well-paying jobs and increase revenue to the State. In addition this rule making is necessary to promote public confidence and trust in the credibility and integrity of casino gambling in New York State.

Section 5300.1 sets forth the definitions applicable to the New York State Gaming Commission Rules and Regulations, Chapter IV, Subchapter B. The proposed amendments contain the addition of new definitions necessitated by the promulgation of new rules by the Commission under Subchapter B.

#### 4. COSTS:

(a) Costs to the regulated parties for the implementation of and continuing compliance with these rules: The rule sets forth definitions for specific terms used throughout the New York State Gaming Commission Rules and Regulations, Chapter IV, Subchapter B. The rule will not impose any additional costs on the regulated parties.

(b) Costs to the regulating agency, the State, and local governments for the implementation of and continued administration of the rule: The rule sets forth definitions for specific terms used throughout the New York State Gaming Commission Rules and Regulations, Chapter IV, Subchapter B. The rule will not impose any additional costs on the regulatory agency, the State or local governments.

(c) The information, including the source or sources of such information, and methodology upon which the cost estimate is based: This rule solely defines specific terms used throughout Subchapter B; no source or methodology was used to determine the costs imposed by this rule.

5. LOCAL GOVERNMENT MANDATES: The rule does not impose any mandatory program, service, duty, or responsibility upon local government.

6. PAPERWORK: The rule is not expected to impose any significant paperwork or reporting requirements for regulated entities.

7. DUPLICATION: The rule does not duplicate, overlap or conflict with any existing State or federal requirements.

8. ALTERNATIVES: The Commission consulted stakeholders and reviewed other gambling jurisdiction best practices and regulations. Alternatives were discussed and considered with stakeholders and compared to other jurisdiction regulations. These included changing bankroll to fill bank in the credit slip definition, adding table before game in the dealer definition, deleting tokens from the fill definition and deleting issued, used and redeemed from the match-play coupon definition.

9. FEDERAL STANDARDS: There are no federal standards applicable to the rule. It is purely a matter of New York State law.

10. COMPLIANCE SCHEDULE: The Commission anticipates that affected parties will be able to achieve compliance with the rule upon adoption.

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

This rule will not have any adverse impact on small businesses, local governments, jobs or rural areas. The rule sets forth the definitions applicable to the New York State Gaming Commission Rules and Regulations, Chapter IV, Subchapter B. This rule amendment proposes the addition of definitions for specific terms used throughout Subchapter B and imposes no obligations or restrictions on any regulated party, local government or small business. Therefore this rule amendment will not impact local governments or small businesses.

This rule imposes no adverse impact on rural areas. This rule applies uniformly throughout the state.

This rule will have no impact on job opportunities.

This rule will not adversely impact small businesses, local governments, jobs, or rural areas.

These rules will not adversely impact small businesses, local governments, jobs, or rural areas. Accordingly, a full Regulatory Flexibility Analysis, Rural Area Flexibility Analysis, and Job Impact Statement are not required and have not been prepared.

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

**Regulation of Table Game Equipment**

**I.D. No.** SGC-28-16-00008-P

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

**Proposed Action:** Addition of Part 5322 to Title 9 NYCRR.

**Statutory authority:** Racing, Pari-Mutuel Wagering and Breeding Law, sections 104(19), 1307(1), (2)(g), 1335(4) and (11)

**Subject:** Regulation of table game equipment.

**Purpose:** To set forth the physical characteristics, inspection, use, storage and destruction of table game equipment.

**Substance of proposed rule (Full text is posted at the following State website: [www.gaming.ny.gov](http://www.gaming.ny.gov)):** The addition of Part 5322 of Subtitle T of Title 9 NYCRR will allow the New York State Gaming Commission ("Commission") to prescribe requirements for the inspection, use, storage and destruction of table game equipment. The rule also prescribes the physical characteristics for certain table game equipment.

Section 5322.1 sets forth the definitions applicable to the Part. Section 5322.2 establishes the physical characteristics of gaming chips. Section 5322.3 establishes the procedure for reserve gaming chip use. Section 5322.4 sets forth the procedure for the exchange and redemption of gaming chips and table game promotional coupons. Section 5322.5 sets forth the procedure for the receipt, security, storage and destruction of gaming chips. Sections 5322.6 and 5322.7 set forth the physical characteristics and use of tournament chips and plaques. Sections 5322.8 and 5322.9 set forth the physical characteristics of big wheels and roulette equipment. Section 5322.10 establishes the inspection and storage requirements for manual or automated shakers. Sections 5322.11 through 5322.13 set forth the physical characteristics, use, storage, inspection and destruction requirements for dice and pai gow tiles. Sections 5322.14 and 5322.15 set forth the physical characteristics, use, storage, inspection and destruction requirements for playing cards. Section 5322.16 establishes procedures for the pre-shuffle and pre-inspection of playing cards. Sections 5322.17 through 5322.19 establish requirements for the use of card readers, dealing shoes, automated dealing devices and automated card shuffling devices.

**Text of proposed rule and any required statements and analyses may be obtained from:** Kristen Buckley, New York State Gaming Commission, One Broadway Center, 6th Floor, Schenectady, NY 12305, (518) 388-3407, email: [kristen.buckley@gaming.ny.gov](mailto:kristen.buckley@gaming.ny.gov)

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

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

**Regulatory Impact Statement**

1. STATUTORY AUTHORITY: Racing, Pari-Mutuel Wagering and Breeding Law ("Racing Law") section 104(19) grants authority to the Gaming Commission ("Commission") to promulgate rules and regulations that it deems necessary to carry out its responsibilities. Racing Law sec-

tion 1307(1) authorizes the Commission to adopt regulations that it deems necessary to protect the public interest in carrying out the provisions of Racing Law Article 13.

Racing Law section 1307(2)(g) authorizes the Commission to regulate the devices permitted for use at a table game.

Racing Law section 1335(4) requires the Commission to regulate the physical characteristics of chips used within a gaming facility.

Racing Law section 1335(11) authorizes the Commission to regulate the use of automated dealing devices.

2. LEGISLATIVE OBJECTIVES: The above referenced statutory provisions carry out the legislature's stated goal "to tightly and strictly" regulate casinos "to guarantee public confidence and trust in the credibility and integrity of all casino gambling in the state and to prevent organized crime from any involvement in the casino industry" as set forth in Racing Law section 1300(10).

3. NEEDS AND BENEFITS: The proposed rules implement the above listed statutory directives regarding the utilization of table game equipment. The rules represent best practices in defining the physical characteristics, inspection, use, storage and destruction of table game equipment. Best practices addressed in the proposed rules include detailing the physical characteristics of gaming chips, pai gow tiles, plaques, big wheels, roulette wheels, dice and playing cards. The proposed rules also establish procedures for the inspection, storage and destruction of dice, pai gow tiles and playing cards. In addition, the proposed rules establish procedures for the use of automated dealing and card shuffling devices.

4. COSTS:

(a) Costs to the regulated parties for the implementation of and continuing compliance with these rules: One of the three gaming facility licensees has indicated that the anticipated costs of implementing and complying with the proposed regulations will be approximately \$50,000 to \$65,000 per year.

(b) Costs to the regulating agency, the State, and local governments for the implementation of and continued administration of the rule: The costs to the Commission for the implementation of and continued administration of the rule will be negligible given that all such costs are the responsibility of the gaming facility. These rules will not impose any additional costs on local governments.

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

5. LOCAL GOVERNMENT MANDATES: There are no local government mandates associated with these rules.

6. PAPERWORK: These rules impose paperwork burdens on gaming facility licensees. Examples of paperwork burdens on the gaming facility licensees include the submission of the following to the Commission: a chip inventory ledger; the gaming facility's chip redemption procedures applicable to employees; gaming equipment destruction logs; samples of table game promotional coupons; playing card designs; employee training procedures regarding inspection of playing cards; and procedures for the use automated card shuffling devices.

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

8. ALTERNATIVES: The Commission consulted stakeholders and reviewed other gambling jurisdiction best practices and regulation. These included the appropriate chip and plaque denominations; the permissible anti-counterfeiting measures for value chips; the use of value chips for food and beverage purchase; the appropriate inventory controls for value chips; the use of reconstructed tile sets; the appropriate standard for the destruction of tile sets; the appropriate procedure for replacing damaged cards; the appropriate procedure for using pre-inspected and pre-shuffled cards and the appropriate use of hand deals. The Commission is also required to promulgate these rules pursuant to Racing Law sections, 1307(2)(g), 1335(4) and 1335(11).

9. FEDERAL STANDARDS: There are no federal standards applicable to the licensing of gaming facilities in New York; it is purely a matter of New York State law.

10. COMPLIANCE SCHEDULE: The Commission anticipates that the affected parties will be able to achieve compliance with these rules upon adoption.

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

These rules will not have any adverse impact on small businesses, local governments, jobs or rural areas. These rules are intended to promote public confidence and trust in the credibility and integrity of casino gambling in New York State. The rules will ensure that licensed gaming facilities possess and maintain table game equipment that is authorized and trustworthy. The rules establish the physical characteristics and procedures for the inspection, use, storage and destruction of table game equipment.

These rules do not impact local governments or small businesses as it is not expected that any local government or small business will hold a gaming facility license.

These rules impose no adverse impact on rural areas. These rules apply uniformly throughout the state and solely apply to licensed gaming facilities.

These rules will have no adverse impact on job opportunities.

These rules will not adversely impact small businesses, local governments, jobs, or rural areas. Accordingly, a full Regulatory Flexibility Analysis, Rural Area Flexibility Analysis, and Job Impact Statement are not required and have not been prepared.

## PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

### Licensing and Registration of Junkets and Junket Enterprises

**I.D. No.** SGC-28-16-00009-P

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

**Proposed Action:** Addition of Part 5308 to Title 9 NYCRR.

**Statutory authority:** Racing, Pari-Mutuel Wagering and Breeding Law, sections 104(19), 1307(1), 1328(2), (3) and (11)

**Subject:** Licensing and registration of junkets and junket enterprises.

**Purpose:** To govern the licensing and registration of junkets and junket enterprises.

**Text of proposed rule:** PART 5308

*Junket Operator Licensing*

§ 5308.1. Permissible junket activity.

A junket, junket enterprise or junket representative, as such terms are defined in Racing, Pari-Mutuel Wagering and Breeding Law sections 1301(29), (30) and (31), shall be organized or participate with a gaming facility licensee only in accordance with Racing, Pari-Mutuel Wagering and Breeding Law section 1328.

§ 5308.2. License or registration of junket operator.

(a) A junket representative who is employed by a gaming facility licensee, an applicant for a gaming facility license or an affiliate of a gaming facility licensee, is required to be licensed as, and meet the qualifications of, a casino key employee in accordance with Part 5304 of this Subchapter, except that a junket representative does not need to fulfill the residency requirement of a casino key employee.

(b) A junket enterprise and any junket representative not employed by a gaming facility licensee, applicant for a gaming facility license or junket enterprise, is required to be licensed as, and meet the qualifications of, an ancillary casino vendor as set forth in Part 5307 of this Subchapter.

(c) A non-supervisory employee of a junket enterprise or junket representative is required to be registered as, and meet the qualifications of, a non-gaming employee as set forth in Part 5306 of this Subchapter.

(d) In addition to the requirements set forth in subdivisions (a) and (b) of this section, such applicants must submit a statement in writing affirming the applicant's agreement to submit to the jurisdiction of, and service of process in, the State of New York.

§ 5308.3. Waiver.

Upon petition by a gaming facility licensee in accordance with Racing, Pari-Mutuel Wagering and Breeding Law section 1328(13), the commission may exempt arrangements otherwise included within the definition of "junket" from compliance with this Part.

§ 5308.4. Agreement.

(a) A gaming facility licensee shall participate in a junket pursuant to a junket operator agreement with a junket representative or junket enterprise licensed in accordance with section 5308.2 of this Part. The junket operator agreement shall be filed with the commission prior to the commencement of the junket.

(b) The term of a junket operator agreement shall not exceed the expiration date of the junket representative or junket enterprise license or registration related thereto.

(c) A gaming facility licensee must notify the commission of any change to a junket operator agreement no later than three days before the commencement of the first junket arrangement subject to the revised terms.

(d) A gaming facility licensee must notify the commission of the termination of any junket operator agreement no later than five days after such termination.

§ 5308.5. Reporting.

(a) Junket operator report. A gaming facility licensee shall submit a quarterly report to the commission describing the operation of any junket representative or junket enterprise engaged on its premises, which report shall include:

(1) name of each licensed junket representative or junket enterprise;

(2) status of current relationship with each junket representative or junket enterprise;

(3) compensation paid in that quarter to each junket representative or junket enterprise;

(4) number of preferred guests attributed to each junket representative or junket enterprise;

(5) arrival and departure time and date of each junket representative or junket enterprise;

(6) list of gaming facility licensee employees acting as junket representatives; and

(7) such other information the commission may require.

(b) Patron list. A gaming facility licensee, junket representative and junket enterprise shall submit a quarterly report to the commission identifying any list of junket patrons or potential junket patrons purchased directly or indirectly by the gaming facility licensee, junket representative or junket enterprise, which report shall include:

(1) name and address of the person or enterprise selling the list;

(2) purchase price paid for the list or any other terms of compensation related to the transaction;

(3) date of purchase of the list; and

(4) zip codes of all junket patrons or potential junket patrons.

(c) Junket patron report. The junket patron report shall be made available to the on-site commission staff. The report shall include:

(1) information relating to each junket patron, including without limitation:

(i) name;

(ii) date of birth;

(iii) citizenship;

(iv) address of usual place of residence; and

(v) identity card, passport, taxpayer identification or any other government-issued identity document as evidence of such patron's nationality or residence and bearing a photograph of the individual;

(2) date and time of arrival of each patron when on a junket at the gaming facility;

(3) name and license number of each junket representative accompanying a patron; and

(4) amount and type of commission, rebate or complimentary given to each patron.

§ 5308.6. Junket operator prohibitions.

No junket enterprise or junket representative or person acting as a junket representative may engage in the activities set forth in Racing, Pari-Mutuel Wagering and Breeding Law 1328(14).

**Text of proposed rule and any required statements and analyses may be obtained from:** Kristen Buckley, New York State Gaming Commission, One Broadway Center, 6th Floor, Schenectady, NY 12305, (518) 388-3407, email: kristen.buckley@gaming.ny.gov

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

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

#### Regulatory Impact Statement

1. STATUTORY AUTHORITY: Racing, Pari-Mutuel Wagering and Breeding Law ("Racing Law") section 104(19) grants authority to the Gaming Commission ("Commission") to promulgate rules and regulations that it deems necessary to carry out its responsibilities. Racing Law section 1307(1) authorizes the Commission to adopt regulations that it deems necessary to protect the public interest in carrying out the provisions of Racing Law Article 13.

Racing Law section 1328(2) authorizes the Commission to regulate and license junket representatives as casino key employees.

Racing Law section 1328(3) authorizes the Commission to regulate and license junket enterprises as ancillary vendors.

Racing Law section 1328(11) mandates the Commission prescribe methods, procedures and forms for the delivery and retention of information concerning the conduct of junkets by gaming facility licensees.

2. LEGISLATIVE OBJECTIVES: The above referenced statutory provisions carry out the legislature's stated goal "to tightly and strictly" regulate casinos "to guarantee public confidence and trust in the credibility and integrity of all casino gambling in the state and to prevent organized crime from any involvement in the casino industry" as set forth in Racing Law section 1300(10).

3. NEEDS AND BENEFITS: The proposed rules implement the above listed statutory directives regarding the licensing requirements and procedures for registration of junkets. The rules provide specificity with respect to the above listed statutory directives to assure registration, notification and reporting requirements of all junkets. In addition, this rule making is necessary to promote public confidence and trust in the credibility and integrity of casino gambling in New York State.

4. COSTS:

(a) Costs to the regulated parties for the implementation of and continuing compliance with these rules: gaming facility licensees are responsible for the fees associated with employee applications, which will include the applications of a junket representative as a casino key employee. Vendors are responsible for the fees associated with the vendor application which will include ancillary vendor applications for junket enterprises.

(b) Costs to the regulating agency, the State, and local governments for the implementation of and continued administration of the rule: These rules will impose costs on the division of state police and the Commission for reviewing and investigating junket representative and enterprise applications. These rules will not impose any additional costs on local governments.

(c) The information, including the source or sources of such information, and methodology upon which the cost analysis is based: The costs associated with licensing junket representatives as casino key employees and junket enterprises as ancillary vendors will be based on hourly rates for the division of state police to conduct background investigations and on the Commission's administrative cost to process and issue such licenses and registrations. These costs will vary depending on the individual employee or vendor applicant and thus no estimate of cost is available.

5. LOCAL GOVERNMENT: There are no local government mandates associated with these rules.

6. PAPERWORK: These rules impose paperwork burdens on junkets to apply for licensure and/or registration. Junkets are required to report quarterly to the Commission.

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

8. ALTERNATIVES: The Commission consulted stakeholders and reviewed other gambling jurisdiction best practices and regulation. Alternatives were discussed and considered with stakeholders and compared to other jurisdictions regulations. These included providing clarification on the following: permissible junket activity, affiliate of a gaming facility licensee and submission and terms used in a junket patron report. The Commission is also required to promulgate these rules pursuant to Racing Law sections 1328(2), 1328(3) and 1328(11).

9. FEDERAL STANDARDS: There are no federal standards applicable to the licensing of gaming facilities in New York; it is purely a matter of New York State law.

10. COMPLIANCE SCHEDULE: The Commission anticipates that the affected parties will be able to achieve compliance with these rules upon adoption.

#### **Regulatory Flexibility Analysis**

1. EFFECT OF RULE: These rules provide for the licensure of junket representatives and junket enterprises. Small business junket enterprises seeking to be licensed will be impacted by these rules. Local government will not be affected by these rules.

2. COMPLIANCE REQUIREMENTS: These rules require all junket representatives and junket enterprises to apply for licensure with the Commission.

3. PROFESSIONAL SERVICES: No new or additional professional services are required in order to comply with these rules.

4. COMPLIANCE COSTS: Junket representatives and junket enterprises need to apply for licensure with the Commission and will incur costs associated with the application and licensure. The costs for a junket representative to be licensed as a key employee will be born by the gaming facility. The junket enterprise required to be licensed as an ancillary vendor will bear the costs for licensure. The costs for the application will be based on the hourly rates for the division of state police to conduct background investigations and a license fee may be incurred based upon the Commission's administrative costs to process and issue such licenses.

5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY: These rules will not impose any technological costs on small businesses or local government.

6. MINIMIZING ADVERSE IMPACT: These rules do not impose adverse impacts on small businesses or local government.

7. SMALL BUSINESS AND LOCAL GOVERNMENT PARTICIPATION: Small businesses and host local governments will have the opportunity to participate in the rule making process during the public comment period which will commence when these rules are formally proposed.

Several of the development zone regions authorized to host a licensed gaming facility, as contemplated by Racing, pari-Mutuel Wagering and Breeding Law section 1310, are located within "rural areas" as that term is defined in Executive Law section 481(7). The decision to locate a licensed gaming facility in a rural area will not have an adverse economic impact. These rules have the potential to boost economic development within rural areas. Accordingly, a rural flexibility analysis is not required and one has not been prepared.

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

Several of the development zone regions authorized to host a licensed gaming facility, as contemplated by Racing, pari-Mutuel Wagering and

Breeding Law section 1310, are located within "rural areas" as that term is defined in Executive Law section 481(7). The decision to locate a licensed gaming facility in a rural area will not have an adverse economic impact. These rules have the potential to boost economic development within rural areas. Accordingly, a rural flexibility analysis is not required and one has not been prepared.

#### **Job Impact Statement**

1. NATURE OF IMPACT: The Commission has determined that these rules will not have a substantial adverse impact on jobs and employment opportunities. To the contrary, these rules are intended to create jobs.

2. CATEGORIES AND NUMBERS AFFECTED: It is anticipated that up to four gaming facilities, as contemplated by Racing, Pari-Mutuel Wagering and Breeding Law Article 13, would generate numerous employment opportunities for junket representatives and employees of junket enterprises.

3. REGIONS OF ADVERSE IMPACT: The Commission does not anticipate regions of the state to suffer a disproportionate adverse impact in regards to jobs or employment opportunities.

4. MINIMIZING ADVERSE IMPACT: These rules do not create any unnecessary adverse impact on existing jobs. A positive impact on jobs and employment is anticipated.

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

### **Registration of Labor Organizations**

**I.D. No.** SGC-28-16-00010-P

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

**Proposed Action:** Addition of Part 5310 to Title 9 NYCRR.

**Statutory authority:** Racing, Pari-Mutuel Wagering and Breeding Law, sections 104(19), 1307(1), 1330(1) and (2)

**Subject:** Registration of labor organizations.

**Purpose:** To govern the registration of labor organizations.

**Text of proposed rule:** PART 5310

*Labor Organization Registration*

§ 5310.1. *Labor organization registration.*

(a) *A labor organization, union or affiliate seeking to represent employees who are employed in a gaming facility by a gaming facility licensee, shall file biennially with the commission a labor organization registration statement the commission supplies and may amend when necessary.*

(b) *A labor organization registration statement shall include, without limitation, the following:*

(1) *names and addresses of labor organizations, unions or affiliates associated with the registrant;*

(2) *information as to whether the registrant is involved or seeking to be involved actively, directly or substantially in the control or direction of the representation of any employee licensed by the commission and employed by a gaming facility licensee;*

(3) *information as to whether the registrant holds, directly or indirectly, any financial interest whatsoever in the gaming facility licensee;*

(4) *names of any pension and welfare systems maintained by the registrant and all officers and agents of such organizations and systems;*

(5) *names of all officers, agents and principal employees of the registrant; and*

(6) *such other information the commission may require.*

(c) *A labor organization, union or affiliate may satisfy the requirements of paragraphs (1) through (6) of subdivision (b) of this section by providing the commission a copy of a report, or relevant portion thereof, filed with the United States Secretary of Labor pursuant to 29 USC 431 et seq. (Labor-Management Reporting and Disclosure Act).*

(d) *A labor organization, union or affiliate that meets the exemptions set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1330(1) may, upon petition to the commission, be exempted from the registration requirements set forth in subdivisions (a) and (b) of this section.*

§ 5310.2. *Labor organization officers, agents and principal employees.*

(a) *Each officer, agent and principal employee of a labor organization, union or affiliate registered or required to be registered pursuant to this Part shall:*

(1) *file with the commission a labor organization individual disclosure form the commission supplies and may amend from when necessary; and*

(2) be qualified in accordance with criteria set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1318, unless the commission waives such qualification in accordance with Racing, Pari-Mutuel Wagering and Breeding Law section 1330(2).

(b) Notwithstanding subdivision (a) of this section, a labor organization individual disclosure form shall not be filed by an officer, agent or principal employee of a labor organization, union or affiliate who exercises no authority, discretion or influence over the operation of such labor organization with regard to any employment matters relating to licensed gaming facility employees.

§ 5310.3. Authorized representative access.

A gaming facility licensee shall grant authorized representatives of a labor organization, union or affiliate registered pursuant to this Part access to non-sensitive, back-of-house areas within the gaming facility to permit meetings with their members.

**Text of proposed rule and any required statements and analyses may be obtained from:** Kristen Buckley, New York State Gaming Commission, One Broadway Center, 6th Floor, Schenectady, NY 12305, (518) 388-3407, email: kristen.buckley@gaming.ny.gov

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

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

#### Regulatory Impact Statement

1. STATUTORY AUTHORITY: Racing, Pari-Mutuel Wagering and Breeding Law ("Racing Law") section 104(19) grants authority to the Gaming Commission ("Commission") to promulgate rules and regulations that it deems necessary to carry out its responsibilities. Racing Law section 1307(1) authorizes the Commission to adopt regulations that it deems necessary to protect the public interest in carrying out the provisions of Racing Law Article 13.

Racing Law section 1330(1) mandates the registration of labor organizations, unions, or affiliates seeking to represent employees who are employed by a gaming facility on a biennial basis.

Racing Law section 1330(2) requires the Commission investigate officers, agents, and principal employees of labor organizations for disqualifying criteria.

2. LEGISLATIVE OBJECTIVES: The above referenced statutory provisions carry out the legislature's stated goal "to tightly and strictly" regulate casinos "to guarantee public confidence and trust in the credibility and integrity of all casino gambling in the state and to prevent organized crime from any involvement in the casino industry" as set forth in Racing Law section 1300(10).

3. NEEDS AND BENEFITS: The proposed rules implement the above listed statutory directives regarding the licensing requirements and procedures for registration of labor organizations. The rules provide specificity with respect to the above listed statutory directives to assure registration, notification and reporting requirements of all labor organizations. In addition, this rule making is necessary to promote public confidence and trust in the credibility and integrity of casino gambling in New York State.

#### 4. COSTS:

(a) Costs to the regulated parties for the implementation of and continuing compliance with these rules. Labor Organizations will be responsible for fees associated with the background investigations necessary for each officer, agent and principal employee.

(b) Costs to the regulating agency, the State, and local governments for the implementation of and continued administration of the rule: These rules will impose costs on the division of state police and the Commission for reviewing and investigating labor organizations. These rules will not impose any additional costs on local governments.

(c) The information, including the source or sources of such information, and methodology upon which the cost analysis is based: The costs associated with registering labor organizations will be based on hourly rates for the division of state police to conduct the necessary background investigations and on the Commission's administrative cost to process and issue such licenses and registrations. These costs will vary depending on the individuals involved in the organization and thus no estimate of cost is available.

5. LOCAL GOVERNMENT MANDATES: There are no local government mandates associated with these rules.

6. PAPERWORK: These rules impose paperwork burdens on labor organizations to apply for registration with the Commission. Labor organizations will file biennially and amend when necessary.

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

8. ALTERNATIVES: The Commission consulted stakeholders and reviewed other gambling jurisdiction best practices and regulation. Alternatives were discussed and considered with stakeholders and compared to other jurisdictions regulations. The Commission received no comments from stakeholders.

9. FEDERAL STANDARDS: There are no federal standards applicable to the licensing of gaming facilities in New York; it is purely a matter of New York State law.

10. COMPLIANCE SCHEDULE: The Commission anticipates that the affected parties will be able to achieve compliance with these rules upon adoption.

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

These rules establish the standards for the registration requirements for labor organizations and will not have any adverse impact on small businesses, local governments, jobs or rural areas.

These rules do not impact local governments or small businesses as it is not expected that any local government or small business will be required to register as a labor organization.

These rules impose no adverse impact on rural areas. These rules apply uniformly throughout the state.

These rules will have no adverse impact on job opportunities.

These rules will not adversely impact small businesses, local governments, jobs, or rural areas. Accordingly, a full Regulatory Flexibility Analysis, Rural Area Flexibility Analysis, and Job Impact Statement are not required and have not been prepared.

## PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

### To Set Forth the Practices and Procedures for the Conduct and Operation of Table Games

I.D. No. SGC-28-16-00011-P

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

**Proposed Action:** Addition of Part 5323 to Title 9 NYCRR.

**Statutory authority:** Racing, Pari-Mutuel Wagering and Breeding Law, sections 104(19), 1307(1), (2)(g), 1335(4) and (6)

**Subject:** To set forth the practices and procedures for the conduct and operation of table games.

**Purpose:** To regulate the conduct and operation of gaming tables.

**Substance of proposed rule (Full text is posted at the following State website: [www.gaming.ny.gov](http://www.gaming.ny.gov)):** The addition of Part 5323 of Subtitle T of Title 9 NYCRR will allow the New York State Gaming Commission ("Commission") to prescribe requirements for the conduct and operation of table games.

