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NEW YORK STATE REGISTER

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Notice of Availability of State and Federal Funds

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; and for 30 days after publication of a Notice of Revised Rule Making, or a Notice of Emergency Adoption and Revised Rule Making in the *Register*. When a public hearing is required by statute, the hearing cannot be held until 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 45-day period expires on September 16, 2017
– the 30-day period expires on September 1, 2017

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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) may send public comment via electronic mail to those recipients who provide an e-mail address in Notices of Proposed Rule Making. This includes Proposed, Emergency Proposed, Revised Proposed and Emergency Revised Proposed rule makings.

To be considered, comments should reach the agency before expiration of the public comment period. The law provides for a minimum 45-day public comment period after publication in the *Register* of every Notice of Proposed Rule Making, and a 30-day public comment period for every Notice of Revised Rule Making. If a public hearing is required by statute, public comments are accepted for at least five days after the last such hearing. Agencies are also required to specify in each notice the last date on which they will accept public comment.

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

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

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

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

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

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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.

Division of Criminal Justice Services

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Handling of Ignition Interlock Cases Involving Certain Criminal Offenders

I.D. No. CJS-31-17-00004-P

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

Proposed Action: Amendment of sections 358.1-358.3, 358.4(a), (c), (d) and 358.5-358.8; and addition of section 358.10 to Title 9 NYCRR.

Statutory authority: L. 2009, ch. 486; specifically Vehicle and Traffic Law, sections 1193(1)(g) and 1198(5)(a)

Subject: Handling of Ignition Interlock Cases Involving Certain Criminal Offenders.

Purpose: To promote public/traffic safety, offender accountability and quality assurance through the establishment of minimum standards.

Substance of proposed rule (Full text is posted at the following State website:http://www.criminaljustice.ny.gov/): These proposed amendments make substantive and technical changes to the Division of Criminal Justice Services rule, entitled "Handling of Ignition Interlock Cases Involving Certain Criminal Offenders". Overall, it updates, clarifies, and strengthens regulatory provisions to better enhance public/traffic safety, achieve greater offender accountability, and guarantee quality assurance with respect to Ignition Interlock Device (IID) program service delivery.

Rule Sections 358.1 and 358.2 are amended to update the objectives and applicability regulatory language to reflect recent statutory changes.

Rule Section 358.3 governing definitions, is amended to refine and/or reinforce certain definitional terms. Two new definitions of "Emergency Notification Program" and "real time reporting" are also added to reflect new programmatic features which are now operational.

Several proposed amendments are made to Rule Section 358.4 governing Ignition Interlock Program Plans. Plan content is updated to incorporate recent statutory changes as to imposition of IIDs in advance of sentencing and to better ensure that plans reflect handling of interim probation supervision cases. Additional proposed language will facilitate timely notification procedures to monitors where a court approves reduction in a breath sample in accordance with new regulatory provisions.

Rule Section 358.5, governing the Approval Process and Responsibilities of Qualified Manufacturers, is amended with respect to application procedures, including but not limited to, updating outdated language, and establishing parameters surrounding open application process and contractual term to promote consistency. Other proposed changes are sought to achieve greater offender and service delivery accountability. For example, new reporting language is proposed with respect to test results to better guarantee serious failed tests by operators are timely reported. Other changes strengthen provisions to establish timely DCJS notification of significant operational service delivery problems. Significantly, a new regulatory provision establishes a mechanism consistent with National Highway Traffic Safety Administration standards which will permit court authorization of a reduced breath sample for certain operators with certain health issues which prevent them from regular operational usage of the IID.

Rule Section 358.6 governing cancellation, suspension, and revocation of qualified manufacturers, installation and service providers and IIDs, is modified to clarify that verbal and/or written notification or communication of disapproval, suspension in whole or in part, of revocation or cancellation of a manufacturer's device, services, and/or operations by another state or jurisdiction, may result in revocation of a certified IID or suspension or removal of a qualified manufacturer or installation/service provider in New York State.

Proposed changes to Rule Section 358.7 governing monitoring and Rule Section 358.8 governing installation and costs, would update these regulatory provisions to reflect recent statutory changes and reference interim probation supervision. Additionally, Rule Section 358.7 sets forth revised intrastate and interstate monitoring procedures to establish that for intrastate conditional discharge cases, the sentencing county monitor shall contact the monitor in the county of residence to determine the class of IID available and the sentencing county monitor shall perform monitor services. Further where there is an Emergency Notification Program, the monitor shall notify the IID Manufacturer so that the designated law enforcement agency within the county of residence shall receive all applicable communications/notifications. Further, where an IID is to be imposed in advance of sentencing, the monitor in the county of residence is to be similarly contacted by the monitor in the county where the court orders installation to determine the specific class and features of the IID available and an identical procedure will be required for Emergency Notification Programming in the county of residence. With respect to interstate transfer, regulatory language is streamlined.