Section 5323.1 sets forth the definitions applicable to the Part. Section 5323.2 sets forth the requirement for table game staffing plans, table game equipment schematics and table game layouts to be submitted to the Commission for approval. Section 5323.3 requires a gaming facility licensee to establish a dealer training program as part of its system of internal controls. Sections 5323.4 through 5323.7 set forth the table inventory, opening, shift change and closing requirements for table games. Sections 5323.8 and 5323.9 establish requirements for the distribution and removal of chips and coins. Section 5323.10 sets forth the requirements for the acceptance and exchange of cash and coupons for gaming chips or plaques. Section 5323.11 requires a gaming facility licensee to receive commission approval for minimum and maximum table game wagers. Sections 5323.12 and 5323.13 require a gaming facility licensee to post payout odds and table game rules at a table game. Section 5323.14 requires gaming facility licensees to maintain and make available the complete text of authorized table game rules. Sections 5323.15 and 5323.16 set for the requirements for a progressive table game system and payment of progressive wagers. Section 5323.17 sets forth the requirements for the conduct of table game tournaments. Section 5323.18 requires a gaming facility licensee to submit new table games or new features to the Commission for approval. Section 5323.19 authorizes the temporary operation of a new table game or table game feature.

**Text of proposed rule and any required statements and analyses may be obtained from:** Kristen Buckley, New York State Gaming Commission, One Broadway Center, 6th Floor, Schenectady, NY 12305, (518) 388-3407, email: kristen.buckley@gaming.ny.gov

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

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

#### Regulatory Impact Statement

1. STATUTORY AUTHORITY: Racing, Pari-Mutuel Wagering and Breeding Law ("Racing Law") section 104(19) grants authority to the Gaming Commission ("Commission") to promulgate rules and regulations that it deems necessary to carry out its responsibilities. Racing Law sec-

tion 1307(1) authorizes the Commission to adopt regulations that it deems necessary to protect the public interest in carrying out the provisions of Racing Law Article 13.

Racing Law section 1307(2)(g) authorizes the Commission to regulate the operation and rules of authorized table games.

Racing Law section 1335(4) requires the Commission to regulate the minimum and maximum wagers at a table game.

Racing Law section 1335(6) requires the Commission to regulate the location of and access to table game rules and payout odds.

2. LEGISLATIVE OBJECTIVES: The above referenced statutory provisions carry out the legislature's stated goal "to tightly and strictly" regulate casinos "to guarantee public confidence and trust in the credibility and integrity of all casino gambling in the state and to prevent organized crime from any involvement in the casino industry" as set forth in Racing Law section 1300(10).

3. NEEDS AND BENEFITS: The proposed rules implement the above listed statutory directives regarding table game standards. The rules represent best practices in defining procedures for the conduct and operation of table games. Best practices addressed in the proposed rules include establishing a table game staffing plan and a dealer training program. In addition, the proposed rules set forth procedures for the opening and closing of table games; the acceptance, distribution and removal of chips and coins from table games; the posting of payout odds and table game rules; the setting of minimum and maximum wagers and the request to offer a new table game or feature.

#### 4. COSTS:

(a) Costs to the regulated parties for the implementation of and continuing compliance with these rules: One of the three gaming facility licensees has indicated that the anticipated costs of implementing and complying with the proposed regulations will be initially \$400,000 to \$600,000 with an annual recurring expense of less than \$200,000.

(b) Costs to the regulating agency, the State, and local governments for the implementation of and continued administration of the rule: The costs to the Commission for the implementation of and continued administration of the rule will be negligible given that all such costs are the responsibility of the gaming facility. These rules will not impose any additional costs on local governments.

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

5. LOCAL GOVERNMENT MANDATES: There are no local government mandates associated with these rules.

6. PAPERWORK: These rules impose paperwork burdens on gaming facility licensees. Examples of paperwork burdens on the gaming facility licensees include the submission of the following to the Commission: a table game staffing plan; table game equipment schematics; a dealer training program; a table game layout, table game minimum and maximum wagers; table game rule signs; a table game tournament schedule and a request to offer a new table game or feature.

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

8. ALTERNATIVES: The Commission consulted stakeholders and reviewed other gambling jurisdiction best practices and regulation. These included the appropriate time to review table game operation plans; the appropriate time to count chips and coins; the appropriate information in fill request; the appropriate use of a match-play coupon as a wager; the appropriate patron access to table game rules and the appropriate notice and certifications required for table game tournaments. The Commission is also required to promulgate these rules pursuant to Racing Law sections 1307(2)(g), 1335(4) and 1335(6).

9. FEDERAL STANDARDS: There are no federal standards applicable to the licensing of gaming facilities in New York; it is purely a matter of New York State law.

10. COMPLIANCE SCHEDULE: The Commission anticipates that the affected parties will be able to achieve compliance with these rules upon adoption.

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

These rules will not have any adverse impact on small businesses, local governments, jobs or rural areas. These rules are intended to promote public confidence and trust in the credibility and integrity of casino gambling in New York State. The rules will ensure that licensed gaming facilities conduct table games in a uniform manner. The rules establish the procedures for the opening and closing of table games; the acceptance, distribution and removal of chips and coins from table games; the posting of payout odds and table game rules; the setting of minimum and maximum wagers and the request to offer a new table game or feature.

These rules do not impact local governments or small businesses as it is not expected that any local government or small business will hold a gaming facility license.

These rules impose no adverse impact on rural areas. These rules apply uniformly throughout the state and solely apply to licensed gaming facilities.

These rules will have no adverse impact on job opportunities.

These rules will not adversely impact small businesses, local governments, jobs, or rural areas. Accordingly, a full Regulatory Flexibility Analysis, Rural Area Flexibility Analysis, and Job Impact Statement are not required and have not been prepared.

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

### **Registration of Lobbyists**

**I.D. No.** SGC-28-16-00012-P

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

**Proposed Action:** Addition of Part 5309 to Title 9 NYCRR.

**Statutory authority:** Racing, Pari-Mutuel Wagering and Breeding Law, sections 104(19), 1307(1) and 1329

**Subject:** Registration of lobbyists.

**Purpose:** To govern the registration of lobbyists.

**Text of proposed rule: PART 5309**

#### *Lobbyist Registration*

##### *§ 5309.1. Registration of lobbyists.*

*A lobbyist seeking to engage in lobbying activity on behalf of a client or a client's interest before the commission shall, in advance of such activity and in accordance with Racing, Pari-Mutuel Wagering and Breeding Law section 1329, file a lobbying registration form the commission supplies and may amend from time to time.*

##### *§ 5309.2. Termination.*

*Upon the termination of a lobbyist's retainer, employment or designation, such lobbyist and the client on whose behalf such service has been rendered shall give written notice to the commission within 30 days after the lobbyist ceases the activity that required such lobbyist to file a lobbying registration form. Such lobbyist shall nevertheless comply with reporting requirements up to the date such activity has ceased, as required by Article 1-A of the Legislative Law.*

**Text of proposed rule and any required statements and analyses may be obtained from:** Kristen Buckley, New York State Gaming Commission, One Broadway Center, 6th Floor, Schenectady, NY 12305, (518) 388-3407, email: kristen.buckley@gaming.ny.gov

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

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

#### **Regulatory Impact Statement**

1. STATUTORY AUTHORITY: Racing, Pari-Mutuel Wagering and Breeding Law ("Racing Law") section 104(19) grants authority to the Gaming Commission ("Commission") to promulgate rules and regulations that it deems necessary to carry out its responsibilities. Racing Law section 1307(1) authorizes the Commission to adopt regulations that it deems necessary to protect the public interest in carrying out the provisions of Racing Law Article 13.

Racing Law section 1329 mandates registration of lobbyists with the Secretary of the Commission.

2. LEGISLATIVE OBJECTIVES: The above referenced statutory provisions carry out the legislature's stated goal "to tightly and strictly" regulate casinos "to guarantee public confidence and trust in the credibility and integrity of all casino gambling in the state and to prevent organized crime from any involvement in the casino industry" as set forth in Racing Law section 1300(10).

3. NEEDS AND BENEFITS: The proposed rules implement the above listed statutory directives regarding the licensing requirements and procedures for registration of lobbyists. The rules provide specificity with respect to the above listed statutory directives to assure registration, notification and reporting requirements of all lobbyists. In addition, this rule making is necessary to promote public confidence and trust in the credibility and integrity of casino gambling in New York State.

#### 4. COSTS:

(a) Costs to the regulated parties for the implementation of and continuing compliance with these rules: Lobbyist groups will have to file a form provided by the Commission for registration. There is no filing fee associated with the registration form and therefore no anticipated cost to the regulated party.

(b) Costs to the regulating agency, the State, and local governments for the implementation of and continued administration of the rule: These rules will not impose a cost to the Commission, State or local governments.



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

5. LOCAL GOVERNMENT MANDATES: There are no local government mandates associated with these rules.

6. PAPERWORK: These rules impose a paperwork burden on lobbyists to file a registration with the Commission on a form provided by the Commission. Lobbyists will report prior to engaging in any activity and upon termination.

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

8. ALTERNATIVES: The Commission consulted stakeholders and reviewed other gambling jurisdiction best practices and regulation. Alternatives were discussed and considered with stakeholders and compared to other jurisdictions regulations. The Commission received no comments from stakeholders.

9. FEDERAL STANDARDS: There are no federal standards applicable to the licensing of gaming facilities in New York; it is purely a matter of New York State law.

10. COMPLIANCE SCHEDULE: The Commission anticipates that the affected parties will be able to achieve compliance with these rules upon adoption.

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

These rules establish set forth the standards for lobbyist registration and will not have any adverse impact on small businesses, local governments, jobs or rural areas.

These rules do not impact local governments or small businesses as it is not expected that any local government or small business will be registered as a lobbyist with the Commission.

These rules impose no adverse impact on rural areas. These rules apply uniformly throughout the state.

These rules will have no adverse impact on job opportunities.

These rules will not adversely impact small businesses, local governments, jobs, or rural areas. Accordingly, a full Regulatory Flexibility Analysis, Rural Area Flexibility Analysis, and Job Impact Statement are not required and have not been prepared.

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## Department of Motor Vehicles

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

**Fees Charged for the Impaired Driving Program Course**

**I.D. No.** MTV-28-16-00003-P

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

**Proposed Action:** Amendment of section 134.14 of Title 15 NYCRR.

**Statutory authority:** Vehicle and Traffic Law, sections 215(a), 1196(1) and (6)

**Subject:** Fees charged for the Impaired Driving Program course.

**Purpose:** To increase the fee for the Impaired Driving Program course, so that \$20 may be directed to curriculum development.

**Text of proposed rule:** Subdivision (b) of Section 134.14 is amended to read as follows:

(b) Except as provided in subdivisions (c) and (d) of this section, the total fee for a rehabilitation program shall not exceed [§300] *\$315*. Seventy-five dollars of any such total fee shall represent the reimbursement of costs for administrative expenses incurred by the Department of Motor Vehicles and sentencing courts. A participant in the program shall not be required to pay the \$75 dollar fee to the department if such participant held a conditional license pending prosecution under section 134.18 of this Part, if such conditional license was not revoked, and such conditional license was issued as the result of the same violation on which participation in such program is based. The Commissioner may require that up to [§5] *\$20* of the total fee for a rehabilitation program shall be used for reimbursement of costs for curriculum enhancements to be developed by the Department of Motor Vehicles and/or a third party authorized by the department. If the commissioner so requires, written notification of such requirement shall be sent to all rehabilitation programs, and such portion of the fee shall be paid by the program directly to such authorized third party.

**Text of proposed rule and any required statements and analyses may be obtained from:** Heidi Bazicki, Department of Motor Vehicles, 6 Empire State Plaza, Rm. 522A, Albany, NY 12228, (518) 474-0871, email: heidi.bazicki@dmv.ny.gov

**Data, views or arguments may be submitted to:** David Cadalso, Department of Motor Vehicles, 6 Empire State Plaza, Rm. 522A, Albany, NY 12228, (518) 474-0871, email: heidi.bazicki@dmv.ny.gov

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

**Regulatory Impact Statement**

1. Statutory authority: Vehicle and Traffic Law (VTL) section 215(a) provides that the Commissioner of Motor Vehicles may enact rules and regulations that regulate and control the exercise of the powers of the Department. Vehicle and Traffic Law § 1196(1) establishes the Alcohol and Drug Rehabilitation Program (also referred to as the Impaired Driver Program or “IDP”) within the Department of Motor Vehicles. Vehicle and Traffic Law § 1196(6) provides that the Commissioner shall establish a schedule of fees to be paid by or on behalf of each participant in the program, and may from time to time, modify the fees.

2. Legislative objectives: Vehicle and Traffic Law § 1196(6) provides that the fees to be established by the Commissioner shall defray the ongoing expenses of the IDP. The proposed rule is in accord with the public policy objectives that the Legislature sought to advance by allowing the Commissioner to modify such fees in order to defray the expenses of the IDP, and, specifically, the cost of sustaining a successful evidence based curriculum to rehabilitate and educate persons convicted of alcohol and drugged driving related offenses.

3. Needs and benefits: This regulation is necessary to defray the costs of the IDP, specifically curriculum enhancements that are central to the IDP.

Upon conviction for a violation of alcohol-related offenses and driving while ability impaired by drugs, some defendants are, as part of their sentence, ordered to participate in the IDP; many others take the course voluntarily, in part, because participation is necessary to obtain a conditional license. Approximately 20,000 persons attend the IDP annually. A strong, evidence based curriculum is critical to the successful rehabilitation of these individuals.

Part 134.14 of the Commissioner’s Regulations provides a schedule of fees to be paid by or on behalf of each participant in the IDP, which fees defray the ongoing expenses of the IDP. Part 134.14(b) provides that the total fee for the IDP shall not exceed \$300.00 and that up to \$5.00 of the total fee “shall be used for reimbursement of costs for curriculum enhancements to be developed by the Department of Motor Vehicles and/or a third party authorized by the Department.” The diversion of \$5.00 to curriculum enhancements was implemented about 12 years ago and is insufficient to sustain a high quality curriculum.

The current contract with the Department’s third party IDP curriculum provider expires in February 2017. DMV is in the process of developing an Invitation for Bid (IFB) for a curriculum provider, to be issued in the fall of 2016. Based upon the experience in other states, it is unlikely the Department will be able to secure high quality bidders while offering a \$5 fee for curriculum enhancement, which includes the cost of the student workbook. For example, of the 17 states in which the current IDP vendor is the sole program provider, New York has the lowest rate charged for the curriculum enhancements, with Alaska’s rate being the highest at \$30.00 and the next lowest rate being Hawaii at \$15.00. By raising the IDP fee from \$300 to \$315, the Department will be able to direct \$20 of such fee to the IDP curriculum provider, both insuring uninterrupted service to course participants and that qualified vendors will bid on the contract.

The curriculum provider not only develops the curriculum and publishes a workbook for course participants, but it provides training for the IDP instructors, a certification program and refresher courses. The current \$5 fee is simply insufficient to attract a curriculum provider that will offer all of these services.

Although New York State has made significant strides in addressing the problem of driving while impaired by alcohol and/or drugs, drunk and drugged driving remain critical highway safety problems. Offering a strong, evidenced based curriculum in the IDP is a necessary part of the continuing battle to confront these problems.

4. Costs: a. The approximate cost to regulated parties: The proposed rule will not impose additional costs on those entities that provide the IDP, since it will allow them to charge an additional \$15 to be paid by each participant in the program by increasing the total fee for the program from \$300 to \$315. The rule provides that a maximum of \$20 of the total fee shall be paid by IDP providers to curriculum providers for curriculum enhancements. The program currently services approximately 20,000 motorists annually. If each enrollee were to be charged the additional \$15, this would result in an overall increase estimated to be approximately \$300,000 annually. The enrollees would pay these costs.

b. Costs to the agency, the State and local governments: None. State and local agencies are not affected by this rule, and therefore, the rule will not impose any costs on those agencies.

5. Local government mandates: This rule does not affect local governments, and therefore, imposes no mandates on local governments.

6. Paperwork: There are no additional reporting requirements associated with this rule.

7. Duplication: This rule does not duplicate, overlap, or conflict with any other State or federal statute or regulation.

8. Alternatives: Multiple alternatives were considered ranging from lowering the curriculum vendor requirements in order to increase the likelihood of viable bidders to DMV developing a proprietary IDP curriculum and instructor preparation program. A variety of fiscal alternatives were also considered, such as not raising the fee or reallocating existing funds in the DMV budget in order to subsidize a fee increase and reduce the burden on motorists.

The cost and time required for DMV to develop its own in-house curriculum or to contract with a third party to develop a DMV in-house curriculum would exceed what can be accomplished by increasing the amount allotted to a third party provider. Additionally, developing an in-house curriculum would not result in a ready-to-implement, evidence-based program.

None of the alternatives are achievable in the short term, nor do they ensure the quality and value that can be attained by contracting with a specialized curriculum provider at a fair market rate. Increasing the rate seems to be the only viable solution for securing a viable curriculum.

A no action alternative was not considered.

9. Federal standards: The proposed rule does not exceed any federal minimum standards.

10. Compliance schedule: The Department of Motor Vehicles anticipates that affected IDP and curriculum providers will be able to comply with the proposed rule immediately.

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

A Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and a Job Impact Statement are not required for this rulemaking proposal because it will not adversely affect small businesses, local governments, rural areas or job creation.

This proposal concerns the amount of reimbursement of costs for curriculum enhancements related to alcohol and drug rehabilitation programs for drivers. Due to its narrow focus, this rule will not impose an adverse economic impact on small businesses, local governments, rural areas or employment opportunities.

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## Office of Parks, Recreation and Historic Preservation

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

#### **Criteria Enabling Municipal Law Enforcement Agencies to Receive State Aid for Snowmobile Enforcement Duties**

**I.D. No.** PKR-28-16-00004-P

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

**Proposed Action:** This is a consensus rule making to amend section 457.33(b) of Title 9 NYCRR.

**Statutory authority:** Parks, Recreation and Historic Preservation Law, sections 3.09(8) and 25.01

**Subject:** Criteria enabling municipal law enforcement agencies to receive State aid for snowmobile enforcement duties.

**Purpose:** To promote local snowmobile enforcement by easing restrictions on State aid eligibility.

**Text of proposed rule:** Subsection (b) of section 457.33 of Title 9 is amended as follows:

(b) Personnel [service, temporarily] assigned to snowmobile law enforcement. (1) The wages of personnel so assigned, authorized and paid by the county or municipality, during the period in which the person actually performs the duty of enforcing article 25 of the Parks, Recreation and Historic Preservation Law, shall be an authorized expenditure. If an officer is assigned to such duty, all wages earned during such period become

part of a claim. If an officer is assigned snowmobile duties intermittently, an itemized account of such time [and the reasons therefor] must be submitted, and that portion of wages earned while actually engaged in snowmobile law enforcement shall be deemed an authorized expenditure. [However, in cases of intermittent duties in snowmobile law enforcement, no claim may be submitted unless each person involved has been engaged in the duty of snowmobile law enforcement for a total period of not less than 40 hours during the calendar year.]

[(2) Temporary personnel employed seasonally for the specific purpose of snowmobile enforcement. The total wages of persons in this category are an authorized expenditure. However, these persons shall be engaged exclusively in the duty of snowmobile law enforcement, and their period of employment shall not exceed the duration of the snowmobile season which is common to the county, city, town or village submitting the claim. A minimum total of 40 hours of snowmobile enforcement duty and completion of a State-sponsored law enforcement training school is required before a claim for reimbursement of wages may be submitted.]

**Text of proposed rule and any required statements and analyses may be obtained from:** Shari Calnero, Office of Parks, Recreation and Historic Preservation, 625 Broadway, Albany, NY 12207, (518) 486-5685, email: Shari.Calnero@parks.ny.gov

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

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

#### **Consensus Rule Making Determination**

The Office of Parks, Recreation and Historic Preservation (OPRHP) is proposing to amend, by a consensus rule making, the criteria allowing municipal law enforcement agencies to be eligible for state aid for personnel assigned to snowmobile enforcement as set forth in 9 NYCRR § 457.33(b).

The amendment will promote local snowmobile enforcement of OPRHP's snowmobile regulations by easing restrictions on state aid eligibility. Specifically, the rule, as amended, allows municipal law enforcement agencies to receive state aid for assigning personnel to snowmobile enforcement duties regardless of whether the personnel are permanent or seasonal employees and without the requirements that personnel log 40 hours of snowmobile enforcement duty per year or complete a State-sponsored law enforcement training.

No party is likely to object to the positive impacts that will result from this rule change. Moreover, this amendment will not have a negative impact because there is no change in the amount of state aid available for snowmobile enforcement, which amount is capped at \$150,000. The amendment would likely have a positive impact because it will allow understaffed law enforcement agencies to utilize their snowmobile law enforcement personnel and resources more efficiently by making more snowmobile enforcement hours eligible for state aid. Additionally, these officers will be able to address the concerns of the snowmobiling public, such as the large presence of unregistered snowmobiles on the trails, and agencies will be able to allocate more officers to these concerns with the elimination of the training and 40 hour duty minimum. The proposed amendments would incentivize increased snowmobile law enforcement duty by making more personnel eligible for state aid. For the above reasons, the proposed rulemaking would not cause controversy, but rather have a positive impact on the law enforcement agencies and the safety of the snowmobiling public.

#### **Job Impact Statement**

A job impact statement is not submitted because this proposed rule will have no adverse impact on jobs or employment opportunities. In fact, the proposed amendments to 9 NYCRR 457.33(b) will likely create more jobs because they will promote local snowmobile enforcement by easing restrictions on state aid eligibility. Because law enforcement agencies would be able to allocate more officers for snowmobile law enforcement duty, there is no adverse impact on jobs or employment opportunities.

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## Public Service Commission

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### NOTICE OF ADOPTION

#### **Increase in Annual Revenues and Tariff Revisions**

**I.D. No.** PSC-04-16-00015-A

**Filing Date:** 2016-06-23

**Effective Date:** 2016-06-23

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

**Action taken:** On 6/22/16, the PSC adopted an order authorizing the Village of Fairport Electric Department (Fairport) to increase its annual revenues by \$302,598, effective July 1, 2016 and is directed to file additional tariff revisions to implement the changes.

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

**Subject:** Increase in annual revenues and tariff revisions.

**Purpose:** To authorize Fairport to increase its annual revenues and direct the filing of additional tariff revisions.

**Substance of final rule:** The Commission, on June 22, 2016, adopted an order authorizing the Village of Fairport Electric Department (Fairport) to increase its annual revenues by \$302,598, effective July 1, 2016, which amounts to an increase of approximately 1.42% in total revenues, or 1.62% in base revenues and directed Fairport to file additional tariff revisions to implement the changes, subject to the terms and conditions set forth in the order.

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

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

**Assessment of Public Comment**

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

(16-E-0005SA1)

**PROPOSED RULE MAKING  
HEARING(S) SCHEDULED**

**Major Water Rate Filing**

**I.D. No.** PSC-28-16-00015-P

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

**Proposed Action:** The Commission is considering a proposal filed by New York American Water Company, Inc. to increase its revenues and make changes to rates, charges, rules and regulations as contained in its Schedule PSC No. 5 — Water, superseding PSC Nos. 1-4 — Water.

**Statutory authority:** Public Service Law, section 89-c(1) and (10)

**Subject:** Major water rate filing.

**Purpose:** To consider a proposal to increase revenues by approximately \$8.49 million or 8.3% and consolidate tariffs and rates.

**Public hearing(s) will be held at:** 10:30 a.m., October 13, 2016 and continuing daily as needed at Department of Public Service, Three Empire State Plaza, 3rd Fl. Hearing Rm., Albany, NY (Evidentiary Hearing)\*.

\*On occasion, there are requests to reschedule or postpone evidentiary hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website ([www.dps.ny.gov](http://www.dps.ny.gov)) under Case 16-W-0259.

**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.

**Substance of proposed rule:** The Commission is considering a proposal filed by New York American Water Company, Inc. (NYAW) to increase its annual revenues by approximately \$8.49 million or 8.49% beginning April 1, 2017 and to consolidate its tariff schedules and rates, charges, rules and regulations. NYAW currently has four tariffs applicable to 12 districts. It proposes to utilize one set of general terms and conditions for all water districts in its service territory and to consolidate its rate tariffs into two service areas. Water districts within NYAW's service territory will not be uniformly impacted by the proposed changes. Some ratepayers would see bill increases while others would see bill reductions. 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:** John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

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

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

**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.

(16-W-0259SP1)

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

**Initial Tariff Schedule Which Includes Rates, Charges, Rules and Regulations for Water Service**

**I.D. No.** PSC-28-16-00013-P

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

**Proposed Action:** The Public Service Commission is considering a tariff filing by Deans Corners Water Works, Inc. for its Initial Tariff Schedule, P.S.C. No. 1 — Water, to become effective October 1, 2016.

**Statutory authority:** Public Service Law, section 89-e(2)

**Subject:** Initial Tariff Schedule which includes rates, charges, rules and regulations for water service.

**Purpose:** To consider the proposed Initial Tariff Schedule and initial rate for water service.

**Text of proposed rule:** The Commission is considering a proposal filed by Deans Corners Water Works, Inc., (Deans Corners or the Company), for its Initial Tariff Schedule, P.S.C. No. 1 – Water, to become effective October 1, 2016, which sets forth the rates, charges, rules and regulations under which the Company will operate. Deans Corners currently has no customers but at full development will have 100 customers in portions of the Town of Southeast, Putnam County, New York. Deans Corners proposes a metered rate of \$2.51 per thousand gallons with quarterly billing in arrears. The tariff defines when a bill will be considered delinquent and establishes a late payment charge of 1 1/2 percent per month, compounded monthly, and a returned check charge equal to the bank charge plus a handling fee of \$5. The Company is proposing restoration of service charges of \$25 during normal business hours Monday through Friday; \$37.50 outside of normal business hours Monday through Friday; and \$50 on weekends and public holidays. Details of the filing are available via the internet on the Commission's website at [www.dps.ny.gov](http://www.dps.ny.gov) located under Water, Tariffs, Pending. 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:** John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

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

**Public comment will be received until:** 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.

(16-W-0374SP1)

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

**Consideration of CECONY and O&R's Implementation Plan for 36 Audit Recommendations**

**I.D. No.** PSC-28-16-00014-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 the Implementation Plan submitted by Consolidated Edison Company of New York, Inc. and Orange and Rockland Utilities, Inc. and whether to order the implementation of audit recommendations.

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

**Subject:** Consideration of CECONY and O&R's Implementation Plan for 36 audit recommendations.

**Purpose:** To consider CECONY and O&R's Implementation Plan.

**Substance of proposed rule:** The Public Service Commission is considering an Implementation Plan filed by Consolidated Edison Company of New York, Inc. (CECONY) and Orange and Rockland Utilities, Inc. (O&R) on June 20, 2016, in Case 14-M-0001. CECONY and O&R's Implementation Plan addresses the 36 recommendations contained in the Final Report prepared by NorthStar Consulting Group as a result of its Comprehensive Management and Operations Audits of CECONY and O&R's electric, gas and steam businesses in New York State. The Commission is considering whether to adopt, reject or modify, in whole or in part, the Implementation Plan submitted by CECONY and O&R and may resolve related matters.

**Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact:** John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: [john.pitucci@dps.ny.gov](mailto:john.pitucci@dps.ny.gov)

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

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

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

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

(14-M-0001SP1)

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

#### Petition for Reconsideration of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework

I.D. No. PSC-28-16-00016-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 requesting reconsideration of the June 20, 2016 Order Adopting a Ratemaking and Utility Revenue Model Policy Framework in Case 14-M-0101 filed by the Joint Utilities on June 20, 2016.

**Statutory authority:** Public Service Law, sections 5(1)(b), (2), 22, 65(1), (2), (3), 66(2) and (5)

**Subject:** Petition for reconsideration of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework.

**Purpose:** To determine appropriate rules for and calculation of the distributed generation reliability credit.

**Substance of proposed rule:** The Public Service Commission is considering a petition requesting reconsideration of the June 20, 2016 Order Adopting a Ratemaking and Utility Revenue Model Policy Framework in Case 14-M-0101 filed by Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation d/b/a National Grid, Orange and Rockland Utilities, Inc. and Rochester Gas and Electric Corporation (collectively, the Joint Utilities) on June 20, 2016. The petition seeks reconsideration regarding the calculation of a reliability credit for distributed generation (DG Reliability Credit) based on reductions in contract demand in two consecutive summers. Upon conducting its evaluation of the petition, the Commission may reaffirm its initial decision or adhere to it with additional rationale in denying the petition, modify or reverse the decision in granting the petition in whole or in part, or take such other or further action as it deems necessary with respect to the petition. However, the Commission will limit its review to the issues raised by the above-referenced petition.

**Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact:** John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: [john.pitucci@dps.ny.gov](mailto:john.pitucci@dps.ny.gov)

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

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

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

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

(14-M-0101SP15)

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

#### Petition for Rehearing of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework

I.D. No. PSC-28-16-00017-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 requesting rehearing of the June 20, 2016 Order Adopting a Ratemaking and Utility Revenue Model Policy Framework in Case 14-M-0101 filed by Cubit Power One, Inc. on June 20, 2016.

**Statutory authority:** Public Service Law, sections 5(1)(b), (2), 22, 65(1), (2), (3), 66(2) and (5)

**Subject:** Petition for rehearing of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework.

**Purpose:** To determine appropriate rules for and calculation of the distributed generation reliability credit.

**Substance of proposed rule:** The Public Service Commission is considering a petition requesting rehearing and clarification of the June 20, 2016 Order Adopting a Ratemaking and Utility Revenue Model Policy Framework in Case 14-M-0101 filed by Cubit Power One, Inc. (Cubit) on June 20, 2016. The petition seeks rehearing and clarification regarding the application of a reliability credit for distributed generation (DG Reliability Credit) to distributed generation (DG) projects that require little or no standby service. Upon conducting its evaluation of the petition, the Commission may reaffirm its initial decision or adhere to it with additional rationale in denying the petition, modify or reverse the decision in granting the petition in whole or in part, or take such other or further action as it deems necessary with respect to the petition. However, the Commission will limit its review to the issues raised by the above-referenced petition.

**Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact:** John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: [john.pitucci@dps.ny.gov](mailto:john.pitucci@dps.ny.gov)

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

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

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

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

(14-M-0101SP16)

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## State University of New York

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

#### State University of New York's Patents and Inventions Policy

I.D. No. SUN-28-16-00005-P

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

**Proposed Action:** This is a consensus rule making to repeal section 335.28 and add new section 335.28 to Title 8 NYCRR.

**Statutory authority:** Education Law, section 355(3)

**Subject:** State University of New York's Patents and Inventions Policy.

**Purpose:** Model best practices in the areas of innovation and technology transfer and comply with Federal law regarding intellectual property rights.

**Text of proposed rule:** § 335.28 Patents and Inventions Policy

(a) Purpose of the Patents and Inventions Policy ("this Policy")

(1) The State University of New York ("SUNY") recognizes that the three primary missions of an educational institution are teaching, research, and public service. SUNY further recognizes that, in the course of performing its mission, innovations of public value will be developed under its auspices. It is the policy of SUNY to encourage such innovation and to take appropriate steps to aid Creators and ensure that the public receives the benefit of such innovation in accordance with its public service mission. Appropriate steps include securing research support, identifying and encouraging disclosure of Intellectual Property, securing appropriate protections, marketing Intellectual Property through licensing and other arrangements, and managing royalties and other related income, such as litigation proceeds. These activities are undertaken in a spirit of cooperation with governmental agencies and private industry as part of SUNY's contribution to the economic well-being of the State of New York and of the Nation.

(2) In implementing its policies, SUNY will take appropriate steps to ensure that its academic community may freely publish the results of scholarly research pursuant to SUNY's policy on unrestricted dissemination of research activities. In conformance with this principle, all concerned shall cooperate so that essential rights to Intellectual Property shall not be lost.

(3) All net proceeds realized from the commercialization or other monetization of SUNY Intellectual Property, after payment of the Creator's share as defined in subpart (e) of this Policy and other appropriate costs associated with the evaluation, marketing, development, protection, maintenance, or enforcement of Intellectual Property, shall be used for the support of SUNY research programs in a manner consistent with the Bayh-Dole Act and its implementing regulations. Campus net proceeds shall be applied in a manner consistent with local campus policies and procedures. Upon the request of a Creator, SUNY shall provide an accounting of the distribution of royalties earned from Intellectual Property of the Creator.

(b) Definitions

(1) **Affiliate:** For purposes of this Policy, Affiliates include The Research Foundation for The State University of New York ("The Research Foundation"), State University Construction Fund, all campus auxiliary service corporations, and all campus foundations.

(2) **Created:** Having conceived, authored, reduced to practice, designed, developed, or otherwise having contributed to the making of Intellectual Property.

(3) **Creative and Course Content:** Academic course content and materials Created by Personnel including, but not limited to syllabi, course materials and textbooks; other scholarly or creative works of authorship; instructional, dramatic, musical and artistic works; and manuscripts, articles, poetry, prose, short stories, digital shorts, novels, plays, screenplays, and creative writings.

(4) **Creator:** One who has Created Intellectual Property, in whole or in part.

(5) **Incidental Use of SUNY Resources ("Incidental Use"):** Any use of publicly or routinely-available SUNY resources, such as residence halls, common areas, meeting rooms, cafeterias, gymnasiums, libraries, office spaces, furnishings, office supplies, photocopiers, telephones, fax machines and other standard office equipment, personal-type computers, and commercially available software in use on such computers, computer and communications networks, including internet access and data storage, that is nonessential to the creation of Intellectual Property, and any use of SUNY resources by a Student in accordance with assigned coursework pursuant to that Student's academic curriculum.

(6) **Intellectual Property:** Patentable Inventions, tangible research materials, computer software, and any unique or novel innovation in the technical arts or any new and useful improvements thereof, including methods or processes for creating an object or result (a way of doing or making things), machines, devices, products of manufacture, product designs, or composition, maskworks or layout designs for printed circuit boards or integrated circuits, compositions of matter, materials, any variety of plant, and any know-how essential to the practice or enablement of such innovations and improvements, whether or not patentable.

(7) **Inventor:** One who contributes to the conception of a Patentable Invention under the patent laws of the United States or other relevant jurisdiction.

(8) **Net Royalty:** Royalty less reasonable out-of-pocket expenses incurred by SUNY and not reimbursed by licensees for the evaluation,

marketing, development, protection, maintenance, and enforcement of the subject Intellectual Property.

(9) **Partner:** Any entity or individual who is neither Personnel nor Student, who engages with SUNY or a SUNY Affiliate through a contract or other business transaction that will facilitate the research, teaching, or public service missions of SUNY.

(10) **Patentable Invention:** Any art or process (way of doing or making things), machine, manufacture, design, or composition of matter, or any new and useful improvement thereof, or any variety of plant, which is or may be patentable under the patent laws of the United States or other relevant jurisdiction, and the patent applications or patents that embody them.

(11) **Personnel:** All full-time and part-time employees of SUNY and SUNY Affiliates, Student employees (including, but not limited to, research assistants, teaching assistants, fellows, post-doctoral scholars, and students providing services under sponsor agreements), and other persons holding any paid appointment or position with SUNY.

(12) **Royalty:** Cash, equity, or other value received by SUNY as consideration for use of rights to SUNY Intellectual Property.

(13) **Students:** Individuals enrolled in SUNY, including, but not limited to, continuing education, undergraduate, graduate and professional students, non-degree students, and not-for-credit students.

(14) **Substantial Use of SUNY Resources ("Substantial Use"):** Any use of SUNY resources that is more than Incidental Use, including, but not limited to, use of: financial support, funds and grants administered by SUNY or a SUNY Affiliate; inter-institutional collaborations facilitated by SUNY; equipment, facilities, services, laboratories, or space; computers and computer or communications networks not publicly or routinely-available; research, clinical, or other scientific instruments; time spent by Personnel, including secretarial, clerical, administrative staff, and research and teaching assistants; confidential information; Inventions and other proprietary or intellectual property owned by SUNY; and any privileged access as a result of a person's affiliation with SUNY.

(15) **The State University of New York ("SUNY"):** References to "SUNY" in this Policy may include Affiliates where appropriate under the contexts, whether or not specifically stated. In addition, at the request of SUNY, SUNY Ownership of Intellectual Property under subpart (d)(1) of this Policy may include ownership, management, promotion, licensing and other transfers, commercialization, and monetization of certain Intellectual Property by The Research Foundation.

(c) Scope

(1) This Policy applies to Intellectual Property Created, in whole or in part, by SUNY Personnel, Students, Affiliates, and Partners.

(2) This Policy sets forth the rights and responsibilities of SUNY and SUNY Personnel, Students, Partners, and Affiliates in the development, creation, ownership, protection, maintenance, dissemination, marketing, licensing, and monetization of Intellectual Property.

(3) Creative and Course Content is beyond the scope of this Policy.

(d) Ownership of Intellectual Property

(1) **SUNY Ownership:** Subject to the exceptions of (d)(2) below, SUNY shall own, and Creator shall promptly disclose and assign to The Research Foundation, Intellectual Property Created, in whole or in part:

(i) within the scope of the Creator's employment by SUNY; or

(ii) through the Substantial Use of SUNY Resources, unless otherwise agreed in writing.

(2) **Creator Ownership:** Ownership rights to Creative and Course Content shall be governed by SUNY's Copyright Policy A Creator who is Personnel may retain ownership rights to Intellectual Property that is not Creative and Course Content if:

(i) the Intellectual Property was Created exclusively outside the scope of the Creator's employment by SUNY; and

(ii) the Intellectual Property was Created through no more than Incidental Use of SUNY Resources; and

Creators of Intellectual Property satisfying (d)(2)(a) and (d)(2)(b) above shall submit an External Invention Disclosure Form as prescribed in SUNY's Procedures for Disclosure and Management of Patents and Inventions.

(3) **Student Ownership:** A Creator who is a Student and not also Personnel may retain ownership rights to Intellectual Property Created through no more than Incidental Use of SUNY Resources, subject to those restrictions that may be required by an external sponsor, if any. A Student shall own the copyright to his or her thesis unless an agreement supporting the underlying work specifies otherwise. Under all circumstances, SUNY shall have an unrestricted royalty-free license to reproduce and disseminate Student theses.

(4) **Partner Ownership:** Where SUNY intends that a Partner engage in Substantial Use of SUNY Resources, the ownership of Intellectual Property Created by or for the Partner in connection with the use or sponsorship of SUNY Resources shall be memorialized in a written agreement between the Partner and SUNY or an Affiliate.

(5) *Joint Ownership: Intellectual Property may be subject to exercise of ownership rights by two or more parties, including SUNY, Affiliates, Personnel, Students, and Partners, in which case joint ownership may be appropriate.*

(6) *Questions as to Ownership: Where any dispute is raised as to ownership of Intellectual Property, patents, or patent applications under these provisions, the matter shall be referred to the Innovation Policy Board in a manner consistent with SUNY's Procedures for Disclosure and Management of Patents and Inventions.*

(e) *Royalty Income*

(1) *Patentable Inventions: With respect to any Patentable Invention obtained by or through SUNY or assigned to or as directed by SUNY in accordance with the foregoing provisions, SUNY, in recognition of the meritorious services of the Inventor and in consideration of the Inventor's assignment of the Patentable Invention to SUNY, will make provision entitling the Inventor and the Inventor's heirs or legatees to share in the proceeds from the management and licensing of such Patentable Invention to the extent of forty-five percent (45%) of the first \$100,000 of Net Royalty received by SUNY and forty percent (40%) of Net Royalty thereafter, unless the Inventor and SUNY agree otherwise in a written and duly executed instrument, or if this exceeds the limits fixed by applicable regulations of the relevant sponsoring agency, which will control in such cases.*

(2) *Computer Software and Intellectual Property Other Than Patentable Inventions: With respect to any Intellectual Property that is not a Patentable Invention, including Computer Software that is not a Patentable Invention, Created in the performance of academic or research activities and obtained by or through SUNY or assigned to or as directed by SUNY in accordance with the foregoing provisions, SUNY, in recognition of the meritorious services of the Creator and in consideration of the Creator's assignment to SUNY, will make provision entitling the Creator and the Creator's heirs or legatees to share in the proceeds from SUNY's management and licensing to the extent of forty-five percent (45%) of the first \$100,000 of Net Royalty received by SUNY and forty percent (40%) of Net Royalty thereafter, unless:*

(i) *the campus has adopted a local policy requiring reinvestment in support of university research programs, in which case no less than forty-five percent (45%) of the first \$100,000 received by SUNY and forty percent (40%) of such income thereafter shall be directed to the program within which the Intellectual Property was Created; or*

(ii) *the Intellectual Property is a work for hire or subject to a conflicting obligation to a sponsor or a Partner; or*

(iii) *the Creator and SUNY agree otherwise in a written and duly executed instrument; or*

(iv) *if this exceeds the limits fixed by applicable regulations of the relevant sponsoring agency, which will control in such cases.*

(f) *Release and Waiver*

(1) *SUNY decisions regarding evaluation, marketing, development, protection, maintenance, or enforcement of Intellectual Property shall be made in consultation with the Creator(s). SUNY may, at the Creator's written request, release its ownership rights in Intellectual Property to the Creator(s), subject to those restrictions that may be required by an external sponsor, if any.*

(2) *SUNY shall make an initial determination regarding whether to retain title to Intellectual Property within one year of SUNY's acceptance of the Creator's fully disclosed, assigned and properly executed disclosure statement. SUNY shall proceed with patenting, development and marketing of the Intellectual Property as soon as practicable thereafter. If SUNY elects not to retain title or fails to make such an election within one year, all of SUNY's rights to the Intellectual Property shall be released upon written request to the Creator, subject to those restrictions that may be required by an external sponsor, if any.*

(3) *For any Intellectual Property so released to a Creator, SUNY shall receive ten (10) percent of the net proceeds to the Creator, in recognition of the contribution of the State and people of New York to the support of the research that resulted in the Intellectual Property. For purposes of this subpart, (f)(2), "net proceeds" means income realized by the Creator from commercialization or other monetization of the Intellectual Property less reasonable costs incurred directly by the Creator for the evaluation, marketing, development, protection, maintenance, or enforcement of the subject Intellectual Property.*

(g) *Innovation Policy Board*

(1) *The Chancellor shall establish and appoint an Innovation Policy Board of the State University of New York and designate the chair thereof in accordance with the procedures accompanying this Policy. The Innovation Policy Board shall have full powers of organization to undertake*

*periodic review of this Policy and to create, revise and enhance guidelines and procedures to interpret and implement this policy.*

(h) *Applicability*

(1) *Intellectual Property which is fully disclosed and assigned in a properly executed new technology disclosure statement before the effective date of these regulations shall be subject to SUNY's prior Patents and Inventions Policy.*

**Text of proposed rule and any required statements and analyses may be obtained from:** Lisa S. Campo, State University of New York, State University Plaza, S-325, Albany, NY 12246, (518) 320-1400, email: Lisa.Campo@SUNY.edu

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

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

**Consensus Rule Making Determination**

The State University of New York has determined that no person is likely to object to this rule as written because it is necessary for SUNY to model best practices in the areas of innovation and technology transfer and to comply with federal law relating to intellectual property rights.

**Job Impact Statement**

No job impact statement is submitted with this notice because the proposed rule does not impose any adverse economic impact on existing jobs, employment opportunities, or self-employment. This regulation governs the Patents and Inventions Policy of State University of New York and will not have any adverse impact on the number of jobs or employment.

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## Office of Temporary and Disability Assistance

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### EMERGENCY RULE MAKING

**Emergency Shelters for the Homeless**

**I.D. No.** TDA-06-16-00016-E

**Filing No.** 617

**Filing Date:** 2016-06-23

**Effective Date:** 2016-06-23

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

**Action taken:** Addition of section 352.37 to Title 18 NYCRR.

**Statutory authority:** Social Services Law, sections 17(a)-(b), (i), 20(2)-(3), 34, 460-c and 460-d; Executive Law, section 43(1); General Municipal Law, section 34; State Finance Law, section 109(4); New York City Charter, section 93; Buffalo City Charter, ch. C, art. 7, section 7-4

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

**Specific reasons underlying the finding of necessity:** The Office of Temporary and Disability Assistance (OTDA) finds that immediate adoption of the rule is necessary for the preservation of the public health, public safety, and general welfare and, specifically, to assure that residents of emergency shelters are not subject to unhealthy or imminently dangerous conditions. The emergency regulation continues protections for residents of emergency shelters by clarifying OTDA's authority, pursuant to the Social Services Law and State regulations, to take immediate emergency measures to address emergency shelters determined to be dangerous, hazardous, or imminently detrimental to the health, safety, and general welfare of residents. Recent inspections and visits conducted at a significant number of emergency shelters by officials from OTDA have confirmed that dangerous, hazardous, or unhealthy conditions have existed at some of these placements for sustained periods of time. Failing to continue OTDA's oversight in this area would endanger the health, safety and welfare of such residents. The emergency regulation helps ensure that emergency shelters are maintained in safer, healthy conditions, and that the welfare of residents is better protected than under current requirements. In the absence of this emergency regulation, inspections have revealed that some operators have permitted their emergency shelters to deteriorate to a point where dangerous, hazardous, or unhealthy conditions exist. Under these circumstances, OTDA asserts that proposing this rule only as

a “regular rule making” as provided by the State Administrative Procedure Act (SAPA) should not be required because to do so would be detrimental to the health and general welfare of the residents of these emergency shelters while permitting public funds to be expended to maintain conditions that are dangerous, hazardous, and unhealthy. Recent investigations have confirmed such conditions and have underscored the imperative of acting quickly to assure that residents of these placements are safe and protected from dangerous, hazardous, or unhealthy conditions. Without this emergency regulation, some emergency shelters will simply maintain the status quo, thereby endangering individuals, families and children.

**Subject:** Emergency shelters for the homeless.

**Purpose:** Emergency measures concerning shelters for the homeless.

**Text of emergency rule:** § 352.37 *Emergency measures concerning shelters for the homeless.*

(a) *When the Office of Temporary and Disability Assistance (the office) has knowledge, or has been advised, by announced or unannounced inspections, audits, or other methods with respect to emergency shelters made by any State or local entity authorized to conduct inspections or audits, including the office and State or local comptrollers, that there exists a violation of law, regulation, or code with respect to a building that provides emergency shelter to homeless persons, in which there are conditions that are dangerous, hazardous, imminently detrimental to life or health, or otherwise render the building not fit for human habitation, the office may take immediate emergency measures, including, but not limited to, one or more of the following: (1) issuing an order directing the facility to take immediate measures to rectify any deficiencies, violations, or conditions, requiring additional security, or directing the transfer of the facility's residents to other temporary emergency housing; or (2) temporarily suspending the facility's operating certificate or directing closure of the facility. For purposes of this section, “emergency shelter” shall mean any facility with overnight sleeping accommodations, the primary purpose of which is to provide temporary shelter to recipients of temporary housing assistance.*

(b) *Any order of the office issued with respect to any emergency shelter pursuant to paragraph (2) of subdivision (a) of this section shall be subject to the notice and expedited hearing process set forth in section 493.8 of this Title.*

(c) *Nothing in this section shall be construed as limiting the office from taking additional enforcement action authorized under the Social Services Law or any State regulation.*

(d) *The office is authorized to conduct unannounced inspections at any hour, without prior knowledge by or notification to the emergency shelter, the operator, or the social services district. Interference with an inspection, refusal to allow admission, delay in allowing admission, or refusal to provide complete access to the facility will be deemed to be a violation, and the office may take immediate enforcement action authorized under the Social Services Law or any State regulation. State and local comptrollers, in inspecting, auditing, or reviewing with respect to emergency shelters shall inform the office of any proposed violations of law, regulation, or code and shall provide recommendations as to any enforcement action.*

**This notice is intended** to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. TDA-06-16-00016-EP, Issue of February 10, 2016. The emergency rule will expire August 21, 2016.

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

#### **Regulatory Impact Statement**

##### **1. Statutory Authority:**

Social Services Law (SSL) § 17(a)-(b) and (i) provide, in part, that the Commissioner of the Office of Temporary and Disability Assistance (OTDA) shall “determine the policies and principles upon which public assistance, services and care shall be provided within the [S]tate both by the [S]tate itself and by the local governmental units ...”, shall “make known his policies and principles to local social services officials and to public and private institutions and welfare agencies subject to his regulatory and advisory powers ...”, and shall “exercise such other powers and perform such other duties as may be imposed by law.”

SSL § 20(2) provides, in part, that the OTDA shall “supervise all social services work, as the same may be administered by any local unit of government and the social services officials thereof within the state, advise them in the performance of their official duties and regulate the financial assistance granted by the state in connection with said work.” Pursuant to SSL § 20(3)(d) and (e), OTDA is authorized to promulgate rules, regulations, and policies to fulfill its powers and duties under the SSL and “to withhold or deny State reimbursement, in whole or in part, from or to any

social services district [SSD] or any city or town thereof, in the event of their failure to comply with law, rules or regulations of [OTDA] relating to public assistance and care or the administration thereof.”

SSL § 34(3)(c) requires OTDA’s Commissioner to “take cognizance of the interests of health and welfare of the inhabitants of the [S]tate who lack or are threatened with the deprivation of the necessities of life and of all matters pertaining thereto.” Pursuant to SSL § 34(3)(f), OTDA’s Commissioner must establish regulations for the administration of public assistance and care within the State by the SSDs and by the State itself, in accordance with the law. In addition, pursuant to SSL § 34(3)(d), OTDA’s Commissioner must exercise general supervision over the work of all SSDs, and SSL § 34(3)(e) provides that OTDA’s Commissioner must enforce the SSL and the State regulations within the State and in the local governmental units. Pursuant to SSL § 34(6), OTDA’s Commissioner “may exercise such additional powers and duties as may be required for the effective administration of the department and of the [S]tate system of public aid and assistance.”

SSL § 460-c confers authority upon OTDA to “inspect and maintain supervision over all public and private facilities or agencies whether [S]tate, county, municipal, incorporated or not incorporated which are in receipt of public funds,” which includes emergency shelters. SSL § 460-d confers enforcement powers upon the OTDA Commissioner, or any person designated by the OTDA Commissioner, to “undertake an investigation of the affairs and management of any facility subject to the inspection and supervision provision of this article, or of any person, corporation, society, association or organization which operates or holds itself out as being authorized to operate any such facility, or of the conduct of any officers or employers of any such facility.”

Executive Law § 43(1) provides that “[w]henver the comptroller may deem it necessary to enable him to perform the duties imposed upon him by law with regard to the inspection, examination and audit of the fiscal affairs of the state or of the several officers, departments, institutions, public corporations or political subdivisions thereof, he may assign the work of such inspection, audit and examination to any examiner or examiners appointed by him pursuant to law.” The authority to “inspect, examine and audit” the fiscal affairs of political subdivisions would include investigating where and how funds administered by county agencies are spent.

General Municipal Law § 34 specifically provides that the comptroller has the authority to examine the financial affairs of every municipal corporation. Under General Municipal Law § 2, the term “municipal corporation” includes a county, a town, a city or a village.

State Finance Law § 109(4) provides that “[t]he comptroller shall not approve for payment any expenditure from any fund except upon audit of such vouchers and other documents as are necessary to insure that such payment is lawful and proper.”

New York City Charter § 93 provides that the City comptroller has the power to “investigate all matters relating to or affecting the finances of the city, including without limitation the performance of contracts and the receipt and expenditure of city funds”; conduct “audits of entities under contract with the city as expeditiously as possible”; and “audit the operations and programs of city agencies to determine whether funds are being expended or utilized efficiently and economically and whether the desired goals, results or benefits of agency programs are being achieved.”

Section 7-4 of Article 7 of Chapter C of the Buffalo City Charter provides that the City comptroller has “the power to conduct financial and performance audits of all agencies and other entities a majority of whose members are appointed by city officials or that derive at least fifty percent of their revenue, including the provision of goods, services, facilities or utilities, from the city.” The City comptroller also has “the power to conduct performance audits of all bureaus, offices, departments, boards, commissions, activities, functions, programs, agencies and other entities or services of the city... to determine whether their activities and programs are: (i) conducted in compliance with applicable law and regulation; and (ii) conducted efficiently and effectively to accomplish their intended objectives.”

##### **2. Legislative Objectives:**

It is the intent of the Legislature in enacting the above statutes that OTDA establish rules, regulations, and policies to provide for the health, safety and general welfare of vulnerable families and individuals who are placed in emergency shelters.

##### **3. Needs and Benefits:**

In response to numerous problematic reports concerning the health and safety of public assistance recipients residing in New York City’s emergency shelters, OTDA has taken action to inspect these placements and to establish remedial protocols for SSDs so that these health and safety issues can be addressed immediately. The emergency regulation provides clarification by defining “emergency shelter” to mean “any facility with overnight sleeping accommodations, the primary purpose of which is to provide temporary shelter to recipients of temporary housing assistance.”

The emergency regulation provides OTDA the authority when it has knowledge, or has been advised by an appropriate source, that there exists a violation of law, regulation, or code with respect to an emergency shelter which is dangerous, hazardous, or imminently detrimental to life or health, or otherwise renders the building not fit for human habitation, to take immediate emergency measures. Such emergency measures include, but are not limited to, one or more of the following: (1) issuing an order directing the facility to take immediate measures to rectify any deficiencies, violations, or conditions, requiring additional security, or directing the transfer of its residents to other temporary emergency housing; or (2) temporarily suspending the facility's operating certificate or directing closure of the facility.

The emergency regulation clarifies that OTDA is authorized to conduct unannounced inspections at any hour without prior knowledge by or notification to the shelter, the operator, or the SSD. Interference with an inspection, refusal to allow admission, delay in allowing admission, or refusal to provide complete access to the facility will be deemed to be a violation and a basis upon which OTDA may take immediate enforcement action authorized under the SSL or any State regulation. The emergency regulation also provides that State and local Comptrollers, in inspecting, auditing, or reviewing with respect to emergency shelters, shall inform OTDA of any violations of law, regulation, or code and provide recommendations as to enforcement actions.

The emergency regulation also clarifies that any order issued by OTDA temporarily suspending a facility's operating certificate or directing closure of a facility pursuant to 18 NYCRR § 352.37(a)(2) shall be subject to the notice and expedited hearing process set forth in 18 NYCRR § 493.8.

The emergency regulation is necessary to protect vulnerable, low-income individuals and families who have limited or no housing options and have placed their trust and well-being in a system that should help ensure that these persons have acceptable accommodations during their difficult times.

Additionally, these individuals and families are being placed in emergency shelters at great expense to the taxpayers of New York, who care about the needs of these people and want to help ensure that funds used to house these individuals and families provide safe, quality housing. It is important for OTDA and the SSDs to be fiscally prudent and to help ensure that State, federal and local funds are properly used when housing homeless individuals and families.

The emergency regulation allows OTDA full authority to take immediate emergency action against facilities and SSDs that are not providing emergency shelters that comport with prescribed standards.

#### 4. Costs:

An additional 25 Center for Specialized Services staff members will be needed to implement the emergency regulation. It is estimated that the cost to the State will be approximately \$2,181,473, not including fringe benefits or indirect costs.

The emergency regulation will have a minimal impact on emergency shelters that are currently in compliance with existing health and safety standards. The emergency regulation is merely attempting to correct violations under existing health and safety standards. Therefore, the cost to local governments will depend on their abilities to comply with these standards.

#### 5. Local Government Mandates:

Local governments will be responsible for ensuring that the emergency shelters operating within their localities are in compliance with existing health and safety standards. If they are not, the local governments will be required to identify and/or provide suitable alternative emergency shelters.

#### 6. Paperwork:

No additional paperwork is anticipated.

#### 7. Duplication:

The emergency regulation would not duplicate, overlap, or conflict with any existing State or federal regulations.

#### 8. Alternatives:

Inaction would continue to jeopardize the health and safety of these vulnerable individuals and families by allowing existing infractions and violations to continue unaddressed and by failing to prevent future infractions and violations. OTDA does not consider this a viable alternative to the emergency regulation.

#### 9. Federal Standards:

The emergency regulation would not conflict with federal statutes, regulations or policies.

#### 10. Compliance Schedule:

To protect the public health, safety and general welfare of emergency shelter residents, the emergency regulation would be effective immediately upon its filing date.

### **Regulatory Flexibility Analysis**

#### 1. Effect of rule:

Pursuant to the State Administrative Procedure Act § 102(8), a "small

business," in part, is any business which is independently owned and operated and employs 100 or fewer individuals. This rule will apply to small businesses that provide emergency shelters. This rule will also apply to all 58 social services districts (SSDs) in the State.

#### 2. Compliance requirement:

The emergency regulation will have a minimal impact on emergency shelters that are currently in compliance with existing health and safety standards.

#### 3. Professional services:

It is anticipated that the need for additional professional services will be limited. The emergency regulation is not adding new health and safety standards to the State regulations; instead, it is requiring that emergency shelters comply with existing obligations to provide safe housing in accordance with health and safety standards.

#### 4. Compliance costs:

For local governments, the impact of the emergency regulation will be insignificant as long as they are in compliance with existing health and safety standards. The emergency regulation is merely attempting to correct violations under existing health and safety standards.

#### 5. Economic and technological feasibility:

Emergency shelters and SSDs should already have the economic and technological abilities to comply with existing standards.

#### 6. Minimizing adverse impact:

The emergency regulation attempts to minimize any adverse economic impact on emergency shelters and SSDs by implementing existing standards. The emergency regulation should not provide exemptions, because this would not serve the purposes of ensuring the health and safety of all emergency shelter residents and protecting these vulnerable residents from dangerous conditions.

#### 7. Small business and local government participation:

It is anticipated that small businesses and SSDs will be dedicated to implementing the emergency regulation and protecting the health, safety, and general welfare of residents of emergency shelters.

8. For rules that either establish or modify a violation or penalties associated with a violation:

The emergency regulation clarifies that that any order issued by OTDA temporarily suspending a facility's operating certificate or directing closure of a facility pursuant to 18 NYCRR § 352.37(a)(2) shall be subject to the notice and expedited hearing process set forth in 18 NYCRR § 493.8. Certain other orders are not subject to 18 NYCRR § 493.8 because the dangerous, hazardous conditions targeted by the emergency regulation are imminently detrimental to the health, safety, and general welfare of emergency shelter residents.

### **Rural Area Flexibility Analysis**

#### 1. Types and estimated numbers of rural areas:

The emergency regulation will apply to the 44 rural social services districts (SSDs) and the emergency shelters located in those areas.

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

The emergency regulation will have a minimal impact on emergency shelters in rural areas that are currently in compliance with existing health and safety standards.

It is anticipated that the need for additional professional services will be limited. The emergency regulation is not fundamentally altering the responsibilities of the rural SSDs. In addition, the emergency regulation is not adding new health and safety standards to the State regulations; instead, it is requiring that all emergency shelters, including those in rural areas, comply with existing obligations to provide safe housing in accordance with health and safety standards.

#### 3. Costs:

For rural governments, the fiscal impact of the emergency regulation is anticipated to be insignificant because relatively few rural SSDs have any emergency shelters, and the rural SSDs primarily pay for hotel/motel costs. Consequently, the fiscal impact upon the rural SSDs is expected to be insignificant.

The emergency regulation will have a minimal impact on emergency shelters in rural areas that are currently in compliance with existing health and safety standards. The emergency regulation is intended to address violations under existing health and safety standards.

#### 4. Minimizing adverse impact:

The emergency regulation attempts to minimize any adverse economic impact on emergency shelters and SSDs in rural areas by implementing existing health and safety standards. The emergency regulation should not provide exemptions, because this would not serve the purposes of ensuring the health and safety of all emergency shelter residents and protecting these vulnerable residents from dangerous conditions.

#### 5. Rural area participation:

It is anticipated that small businesses and SSDs in rural areas will be dedicated to implementing the emergency regulation and protecting the health, safety, and general welfare of residents of emergency shelters.



**Job Impact Statement**

A Job Impact Statement is not required for this rule. The purpose of the emergency regulation is to continue protections for residents of emergency shelters by clarifying the Office of Temporary and Disability Assistance's (OTDA's) statutory authority to impose immediate emergency measures to address emergency shelters determined to be dangerous, hazardous, or detrimental to the health, safety, and general welfare of residents. It is apparent from the nature and the purpose of the emergency regulation that it will not have a substantial adverse impact on jobs and employment opportunities in the private sector, in the social services districts, or in the State. To the contrary, the emergency regulation would have a positive impact on jobs and employment opportunities, because additional persons may need to be hired to implement the emergency regulation.

Thus, the emergency regulation will not have any adverse impact on jobs and employment opportunities in New York State.

**Assessment of Public Comment**

The Office of Temporary and Disability Assistance (OTDA) received comments from one social services district ("SSD") relative to the emergency regulation. These comments have been reviewed and duly considered in this Assessment of Public Comment.

One comment requested that clarifying language be added to 18 NYCRR § 352.37(a) to identify all the local entities responsible for inspecting emergency shelters for the homeless, and to define the roles of SSDs relative thereto. OTDA notes that the language of the emergency regulation explicitly states that OTDA may be "advised by any State or local entity authorized to conduct inspections or audits, including [OTDA] and State or local comptrollers, that there exists a violation of law, regulation, or code with respect to a building that provides emergency shelter to homeless persons . . . ." OTDA also asserts that further clarification as to the role of SSDs can be more effectively provided through issuance of an Administrative Directive (ADM), rather than through revision of the emergency regulatory language. Consequently, OTDA maintains that the addition of clarifying language is unnecessary.

One comment requested that 18 NYCRR § 352.37(b) be revised to include language requiring OTDA, when issuing any order with respect to any emergency shelter pursuant to 18 NYCRR § 352.37(a)(2), to provide notice to SSDs in addition to providing notice to the emergency shelters. OTDA believes that the procedures relating to the imposition of emergency measures can be more effectively addressed through the issuance of an ADM, rather than through revision of the emergency regulatory language. Consequently, OTDA maintains that the addition of clarifying language is unnecessary.

One comment requested that clarifying language be added to 18 NYCRR § 352.37(c) to list specific enforcement remedies that OTDA is authorized to take under the Social Services Law (SSL) or State regulations. OTDA notes that the emergency regulatory language already specifically states that OTDA may take "additional enforcement action authorized under the [SSL] or any State regulation," and asserts that the addition of further language reiterating those enforcement actions already identified in statute and State regulations is unnecessary.

One comment requested that 18 NYCRR § 352.37(d) be revised to require State and local comptrollers to inform SSDs, in addition to informing OTDA, of any proposed violations of law, regulation, or code and recommendations as to enforcement action. OTDA believes that the procedures relating to the imposition of emergency measures, including SSD notification, can be more effectively addressed through the issuance of an ADM, rather than through revision of the emergency regulatory language. Consequently, OTDA maintains that the addition of clarifying language is unnecessary.

**HEARINGS SCHEDULED  
FOR PROPOSED RULE MAKINGS**

Agency I.D. No.	Subject Matter	Location—Date—Time
<b>Environmental Conservation, Department of</b>		
ENV-25-16-00007-P .....	Low emission vehicle (LEV) III and zero emission vehicle (ZEV) emission standards	Department of Environmental Conservation, 625 Broadway, Public Assembly Rm. 129A/B, Albany, NY—Aug. 8, 2016, 1:00 p.m.
<b>Public Service Commission</b>		
PSC-17-16-00004-P .....	Major electric rate filing	Department of Public Service, 90 Church St., 4th Fl. Board Rm., New York, NY—July 20, 2016, 10:00 a.m., and continuing daily as needed (Evidentiary Hearing)* *On occasion there are requests to reschedule or postpone evidentiary hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Cases 16-E-0060 and 16-G-0061.
PSC-17-16-00007-P .....	Major gas rate filing	Department of Public Service, 90 Church St., 4th Fl. Board Rm., New York, NY—July 20, 2016, 10:00 a.m., and continuing daily as needed (Evidentiary Hearing)* *On occasion there are requests to reschedule or postpone evidentiary hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Cases 16-E-0060 and 16-G-0061.
PSC-22-16-00013-P .....	Disposition of tax refunds and other related matters	Department of Public Service, Three Empire State Plaza, 3rd Fl. Hearing Rm., Albany, NY—August 3, 2016, 10:30 a.m., and continuing as needed (Evidentiary Hearing)* *On occasion there are requests to reschedule or postpone evidentiary hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 16-M-0231.
PSC-26-16-00019-P .....	Major water rate filing	Department of Public Service, Three Empire State Plaza, 19th Fl. Board Rm., Albany, NY—August 16, 2016, 9:30 a.m., and continuing daily as needed (Evidentiary Hearing)* *On occasion, there are requests to reschedule or postpone evidentiary hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 16-W-0130.
PSC-28-16-00015-P .....	Major water rate filing	Department of Public Service, Three Empire State Plaza, 3rd Fl. Hearing Rm., Albany, NY—October 13, 2016, 10:30 a.m., and continuing daily as needed. (Evidentiary Hearing)* *On occasion, there are requests to reschedule or postpone evidentiary hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 16-W-0259.

**ACTION PENDING INDEX**

The action pending index is a list of all proposed rules which are currently being considered for adoption. A proposed rule is added to the index when the notice of proposed rule making is first published in the *Register*. A proposed rule is removed from the index when any of the following occur: (1) the proposal is adopted as a permanent rule; (2) the proposal is rejected and withdrawn from consideration; or (3) the proposal's notice expires.

Most notices expire in approximately 12 months if the agency does not adopt or reject the proposal within that time. The expiration date is printed in the second column of the action pending index. Some notices, however, never expire. Those notices are identified by the word "exempt" in the second column. Actions pending for one year or more are preceded by an asterisk(\*).

For additional information concerning any of the proposals listed

in the action pending index, use the identification number to locate the text of the original notice of proposed rule making. The identification number contains a code which identifies the agency, the issue of the *Register* in which the notice was printed, the year in which the notice was printed and the notice's serial number. The following diagram shows how to read identification number codes.

Agency code	Issue number	Year published	Serial number	Action Code
<b>AAM</b>	<b>01</b>	<b>12</b>	<b>00001</b>	<b>P</b>

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

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

APA-09-16-00005-P	..... 03/02/17	Access to Agency Records	To conform Adirondack Park Agency rules to the Public Officers Law and rules promulgated by the Committee on Open Government
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**AGRICULTURE AND MARKETS, DEPARTMENT OF**

AAM-28-15-00003-P	..... 07/14/16	Incorporate by reference in 1 NYCRR of the 2015 edition of National Institute of Standards and Technology ("NIST") Handbook 133	To incorporate by reference in 1 NYCRR the 2015 edition of NIST Handbook 133
AAM-19-16-00003-EP	..... 05/11/17	Various trees and plants of the Prunus species	To amend the plum pox virus quarantined and regulated areas for purposes of helping prevent the further spread of this virus
AAM-23-16-00005-P	..... 06/08/17	National Institute of Standards and Technology ("NIST") Handbook 44; receipts issued by taxicab operators, digital scales	To incorporate NIST Handbook 44 (2016 edition); to allow handwritten taxicab receipts; to liberalize scale requirements
AAM-25-16-00006-EP	..... 06/22/17	Species of ash trees, parts thereof and products and debris therefrom which are at risk for infestation by the emerald ash borer.	To expand and combine the 14 existing restricted zones where EAB infestations exist.

**ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF**

ASA-20-16-00002-P	..... 05/18/17	OASAS Treatment Services: General Provisions	Include all mental health practitioners as qualified health professionals (QHP)
ASA-20-16-00003-P	..... 05/18/17	General Facility Requirements	Updates provisions applicable to all certified facilities due to: residential redesign, changes in certification and inspections
ASA-20-16-00004-P	..... 05/18/17	Incident reporting in Oasas certified, licensed, funded, or operated services	To clarify requirements for reporting patient deaths

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>ATHLETIC COMMISSION, NEW YORK STATE</b>			
ATH-28-16-00018-P	07/13/17	Conduct and regulation of authorized combative sports	To implement the provisions of ch. 32 of the Laws of 2016, effective September 1, 2016, authorizing certain combative sports
<b>CHILDREN AND FAMILY SERVICES, OFFICE OF</b>			
CFS-49-15-00005-P	12/08/16	Youth development program funding and implementation	To implement changes in the Executive Law regarding youth development program funding and implementation
CFS-23-16-00004-EP	06/08/17	Requirements regarding the cooperation of school districts with investigations of suspected child abuse or maltreatment	To clarify requirements for the cooperation of school districts with investigations of suspected child abuse or maltreatment
CFS-24-16-00001-P	06/15/17	Child care for children experiencing homelessness.	To reduce barriers for children experiencing homelessness to receive child care assistance and to attend child care.
CFS-24-16-00005-EP	06/15/17	New York State Child Care Market Rates	To establish payment rates for federally-funded child care subsidies to allow equal access to child care for eligible children.
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
CVS-29-15-00008-P	07/21/16	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-29-15-00010-P	07/21/16	Jurisdictional Classification	To delete positions from the exempt class
CVS-34-15-00007-P	08/25/16	Jurisdictional Classification	To classify a position in the exempt class and to classify a position in the non-competitive class
CVS-34-15-00009-P	08/25/16	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-34-15-00010-P	08/25/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-34-15-00012-P	08/25/16	Jurisdictional Classification	To delete positions from and classify positions in the exempt class
CVS-36-15-00001-P	09/08/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-36-15-00006-P	09/08/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-36-15-00007-P	09/08/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-36-15-00016-P	09/08/16	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-44-15-00004-P	11/03/16	Jurisdictional Classification	To classify a position in the exempt class
CVS-44-15-00005-P	11/03/16	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-44-15-00006-P	11/03/16	Jurisdictional Classification	To classify positions in the exempt class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
CVS-44-15-00007-P	11/03/16	Jurisdictional Classification	To classify positions in the exempt class
CVS-44-15-00008-P	11/03/16	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-44-15-00009-P	11/03/16	Jurisdictional Classification	To classify positions in the exempt class
CVS-44-15-00010-P	11/03/16	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-44-15-00011-P	11/03/16	Jurisdictional Classification	To delete a position from and classify positions in the exempt class
CVS-44-15-00012-P	11/03/16	Jurisdictional Classification	To classify a subheading and positions in the non-competitive class
CVS-44-15-00013-P	11/03/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-44-15-00014-P	11/03/16	Jurisdictional Classification	To delete a position from and classify a position in the non-competitive class
CVS-44-15-00015-P	11/03/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-44-15-00016-P	11/03/16	Jurisdictional Classification	To delete a position from and classify a position in the non-competitive class
CVS-44-15-00017-P	11/03/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-44-15-00018-P	11/03/16	Jurisdictional Classification	To classify positions in the exempt class and to classify a position from the non-competitive class
CVS-45-15-00003-P	11/09/16	Jurisdictional Classification	To classify positions in the exempt class
CVS-45-15-00004-P	11/09/16	Jurisdictional Classification	To classify a position in the exempt class
CVS-45-15-00005-P	11/09/16	Jurisdictional Classification	To classify a position in the exempt class
CVS-45-15-00006-P	11/09/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-45-15-00007-P	11/09/16	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-51-15-00002-P	12/22/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-51-15-00003-P	12/22/16	Jurisdictional Classification	To classify a position in the exempt class
CVS-02-16-00003-P	01/12/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-02-16-00004-P	01/12/17	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-02-16-00005-P	01/12/17	Jurisdictional Classification	To delete a position from and classify a position in the non-competitive class

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
CVS-02-16-00006-P	01/12/17	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-07-16-00005-P	02/16/17	Jurisdictional Classification	To delete positions from and classify positions in the exempt class
CVS-07-16-00006-P	02/16/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-07-16-00007-P	02/16/17	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-07-16-00008-P	02/16/17	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-07-16-00009-P	02/16/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-07-16-00010-P	02/16/17	Jurisdictional Classification	To delete a position from and to classify a position in the non-competitive class
CVS-11-16-00001-P	03/16/17	Jurisdictional Classification	To delete positions from and classify positions in the exempt and non-competitive classes
CVS-11-16-00002-P	03/16/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-11-16-00003-P	03/16/17	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-14-16-00005-P	04/06/17	Supplemental military leave benefits	To extend the availability of supplemental military leave benefits for certain New York State employees until December 31, 2016
CVS-15-16-00004-P	04/13/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-15-16-00005-P	04/13/17	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-15-16-00006-P	04/13/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-15-16-00007-P	04/13/17	Jurisdictional Classification	To delete positions from and classify positions in the exempt and non-competitive classes
CVS-15-16-00008-P	04/13/17	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-20-16-00005-P	05/18/17	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-20-16-00006-P	05/18/17	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-26-16-00003-P	06/29/17	Jurisdictional Classification	To classify positions in the exempt class and to delete positions from the non-competitive class
CVS-26-16-00004-P	06/29/17	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-26-16-00005-P	06/29/17	Jurisdictional Classification	To delete a position from and classify a position in the exempt class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
CVS-26-16-00006-P	06/29/17	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-26-16-00007-P	06/29/17	Jurisdictional Classification	To classify positions in the non-competitive classes
CVS-26-16-00008-P	06/29/17	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-26-16-00009-P	06/29/17	Jurisdictional Classification	To classify positions in the exempt class
CVS-26-16-00010-P	06/29/17	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-26-16-00011-P	06/29/17	Jurisdictional Classification	To classify positions in the non-competitive class
<b>CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF</b>			
CCS-35-15-00018-P	09/01/16	Applicability of Title and Definitions	Update the Department name and add new definitions
CCS-24-16-00006-P	06/15/17	Department Records	Update Department name and address, update who appoints records access officer, and adds Regional Directors as custodians.
<b>CRIMINAL JUSTICE SERVICES, DIVISION OF</b>			
CJS-09-16-00002-P	03/02/17	Central Registry of Police Officers and Peace Officers	To consolidate the police officer and peace officer registries; and to clarify the reporting requirements
CJS-25-16-00004-P	06/22/17	Handling of Ignition Interlock Cases Involving Certain Criminal Offenders.	To promote public/traffic safety, offender accountability and quality assurance through the establishment of minimum standards.
<b>EDUCATION DEPARTMENT</b>			
EDU-04-16-00004-RP	02/25/17	Procedures for State-level review of impartial hearing officer determinations regarding services for students with disabilities.	To revise the procedures for appealing impartial hearing officer decisions to a State review officer.
EDU-06-16-00004-P	02/09/17	School counseling, certification requirements for school counselors and the school counselor program registration requirements.	To implement policy enacted by the Board of Regents to enhance existing public school district guidance programs to require comprehensive developmental counseling programs for all students in grades prekindergarten through 12 by certified school counselors
EDU-10-16-00018-P	03/09/17	Dental Anesthesia Certification Requirements for Licensed Dentists	To conform regulations to the current practice of dental anesthesia administration
EDU-18-16-00004-P	05/04/17	To authorize NY Higher Education Institutions to participate in SARA and approve out-of-state institutions for distance learning	To set forth requirements for authorization of NYS higher education institutions to participate in State Authorization Reciprocity Agreement (SARA)

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>EDUCATION DEPARTMENT</b>			
EDU-18-16-00005-P	05/04/17	Academic Intervention Services	To revise the methodology by which school districts shall identify students in grades 3-8 who receive academic intervention services (AIS) for the 2016-2017 school year, and then for the 2017-2018 school year and each school year thereafter
EDU-18-16-00006-P	05/04/17	Substitute Teachers	To address the issue of school districts having difficulty finding certified teachers to serve as substitutes
EDU-18-16-00007-P	05/04/17	Licensing Examination Requirements for Certified Shorthand Reporters	To permit the Department to accept a passing score on an exam determined by the State Board to be acceptable for licensure
EDU-18-16-00008-P	05/04/17	Licensure of Professional Geologists and Continuing Education for Land Surveyors	To establish the new profession of geology including licensure requirements, and extend continuing education for land surveyors
EDU-18-16-00009-P	05/04/17	Endorsement of out-of-state certificates for teaching and educational leadership	To provide an alternative pathway for endorsement of out-of-state certificates for service as a teacher, school district leader, school district business leader and school building leader
EDU-18-16-00010-EP	05/04/17	Teacher Certification	To provide a safety net for candidates who take and fail Part 2: Mathematics of the new Multi-Subject: Secondary Teachers Grades 7-12 Content Specialty Test (CST) which is required for Student with Disabilities-Grades 7-12-Generalist Teacher Certification
EDU-22-16-00006-EP	06/01/17	Teacher certification in career and technical education	Establishes a new pathway for Transitional A certificate
EDU-22-16-00008-EP	06/01/17	Licensure of Occupational Therapy Assistants (OTAs)	To define the practice of OTAs, establish requirements for licensure, and alter the composition of the State Board
EDU-26-16-00015-EP	06/29/17	Annual Professional Performance Reviews (APPR) of classroom teachers and building principals	Technical Amendments
EDU-26-16-00016-EP	06/29/17	Teacher certification in career and technical education	Establishes new pathways for Transitional A certificate
EDU-26-16-00017-P	06/29/17	Licensure of Perfusionists	To establish licensure requirements for perfusionists, including education, experience and examination
EDU-26-16-00018-P	06/29/17	Regulation of consent orders in disciplinary proceedings in the professions	To remove requirement that the State Board of Pharmacy Executive Secretary agree to consent orders for pharmacists/pharmacies
EDU-27-16-00002-EP	07/06/17	Superintendent determination as to academic proficiency for certain students with disabilities to graduate with a local diploma	To expand the safety net options for students with disabilities to graduate with local diplomas when certain conditions are met
EDU-27-16-00003-EP	07/06/17	Annual Professional Performance Reviews (APPR) of classroom teachers and building principals	To provide hardship Waiver from Independent Evaluator Requirement



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>EDUCATION DEPARTMENT</b>			
EDU-27-16-00004-EP	07/06/17	Superintendent determination as to academic proficiency for certain students with disabilities to graduate with a local diploma	To expand the safety net options for students with disabilities to graduate with local diplomas when certain conditions are met
EDU-27-16-00005-EP	07/06/17	District-wide school safety plans and building-level emergency response plans	The purpose of the proposed rule is to implement the provisions of Part B of Chapter 54 of the Laws of 2016
<b>ELECTIONS, STATE BOARD OF</b>			
SBE-17-16-00009-P	04/27/17	Routine testing of voting systems	To provide for testing of voting machines not less than once per year
<b>ENVIRONMENTAL CONSERVATION, DEPARTMENT OF</b>			
*ENV-19-15-00010-RP	08/10/16	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-23-15-00008-RP	07/28/16	Environmental Remediation - Brownfield Cleanup Program	To amend the Environmental Remediation Program regulations that pertain to the Brownfield Cleanup Program
ENV-34-15-00028-P	08/25/16	Qualifications for License Issuing Agents and Wildlife Rehabilitators	To remove regulatory requirements that exclude individuals with felonies from obtaining certain licenses and authorizations
ENV-45-15-00028-P	11/09/16	Science-based State sea-level rise projections	To establish a common source of sea-level rise projections for consideration in relevant programs and decision-making
ENV-50-15-00003-P	12/15/16	Atlantic Ocean surfclam management	To amend surfclam regulations to provide consistency with management measures of the Fishery Management Plan
ENV-51-15-00004-P	02/10/17	Distributed generation (DG) sources that feed the distribution grid or produce electricity for use at host facilities or both	Establish emission limits for distributed generation sources
ENV-51-15-00005-P	12/22/16	Big bore air rifles	To allow big bore air rifles as legal implements for hunting big game
ENV-52-15-00010-P	12/29/16	Procedures for modifying or extinguishing a conservation easement held by the NYS DEC	Establish standards for the DEC to follow when modifying or extinguishing a CE and provide for a formal public review process
ENV-11-16-00004-P	06/07/17	Solid Waste Management Regulations	Amend the rules that implement the solid waste program in New York State to incorporate changes in law and technology
ENV-19-16-00001-P	05/11/17	Deer and Bear Hunting	To revise regulations governing deer hunting seasons, issuance and use of deer hunting tags, and hunting black bear
ENV-19-16-00002-P	05/11/17	The management of menhaden	To add menhaden and the menhaden trip limit to Table B - Commercial Fishing of 6 NYCRR subdivision 40.1(i)
ENV-19-16-00006-EP	06/30/17	Chemical Bulk Storage (CBS)	To amend Part 597 of the CBS regulations