Among proposed regulatory changes are the following:

- Reflects the imposition and monitoring of IIDs installed in conjunction with interim probation supervision and in cases prior to sentencing pursuant to a court order.
- Clarifies that the period of IID restriction will commence from the earlier of the date of sentencing, or the date of installation in advance of sentencing and that a court may not authorize the operation of a motor vehicle by any individual whose license or privilege to operate a motor vehicle has been revoked.
- Establishes that monitors select the class and features of IIDs available from an available manufacturer in the region where an operator resides.
- Requires that the applicable monitor coordinate monitoring with the NYS Department of Corrections and Community Supervision (DOCCS) where the operator is under DOCCS supervision and promptly provide such agency with reports of any failed tasks or failed reports.

• Requires a court authorization for a reduction in breath sample to be consistent with NHTSA requirements and that every county plan establishes a procedure whereby the probation department and any other monitor be notified no later than five (5) business days from any such court approval.

• Requires all jurisdictions to submit an IID plan reflective of all operators who may be subject to IID installation and maintenance with monitoring ordered by a court in advance of sentencing or at sentencing, and to make modifications or updates, as required by DCJS. DCJS has required since 2014 that plans have procedures in this area and to amend plans to be consistent with law and regulatory provisions.

• Clarifies recent statutory changes to better ensure that youth adjudicated as Youthful Offenders of DWI and/or other alcohol related offenses are subject to IID installation and related compliance provisions.

• Clarifies recent statutory change that affected operators provide proof of installation compliance with the IID requirement to the court and the applicable monitor where such person is under probation or conditional discharge supervision.

• Requires that manufacturers:

o Provide documentation and verification of their respective Standby Letter of Credit (SLOC) as specified in the manufacturer's contract with New York State;

o The SLOC was previously incorporated in DCJS 2013 contracts with manufacturers.

o Adhere to any county plan real time reporting and emergency notification program requirements.

o Provide immediate written notice to DCJS and the DOH whenever their IID devices, services, and/or operations has been compromised or does not function as intended in NYS or any other state or jurisdiction or disapproved or suspended in whole or in part, revoked or otherwise cancelled by another state or jurisdiction or has received notice or communication from another state or jurisdiction that any such actions are imminent.

Additionally, as existing DOH regulations require prior approval with respect to any operational modification of IIDs, new regulatory language reiterates this requirement and for any manufacturer to provide necessary documentation to DOH and that any such manufacturer notify DCJS of any intent to do so and provide a written summary of any requested or approved modification.

Lastly, a new Section 358.10 is added which incorporates by reference the National Highway Traffic Safety Administration's Standards governing Model Specifications for Breath Alcohol Ignition Interlock Devices and cites where these may be found.

Text of proposed rule and any required statements and analyses may be obtained from: Linda J. Valenti, DCJS Assistant Counsel, NYS DIvision of Criminal Justice Services, Alfred E. Smith Office Building, Room 832, 80 South Swan Street, Albany, NY 12210, (518) 457-8413, email: linda.valenti@dcjs.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 496 of the Laws of 2009, commonly referred to as Leandra's Law was a groundbreaking measure which strengthened various laws specifically relative to driving while intoxicated (DWI) or while impaired by drugs. The purpose of the law was to achieve greater offender accountability, promote public safety, combat and deter drunk driving, and better safeguard the welfare of child passengers. Among its provisions were requirements of rulemaking to the former Division of Probation and Correctional Alternatives, which was merged in 2010 with the Division of Criminal Justice Services (DCJS). Specifically, pursuant to Vehicle and Traffic Law (VTL) § 1193(1)(g) DCJS is responsible for promulgating regulations governing the monitoring of compliance by persons ordered to install and maintain ignition interlock devices to provide standards for monitoring by probation departments, and options for monitoring of compliance by such persons, that counties may adopt as an alternative to monitoring by a probation department. Further, VTL § 1198(5)(a) establishes that in the event of a court waiving the cost of any operator subject to the Leandra's Law requirement of installation and maintenance of an ignition interlock device (IID), "the cost of the device shall be borne in accordance with regulations issued [by DCJS] …or pursuant to such other agreement as may be entered into for provision of the device."