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>ENVIRONMENTAL CONSERVATION, DEPARTMENT OF</b>			
ENV-23-16-00001-EP	06/21/17	Peekamoose Valley Riparian Corridor	Protect public health, safety and general welfare, as well as the natural resources on the Peekamoose Valley Riparian Corridor
ENV-25-16-00007-P	08/08/17	Low emission vehicle (LEV) III and zero emission vehicle (ZEV) emission standards.	To incorporate revisions to California's LEV III and ZEV standards.
ENV-26-16-00002-P	06/29/17	To amend 6 NYCRR Part 40 pertaining to recreational party and charter boat regulations for striped bass	To allow filleting of striped bass aboard party and charter boats
ENV-26-16-00013-P	06/29/17	Rule making to implement ECL 17-0826-a	To implement the reporting, notification and record keeping requirements of ECL 17-0826-a
ENV-28-16-00002-EP	07/13/17	Regulations governing the recreational harvest of black sea bass	To reduce recreational black sea bass harvest in New York State
<b>FINANCIAL SERVICES, DEPARTMENT OF</b>			
DFS-50-15-00004-P	12/15/16	Regulating Transaction Monitoring and Filtering Systems maintained by banks, check cashers and money transmitters	To improve efficiency and transparency in the mortgage banker and mortgage broker licensing process
DFS-03-16-00003-ERP	01/19/17	Standard financial aid award information sheet for institutions of higher education	Provides guidance to institutions of higher education for the implementation of a financial aid award information sheet
DFS-08-16-00002-P	02/23/17	Minimum Standards for Form, Content and Sale of Health Insurance, Including Standards of Full and Fair Disclosure	To prohibit a health insurance policy or contract from providing coverage for conversion therapy to insureds under the age of 18
DFS-17-16-00003-P	exempt	Plan of Conversion by Commercial Travelers Mutual Insurance Company	To convert a mutual accident and health insurance company to a stock accident and health insurance company
DFS-24-16-00004-P	06/15/17	FINANCIAL STATEMENT FILINGS AND ACCOUNTING PRACTICES AND PROCEDURES	To update citations in Part 83 to the Accounting practices and Procedures Manual as of March 2014 (instead of 2013).
<b>GAMING COMMISSION, NEW YORK STATE</b>			
SGC-39-15-00005-RP	09/29/16	Thoroughbred restricted time periods for various drugs	To enhance the integrity and safety of thoroughbred horse racing
SGC-39-15-00006-P	09/29/16	Reimbursement of awards for capital improvement projects at video lottery gaming ("VLG") facilities	Clarify when VLG agent must reimburse State upon divestment of a capital improvement for which capital award was received
SGC-19-16-00013-P	05/11/17	Surveillance standards for a licensed gaming facility	To govern a gaming facility licensee's system of procedures and standards for surveillance
SGC-19-16-00014-P	05/11/17	Conduct and operation of a gaming facility	To govern a gaming facility licensee's system of procedures for the conduct and operation of gaming
SGC-22-16-00004-P	06/01/17	Simplifying how a trainer may alter the use of hobbles	To preserve the integrity of pari-mutuel racing while generating reasonable revenue for the support of government

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>GAMING COMMISSION, NEW YORK STATE</b>			
SGC-22-16-00005-P	06/01/17	Decoupling of harness horses in major stakes races	To preserve the integrity of pari-mutuel racing while generating reasonable revenue for the support of government
SGC-23-16-00006-P	06/08/17	Voidable claims based on race day samples	To enhance the safety and integrity of horse racing while generating a reasonable return for government
SGC-23-16-00014-P	06/08/17	Criteria for the licensing, conduct and operation of independent testing laboratories	To govern the licensing, conduct and operation, testing and reporting requirements of independent testing laboratories
SGC-24-16-00007-P	06/15/17	Repeal of obsolete thoroughbred rule giving extra weight allowance for apprentice jockey riding for "original contract employer"	To preserve the safety and integrity of pari-mutuel racing while generating reasonable revenue for the support of government.
SGC-28-16-00006-P	07/13/17	Criteria and procedures for patron exclusion at a gaming facility	To establish criteria and procedures for patron exclusion at a gaming facility
SGC-28-16-00007-P	07/13/17	Definitions of terms used throughout Subchapter B, Casino Gaming	To define terms applicable to Subchapter B, Casino Gaming
SGC-28-16-00008-P	07/13/17	The regulation of table game equipment	To set forth the physical characteristics, inspection, use, storage and destruction of table game equipment
SGC-28-16-00009-P	07/13/17	The licensing and registration of junkets and junket enterprises	To govern the licensing and registration of junkets and junket enterprises
SGC-28-16-00010-P	07/13/17	The registration of labor organizations	To govern the registration of labor organizations
SGC-28-16-00011-P	07/13/17	To set forth the practices and procedures for the conduct and operation of table games	To regulate the conduct and operation of gaming tables
SGC-28-16-00012-P	07/13/17	The registration of lobbyists	To govern the registration of lobbyists
<b>GENERAL SERVICES, OFFICE OF</b>			
GNS-07-16-00013-P	02/16/17	Outdoor lighting standards	To provide lighting standards that will help state agencies comply with Public Buildings Law section 143
<b>HEALTH, DEPARTMENT OF</b>			
*HLT-14-94-00006-P	exempt	Payment methodology for HIV/AIDS outpatient services	To expand the current payment to incorporate pricing for services
HLT-30-15-00005-P	07/28/16	Practice of radiologic technology	To update regulations related to the practice of radiologic technology
HLT-30-15-00008-P	07/28/16	Controlled Substances for EMS Agency Agent and Requirements for an Advanced Life Support System	To amend the regulations regarding the EMS Agency Agent and the Requirements for an Advanced Life Support System
HLT-30-15-00009-P	07/28/16	Requirements for Manufacturers and Distributors Regarding Controlled Substances	To clarify and use language consistent with current terminology used by the State Board of Pharmacy

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>HEALTH, DEPARTMENT OF</b>			
HLT-39-15-00015-P	09/29/16	Women Infants and Children (WIC) Program Vendor Applicant Enrollment Criteria	To align NYS WIC Program operations with current federal requirements by amending the existing vendor enrollment criteria
HLT-46-15-00006-P	01/10/17	Early Intervention Program	To conform existing program regulations to federal regulations and state statute
HLT-06-16-00002-P	02/09/17	Perinatal Services	To update the Breastfeeding Mother's Bill of Rights to conform with recommended standards of care
HLT-06-16-00005-P	02/09/17	Hospice Operational Rules	To implement hospice expansion
HLT-15-16-00016-P	04/13/17	Zika Action Plan; Performance Standards.	To require local health departments to develop a Zika Action Plan as a condition of State Aid
HLT-16-16-00002-P	04/20/17	NYS Medical Indemnity Fund	To provide additional guidance and clarity to the Fund's requirements and operations
HLT-19-16-00008-P	05/11/17	Transgender Related Care and Services	To revise and clarify the criteria for Medicaid coverage of transgender related care and services
HLT-21-16-00003-P	05/25/17	New York State Newborn Screening Panel	To add adrenoleukodystrophy (ALD) and Pompe disease to the list of diseases and conditions on the newborn screening panel
HLT-23-16-00007-P	06/08/17	School Immunization Requirements	To update school immunization and NYSIS regulations.
HLT-24-16-00002-P	06/15/17	Neurodegenerative Specialty Rate	To authorize Medicaid rate of payment for providing quality of care to the neurodegenerative population.
HLT-24-16-00003-P	06/15/17	Specialized Programs for Residents with Neurodegenerative Diseases	To establish nursing home specialty units for residents with Huntington's Disease (HD) & Amyotrophic Lateral Sclerosis (ALS).
<b>HIGHER EDUCATION SERVICES CORPORATION</b>			
ESC-26-16-00012-P	06/29/17	Tuition awards for part-time undergraduate students	The purpose of the rule is to conform the provision regarding income to a recent statutory change
<b>JUSTICE CENTER FOR THE PROTECTION OF PEOPLE WITH SPECIAL NEEDS</b>			
JCP-28-15-00008-EP	07/14/16	Protocols for interviewing service recipients during investigations of abuse or neglect	To enhance protections for people with special needs during investigations of abuse or neglect
<b>LABOR, DEPARTMENT OF</b>			
*LAB-21-15-00009-RP	08/24/16	Methods of Payment of Wages	This regulation provides clarification and specification as to the permissible methods of payment, including payroll debit cards
LAB-03-16-00009-P	01/19/17	Employer Imposed Limitations on the Inquiry, Discussion, and Disclosure of Wages	This regulation sets forth standards for limitations on inquiry, discussion, or the disclosure of wages amongst employees

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>LAW, DEPARTMENT OF</b>			
LAW-47-15-00007-ERP	11/24/16	Clarification of Protections for Senior and Disabled Tenants During Condominium or Cooperative Ownership Conversions	To clarify the Martin Act's non-purchasing tenant protections for eligible senior citizens and eligible disabled persons
<b>LIQUOR AUTHORITY, STATE</b>			
LQR-02-16-00002-P	01/12/17	Update outdated Freedom of Information Law procedures utilized by Authority	To update Authority procedures and ensure compliance with Freedom of information Law requirements under Pub. Off. Law., art. 6
LQR-17-16-00002-P	04/27/17	Updated price posting rules, license durations, and recordkeeping requirements, and rescinding of whiskey dividend rules	To update price posting rules, license durations, recordkeeping, and joint advertising rules for certain license types
<b>LONG ISLAND POWER AUTHORITY</b>			
*LPA-08-01-00003-P	exempt	Pole attachments and related matters	To approve revisions to the authority's tariff
*LPA-41-02-00005-P	exempt	Tariff for electric service	To revise the tariff for electric service
*LPA-04-06-00007-P	exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan
*LPA-03-10-00004-P	exempt	Residential late payment charges	To extend the application of late payment charges to residential customers
LPA-19-16-00015-P	exempt	Customer requests for rehearings of LIPA's decisions on appeals and shared meter determinations	To transfer certain responsibilities regarding handling of customer petitions to DPS Long Island
LPA-20-16-00001-P	exempt	Proposed Feed-in Tariffs for new commercial solar and fuel cell generation	To authorize development of up to 20MW of new solar generation and 40MW of new fuel cell generation through feed-in tariffs
<b>MENTAL HEALTH, OFFICE OF</b>			
OMH-17-16-00010-P	04/27/17	Telepsychiatry Services	Establish basic standards to approve telepsychiatry in certain OMH-licensed programs; repeal unnecessary existing provisions
OMH-18-16-00003-P	05/04/17	Incident Management; Criminal History Record Checks; Operation of Psychiatric Inpatient Units General Hospitals, RTFs, and CPEPs	To update existing regulations and conform to non-discretionary statutory provisions
<b>MOTOR VEHICLES, DEPARTMENT OF</b>			
MTV-22-16-00003-P	06/01/17	Wyoming County motor vehicle use tax	Raises the amount of the Wyoming County motor vehicle use tax
MTV-22-16-00007-P	06/01/17	Special and reserved series plates	Establish guidelines for the issuance of special and reserved series plates
MTV-25-16-00003-P	06/22/17	Points for railroad crossing violations.	Increases the points for railroad crossing violations from 3 to 5 points.
MTV-27-16-00001-P	07/06/17	Certified examiners	To clarify and strengthen guidelines regarding certified examiners

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<b>MOTOR VEHICLES, DEPARTMENT OF</b>			
MTV-27-16-00008-P	07/06/17	Driving schools	Makes technical and clarifying amendments to improve consumer protection & increases Department efficiency
MTV-28-16-00003-P	07/13/17	Fees charged for the Impaired Driving Program course	To increase the fee for the Impaired Driving Program course, so that \$20 may be directed to curriculum development
<b>NIAGARA FALLS WATER BOARD</b>			
*NFW-04-13-00004-EP	exempt	Adoption of Rates, Fees and Charges	To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders
*NFW-13-14-00006-EP	exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders
<b>PARKS, RECREATION AND HISTORIC PRESERVATION, OFFICE OF</b>			
PKR-28-16-00004-P	07/13/17	Criteria enabling municipal law enforcement agencies to receive state aid for snowmobile enforcement duties	To promote local snowmobile enforcement by easing restrictions on state aid eligibility
<b>PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR</b>			
PDD-48-15-00003-P	12/01/16	Agency Name Change and Terminology Updates	To update the agency name and other terminology in the Title 14 NYCRR Part 600 series
<b>POWER AUTHORITY OF THE STATE OF NEW YORK</b>			
*PAS-01-10-00010-P	exempt	Rates for the sale of power and energy	Update ECSB Programs customers' service tariffs to streamline them/include additional required information
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-28-97-00032-P	exempt	General service by Central Hudson Gas & Electric Corporation	To limit certain special provisions
*PSC-34-97-00009-P	exempt	Collection agency fees by Consolidated Edison Company of New York, Inc.	To pass collection agency fees on to the customer
*PSC-04-98-00015-P	exempt	Interconnection service overcharges by Niagara Mohawk Power Corporation	To consider a complaint by Azure Mountain Power Co.
*PSC-19-98-00008-P	exempt	Call forwarding by CPU Industries Inc./MKL Net, et al.	To rehear the petition
*PSC-02-99-00006-EP	exempt	Intralata freeze plan by New York Telephone Company	To approve the plan
*PSC-09-99-00012-P	exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-50-99-00009-P	..... exempt	Retail access uniform business practices by The Brooklyn Union Gas Company and KeySpan Gas East Corporation d/b/a Brooklyn Union of Long Island	To approve a joint petition requesting a waiver extension of a requirement set forth in the commission's order
*PSC-52-99-00006-P	..... exempt	Wide area rate center calling	To implement number conservation measures
*PSC-12-00-00001-P	..... exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-14-00-00004-EP	..... exempt	NXX code in the 716 NPA by Broadview Networks	To assign an NXX code in Buffalo
*PSC-14-00-00026-P	..... exempt	Interconnection agreement between New York Telephone Company d/b/a Bell Atlantic-New York and Media Log, Inc.	To review the terms and conditions of the negotiated agreement
*PSC-14-00-00027-P	..... exempt	Interconnection agreement between New York Telephone Company d/b/a Bell Atlantic-New York and Pilgrim Telephone, Inc.	To review the terms and conditions of the negotiated agreement
*PSC-14-00-00029-P	..... exempt	Interconnection agreement between New York Telephone Company d/b/a Bell Atlantic-New York and CoreComm New York, Inc.	To review the terms and conditions of the negotiated agreement
*PSC-16-00-00012-P	..... exempt	Termination of local telecommunications traffic by Hyperion Communications of New York, Inc.	To determine appropriate compensation levels
*PSC-21-00-00007-P	..... exempt	Initial tariff schedule by Drew Road Association	To set forth the rates, charges, rules and regulations
*PSC-31-00-00026-P	..... exempt	Water service by Windover Water Works	To abandon the water system
*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

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-13-01-00001-P	..... exempt	Request for accounting authorization by Rochester Gas and Electric Corporation	To defer an item of expense beyond the end of the year in which it was incurred
*PSC-13-01-00002-P	..... exempt	Request for accounting authorization by Rochester Gas and Electric Corporation	To defer an item of expense beyond the end of the year in which it was incurred
*PSC-13-01-00003-P	..... exempt	Request for accounting authorization by Rochester Gas and Electric Corporation	To defer an item of expense beyond the end of the year in which it was incurred
*PSC-15-01-00012-P	..... exempt	Transfer of a controlling leasehold interest by Huntley Power LLC	To approve the transfer
*PSC-22-01-00006-P	..... exempt	Con Edison's phase 4 plan for retail access by AES Energy, Inc.	To review the request for rehearing
*PSC-26-01-00012-P	..... exempt	Interconnection of networks between Sprint PCS and Verizon New York Inc.	To review the terms and conditions of the negotiated agreement
*PSC-36-01-00010-P	..... exempt	Competitive metering by eBidenergy.com	To clarify meter ownership rules and requirements
*PSC-44-01-00005-P	..... exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-01-02-00007-P	..... exempt	Accounting and rate treatment of proceeds by Consolidated Edison Company of New York, Inc.	To consider proceeds from sale of nuclear generating facilities
*PSC-05-02-00005-P	..... exempt	Uniform system of accounts by Consolidated Edison Company of New York, Inc.	To defer expenditures incurred in connection with emergency response services affected by the World Trade Center disaster
*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



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-22-03-00020-P	..... exempt	Inter-departmental gas pricing by Consolidated Edison Company of New York, Inc.	To revise the method used in steam and steam-electric generating stations
*PSC-32-03-00020-P	..... exempt	Issuance of debt and approval of surcharge by Rainbow Water Company	To approve necessary financing
*PSC-34-03-00019-P	..... exempt	Issuance of securities by KeySpan East Corporation d/b/a KeySpan Energy Delivery Long Island	To obtain authorization to issue securities
*PSC-35-03-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and MCIMetro Access Transmission Services LLC	To amend the agreement
*PSC-36-03-00010-P	..... exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-39-03-00013-P	..... exempt	Complaint by State University of New York (SUNY) regarding a NYSEG operating agreement	To consider the complaint
*PSC-40-03-00015-P	..... exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00008-P	..... exempt	Lightened regulation by Sterling Power Partners, L.P.	To consider granting lightened regulation
*PSC-41-03-00010-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-41-03-00011-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-09-05-00009-P	..... exempt	Submetering of natural gas service by Hamlet on Olde Oyster Bay	To consider submetering of natural gas to a commercial customer
*PSC-14-05-00006-P	..... exempt	Request for deferred accounting authorization by Freeport Electric Inc.	To defer expenses beyond the end of the fiscal year
*PSC-18-05-00009-P	..... exempt	Marketer Assignment Program by Consolidated Edison Company of New York, Inc.	To implement the program
*PSC-20-05-00028-P	..... exempt	Delivery point aggregation fee by Allied Frozen Storage, Inc.	To review the calculation of the fee
*PSC-25-05-00011-P	..... exempt	Metering, balancing and cashout provisions by Central Hudson Gas & Electric Corporation	To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11
*PSC-27-05-00018-P	..... exempt	Annual reconciliation of gas costs by New York State Electric & Gas Corporation	To consider the manner in which the gas cost incentive mechanism has been applied
*PSC-41-05-00013-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities	To consider the filings
*PSC-45-05-00011-P	..... exempt	Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation	To defer certain costs
*PSC-46-05-00015-P	..... exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale
*PSC-47-05-00009-P	..... exempt	Transferral of gas supplies by Corning Natural Gas Corporation	To approve the transfer
*PSC-50-05-00008-P	..... exempt	Long-term debt by Saratoga Glen Hollow Water Supply Corp.	To obtain long-term debt
*PSC-04-06-00024-P	..... exempt	Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc.	To approve of the transfer
*PSC-06-06-00015-P	..... exempt	Gas curtailment policies and procedures	To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established
*PSC-07-06-00009-P	..... exempt	Modification of the current Environmental Disclosure Program	To include an attributes accounting system
*PSC-22-06-00019-P	..... exempt	Hourly pricing by National Grid	To assess the impacts
*PSC-22-06-00020-P	..... exempt	Hourly pricing by New York State Electric & Gas Corporation	To assess the impacts
*PSC-22-06-00021-P	..... exempt	Hourly pricing by Rochester Gas & Electric Corporation	To assess the impacts
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-24-06-00005-EP	..... exempt	Supplemental home energy assistance benefits	To extend the deadline to Central Hudson's low-income customers
*PSC-25-06-00017-P	..... exempt	Purchased power adjustment by Massena Electric Department	To revise the method of calculating the purchased power adjustment and update the factor of adjustment
*PSC-34-06-00009-P	..... exempt	Inter-carrier telephone service quality standards and metrics by the Carrier Working Group	To incorporate appropriate modifications
*PSC-37-06-00015-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-37-06-00017-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-39-06-00018-P	..... exempt	Order establishing rate plan by Central Hudson Gas & Electric Corporation and the Consumer Protection Board	To consider the petitions for rehearing
*PSC-39-06-00019-P	..... exempt	Investigation of Richard M. Osborne by Corning Natural Gas Corporation	To determine the interests, plans and commitments that will be in place if he is successful in blocking the merger of Corning Gas and C&T Enterprises
*PSC-39-06-00022-P	..... exempt	Uniform business practices and related matters by U.S. Energy Savings Corporation	To establish a contest period
*PSC-40-06-00005-P	..... exempt	Orion Integral automatic meter reading transmitter by New York State Electric and Gas Corporation	To permit gas utilities in NYS to use the Badger Meter Incorporated Orion Integral transmitters
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-11-07-00011-P	..... exempt	Storm-related power outages by Consolidated Edison Company of New York, Inc.	To modify the company's response to power outages, the timing for any such changes and other related matters
*PSC-17-07-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc.	To amend the agreement
*PSC-18-07-00010-P	..... exempt	Existing electric generating stations by Independent Power Producers of New York, Inc.	To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation
*PSC-20-07-00016-P	..... exempt	Tariff revisions and making rates permanent by New York State Electric & Gas Corporation	To seek rehearing
*PSC-21-07-00007-P	..... exempt	Natural Gas Supply and Acquisition Plan by Corning Natural Gas Corporation	To revise the rates, charges, rules and regulations for gas service
*PSC-22-07-00015-P	..... exempt	Demand Side Management Program by Consolidated Edison Company of New York, Inc.	To recover incremental program costs and lost revenue
*PSC-23-07-00022-P	..... exempt	Supplier, transportation, balancing and aggregation service by National Fuel Gas Distribution Corporation	To explicitly state in the company's tariff that the threshold level of elective upstream transmission capacity is a maximum of 112,600 Dth/day of marketer-provided upstream capacity
*PSC-24-07-00012-P	..... exempt	Gas Efficiency Program by the City of New York	To consider rehearing a decision establishing a Gas Efficiency Program
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-08-08-00016-P	..... exempt	Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al.	To consider the transfer
*PSC-12-08-00019-P	..... exempt	Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-12-08-00021-P	..... exempt	Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-13-08-00011-P	..... exempt	Waiver of commission policy and NYSEG tariff by Turner Engineering, PC	To grant or deny Turner's petition
*PSC-13-08-00012-P	..... exempt	Voltage drops by New York State Electric & Gas Corporation	To grant or deny the petition
*PSC-23-08-00008-P	..... exempt	Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project	To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project
*PSC-23-08-00009-P	..... exempt	The transfer of certain real property with an original cost under \$100,000 in the Town of Throop	To consider the filing for the transfer of certain real property in the Town of Throop
*PSC-25-08-00007-P	..... exempt	Policies and procedures regarding the selection of regulatory proposals to meet reliability needs	To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs
*PSC-25-08-00008-P	..... exempt	Report on Callable Load Opportunities	Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years
*PSC-28-08-00004-P	..... exempt	Con Edison's procedure for providing customers access to their account information	To consider Con Edison's implementation plan and timetable for providing customers access to their account information
*PSC-31-08-00025-P	..... exempt	Recovery of reasonable DRS costs from the cost mitigation reserve (CMR)	To authorize recovery of the DRS costs from the CMR
*PSC-32-08-00009-P	..... exempt	The ESCO referral program for KEDNY to be implemented by October 1, 2008	To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program
*PSC-33-08-00008-P	..... exempt	Noble Allegany's request for lightened regulation	To consider Noble Allegany's request for lightened regulation as an electric corporation
*PSC-36-08-00019-P	..... exempt	Land Transfer in the Borough of Manhattan, New York	To consider petition for transfer of real property to NYPH
*PSC-39-08-00010-P	..... exempt	RG&E's economic development plan and tariffs	Consideration of the approval of RG&E's economic development plan and tariffs
*PSC-40-08-00010-P	..... exempt	Loans from regulated company to its parent	To determine if the cash management program resulting in loans to the parent should be approved
*PSC-41-08-00009-P	..... exempt	Transfer of control of cable TV franchise	To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-43-08-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-46-08-00008-P	..... exempt	Property transfer in the Village of Avon, New York	To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York
*PSC-46-08-00010-P	..... exempt	A transfer of indirect ownership interests in nuclear generation facilities	Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities
*PSC-46-08-00014-P	..... exempt	The attachment of cellular antennae to an electric transmission tower	To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower
*PSC-48-08-00005-P	..... exempt	A National Grid high efficiency gas heating equipment rebate program	To expand eligibility to customers converting from oil to natural gas
*PSC-48-08-00008-P	..... exempt	Petition for the master metering and submetering of electricity	To consider the request of Bay City Metering, to master meter & submeter electricity at 345 E. 81st St., New York, New York
*PSC-48-08-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of PCV/ST to submeter electricity at Peter Cooper Village & Stuyvesant Town, New York, New York
*PSC-50-08-00018-P	..... exempt	Market Supply Charge	A study on the implementation of a revised Market Supply Charge
*PSC-51-08-00006-P	..... exempt	Commission's October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458	To consider a Petition for rehearing of the Commission's October 27, 2008 Order in Case 07-M-0458
*PSC-51-08-00007-P	..... exempt	Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078	To consider Petitions for rehearing of the Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078
*PSC-53-08-00011-P	..... exempt	Use of deferred Rural Telephone Bank funds	To determine if the purchase of a softswitch by Hancock is an appropriate use of deferred Rural Telephone Bank funds
*PSC-53-08-00012-P	..... exempt	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY
*PSC-53-08-00013-P	..... exempt	To transfer common stock and ownership	To consider transfer of common stock and ownership
*PSC-01-09-00015-P	..... exempt	FCC decision to redefine service area of Citizens/Frontier	Review and consider FCC proposed redefinition of Citizens/Frontier service area
*PSC-02-09-00010-P	..... exempt	Competitive classification of independent local exchange company, and regulatory relief appropriate thereto	To determine if Chazy & Westport Telephone Corporation more appropriately belongs in scenario 1 rather than scenario 2
*PSC-05-09-00008-P	..... exempt	Revenue allocation, rate design, performance metrics, and other non-revenue requirement issues	To consider any remaining non-revenue requirement issues related to the Company's May 9, 2008 tariff filing

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-05-09-00009-P	..... exempt	Numerous decisions involving the steam system including cost allocation, energy efficiency and capital projects	To consider the long term impacts on steam rates and on public policy of various options concerning the steam system
*PSC-06-09-00007-P	..... exempt	Interconnection of the networks between Frontier Comm. and WVT Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier Comm. and WVT Comm.
*PSC-07-09-00015-P	..... exempt	Transfer certain utility assets located in the Town of Montgomery from plant held for future use to non-utility property	To consider the request to transfer certain utility assets located in the Town of Montgomery to non-utility assets
*PSC-07-09-00017-P	..... exempt	Request for authorization to defer the incremental costs incurred in the restoration work resulting from the ice storm	To allow the company to defer the incremental costs incurred in the restoration work resulting from the ice storm
*PSC-07-09-00018-P	..... exempt	Whether to permit the submetering of natural gas service to an industrial and commercial customer at Cooper Union, New York, NY	To consider the request of Cooper Union, to submeter natural gas at 41 Cooper Square, New York, New York
*PSC-12-09-00010-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-12-09-00012-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-13-09-00008-P	..... exempt	Options for making additional central office codes available in the 718/347 numbering plan area	To consider options for making additional central office codes available in the 718/347 numbering plan area
*PSC-14-09-00014-P	..... exempt	The regulation of revenue requirements for municipal utilities by the Public Service Commission	To determine whether the regulation of revenue requirements for municipal utilities should be modified
*PSC-16-09-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of AMPS on behalf of Park Imperial to submeter electricity at 230 W. 56th Street, in New York, New York
*PSC-16-09-00020-P	..... exempt	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity
*PSC-17-09-00010-P	..... exempt	Whether to permit the use of Elster REX2 solid state electric meter for use in residential and commercial accounts	To permit electric utilities in New York State to use the Elster REX2
*PSC-17-09-00011-P	..... exempt	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes
*PSC-17-09-00012-P	..... exempt	Petition for the submetering of gas at commercial property	To consider the request of Turner Construction, to submeter natural gas at 550 Short Ave., & 10 South St., Governors Island, NY
*PSC-17-09-00014-P	..... exempt	Benefit-cost framework for evaluating AMI programs prepared by the DPS Staff	To consider a benefit-cost framework for evaluating AMI programs prepared by the DPS Staff
*PSC-17-09-00015-P	..... exempt	The construction of a tower for wireless antennas on land owned by National Grid	To approve, reject or modify the petition to build a tower for wireless antennas in the Town of Onondaga



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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-37-09-00015-P	..... exempt	Sale of customer-generated steam to the Con Edison steam system	To establish a mechanism for sale of customer-generated steam to the Con Edison steam system
*PSC-37-09-00016-P	..... exempt	Applicability of electronic signatures to Deferred Payment Agreements	To determine whether electronic signatures can be accepted for Deferred Payment Agreements
*PSC-39-09-00015-P	..... exempt	Modifications to the \$5 Bill Credit Program	Consideration of petition of National Grid to modify the Low Income \$5 Bill Credit Program
*PSC-39-09-00018-P	..... exempt	The offset of deferral balances with Positive Benefit Adjustments	To consider a petition to offset deferral balances with Positive Benefit Adjustments
*PSC-40-09-00013-P	..... exempt	Uniform System of Accounts - request for deferral and amortization of costs	To consider a petition to defer and amortize costs
*PSC-51-09-00029-P	..... exempt	Rules and guidelines for the exchange of retail access data between jurisdictional utilities and eligible ESCOs	To revise the uniform Electronic Data Interchange Standards and business practices to incorporate a contest period
*PSC-51-09-00030-P	..... exempt	Waiver or modification of Capital Expenditure condition of merger	To allow the companies to expend less funds for capital improvement than required by the merger
*PSC-52-09-00006-P	..... exempt	ACE's petition for rehearing for an order regarding generator-specific energy deliverability study methodology	To consider whether to change the Order Prescribing Study Methodology
*PSC-52-09-00008-P	..... exempt	Approval for the New York Independent System Operator, Inc. to incur indebtedness and borrow up to \$50,000,000	To finance the renovation and construction of the New York Independent System Operator, Inc.'s power control center facilities
*PSC-05-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY
*PSC-05-10-00015-P	..... exempt	Petition for the submetering of electricity	To consider the request of 243 West End Avenue Owners Corp. to submeter electricity at 243 West End Avenue, New York, NY
*PSC-06-10-00022-P	..... exempt	The Commission's Order of December 17, 2009 related to redevelopment of Consolidated Edison's Hudson Avenue generating facility	To reconsider the Commission's Order of December 17, 2009 related to redevelopment of the Hudson Avenue generating facility
*PSC-07-10-00009-P	..... exempt	Petition to revise the Uniform Business Practices	To consider the RESA petition to allow rescission of a customer request to return to full utility service
*PSC-08-10-00007-P	..... exempt	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847
*PSC-08-10-00009-P	..... exempt	Consolidated Edison of New York, Inc. energy efficiency programs	To modify approved energy efficiency programs
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-16-10-00005-P	..... exempt	To consider adopting and expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-16-10-00007-P	..... exempt	Interconnection of the networks between TDS Telecom and PAETEC Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between TDS Telecom and PAETEC Communications
*PSC-16-10-00015-P	..... exempt	Interconnection of the networks between Frontier and Choice One Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier and Choice One Communications
*PSC-18-10-00009-P	..... exempt	Electric utility transmission right-of-way management practices	To consider electric utility transmission right-of-way management practices
*PSC-19-10-00022-P	..... exempt	Whether National Grid should be permitted to transfer a parcel of property located at 1 Eddy Street, Fort Edward, New York	To decide whether to approve National Grid's request to transfer a parcel of vacant property in Fort Edward, New York
*PSC-22-10-00006-P	..... exempt	Requirement that Noble demonstrate that its affiliated electric corporations operating in New York are providing safe service	Consider requiring that Noble demonstrate that its affiliated electric corporations in New York are providing safe service
*PSC-22-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of 48-52 Franklin Street to submeter electricity at 50 Franklin Street, New York, New York
*PSC-24-10-00009-P	..... exempt	Verizon New York Inc. tariff regulations relating to voice messaging service	To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff
*PSC-25-10-00012-P	..... exempt	Reassignment of the 2-1-1 abbreviated dialing code	Consideration of petition to reassign the 2-1-1 abbreviated dialing code
*PSC-25-10-00015-P	..... exempt	To allow NYWC to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2009	Consideration of NYWC's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2009
*PSC-27-10-00016-P	..... exempt	Petition for the submetering of electricity	To consider the request of 9271 Group, LLC to submeter electricity at 960 Busti Avenue, Buffalo, New York
*PSC-31-10-00007-P	..... exempt	Waiver of the Attachment 23 requirement in 2001 Rate Order that NMPC Board of Directors consist of "outside directors"	To consider the waiver of the requirement that a majority of NMPC Board of directors consist of "outside directors"
*PSC-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-40-10-00014-P	..... exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by National Grid
*PSC-40-10-00021-P	..... exempt	Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall	To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall
*PSC-41-10-00018-P	..... exempt	Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter	Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers
*PSC-41-10-00022-P	..... exempt	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY
*PSC-42-10-00011-P	..... exempt	Petition for the submetering of electricity	To consider the request of 4858 Group, LLC to submeter electricity at 456 Main Street, Buffalo, New York
*PSC-43-10-00016-P	..... exempt	Utility Access to Ducts, Conduit Facilities and Utility Poles	To review the complaint from Optical Communications Group
*PSC-44-10-00003-P	..... exempt	Third and fourth stage gas rate increase by Corning Natural Gas Corporation	To consider Corning Natural Gas Corporation's request for a third and fourth stage gas rate increase
*PSC-51-10-00018-P	..... exempt	Commission proceeding concerning three-phase electric service by all major electric utilities	Investigate the consistency of the tariff provisions for three-phase electric service for all major electric utilities
*PSC-11-11-00003-P	..... exempt	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service
*PSC-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-22-11-00004-P	..... exempt	Whether to permit the use of the Sensus accWAVE for use in residential gas meter applications	To permit gas utilities in New York State to use the Sensus accWAVE diaphragm gas meter
*PSC-23-11-00018-P	..... exempt	NYSERDA's energy efficiency program for low-income customers	To promote energy conservation in New York State
*PSC-26-11-00007-P	..... exempt	Water rates and charges	To approve an increase in annual revenues by about \$25,266 or 50%
*PSC-26-11-00009-P	..... exempt	Petition for the submetering of electricity at commercial property	To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York
*PSC-26-11-00012-P	..... exempt	Waiver of generation retirement notice requirements	Consideration of waiver of generation retirement notice requirements
*PSC-29-11-00011-P	..... exempt	Petition requesting the Commission reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order.	To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing.
*PSC-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-51-11-00010-P	..... exempt	The Total Resource Cost (TRC) test, used to analyze measures in the Energy Efficiency Portfolio Standard program	Petitioners request that the TRC test and/or its application to measures should be revised
*PSC-52-11-00017-P	..... exempt	Reparations and refunds	Reparations and refunds
*PSC-01-12-00007-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-01-12-00008-P	..... exempt	Transfer of real property and easements from NMPNS to NMP3	Consideration of the transfer of real property and easements from NMPNS to NMP3
*PSC-01-12-00009-P	..... exempt	Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove	To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered
*PSC-11-12-00002-P	..... exempt	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff
*PSC-11-12-00005-P	..... exempt	Transfer of land and water supply assets	Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman
*PSC-13-12-00005-P	..... exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-23-12-00005-P	..... exempt	EEPS multifamily programs administered by Consolidated Edison Company of New York, Inc.	To redesign the multifamily electric and gas programs and modify the budgets and targets
*PSC-23-12-00007-P	..... exempt	The approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility	To consider the approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility
*PSC-23-12-00009-P	..... exempt	Over earnings sharing between rate payers and shareholders	To establish an Earnings Sharing Mechanism to be applied following the conclusion of Corning's rate plan
*PSC-27-12-00012-P	..... exempt	Implementation of recommendations made in a Management Audit Report	To consider implementation of recommendations made in a Management Audit Report
*PSC-28-12-00013-P	..... exempt	Exemption of reliability reporting statistics for the purpose of the 2012 Reliability Performance Mechanism	Consideration of Orange and Rockland Utilities request for exemption of the 2012 reliability reporting statistics
*PSC-29-12-00019-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Hamden to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-30-12-00010-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Andes to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-33-12-00009-P	..... exempt	Telecommunications companies ability to attach to utility company poles	Consideration of Tech Valley's ability to attach to Central Hudson poles
*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-42-12-00009-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-08-13-00012-P	..... exempt	Filing requirements for certain Article VII electric facilities	To ensure that applications for certain electric transmission facilities contain pertinent information
*PSC-08-13-00014-P	..... exempt	Uniform System of Accounts - Request for Accounting Authorization	To allow the company to defer an item of expense or capital beyond the end of the year in which it was incurred
*PSC-12-13-00007-P	..... exempt	Protecting company water mains	To allow the company to require certain customers to make changes to the electrical grounding system at their homes
*PSC-13-13-00008-P	..... exempt	The potential waiver of 16 NYCRR 255.9221(d) completion of integrity assessments for certain gas transmission lines.	To determine whether a waiver of the timely completion of certain gas transmission line integrity assessments should be granted.
*PSC-14-13-00005-P	..... exempt	Recovery of incremental expense.	To consider petition for recovery of incremental expense.
*PSC-17-13-00008-P	..... exempt	Provision of historical utility pricing information for comparison purposes for residential ESCO customers	Provision of historical utility pricing information for comparison purposes for residential ESCO customers
*PSC-17-13-00010-P	..... exempt	Provision of historical pricing information for comparison purposes for residential ESCO customers	Provision of historical pricing information for comparison purposes for residential ESCO customers
*PSC-18-13-00007-P	..... exempt	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes
*PSC-21-13-00003-P	..... exempt	To consider policies that may impact consumer acceptance and use of electric vehicles	To consider and further develop policies that may impact consumer acceptance and use of electric vehicles
*PSC-21-13-00005-P	..... exempt	To implement an abandonment of Windover's water system	To approve the implementation of abandonment of Windover's water system
*PSC-21-13-00008-P	..... exempt	Rates of National Fuel Gas Distribution Corporation	To make the rates of National Fuel Gas Distribution Corporation temporary, subject to refund, if they are found to be excessive
*PSC-21-13-00009-P	..... exempt	Reporting requirements for natural gas local distribution companies	To help ensure efficient and economic expansion of the natural gas system as appropriate
*PSC-22-13-00009-P	..... exempt	On remand from New York State court litigation, determine the recovery of certain deferred amounts owed NFG by ratepayers	On remand, to determine the recovery of certain deferral amounts owed NFG from ratepayers
*PSC-23-13-00005-P	..... exempt	Waiver of partial payment, directory database distribution, service quality reporting, and service termination regulations	Equalize regulatory treatment based on level of competition and practical considerations
*PSC-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
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-25-13-00008-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-25-13-00009-P	..... exempt	Provision by utilities of natural gas main and service lines.	To help ensure efficient and economic expansion of the natural gas system as appropriate.
*PSC-25-13-00012-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-27-13-00014-P	..... exempt	Columbia Gas Transmission Corporation Cost Refund	For approval for temporary waiver of tariff provisions regarding its Columbia Gas Transmission Corporation cost refund.
*PSC-28-13-00014-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-28-13-00016-P	..... exempt	The request of NGT for lightened regulation as a gas corporation.	To consider whether to approve, reject, or modify the request of Niagara gas transport of Lockport, NY LLC.
*PSC-28-13-00017-P	..... exempt	The request by TE for waiver of regulations requiring that natural gas be odorized in certain gathering line segments	Consider the request by TE for waiver of regulations that gas be odorized in certain lines
*PSC-32-13-00009-P	..... exempt	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices
*PSC-32-13-00010-P	..... exempt	Permission to write off and eliminate record keeping for regulatory reserves for Pensions and Other Post Retirement Benefits	To allow write off and eliminate record keeping of Pension and Other Post Retirement Benefits Reserves
*PSC-32-13-00012-P	..... exempt	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion
*PSC-33-13-00027-P	..... exempt	Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines.	Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines.
*PSC-33-13-00029-P	..... exempt	Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy.	To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy.
*PSC-34-13-00004-P	..... exempt	Escrow account and surcharge to fund extraordinary repairs	To approve the establishment of an escrow account and surcharge
*PSC-37-13-00007-P	..... exempt	Dissolution of Garrow Water Works Company, Inc..	To allow for the dissolution of Garrow Water Works Company, Inc.
*PSC-39-13-00010-P	..... exempt	NY-Sun initiative within the Customer-Sited Tier of the RPS Program.	To increase the statewide adoption of customer sited photovoltaic solar generation through the NY-Sun Initiative.
*PSC-42-13-00013-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-42-13-00015-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
<b>PUBLIC SERVICE COMMISSION</b>			
*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 and the Customer Trouble Report Rate levels at certain central office entities
*PSC-10-14-00006-P	..... exempt	Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance	To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance
*PSC-11-14-00003-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-16-14-00014-P	..... exempt	Whether to order NYSEG to provide gas service to customers when an expanded CPCN is approved and impose PSL 25-a penalties.	To order gas service to customers in the Town of Plattsburgh after approval of a town wide CPCN and to impose penalties.
*PSC-16-14-00015-P	..... exempt	Whether Central Hudson should be permitted to defer obligations of the Order issued on October 18, 2013 in Case 13-G-0336.	Consideration of the petition by Central Hudson to defer reporting obligations of the October 18, 2013 Order in Case 13-G-0336
*PSC-16-14-00016-P	..... exempt	Waiver of Commission regulations governing termination of service.	Consider United Water New York Inc.'s proposal to expand termination of service provisions.
*PSC-17-14-00003-P	..... exempt	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism
*PSC-17-14-00004-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00007-P	..... exempt	To consider petitions for rehearing, reconsideration and/or clarification	To consider petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00008-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-19-14-00014-P	..... exempt	Market Supply Charge	To make tariff revisions to the Market Supply Charge for capacity related costs
*PSC-19-14-00015-P	..... exempt	Whether to permit the use of the Sensus accuWAVE for use in residential and commercial gas meter applications	To permit gas utilities in New York State to use the Sensus accuWAVE 415TC gas meter
*PSC-19-14-00018-P	..... exempt	Uniform System of Accounts, deferral of an expense item	Authorization of a deferral for an expense item beyond the end of the year in which it was incurred

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-22-14-00013-P	..... exempt	Petition to transfer and merge systems, franchises and assets.	To consider the Comcast and Time Warner Cable merger and transfer of systems, franchises and assets.
*PSC-23-14-00010-P	..... exempt	Whether to permit the use of the GE Dresser Series B3-HPC 11M-1480 rotary gas met for use in industrial gas meter applications	To permit gas utilities in New York State to use the GE Dresser Series B3-HPC 11M-1480 rotary gas meter
*PSC-23-14-00014-P	..... exempt	Waiver of the negative revenue adjustment associated with KEDLI's 2013 Customer Satisfaction Performance Metric	Consideration of KEDLI's waiver request pertaining to its 2013 performance under its Customer Satisfaction Metric
*PSC-24-14-00005-P	..... exempt	To examine LDC's performance and performance measures.	To improve gas safety performance.
*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.
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-34-14-00009-P	..... exempt	Whether to approve the Quadlogic S10N residential submeter.	Approval of the Quadlogic S10N Smart Meter for use in residential electric submetering is required by 16 NYCRR Parts 93 and 96.
*PSC-35-14-00004-P	..... exempt	Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY	To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY
*PSC-35-14-00005-P	..... exempt	Whether to permit the use of the Sensus iConA electric meter	Pursuant to 16 NYCRR Parts 92 and 93, Commission approval is necessary to permit the use of the Sensus iConA electric meter
*PSC-36-14-00009-P	..... exempt	Modification to the Commission's Electric Safety Standards.	To consider revisions to the Commission's Electric Safety Standards.
*PSC-36-14-00010-P	..... exempt	The procurement of Main Tier renewable resources will become the responsibility of the State's electric utilities.	To ensure the development of large-scale renewables in New York State to promote fuel diversity and reduce carbon emissions.
*PSC-36-14-00011-P	..... exempt	To defer pension settlement losses associated with retirements in the year ended March 31, 2014.	To resolve the ratemaking of the pension settlement loss.
*PSC-38-14-00003-P	..... exempt	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.
*PSC-38-14-00004-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00005-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-38-14-00007-P	..... exempt	Whether to expand Con Edison's low income program to include Medicaid recipients.	Whether to expand Con Edison's low income program to include Medicaid recipients.
*PSC-38-14-00008-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00010-P	..... exempt	Inter-carrier telephone service quality standard and metrics and administrative changes.	To review recommendations from the Carrier Working Group and incorporate appropriate modifications to the existing Guidelines.
*PSC-38-14-00012-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-38-14-00018-P	..... exempt	New electric utility demand response tariffs may be adopted.	To develop mature DER markets by enabling the development and use of DR as an economic system resource.
*PSC-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-40-14-00009-P	..... exempt	Whether to permit the use of the Itron Open Way Centron Meter with Hardware 3.1 for AMR and AMI functionality.	Pursuant to 16 NYCRR Parts 93, is necessary to permit the use of the Itron Open Way Centron Meter with Hardware 3.1.
*PSC-40-14-00011-P	..... exempt	Late Payment Charge.	To modify Section 7.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-40-14-00013-P	..... exempt	Regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.	To consider regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.
*PSC-40-14-00014-P	..... exempt	Waiver of 16 NYCRR Sections 894.1 through 894.4(b)(2)	To allow the Town of Goshen, NY, to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-40-14-00015-P	..... exempt	Late Payment Charge.	To modify Section 6.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-42-14-00003-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-42-14-00004-P	..... exempt	Winter Bundled Sales Service Option	To modify SC-11 to remove language relating to fixed storage charges in the determination of the Winter Bundled Sales charge
*PSC-48-14-00014-P	..... exempt	Considering the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.	To consider the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.
*PSC-52-14-00019-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of 614 South Crouse Avenue, LLC to master meter electricity at 614 South Crouse Avenue, Syracuse, NY..
*PSC-01-15-00014-P	..... exempt	State Universal Service Fund Disbursements	To consider Edwards Telephone Company's request for State Universal Service Fund disbursements
*PSC-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-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-04-15-00010-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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-07-15-00006-P	..... exempt	Whether to order a remand regarding payphone rates	Whether to order a remand regarding payphone rates and award refunds
*PSC-08-15-00009-P	..... exempt	Approval of a surcharge.	To allow or disallow Emerald Green Lake Louise Marie Water Company, Inc. for a surcharge.
*PSC-08-15-00010-P	..... exempt	Request pertaining to the lawfulness of National Grid USA continuing its summary billing program.	To grant, deny, or modify URAC Rate Consultants' request that National Grid cease its summary billing program.
*PSC-10-15-00007-P	..... exempt	Notification concerning tax refunds	To consider Verizon New York Inc.'s partial rehearing or reconsideration request regarding retention of property tax refunds
*PSC-10-15-00008-P	..... exempt	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes
*PSC-10-15-00009-P	..... exempt	Contingency Tariffs regarding demand response issues	To consider Contingency Tariffs regarding demand response issues
*PSC-12-15-00007-P	..... exempt	The Annual Reconciliation of Gas Expenses and Gas Cost Recoveries codified at Title 16 NYCRR Section 720.6.5	Examine the Annual Reconciliation of Gas Expenses and Gas Cost Recoveries mechanism
*PSC-13-15-00024-P	..... exempt	Whether Leatherstocking should be permitted to recover a shortfall in earnings	To decide whether to approve Leatherstocking's request to recover a shortfall in earnings
*PSC-13-15-00026-P	..... exempt	Whether to permit the use of the Sensus Smart Point Gas AMR/AMI product	To permit the use of the Sensus Smart Point Gas AMR/AMI product
*PSC-13-15-00027-P	..... exempt	Whether to permit the use of the Measurlogic DTS 310 electric submeter	To permit the use of the Measurlogic DTS 310 submeter
*PSC-13-15-00028-P	..... exempt	Whether to permit the use of the SATEC EM920 electric meter	To permit necessary to permit the use of the SATEC EM920 electric meter
*PSC-13-15-00029-P	..... exempt	Whether to permit the use the Triacta Power Technologies 6103, 6112, 6303, and 6312 electric submeters	To permit the use of the Triacta submeters
*PSC-17-15-00004-P	..... exempt	Rehearing of the Commission's Order Adopting Regulatory Policy Framework and Implementation Plan	Consideration of a petition for rehearing
*PSC-17-15-00007-P	..... exempt	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million
*PSC-18-15-00004-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

## Action Pending Index

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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-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-22-15-00015-P	..... exempt	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)
*PSC-23-15-00005-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-23-15-00006-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-25-15-00008-P	..... exempt	Notice of Intent to Submeter electricity.	To consider the request of 165 E 66 Residences, LLC to submeter electricity at 165 East 66th Street, New York, New York.
*PSC-26-15-00014-P	..... exempt	To consider the request for partial waiver of the energy audit requirements in 16 NYCRR Section 96.5(k)	To consider the request for partial waiver of the energy audit requirements in 16 NYCRR Section 96.5(k)
*PSC-26-15-00016-P	..... exempt	Petition to Submeter electricity	To consider the request of 39 Plaza Housing Corporation to submeter electricity at 39 Plaza Street West, Brooklyn, New York
*PSC-27-15-00014-P	..... exempt	Authorization for NYAW to accrue interest on internal reserve debit balances	To allow NYAW to accrue interest on internal reserve debit balances
PSC-28-15-00006-P	..... exempt	The minor electric rate filing of Mohawk Municipal Commission	Whether to increase Mohawk Municipal Commission's annual electric revenues by approximately \$113,119 or 13.74%
PSC-29-15-00018-P	..... exempt	Approval of ratemaking related to amendment a certificate of public convenience and necessity	To approve or reject the ratemaking aspects of SLG's petition to amend its certificate of public convenience and necessity
PSC-29-15-00025-P	..... exempt	Joint Petition for authority to transfer real property located at 624 West 132nd Street, New York, NY	Whether to authorize the proposed transfer of real property located at 624 West 132nd Street, New York, NY
PSC-31-15-00007-P	..... exempt	Plan to convert petroleum pipeline into a natural gas pipeline	Whether to approve the proposed conversion plan submitted by NIC Holding Corp
PSC-32-15-00005-P	..... exempt	Petition for rehearing of the Order Adopting Dynamic Load Management Filings with Modifications	To consider a petition for rehearing of the Order Adopting Dynamic Load Management Filings with Modifications
PSC-32-15-00006-P	..... exempt	Development of a Community Solar Demonstration Project.	To approve the development of a Community Solar Demonstration Project.
PSC-32-15-00007-P	..... exempt	Approval of cost recovery and incentive mechanisms for the NWA Project.	To approve the cost recovery and incentive mechanisms for the NWA Project.



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-32-15-00012-P	..... exempt	Proposed standards for Commission oversight of Distributed Energy Resource suppliers.	To consider proposed standards for Commission oversight of Distributed Energy Resource suppliers.
PSC-33-15-00009-P	..... exempt	Remote net metering of a demonstration community net metering program.	To consider approval of remote net metering of a demonstration community net metering program.
PSC-33-15-00012-P	..... exempt	Remote net metering of a Community Solar Demonstration Project.	To consider approval of remote net metering of a Community Solar Demonstration Project.
PSC-34-15-00021-P	..... exempt	Petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs	To consider the petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs
PSC-35-15-00010-P	..... exempt	Notice of Intent to Submeter Electricity	To consider the request of 605 West 42nd Owner LLC to submeter electricity at 605 West 42nd Street, New York, New York
PSC-35-15-00011-P	..... exempt	Demand based Standby Service Charges levied upon Offset Tariff customers accounts	To consider a revision to demand based Standby Service Charges levied upon Offset Tariff customers accounts
PSC-35-15-00014-P	..... exempt	Consideration of consequences against Light Power & Gas, LLC for violations of the UBP	To consider consequences against Light Power & Gas, LLC for violations of the UBP
PSC-37-15-00007-P	..... exempt	Submetered electricity	To consider the request of 89 Murray Street Ass. LLC, for clarification of the submetering order issued December 20, 2007
PSC-38-15-00008-P	..... exempt	Notice of Intent to submeter electricity	To consider the request of Community Counseling and Mediation to submeter electricity at 226 Linden Blvd., Brooklyn, New York
PSC-39-15-00010-P	..... exempt	Major gas revenue increase	To consider an increase to its annual gas revenues by approximately \$1,228,000 or 2.96%
PSC-39-15-00012-P	..... exempt	Petition to submeter electricity	To consider the request of 47 East 34th Street (NY), L.P., to submeter electricity at 49 East 34th Street New York, New York
PSC-40-15-00012-P	..... exempt	Establishment of the regulatory regime applicable to an approximately 106 MW electric generating facility	Consideration of approval of a lightened regulatory regime for an approximately 106 MW electric generating facility
PSC-40-15-00014-P	..... exempt	Whether to permit the use of the Open Way 3.5 with cellular communications	To consider the use of the Open Way 3.5 electric meter, pursuant to 16 NYCRR Parts 92 and 93
PSC-41-15-00005-P	..... exempt	Intergrow disputes National Grid's revenue assurance calculations	To consider whether the revenue assurance National Grid is requiring of Intergrow for the new interconnection is appropriate
PSC-41-15-00007-P	..... exempt	The allocation of costs for the extension of electric service	Whether to grant the complaint of Glenwyck Development, LLC
PSC-41-15-00009-P	..... exempt	Main Tier of the Renewable Portfolio Standard program	To consider allocating funding from the Main Tier to an eligible hydroelectric facility
PSC-41-15-00011-P	..... exempt	Deferral of incremental costs incurred in 2014 associated with increased gas leak response and repair activities	To consider a petition by Con Edison to defer certain incremental costs associated with gas leak response and repair activities