2. Legislative objectives:

The proposed rule amendments serves both the Governor's and the Legislature's underlying objective of "Leandra's Law" and its subsequent amendment, Chapter 169 of the Laws of 2013, to further strengthen DWI laws and penalties through statewide implementation of IID conditions so as to better enhance public/traffic safety, achieve greater offender accountability, and guarantee quality assurance through the establishment of minimum standards for the usage and monitoring of IIDs following a conviction of or adjudication as a Youthful Offender arising from a violation of VTL § 1192(2), (2-a), (3) or any crime defined by the VTL or Penal Law of which an alcohol-related violation of any provision of § 1192 is an essential element, or where ordered by a court in advance of sentence following an individual's arrest for one of the specified offenses.

3. Needs and benefits:

Rule amendments are necessary to reflect Chapter 169 of the Laws of 2013, as well as to incorporate particular changes of the revised National Highway Traffic Safety Administration (NHTSA) specifications for IIDs, and achieve certain operational refinements deemed appropriate following programmatic experience.

The proposed regulatory changes are beneficial to better safeguard the public, optimize traffic safety, and to promote greater offender and service delivery accountability.

4. Costs:

a. DCJS does not anticipate that proposed rule revisions will result in any additional costs to local government. The proposed regulatory changes continue to allow each jurisdiction with the flexibility to choose one or more persons or entities responsible for monitoring conditional discharge cases where a defendant has been required to install and maintain a functioning IID in any vehicle which they own or operate and affords the same flexibility as to cases involving individuals who agree or are ordered to install and maintain an IID in advance of sentencing. Since 2010, DCJS has annually applied for and received grant funding from the NYS Governor's Traffic Safety Committee (GTSC) in NHTSA monies to help offset local government costs in performing monitoring services. Currently, monies are distributed to the localities pursuant to a formula based on recent statistics of DWI conviction rates. DCJS is unaware of any local government concerns with this formula. DCJS has recently received approval of approximately 1.2 million dollars for Federal fiscal year 2018, similar to the prior Federal fiscal year award.

The revised regulation is not expected to result in any additional costs to two of the three qualified manufacturers, nor to their installation/service providers. One manufacturer, CST/Intoxalock, may have additional expenses as well as additional income as a result of operators having to visit their installation/service providers rather than the past practice of mailing in the handsets without service visits. This practice prevented monthly inspection of the IID installation and the opportunity for technicians to detect any attempted tampering or circumvention by the operator, allowing for a potential public safety risk.

In accordance with existing regulations, all manufacturers applied for undertaking IID service delivery in conformity with NYS statutory and regulatory provisions. DCJS has contracts with all manufacturers as to operational performance and approve their maximum fee/charge schedule which takes into account a 10% fee waiver cost.

Existing statutory and regulatory provisions govern IID costs. Amendments do not change provisions in this area. Statutorily, where a court, determines financial "unaffordability", it may impose a payment plan or waive the fee. Where waived, jurisdictions have established a procedure whereby costs are proportionately borne among manufacturers utilized at the local level.

b. Through grant funding received from GTSC, DCJS employs a full-time Community Correction Representative 2 assigned to the IID program. DCJS as noted earlier has received a GTSC award of NHTSA monies to help offset monitor costs of local government incurred. DCJS does not anticipate additional state and/or local costs from proposed revisions.

5. Local government mandates:

The existing rule established that every jurisdiction must submit for DCJS approval an ignition interlock plan for monitoring the use of IIDs. This revised rule states that a county may submit an amended plan on its own initiative; and that DCJS may require modifications or updates as it deems necessary to be consistent with law or regulatory provisions. In 2014, DCJS requested that localities submit amended IID Plans to reflect any changes which may have occurred since the filing of the original plans, including those resulting from aforementioned Chapter 169. The County Plan content is straightforward, simple, and largely prescriptive to ease any burden on localities. Monitoring functions associated with IID operators are statutorily required. DCJS' rule and proposed amendments have been carefully streamlined to afford considerable flexibility, yet require swift and certain court and district attorney notification as to certain failed tasks and failed tests. Additionally, it places specific responsibilities upon qualified manufacturers, installation/service providers, as well as operators to provide timely information and/or reports to monitors so as to assist them in managing their caseload.

6. Paperwork:

As noted above, this revised rule clarifies that jurisdictions may submit an amended County IID Plan on its own initiative; and that DCJS may require modifications or updates as it deems necessary to be consistent

with law or regulatory provisions. As part of receiving Federal award monies, DCJS requires and jurisdictions agree to have their monitors provide quarterly statistical information regarding IID program operations to DCJS. These statistical reports can be automatically generated by probation departments which use the Caseload Explorer system; 55 are using the Caseload Explorer System at this time and template reporting forms are available for the remaining monitors.