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-42-15-00006-P	..... exempt	Deferral of incremental expenses associated with NERC's new Bulk Electric System (BES) compliance requirements approved by FERC.	Consideration of Central Hudson's request to defer incremental expenses associated with new BES compliance requirements.
PSC-42-15-00007-P	..... exempt	Notice of Intent to submeter electricity.	To consider the request of Sandy Clarkson LLC to submeter electricity at 310 Clarkson Avenue, Brooklyn, New York.
PSC-42-15-00010-P	..... exempt	Petition for modification of Con Edison's S.C. No. 4 (Back-up/Supplementary) Steam Service.	To consider modifications to S.C. No. 4 of Con Edison's Schedule for Steam Service.
PSC-42-15-00012-P	..... exempt	Establishment of the regulatory regime applicable to a proposed natural gas pipeline facility.	Consideration of a lightened regulatory regime for a proposed natural gas pipeline facility.
PSC-42-15-00013-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-44-15-00028-P	..... exempt	Deferral of incremental expenses associated with new compliance requirements	Consideration of Central Hudson's request to defer incremental expenses associated with new compliance requirements
PSC-44-15-00030-P	..... exempt	System Improvement Plan mechanism	To consider Bath's petition to implement a SIP mechanism
PSC-45-15-00010-P	..... exempt	Notice of Intent to submeter electricity.	To consider the request of One Vandam Condominium to submeter electricity at 180 Avenue of the Americas, New York, New York.
PSC-47-15-00010-P	..... exempt	Use of the AMETEK JEMStar II Digital Power Meter	To consider permitting the use of AMETEK Power Instrument's JEMStar II Digital Power Meter for electric metering applications
PSC-47-15-00012-P	..... exempt	Reimbursement of costs for construction under 16 NYCRR 230	To determine proper reimbursement for costs related to trenching and construction
PSC-47-15-00013-P	..... exempt	Whitepaper on Implementing Lightened Ratemaking Regulation.	Consider Whitepaper on Implementing Lightened Ratemaking Regulation.
PSC-48-15-00010-P	..... exempt	Lightened and incidental regulation of a 55 MW electric and steam generating facility.	Consider the lightened and incidental regulation of a 55 MW electric and steam generating facility.
PSC-48-15-00011-P	..... exempt	Proposal to retire Huntley Units 67 and 68 on March 1, 2016.	Consider the proposed retirement of Huntley Units 67 and 68.
PSC-49-15-00009-P	..... exempt	Petition for rehearing of the Order Establishing Interim Ceilings on the Interconnection of Net Metered Generation	To consider a Petition for rehearing of the Order Establishing Interim Ceilings on the Interconnection of Net Metered Generation
PSC-50-15-00006-P	..... exempt	The reduction of rates.	To consider the reduction of rates charged by Independent Water Works, Inc.
PSC-50-15-00007-P	..... exempt	Collaborative Report on proposed consumer protections for the low income customers of energy services companies.	To consider the Collaborative Report on proposed consumer protections for the low income customers of energy services companies.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-50-15-00008-P	..... exempt	The transfer of 1,064 utility poles.	To consider the transfer of 1,064 utility poles from Orange and Rockland Utilities, Inc. to Frontier Communications Corp.
PSC-50-15-00009-P	..... exempt	Notice of Intent to submeter electricity.	To consider the request to submeter electricity at 31-33 Lincoln Road and 510 Flatbush Avenue, Brooklyn, New York.
PSC-51-15-00010-P	..... exempt	Modification of the EDP	To consider modifying the EDP
PSC-51-15-00011-P	..... exempt	National Grid's electric Economic Development Programs	To consider modifications to the economic development assistance to qualified businesses
PSC-52-15-00015-P	..... exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP).	To consider whether to impose consequences on Astral for its apparent non-compliance with Commission requirements.
PSC-52-15-00016-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of G-Z/10 UNP Realty, LLC to submeter electricity at 823 First Avenue, New York, New York.
PSC-01-16-00002-P	..... exempt	Revenue assurance calculations	To consider whether the revenue assurance National Grid is requiring of Tiashoke for the upgraded service is appropriate
PSC-01-16-00003-P	..... exempt	Deferral of expenses	To consider a petition for the deferral of expenses
PSC-01-16-00004-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent of 10 Madison Square West to submeter electricity at 10 Madison Square West, New York, NY
PSC-01-16-00005-P	..... exempt	Proposed amendment to Section 5, Attachment 1.A of the Uniform Business Practices	To consider amendment to Section 5, Attachment 1.A of the Uniform Business Practices
PSC-02-16-00007-P	..... exempt	The application of the earnings sharing mechanism related to a partial year period.	To consider Orange and Rockland Utilities, Inc.'s petition to address the application of the earnings sharing mechanism.
PSC-03-16-00008-P	..... exempt	Petition to submeter electricity	To consider the request of 910 Fifth Avenue Corporation to submeter electricity at 910 Fifth Avenue, New York, New York
PSC-04-16-00007-P	..... exempt	Whether Hamilton Municipal Utilities should be permitted to construct and operate a municipal gas distribution facility.	Consideration of the petition by Hamilton Municipal Utilities to construct and operate a municipal gas distribution facility.
PSC-04-16-00008-P	..... exempt	Clean Energy Standard	To consider funding for renewable and other non-emitting electric generation facilities
PSC-04-16-00010-P	..... exempt	Proposed revisions to add and clarify provisions related to electric generators under SC No. 14.	To consider revisions to SC No. 14 and align the electric generator provisions with its downstate companies, KEDLI and KEDNY.
PSC-04-16-00011-P	..... exempt	Investigation that certain practices of Central Hudson Gas and Electric Corporation resulted in violations of HEFPA.	To consider the Petition of Nobody Leaves Mid-Hudson to investigate Central Hudson for claims of HEFPA violations.
PSC-04-16-00012-P	..... exempt	Proposal to mothball three gas turbines located at the Astoria Gas Turbine Generating Station.	Consider the proposed mothball of three gas turbines located at the Astoria Gas Turbine Generating Station.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-04-16-00013-P	..... exempt	Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.	Consider whether three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.
PSC-06-16-00007-P	..... exempt	Transfer of water supply assets.	To consider the sale of water supply assets of Northeast Water Services to Suez Water Owego-Nichols, Inc.
PSC-06-16-00008-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of 31 Lincoln Road Development LLC to submeter electricity at 31-33 Lincoln Road, Brooklyn, NY.
PSC-06-16-00010-P	..... exempt	Lakewood disputes National Grid's revenue assurance calculations, specifically the duration used.	To consider whether the revenue assurance National Grid is requiring of Lakewood for the new interconnection is appropriate.
PSC-06-16-00011-P	..... exempt	Continuation of lightened regulation for electric generating plant.	To consider the continuation of lightened regulation for electric generating plant.
PSC-06-16-00012-P	..... exempt	Inclusion of a Farm and Food Community program in the community distributed generation program.	To consider the inclusion of a Farm and Food Community program in the community distributed generation program.
PSC-06-16-00013-P	..... exempt	Continued deferral of approximately \$16,000,000 in site investigation and remediation costs.	To consider the continued deferral of approximately \$16,000,000 in site investigation and remediation costs.
PSC-06-16-00014-P	..... exempt	MEGA's proposed demonstration CCA program.	To consider MEGA's proposed demonstration CCA program.
PSC-06-16-00015-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of 31 Lincoln Road Development LLC to submeter electricity at 510 Flatbush Ave., Brooklyn, NY.
PSC-07-16-00015-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent of 20 Lafayette LLC to submeter electricity at 286 Ashland Place, Brooklyn, New York
PSC-07-16-00016-P	..... exempt	Use of the Electro Industries Shark 200 electric submeter in residential applications	To consider the use of the Electro Industries Shark 200 submeter
PSC-07-16-00017-P	..... exempt	To modify the retail access program under SC No. 8 - Seller Services	To consider changes to the retail access program to implement Tier 2A - Storage Capacity Release and other tariff revisions
PSC-07-16-00018-P	..... exempt	The use of the Open Way Centron 3.5 commercial meter, with 4G LTE cellular or modem communications for electric metering	To consider the use of the Itron Open Way Centron 3.5 meter
PSC-07-16-00019-P	..... exempt	Conversion of P.S.C. No. 1 to an electronic format and add a provision to its Service Classification No.1	To consider conversion of P.S.C. No. 1 to an electronic format and add a provision to its Service Classification No.1
PSC-07-16-00020-P	..... exempt	To modify the retail access program under SC No. 19 - Seller Transportation Aggregation Service	To consider changes to the retail access program to implement Tier 2A - Storage Capacity Release and other tariff revisions
PSC-07-16-00021-P	..... exempt	NYSEG's request to collect funding for natural gas Energy Efficiency Portfolio Standard programs	To consider NYSEG's request to collect funding for natural gas Energy Efficiency Portfolio Standard programs

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-08-16-00006-P	..... exempt	Examination of terms and conditions of utility service received by Fastrac Markets, LLC.	To consider the terms and conditions of utility service received by Fastrac Markets, LLC.
PSC-08-16-00007-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of BOP MW Residential Market LLC and BOP MW Residential Affordable LLC to submeter electricity.
PSC-09-16-00004-P	..... exempt	Stock Acquisition	To consider the acquisition of the stock of Bristol Water-Works Corporation by Bristol Harbour Resort Management LLC
PSC-10-16-00010-P	..... exempt	Stock Acquisition	To consider the acquisition of the stock of Whistle Tree Development Corporation by Scribners Catskill Lodge, LLC.
PSC-11-16-00008-P	..... exempt	Proposed zero-emissions credits purchase program regarding certain nuclear power plants	To avoid adverse air emissions from fossil-fueled generation that would replace nuclear generation
PSC-11-16-00010-P	..... exempt	To establish a process to facilitate the transfer of complete systems of street lighting equipment	To consider the establishment of a process to facilitate the transfer of complete systems of street lighting equipment
PSC-11-16-00011-P	..... exempt	To establish a process to facilitate the transfer of complete systems of street lighting equipment	To consider the establishment of a process to facilitate the transfer of complete systems of street lighting equipment
PSC-11-16-00012-P	..... exempt	To establish a process to facilitate the transfer of complete systems of street lighting equipment	To consider the establishment of a process to facilitate the transfer of complete systems of street lighting equipment
PSC-11-16-00013-P	..... exempt	Leakage survey and corrosion inspection requirements	To establish protocols and timeframes for completing leakage surveys and corrosion inspections on gas service lines
PSC-11-16-00014-P	..... exempt	To establish a process to facilitate the transfer of complete systems of street lighting equipment	To consider the establishment of a process to facilitate the transfer of complete systems of street lighting equipment
PSC-11-16-00015-P	..... exempt	To establish a process to facilitate the transfer of complete systems of street lighting equipment	To consider the establishment of a process to facilitate the transfer of complete systems of street lighting equipment
PSC-11-16-00016-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent of 504 Myrtle Residential Owner LLC to submeter electricity at 504 Myrtle Avenue, Brooklyn, NY
PSC-11-16-00017-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent of 140 West Street Condominium to submeter electricity at 100 Barclay Street, New York, NY
PSC-11-16-00018-P	..... exempt	Rolling Meadows Water Corporation's rates for the provision of water	To consider an increase in Rolling Meadows Water Corporation's annual water revenues by approximately \$169,841 or 34.05%
PSC-12-16-00003-P	..... exempt	The use of the GE Energy low voltage transformers	To consider the use of the GE Energy low voltage transformers
PSC-12-16-00004-P	..... exempt	The option to opt out of using an AMR device, and substitute an electro-mechanical meter, at no additional charge	To consider the option to opt out of using an AMR device, and substitute an electro-mechanical meter, at no additional charge

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-12-16-00005-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent of 3475 Third Avenue Owner Realty LLC to submeter electricity at 3475 Third Avenue, Bronx, NY
PSC-12-16-00006-P	..... exempt	Use of Artech transformers in commercial applications	To consider the use of Artech transformers
PSC-12-16-00007-P	..... exempt	Deferral of incremental costs incurred in 2015 associated with increased gas leak response and repair activities	To consider a petition by Con Edison to defer certain incremental costs associated with gas leak response and repair activities
PSC-12-16-00008-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of Promenade Global LLC to submeter electricity at 150 West 225th Street, Bronx, New York.
PSC-13-16-00007-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent to submeter electricity at 131-05, 131-03 and 131-01 40th Road, Flushing, New York
PSC-13-16-00008-P	..... exempt	Standby rate exemption for Offset Tariff customers	Consideration of the standby rate exemption for Offset Tariff customers
PSC-13-16-00009-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent of Franklin Place Condominium to submeter electricity at 5 Franklin Place, New York, New York
PSC-13-16-00011-P	..... exempt	Transfer of stock	To consider the sale of all outstanding Crystal Water Corp. stock to Bruce McNab
PSC-14-16-00006-P	..... exempt	Revisions to S.C. No. 4 Back-Up/ Supplementary Service related to contract demand.	To consider revisions to S.C. No. 4 Back-Up/ Supplementary Service related to contract demand.
PSC-14-16-00007-P	..... exempt	Regulation of customer name changes on pending interconnection applications for grandfathered projects.	To consider regulation of customer name changes on pending interconnection applications for grandfathered projects.
PSC-14-16-00008-P	..... exempt	Resetting retail markets for ESCO mass market customers.	To ensure consumer protections with respect to residential and small non-residential ESCO customers.
PSC-15-16-00010-P	..... exempt	Proposed financial incentives for projects undertaken through the Targeted Demand Management program	To consider financial incentives for projects undertaken through the Targeted Demand Management program
PSC-15-16-00012-P	..... exempt	Adequate service of Verizon New York, Inc.	To consider the adequacy of Verizon New York Inc.'s service quality
PSC-15-16-00013-P	..... exempt	Waiver of certain Commission requirements related to the distribution of telephone directories	To consider a waiver of certain Commission requirements related to the distribution of telephone directories
PSC-15-16-00014-P	..... exempt	Establishment of SC No. 7 - Purchase of Renewable Energy from New Distributed Generators	To consider the establishment of SC No. 7 - Purchase of Renewable Energy from New Distributed Generators
PSC-15-16-00015-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent of IGI-GGP Renwick LLC to submeter electricity at 15 Renwick Street, New York, New York

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-16-16-00003-P	..... exempt	Waiver and/or clarification of certain Commission requirements related to distribution of telephone directories.	To consider a waiver and/or clarification of certain Commission requirements related to distribution of telephone directories.
PSC-16-16-00004-P	..... exempt	Utility Codes of Conduct for affiliate interactions.	To update and/or modify utility codes of conduct in anticipation of changes related to evolving Commission policies.
PSC-16-16-00005-P	..... exempt	A Clean Energy Standard - Tier 3.	To avoid adverse air emissions related to fossil fuel fired electricity generation and support upstate nuclear facilities.
PSC-16-16-00006-P	..... exempt	A Clean Energy Standard - Tier 1 and Tier 2.	To avoid adverse air emissions related to fossil fuel fired electricity generation and promote renewable sources of electricity.
PSC-17-16-00004-P	..... exempt	Major electric rate filing	To consider an increase in Con Edison's electric delivery revenues of approximately \$482 million or 9.5%
PSC-17-16-00005-P	..... exempt	Major gas rate filing	To consider an increase in KEDNY's gas delivery revenues by approximately \$290 million or 32%
PSC-17-16-00006-P	..... exempt	Proposal to revise General Rule 20 Standby Service	To consider proposed tariff revisions related to standby service multi-party offset under General Rule 20
PSC-17-16-00007-P	..... exempt	Major gas rate filing	To consider an increase in Con Edison's gas delivery revenues of approximately \$154 million or 13.4%
PSC-17-16-00008-P	..... exempt	Major gas rate filing	To consider an increase in KEDLI's gas delivery revenues by approximately \$175 million or 27%
PSC-18-16-00011-P	..... exempt	Transfer of certain streetlights located in the City of Beacon.	To consider the transfer of certain streetlights from Central Hudson to the City of Beacon.
PSC-18-16-00012-P	..... exempt	Petition for additional stock acquisition.	To consider the petition for additional stock acquisition.
PSC-18-16-00013-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
PSC-18-16-00014-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
PSC-18-16-00015-P	..... exempt	Petitions for rehearing of the Order Resetting Retail Energy Markets and Establishing Further Process.	To ensure consumer protections for ESCO customers.
PSC-18-16-00016-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
PSC-18-16-00017-P	..... exempt	Transfer of certain streetlights located in the City of Poughkeepsie.	To consider the transfer of certain streetlights from Central Hudson to the City of Poughkeepsie.
PSC-18-16-00018-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-19-16-00009-P	..... exempt	Rider T - Commercial Demand Response Programs	To consider revisions to Rider T regarding participating in the Commercial System Relief Program
PSC-19-16-00010-P	..... 05/11/17	Technical Amendments of State regulations	To align State regulations with their corollary Federal regulations
PSC-19-16-00011-P	..... exempt	Public Street Lighting - LED Options	To consider the addition of LED options to O&R's SC No. 4 - Public Street Lighting
PSC-19-16-00012-P	..... exempt	Proposed corporate reorganization and transfer of ownership interests between members in Cricket Valley Energy Center, LLC	To consider corporate reorganization and transfer of ownership interests between members in Cricket Valley Energy Center, LLC
PSC-20-16-00007-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of BAM GO Developers, LLC to submeter electricity at 250 Ashland Place, Brooklyn, New York.
PSC-20-16-00008-P	..... exempt	Consideration of consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).	To consider consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).
PSC-20-16-00009-P	..... exempt	Standards for affiliate relationships.	To consider whether to permit the expansion of employees who are permitted to perform services on behalf of affiliates.
PSC-20-16-00010-P	..... exempt	Deferral and recovery of incremental expense.	To consider deferring costs of conducting leak survey and repairs for subsequent recovery.
PSC-20-16-00011-P	..... exempt	Enetics LD-1120 Non-Intrusive Load Monitoring Device in the Statewide Residential Appliance Metering Study.	To consider the use of the Enetics LD-1120 Non-Intrusive Load Monitoring Device.
PSC-20-16-00012-P	..... exempt	Accounting changes related to residual unbilled revenue for financial accounting and regulatory purposes.	To consider accounting changes related to residual unbilled revenue for financial accounting and regulatory purposes.
PSC-20-16-00013-P	..... exempt	Accounting changes related to residual unbilled revenue for financial accounting and regulatory purposes.	To consider accounting changes related to residual unbilled revenue for financial accounting and regulatory purposes.
PSC-20-16-00014-P	..... exempt	Transfer of ownership interests from CEC to Fortistar, and lightened regulation.	To consider the transfer of ownership interests from CEC to Fortistar, and lightened regulation.
PSC-21-16-00006-P	..... exempt	Petition to submeter electricity	To consider the petition of HV Housing, LLC to submeter electricity at 45 Vanderburgh Avenue, Troy, New York
PSC-21-16-00007-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent to submeter electricity at 206 Outer Main Street, Building #67, Potsdam, New York
PSC-21-16-00008-P	..... exempt	GE I-210+c with Silver Spring Network Interface Card (NIC) 510	To consider the use of the GE I-210+c with Silver Spring Networks Interface Card (NIC) 510
PSC-21-16-00009-P	..... exempt	Establishment of compensation for nuclear facilities relative to a Zero-Emissions Credit program	To preserve zero-emissions attributes of generation facilities serving New York electric customers
PSC-22-16-00010-P	..... exempt	Notice of Intent to submeter electricity and waiver of 16 NYCRR § 96.5(k)(3).	To consider the Notice of Intent to submeter electricity and waiver of 16 NYCRR § 96.5(k)(3).



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-22-16-00011-P	..... exempt	Petition for rehearing of the Order Modifying Standardized Interconnection Requirements and alternative enforcement mechanisms.	To ensure compliance with the Standardized Interconnection Requirements.
PSC-22-16-00012-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of 20 West 53rd Street, L.L.C. to submeter electricity at 20 West 53 Street, New York, NY.
PSC-22-16-00013-P	..... exempt	Disposition of tax refunds and other related matters.	To consider the disposition of tax refunds and other related matters.
PSC-22-16-00014-P	..... exempt	Request for waiver of 16 NYCRR § 96.5(k)(3) and § 96.6(b).	To consider the request for waiver of 16 NYCRR § 96.5(k)(3) and 16 NYCRR § 96.6(b)
PSC-22-16-00015-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 100 Willoughby Street and 210 Duffield Street, Brooklyn, New York.
PSC-23-16-00008-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent to submeter electricity at 135 West 52nd Street, New York, New York
PSC-23-16-00009-P	..... exempt	Transfer of assets and dissolution of Birch Hill Water Company Inc.	To consider the transfer of assets and dissolution of the Birch Hill Water Company Inc.
PSC-23-16-00010-P	..... exempt	Minor water rate filing	To consider an increase in Pheasant Hill Water Corporation's annual water revenues by approximately \$66,325 or 126%
PSC-23-16-00011-P	..... exempt	Notification concerning tax refunds	To consider Verizon New York Inc.'s request to retain a portion of a property tax refund
PSC-23-16-00012-P	..... exempt	Area Code Overlay	To consider an area code overlay in the current 518 area code
PSC-23-16-00013-P	..... exempt	Acquisition of all of the assets of Beaver Dam Lake Water Corporation	To consider the acquisition of all assets of Beaver Dam Lake Water Corporation by New York American Water Company Inc.
PSC-24-16-00008-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 220 Central Park South, New York, New York.
PSC-24-16-00009-P	..... exempt	Petition to submeter gas service.	To consider the Petition of New York City Economic Development Corp. to submeter gas at Pier 17, 89 South Street, New York, NY.
PSC-24-16-00010-P	..... exempt	Establishment of reliability contingency plan(s) to address the potential closure of Indian Point Energy Center.	To address reliability needs associated with the potential closure of the Indian Point Energy Center.
PSC-25-16-00008-P	..... exempt	Consideration of the Avangrid Implementation Plan and audit recommendations.	To consider Avangrid's Implementation Plan.
PSC-25-16-00009-P	..... exempt	To delay Companies' third-party assessments of customer personally identifiable information until 2018.	To extend the time period between the Companies' third-party assessments of customer personally identifiable information.
PSC-25-16-00010-P	..... exempt	Consideration of Consolidated Edison Company of New York, Inc.'s Implementation Plan and audit recommendations.	To consider Consolidated Edison Company of New York, Inc.'s Implementation Plan.

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-25-16-00011-P	..... exempt	A petition for rehearing of the Order Authorizing Framework for Community Choice Aggregation Opt-out Program.	To determine appropriate rules for Community Choice Aggregation Programs.
PSC-25-16-00012-P	..... exempt	Consideration of NYISO's Western New York PPTN Viability and Sufficiency Assessment.	To identify whether NYISO should proceed to further evaluate solutions to a Western New York PPTN.
PSC-25-16-00013-P	..... exempt	Petition for reconsideration of the Order Authorizing Framework for Community Choice Aggregation Opt-out Program	To determine appropriate rules for Community Choice Aggregation Programs
PSC-25-16-00014-P	..... exempt	Consideration of the National Grid companies' Implementation Plan and audit recommendations.	To consider the National Grid companies' Implementation Plan.
PSC-25-16-00015-P	..... exempt	Consideration of the National Fuel Gas Distribution Corporation Implementation Plan and audit recommendations.	To consider National Fuel Gas Distribution Corporation's Implementation Plan.
PSC-25-16-00016-P	..... exempt	Consideration of the Orange and Rockland Utilities, Inc. Implementation Plan and audit recommendations.	To consider Orange and Rockland Utilities, Inc.'s Implementation Plan.
PSC-25-16-00017-P	..... exempt	Consideration of the Central Hudson Gas & Electric Corporation Implementation Plan and audit recommendations.	To consider Central Hudson Gas & Electric Corporation 's Implementation Plan.
PSC-25-16-00018-P	..... exempt	Proposed Community Choice Aggregation Data Security Agreement.	To ensure appropriate consumer protections in Community Choice Aggregation programs.
PSC-25-16-00019-P	..... exempt	Revision of customer service metrics.	To consider revisions to customer service metrics previously approved by the Commission.
PSC-25-16-00020-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of Gemini Residential, LLC to submeter electricity at 225 East 39th Street, New York, New York.
PSC-25-16-00021-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of 28th Highline Associates, LLC to submeter electricity at 520 West 28th Street, New York, NY.
PSC-25-16-00022-P	..... exempt	Transfer of ownership interests in Crestwood Pipeline East LLC.	Consideration of transfer of ownership interests in Crestwood Pipeline East LLC.
PSC-25-16-00023-P	..... exempt	Use of the Elster Solutions Energy Axis transponder.	To consider the use of the Elster Solutions Energy Axis transponder.
PSC-25-16-00024-P	..... exempt	Pole Attachment Rules.	To determine that the Commission's existing pole attachment rules apply to wireless providers.
PSC-25-16-00025-P	..... exempt	Acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.	To consider acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.
PSC-25-16-00026-P	..... exempt	Use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter, in residential fire service applications.	To consider the use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter in fire service applications.
PSC-25-16-00027-P	..... exempt	Use of the Badger Meter HR E LCD High Resolution E Series Encoder Register.	To consider the use of the Badger Meter HR E LCD High Resolution E Series Encoder Register.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-25-16-00028-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of 421 Kent Development LLC to submeter electricity at 60 South 8th Street, Brooklyn, New York.
PSC-25-16-00029-P	..... exempt	Use of the Orion Water Endpoints meter reading system.	To consider the use of the Orion Water Endpoints.
PSC-26-16-00019-P	..... exempt	Major water rate filing.	To consider a proposal to increase annual base rates by approximately \$11.6 million or 13.7%.
PSC-26-16-00020-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 23-01 42nd Street, Long Island City, New York.
PSC-26-16-00021-P	..... exempt	To extend the implementation date for its retail access program cash-out process.	To consider an extension for the implementation of the retail access program cash-out process.
PSC-27-16-00006-P	..... exempt	Continuation of the State Universal Service Fund.	To consider a proposal to continue the SUSF for an additional four years, through 12/31/20.
PSC-27-16-00007-P	..... exempt	The waiver of a Commission policy on test years in rate cases.	To consider the waiver of the Commission's 150 day requirement.
PSC-28-16-00013-P	..... exempt	Initial Tariff Schedule which includes rates, charges, rules and regulations for water service.	To consider the proposed Initial Tariff Schedule and initial rate for water service.
PSC-28-16-00014-P	..... exempt	Consideration of CECONY and O&R's Implementation Plan for 36 audit recommendations.	To consider CECONY and O&R's Implementation Plan.
PSC-28-16-00015-P	..... exempt	Major water rate filing.	To consider a proposal to increase revenues by approximately \$8.49 million or 8.3% and consolidate tariffs and rates.
PSC-28-16-00016-P	..... exempt	A petition for reconsideration of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework.	To determine appropriate rules for and calculation of the distributed generation reliability credit.
PSC-28-16-00017-P	..... exempt	A petition for rehearing of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework.	To determine appropriate rules for and calculation of the distributed generation reliability credit.
<b>ROCHESTER-GENESEE REGIONAL TRANSPORTATION AUTHORITY</b>			
RGT-04-16-00002-P	..... 01/26/17	Identifies prohibited conduct, consequences of prohibited conduct, and the available appeals process	To provide rules governing prohibited conduct to enhance the safety of the public using RGRTA's transportation services
<b>STATE, DEPARTMENT OF</b>			
*DOS-22-15-00017-RP	..... 08/31/16	Facility requirements for businesses which offer appearance enhancement services	Increase ventilation standards for businesses which offer appearance enhancement services
<b>STATE UNIVERSITY OF NEW YORK</b>			
SUN-28-16-00005-P	..... 07/13/17	State University of New York's Patents and Inventions Policy	Model best practices in the areas of innovation & technology transfer & comply with federal law re: intellectual property rights

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>TAXATION AND FINANCE, DEPARTMENT OF</b>			
TAF-21-16-00002-P	05/25/17	Computation of property percentage for personal income tax	To clarify that the property percentage includes rented tangible personal property in the apportionment factor
TAF-23-16-00003-P	exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith	To set the sales tax component and the composite rate per gallon for the period July 1, 2016 through September 30, 2016
<b>TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF</b>			
*TDA-22-15-00005-RP	08/31/16	Supplemental Nutrition Assistance Program	Update regulations for the Transitional Benefits Alternative program
TDA-46-15-00005-P	11/17/16	Storage of furniture and personal belongings	Provide clarification regarding allowances for the storage of furniture and personal belongings
TDA-06-16-00016-ERP	02/09/17	Emergency shelters	Emergency measures concerning shelters
TDA-19-16-00007-P	05/11/17	Supplemental Nutrition Assistance Program (SNAP)	Update State regulations concerning household cooperation with SNAP quality control reviews to reflect federal changes
TDA-21-16-00005-P	05/25/17	Income withholding of child or combined child and spousal support	Update State regulations to conform to federally-mandated changes to CPLR §§ 5241 and 5242 and SSL § 111-b
TDA-25-16-00002-EP	06/22/17	Emergency shelters	To address security measures and incident reporting in shelters for the homeless
<b>TRANSPORTATION, DEPARTMENT OF</b>			
TRN-47-15-00002-P	11/24/16	Various regulations addressing accident reporting, record retention, insurance, vehicle inspection and equipment identification	Updates to regulations addressing accident reporting, record retention, insurance, vehicle inspection, equipment identification
TRN-48-15-00005-P	12/01/16	Updates to various household goods provisions	Updates various household goods provisions
<b>TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY</b>			
TBA-08-16-00005-P	02/23/17	Proposal to strengthen toll violation enforcement on TBTA bridges and tunnels	To deter toll evasion
<b>WORKERS' COMPENSATION BOARD</b>			
WCB-45-15-00019-P	11/09/16	Stipulations	To streamline the process for parties to enter into stipulations in workers' compensation proceedings
WCB-45-15-00020-RP	11/09/16	Requests for Administrative Review	To clarify the process for requesting administrative review and full Board review including requests for reconsideration
WCB-45-15-00025-P	11/09/16	Medical Treatment Guideline variances	Permit the Chair to require submission of variance requests via an electronic medical portal
WCB-45-15-00026-P	11/09/16	Medical Authorizations	Permit the Chair to require submission of medical authorization requests via an electronic medical portal

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>WORKERS' COMPENSATION BOARD</b>			
WCB-45-15-00027-P	..... 11/09/16	Medical Treatment Guideline optional prior approval	Change the time to respond from business days to calendar days



# NOTICE OF AVAILABILITY OF STATE AND FEDERAL FUNDS

Environmental Facilities Corporation  
Division of Engineering & Program Management  
625 Broadway  
Albany, NY 12207-2997  
and  
Department of Health  
Bureau of Water Supply Protection  
Empire State Plaza  
Corning Tower Rm. 1135  
Albany, NY 12237

MUNICIPALITIES OF NEW YORK STATE; OWNERS/  
OPERATORS OF PUBLIC DRINKING WATER SYSTEMS; NOT-  
FOR-PROFIT LAND TRUST ORGANIZATIONS; NON-  
MUNICIPAL AND NOT-FOR-PROFIT NON-POINT SOURCE  
FACILITY OWNERS

## **Clean Water State Revolving Fund (CWSRF) for Water Pollution Control; Drinking Water State Revolving Fund (DWSRF)**

Draft Intended Use Plans (IUPs) for Federal Fiscal Year 2017

The New York State Environmental Facilities Corporation (EFC), the Department of Environmental Conservation (DEC) and the Department of Health (DOH) are pleased to announce the availability of the Draft Federal Fiscal Year (FFY) 2017 Intended Use Plans (IUP) for the Clean Water State Revolving Fund (CWSRF); and the Drinking Water State Revolving Fund (DWSRF). The CWSRF and DWSRF programs are available to municipalities and certain non-municipal entities in NYS to finance water quality and drinking water related projects.

EFC anticipates that it will be able to provide zero-percent interest rate or low-cost financing for \$503.3 million of project costs for the CWSRF during FFY 2017. This includes an estimated federal capitalization grant amount of \$100 million.

The DOH will receive an estimated \$45 million DWSRF federal capitalization grant of which a maximum of \$9 million may be made available for eligible hardship projects as additional subsidization as hardship grants. A specific breakdown of the DWSRF sources and uses is included in the Draft IUP.

The IUPs include lists of projects that could receive reduced-interest subsidized and market-rate financing between October 1, 2016 and September 30, 2017, the next IUP financing period. The interest rate for subsidized financings is reduced by 50% (CWSRF) or 33.3% (DWSRF) of the market rate for bonds. Please visit EFC's website at [www.efc.ny.gov](http://www.efc.ny.gov) for more information.

### ELIGIBLE PROJECTS:

CWSRF - Municipal water pollution control projects eligible for CWSRF reduced interest subsidized and market-rate financing under Section 212 of the Clean Water Act (CWA) include, but are not limited to: wastewater treatment facilities and conveyance systems; combined sewer overflow abatement facilities; stormwater pollution abatement; energy efficiency initiatives; system security measures; water conservation, reuse and recycling systems; and other municipally-owned projects or portions of projects that maintain, protect or improve water quality.

Municipal and non-municipal entities may apply for CWSRF assistance for non-point source projects that protect water quality under

CWA Section 319 or implement an approved National Estuary Plan under CWA Section 320. Projects eligible for CWSRF reduced interest subsidized and unsubsidized financing include, but are not limited to: green infrastructure; land acquisition or conservation easements for water quality protection, including wellhead protection; brownfield remediation; contaminated soil and storage tank remediation; water quality aspects of landfills such as landfill leachate collection, storage and treatment, landfill gas collection and control, and landfill capping; stormwater management facilities and equipment; wetland and waterbody restoration; highway deicing materials storage; deficient or failing decentralized septic systems; or other non-point source projects to maintain, protect or improve water quality under Section 319.

DWSRF - Drinking water systems eligible for DWSRF reduced interest subsidized and non-subsidized financing are: municipal and privately-owned community water systems and non-profit, non-community water systems. Municipally-owned water systems are also eligible for reduced interest unsubsidized financing. Projects eligible for DWSRF financing include: construction, rehabilitation, and upgrading of water treatment plants; transmission and distribution mains; storage facilities; pump stations; interconnections; rehabilitation or development of new drinking water sources; consolidation of water supply services; upgrades to existing water systems; energy efficiency initiatives; and capital investments to improve security of drinking water systems.

### INTENDED USE PLANS & PROJECT LISTING:

Eligible entities interested in financing one or more projects not listed in the Draft CWSRF IUP or Draft DWSRF IUP should submit the appropriate IUP project listing information as soon as possible but no later than Friday, September 2, 2016 as provided below. For assistance with the IUP listing process, please contact EFC.

For CWSRF projects, applicants must use the Project Listing and Update System (PLUS) available at <https://plus.efc.ny.gov/plus/>. The following information must be provided to EFC no later than Friday, September 2, 2016 for the project to appear on the Annual List of the Final CWSRF IUP: an approvable engineering report or technical report, an executed engineering agreement for planning services (if those services are expected to be financed with the project), and a Smart Growth Assessment Form.

For DWSRF projects, applicants must provide a DWSRF Listing Form and an engineering report or plans and specifications to the DOH by Friday, September 2, 2016, or have completed construction, to be included on the Annual List in the Final DWSRF IUP.

A notice regarding the availability of the Draft IUPs will be e-mailed to municipal applicants, system owners, financial advisors, consulting firms, and other interested parties. The Draft CWSRF and DWSRF IUPs will also be available on the EFC website at [www.efc.ny.gov](http://www.efc.ny.gov).

### PUBLIC MEETING & HEARING:

A joint public meeting and hearing to review the Draft 2017 CWSRF IUP and DWSRF IUP and to accept public comments on the IUPs will be held on Wednesday, August 24, 2016 at 3:00 PM in the Stedman Room of the William K. Sanford Town Library in the Town of Colonie, Albany County. The Library is located at 629 Albany Shaker Road, approximately 1/4 mile east of Exit 4 off I-87. Pre-registration is not required. The public hearing has been scheduled at a place reasonably accessible to persons with a mobility impairment.

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 EFC representative designated below.

**DUE DATE FOR COMMENTS:**

Written comments on the draft IUPs must be submitted by 5:00 p.m., September 2, 2016.

**CWSRF Program:**

Submit comments by: 5:00 p.m., Friday, September 2, 2016  
Submit comments to: Timothy P. Burns, P.E., Director  
Division of Engineering & Program Management  
Environmental Facilities Corporation  
625 Broadway  
Albany, NY 12207-2997  
FAX: (518) 402-6954  
E-mail: iupcomments@efc.ny.gov

**DWSRF Program:**

Submit comments by: 5:00 p.m., Friday, September 2, 2016  
Submit comments to: Michael Montysko, P.E.  
Design Section Chief  
Bureau of Water Supply Protection  
Department of Health  
Empire State Plaza  
Corning Tower Rm. 1135  
Albany, NY 12237  
FAX: (518) 402-7659  
E-mail: bpwsp@health.ny.gov  
(if sent by email put Draft IUP comment in the subject line)

**WEBINAR:**

EFC and DOH will host a webinar to review the Draft 2017 CWSRF and DWSRF IUPs on Wednesday, August 3, 2016 at 10:00 AM. This event will present an overview of the 2017 CWSRF and DWSRF IUPs, as well as an opportunity to answer questions. Log-on instructions for this webinar will be posted on EFC's website at [www.efc.ny.gov](http://www.efc.ny.gov).

**EFC & DOH CONTACTS:**

For assistance with the IUP listing process, or for information on these SRF programs, please contact:

CWSRF: Dwight Brown  
SRF Program Services Coordinator  
Division of Engineering & Program Management  
Environmental Facilities Corporation  
625 Broadway  
Albany, NY 12207-2997  
(518) 402-7396  
FAX: (518) 402-6954  
E-mail: dwight.brown@efc.ny.gov  
EFC website: [www.efc.ny.gov](http://www.efc.ny.gov)

DWSRF: Michael Montysko, P.E.,  
Chief of Design, Bureau of Water Supply Protection  
Department of Health  
Empire State Plaza

Corning Tower Rm. 1135  
Albany, NY 12237  
(800) 458-1158 ext. 27650 or (518) 402-7650  
FAX: (518) 402-7689  
E-mail: [mjm07@health.state.ny.us](mailto:mjm07@health.state.ny.us)



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

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

## NOTICE OF PUBLIC HEARING

Department of State

**SUBJECT:** Proposed Amendments to the State Application and Plan for the Community Services Block Grant (CSBG) Program for FFY 2016 and FFY 2017

**PURPOSE:** To obtain input regarding the Department of State's proposed amendments to the CSBG Application and Plan for Federal Fiscal Years 2016 and 2017

**Date:** Monday, August 8, 2016  
**Time:** 10:00 a.m.  
**Place:** One Commerce Plaza  
Conference Rm. 505  
Albany, NY

**Video Conference with:**  
123 William Street  
Conference Rm. 231  
New York, NY  
and  
65 Court St., Rm. 208  
Buffalo, NY

Federal CSBG funds are awarded to grantees in all counties of New York State. Community action agencies, community-based organization, and Indian tribes or tribal organizations received CSBG funds to provide advocacy, outreach, services and programs for economically disadvantaged persons in their local communities.

This hearing will focus on the New York State Department of State's proposed FFY 2017 amendments to the CSBG Application and Plan for federal fiscal years 2016 and 2017. Pursuant to 42 U.S.C.

§ 9908, the Department of State Division of Community Services holding this public hearing on the draft CSBG Plan amendments for 2017. The CSBG Plan delineates the manner in which funds will be expended and how the State will meet the federal CSBG program requirements during the applicable time period covered by the Plan. The amendments represent federally required updates to the approved two-year Plan based on data collected during year one of the Plan. The proposed amendments to the Plan may be obtained from the Department of State website at <http://www.dos.ny.gov/dcs/documents.htm> or by contacting: Veronica Cruz, PhD, LMSW, Director, Department of State, Division of Community Services, One Commerce Plaza, 99 Washington Ave., Suite 1020, Albany, NY 12231-0001, (518) 474-5741, Fax: (518) 486-4663

Persons wishing to present testimony at the public hearing on the proposed amendments to the Plan are requested to complete the Public Hearing Reply Form (available at <http://www.dos.ny.gov/dcs/documents.htm>) and mail or fax it to the above address or provide it by e-mail to [dos.sm.dcs@dos.ny.gov](mailto:dos.sm.dcs@dos.ny.gov) on or before to August 4, 2016. Written comments on the proposed amendments to the Plan may be submitted until the close of business on August 12, 2016.

Oral testimony will be limited to 10 minutes. In preparing the order of witnesses, the DOS will attempt to accommodate individual requests to speak at particular times in view of special circumstances. These requests should be made on the attached reply form or communicated to DOS staff as early as possible. In the absence of a request, witnesses will be scheduled in the order in which reply forms are postmarked. Five copies of any prepared testimony should be submitted at the hearing registration desk. DOS would appreciate advance receipt of prepared statements.

### PUBLIC HEARING REPLY FORM

Persons wishing to present testimony at the public hearing regarding the Department of State's proposed amendments to the CSBG Application and Plan for Federal Fiscal Years 2016 and 2017 are requested to complete this reply form and submit it by August 4, 2016 to: Veronica Cruz, PhD, LMSW, Director, Department of State, Division of Community Services, One Commerce Plaza, 99 Washington Ave., Suite 1020, Albany, NY 12231-0001, (518) 474-5741, Fax: (518) 486-4663

I will attend the public hearing regarding the proposed amendments to the CSBG Application and Plan for Federal Fiscal Years 2016 and 2017 to be conducted by the Department of State on August 8, 2016.

- In Albany at One Commerce Plaza, Room 505
- In NYC at 123 William Street, Room 231
- In Buffalo at 65 Court Street, Room 208

I will make a public statement at the hearing. My statement will be limited to 10 minutes, and I will answer any questions which may arise concerning my statement. I will provide 5 copies of my prepared statement prior to presenting it.

- I will address my remarks to the following subjects:

\_\_\_\_\_

\_\_\_\_\_

I do not plan to attend the above hearing, but do plan to submit written comments prior to the close of business on August 12, 2016.

I will require assistance and/or handicapped accessibility information.

Please specify the type of assistance required:

**PUBLIC NOTICE**  
Office of General Services

Pursuant to Section 33 of the Public Lands Law, the Office of General Services hereby gives notice to the following:

Notice is hereby given that the Office of People with Developmental Disabilities has determined all that certain piece or parcel of land as 165 State Farm Road, Newark, New York, located in the Towns of Arcadia and Phelps, Counties of Wayne and Ontario respectively. The property consists of a 1,500± square foot 1.5 story farmhouse style dwelling, situated on 106± acres, with a 12,600 square foot horse barn and riding arena. The property is identified on County Tax Maps as 69.109-0000-426.894 (Town of Arcadia) and 24.00-1-54.00 (Town of Phelps), as surplus and no longer useful or necessary for state program purposes, and has abandoned the property to the Commissioner of General Services for sale or other disposition as unappropriated State land. This abandonment was approved June 20, 2016.

*For further information, please contact:* Thomas Pohl, Esq., Office of General Services, Legal Services, 41st Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, (518) 474-8831 phone, (518) 473-4973 fax

**PUBLIC NOTICE**  
Department of Health

The New York State Department of Health is submitting a request to the Federal Centers for Medicare and Medicaid Services (CMS) to authorize, under the Medicaid Redesign Team (MRT) 1115 Waiver, an expanded benefit package of limited services beyond inpatient hospitalization to incarcerated individuals with suspended Medicaid coverage during the 30 days prior to release.

Specifically, the proposed 1115 Medicaid waiver would authorize Federal Medicaid matching funds for certain transitional services provided in a 30-day period immediately prior to release to certain incarcerated individuals. These individuals would be those with serious behavioral and physical health conditions who are eligible for Health Homes under the Affordable Care Act § 2703.

The specific requested services under consideration are:

- Certain medications
- Health Home care management services
- Limited clinical services

*Additional information concerning the waiver request can be obtained by writing to:* Department of Health, Office of Health Insurance Programs, Waiver Management Unit, 99 Washington Ave., 12th Fl., Suite 1208, Albany, NY 12210, or by email: 1115waivers@health.ny.gov

Written comments concerning the amendment will be accepted at the above address for a period of thirty (30) days from the date of this notice.

**PUBLIC NOTICE**  
Department of State  
Division of Community Services  
Notice of Public Written Comment Period

**SUBJECT:** Public comment period for the submission of written comments on the draft 2017 amendments to New York State Community Services Block Grant (CSBG) Application and Plan for Federal Fiscal Years 2016 and 2017.

**PURPOSE:** To obtain written comments regarding New York State's draft 2017 amendments to its CSBG Application and Plan for Federal Fiscal Years 2016 and 2017.

Federal Community Services Block Grant (CSBG) funds are awarded to grantees in all counties of New York State. Community action agencies, community-based organization, and Indian tribes or tribal organizations received CSBG funds to provide advocacy,

outreach, services and programs for economically disadvantaged persons in their local communities.

Pursuant to 42 U.S.C. § 9908, the Department of State Division of Community Services is accepting written comments on the draft CSBG Plan amendments for 2017. The CSBG Plan delineates the manner in which funds will be expended and how the State will meet the federal CSBG program requirements. The amendments represent federally required updates to the approved two-year Plan based on data collected during year one of the Plan.

Copies of the Department of State's draft amendments to the CSBG Plan may be obtained from the Department of State website at <http://www.dos.ny.gov/dcs/documents.htm> or by contacting: Department of State, Division of Community Services, One Commerce Plaza, 99 Washington Ave., Suite 1020, Albany, NY 12231-0001, (518) 474-5741.

Persons wishing to submit written comments on the draft amendments to the CSBG Plan must submit such comments by mail to the above address or by email to [dos.sm.DCS@dos.ny.gov](mailto:dos.sm.DCS@dos.ny.gov). Written comments on the draft CSBG Plan will be accepted until the close of business on August 12, 2016.

**PUBLIC NOTICE**  
Susquehanna River Basin Commission

**SUMMARY:** As part of its regular business meeting held on June 16, 2016, in Lancaster, Pennsylvania, the Commission took the following actions: 1) approved or tabled the applications of certain water resources projects; 2) accepted a settlement in lieu of penalty from New Enterprise Stone & Lime Co., Inc.; and 3) took additional actions, as set forth in the Supplementary Information below.

**DATES:** June 16, 2016.

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

**FOR FURTHER INFORMATION CONTACT:** Jason E. Oyler, General Counsel, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436; e-mail: [joyler@srbc.net](mailto:joyler@srbc.net). Regular mail inquiries may be sent to the above address. See also Commission website at [www.srbc.net](http://www.srbc.net).

**SUPPLEMENTARY INFORMATION:** In addition to the actions taken on projects identified in the summary above and the listings below, the following items were also presented or acted upon at the business meeting: 1) election of the member from the State of Maryland as Chair of the Commission and the member from the Federal Government as the Vice Chair of the Commission for the period of July 1, 2016, to June 30, 2017; 2) adoption of the FY2017-2018 Water Resources Program; 3) adoption of amendment of the Comprehensive Plan for the Water Resources of the Susquehanna River Basin; 4) adoption of FY2017 Regulatory Program Fee Schedule, effective July 1, 2016; 5) adoption of a preliminary FY2018 budget for the period July 1, 2017, to June 30, 2018; 6) adoption of the Policy for Sustainable Water Resources Fund; 7) adoption of the Guidelines for Terminating Review of a Project Application; 8) adoption of the Guidelines for Expiring Project Approvals; 9) approval/ratification of an agreement, purchase of information technology equipment, and several contracts; and 10) a report on delegated settlements with the following project sponsors, pursuant to SRBC Resolution 2014-15: Vestal Hills Hospitality, in the amount of \$2,000; SWN Production Company LLC, in the amount of \$7,000; Inflection Energy (PA), LLC, in the amount of \$3,000; and Cedar Rock Materials Corp./Bower Quarry, in the amount of \$3,000.

**Compliance Matter:**

The Commission approved a settlement in lieu of civil penalty for the following project:

1. New Enterprise Stone & Lime Co., Inc., Valley Quarries, Inc. – Shippensburg Quarry, Shippensburg Borough, Cumberland County, Pa. - \$30,000.

**Project Applications Approved:**

The Commission approved the following project applications:

1. Project Sponsor and Facility: Black Bear Waters, LLC (Lycom-

ing Creek), Lewis Township, Lycoming County, Pa. Renewal of surface water withdrawal of up to 0.900 mgd (peak day) (Docket No. 20120303).

2. Project Sponsor and Facility: Blossburg Municipal Authority, Bloss Township, Tioga County, Pa. Renewal of groundwater withdrawal of up to 0.288 mgd (30-day average) from Route 15 Well (Docket No. 20120304).

3. Project Sponsor and Facility: Cabot Oil & Gas Corporation (Martins Creek), Harford Township, Susquehanna County, Pa. Surface water withdrawal of up to 0.500 mgd (peak day).

4. Project Sponsor and Facility: Todd and Gemma Campbell (Susquehanna River), Athens Township, Bradford County, Pa. Renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20120609).

5. Project Sponsor and Facility: Mount Joy Borough Authority, East Donegal Township, Lancaster County, Pa. Modification to increase withdrawal limit from Well 1 by an additional 0.073 mgd (30-day average), for a total Well 1 withdrawal limit of 1.300 mgd (30-day average) (Docket No. 20110617).

6. Project Sponsor: New Enterprise Stone & Lime Co., Inc. Project Facility: Burkholder Quarry, Earl Township, Lancaster County, Pa. Groundwater withdrawal of up to 0.005 mgd (30-day average) from Sump 4.

7. Project Sponsor: New Enterprise Stone & Lime Co., Inc. Project Facility: Burkholder Quarry, Earl and Ephrata Townships, Lancaster County, Pa. Modification to increase consumptive water use by an additional 0.07 mgd (peak day), for a total consumptive water use of up to 0.220 mgd (peak day) and to add an additional new source (Sump 4) (Docket No. 20040307).

8. Project Sponsor and Facility: Renovo Energy Center LLC (West Branch Susquehanna River), Renovo Borough, Clinton County, Pa. Surface water withdrawal of up to 0.612 mgd (peak day).

9. Project Sponsor and Facility: Renovo Energy Center LLC, Renovo Borough, Clinton County, Pa. Consumptive water use of up to 0.217 mgd (peak day).

10. Project Sponsor: SUEZ Water Pennsylvania Inc. Project Facility: Newberry System, Newberry Township, York County, Pa. Groundwater withdrawal of up to 0.108 mgd (30-day average) from the Coppersmith Well.

11. Project Sponsor: SUEZ Water Pennsylvania Inc. Project Facility: Newberry System, Newberry Township, York County, Pa. Groundwater withdrawal of up to 0.200 mgd (30-day average) from Conley 1 Well.

12. Project Sponsor and Facility: Sugar Hollow Trout Park and Hatchery, Eaton Township, Wyoming County, Pa. Renewal of groundwater withdrawal of up to 0.864 mgd (30-day average) from Wells 1, 2, and 3 (the Hatchery Wellfield) (Docket No. 20100913).

13. Project Sponsor and Facility: Tioga Downs Racetrack, LLC, Town of Nichols, Tioga County, N.Y. Groundwater withdrawal of up to 0.099 mgd (30-day average) from the Racetrack Well.

14. Project Sponsor and Facility: Tioga Downs Racetrack, LLC, Town of Nichols, Tioga County, N.Y. Consumptive water use of up to 0.099 mgd (peak day).

Project Applications Tabled:

The Commission tabled action on the following project applications:

1. Project Sponsor and Facility: Elizabethtown Area Water Authority, Elizabethtown Borough, Lancaster County, Pa. Application for groundwater withdrawal of up to 0.201 mgd (30-day average) from Well 1.

2. Project Sponsor and Facility: Elizabethtown Area Water Authority, Elizabethtown Borough, Lancaster County, Pa. Application for groundwater withdrawal of up to 0.106 mgd (30-day average) from Well 3.

3. Project Sponsor and Facility: Elizabethtown Area Water Authority, Elizabethtown Borough, Lancaster County, Pa. Application for groundwater withdrawal of up to 0.130 mgd (30-day average) from Well 4.

4. Project Sponsor and Facility: Elizabethtown Area Water Author-

ity, Mount Joy Township, Lancaster County, Pa. Application for groundwater withdrawal of up to 0.187 mgd (30-day average) from Well 8.

5. Project Sponsor and Facility: Elizabethtown Area Water Authority, Mount Joy Township, Lancaster County, Pa. Application for groundwater withdrawal of up to 0.216 mgd (30-day average) from Well 9.

6. Project Sponsor: Exelon Generation Company, LLC. Project Facility: Muddy Run Pumped Storage Project, Drumore and Martic Townships, Lancaster County, Pa. Application for an existing hydroelectric facility.

7. Project Sponsor and Facility: Manbel Devco I, LP, Manheim Township, Lancaster County, Pa. Application for groundwater withdrawal of up to 4.320 mgd (30-day average) from the Belmont Quarry.

Project Application Withdrawn by Project Sponsor:

The following project sponsor withdrew its project application:

1. Project Sponsor and Facility: EQT Production Company (Pine Creek), Porter Township, Lycoming County, Pa. Application for surface water withdrawal of up to 1.000 mgd (peak day).

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

Dated: June 24, 2016.

Stephanie L. Richardson,

Secretary to the Commission.

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 Tollisen, Building Standards And Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2016-0019 Matter of Richard Manfredi, 240 Sunset Path, Southold, NY 11971 for an appeal and or variances concerning safety requirements, including sprinkler requirements.

Involved is an existing dwelling, located at 240 Sunset Path, Town of Southold, Suffolk County, State of New York.

2016-0098 Matter of: Rivers @ Mohawk Harbor, 301 Nott Street, Schenectady, N.Y. Attn: Raymond A Grill, PE of Ove Arup & Partners, 1120 Connecticut Ave., NW, Suite 1110, Washington, DC 20036. The proposed Type 1B construction Casino building will contain 155,000 sq. ft. The petitioner requests a variance to allow a mezzanine floor that is less than 20' below a roof that has no fire resistance rating, as per Table 601, footnote C of the Building Code of New York State, City of Schenectady, State of New York.

2016-0121 Matter of Uriel Castro, 33 Tennessee Avenue, Hempstead, NY 11550 for an appeal and or variances concerning safety requirements, including minimum ceiling heights.

Involved is an existing dwelling, located at 33 Tennessee Avenue, Incorporated Village of Hempstead, Nassau County, State of New York.

2016-0143 The Matter of Matthew McCloskey, President of Promontory Capital, 18 Locust Street, Albany, NY. The petitioner requests a variance for a home located at 326 Western Ave. Albany, NY to allow an existing Boiler Room to remain without a fire separation as required by the Multiple Residence Law.

2016-0150 Matter of Glebe Street Elementary School, 502 Glebe Street, Johnstown, N.Y. Attn: Paul Nickerson, CSARCH, 40 Beaver Street, Albany, NY. The petitioner requests a variance to allow additions and alterations to an existing Elementary school without provid-

ing a Fire Sprinkler System as required by Chapter 9, Section 903.2.2, of the Building Code of New York State.

2016-0173 Matter of Zackery Weakley, 3028 Granville Ave. Schenectady, NY. The petitioner requests a variance for his home located at 1101 Union Street, Schenectady, NY to allow an existing Boiler Room to remain without a fire separation as required by the Multiple Residence Law.

2016-0196 Matter of Johnstown Senior High School, One Sir Bill Circle, Johnstown, N.Y. Attn: Paul Nickerson, CSARCH, 40 Beaver Street, Albany, NY. The petitioner requests a variance to allow additions and alterations to an existing Elementary school without providing a Fire Sprinkler System as required by Chapter 9, Section 903.2.2, of the Building Code of New York State.

2016-0218 Matter of SOLBERG, 54 S. UNION STREET, ROCHESTER, NY 14607, for a variance concerning safety requirements, including separate facilities for plumbing fixtures in a building located at 755 Library road, City of Rochester, County of Monroe, State of New York.