IID Manufacturers wishing to conduct business in NYS are required to apply to DCJS through a standardized application format. Currently three manufacturers have contracts with DCJS. DCJS recently issued a Request for Applications seeking additional interested manufacturers and/or distributors and is in the process of contracting with another company which has received necessary certification from the Department of Health and agrees to adhere to regulatory and contractual requirements. Other data reporting requirements imposed upon qualified manufacturers and installation/service providers are routine business activities and essential to offender accountability and community safety. DCJS, in conjunction with the Department of Motor Vehicles and Office of Court Administration, and other partners, has developed approximately fifteen (15) reporting forms to facilitate exchange of information and promote consistency, which greatly benefit all jurisdictions in program implementation and compliance. The Financial Disclosure Report is available in both English and Spanish.

7. Duplication:

While DOH certifies IIDs, this revision does not duplicate any other existing State or Federal requirements.

8. Alternatives:

This proposal takes into account changes in law, and NHTSA standards, and certain other refinements which can only be accomplished through revising the existing regulation. In developing the proposal, DCJS considered feedback provided by the localities, qualified manufacturers, and other state and local entities. Additionally DCJS distributed an earlier rule proposal and made additional revisions based on feedback received from stakeholders to address certain operational issues raised. This proposal was discussed with and received support from the Probation Commission at its meeting in April 2017. Overall, DCJS received positive support as to proposed regulatory changes.

9. Federal standards:

There are no federal standards governing the monitoring of offenders ordered to use an IID Notably, NHTSA published final updated Model Specifications for Breath Alcohol IIDs and this rule requires that any IID used meets these revised Specifications. As NYS law requires monitoring and DOH regulations require manufacturers with DOH approved certified IIDs satisfy DCJS regulations, it is necessary that DCJS' rule and proposed amendments be more comprehensive than Federal specifications, which are guidelines for the performance and uniform testing of IIDs.

10. Compliance schedule:

In light of DCJS previously disseminating proposed regulatory changes to all affected parties, positive feedback received, and that revisions are not substantial in nature, DCJS anticipates a 60 day maximum time from adoption to rule amendments becoming effective.

Regulatory Flexibility Analysis

1. Effect of rule:

These proposed regulatory amendments affect every county and the city of New York, qualified ignition interlock manufacturers doing business in New York State (NYS), their approved installation/service providers. There are three (3) approved Ignition Interlock Device (IID) manufacturers which also have contracts with the Division of Criminal Justice Services (DCJS) to provide services throughout NYS. DCJS recently issued a Request for Applications seeking additional interested manufacturers and/or distributors and is in the process of contracting with one additional company which has received certification of their IIDs by the Department of Health (DOH), and agrees to adhere to applicable regulatory and contractual requirements. There are approximately 250 approved installation/service providers in NYS.

2. Compliance requirements:

The existing rule implemented Chapter 469 of the Laws of 2009, commonly referred to as "Leandra's Law", provides for the monitoring of the use of court-ordered IIDs ordered upon defendants sentenced for a DWI misdemeanor or felony. It also established various reporting, recordkeeping, and other compliance requirements. The proposed regulatory amendments, (i) make minor modifications to incorporate certain statutory changes resulting from enactment of Chapter 169 of the Laws of 2013, (ii) establishes parameters with respect to reduced breath samples for certain operators and testing requirements consistent with revised National Highway Traffic Safety Administration (NHTSA) Breath Alcohol IID Model Specifications, (iii) makes limited revisions to improve program integrity and operational acceptability based on the experience of the field since implementation of the original rule, and (iv) addresses service delivery and individual accountability issues which have arisen. Among proposed regulatory changes are the following:

- Reflects the imposition and monitoring of IIDs installed in conjunction with interim probation supervision and in cases prior to sentencing pursuant to a court order.
- Clarifies that the period of IID restriction will commence from the earlier of the date of sentencing, or the date of installation in advance of sentencing and that a court may not authorize the operation of a motor vehicle by any individual whose license or privilege to operate a motor vehicle has been revoked.
- Establishes that monitors select the class and features of IIDs available from an available manufacturer in the region where an operator resides.
- Requires that the applicable monitor coordinate monitoring with the NYS Department of Corrections and Community Supervision (DOCCS) where the operator is under DOCCS supervision and promptly provide such agency with reports of any failed tasks or failed reports.
- Requires a court authorization for a reduction in breath sample to be consistent with NHTSA requirements and that every county plan establishes a procedure whereby the probation department and any other monitor be notified no later than five (5) business days from any such court approval.
- Requires all jurisdictions to submit an IID plan reflective of all operators who may be subject to IID installation and maintenance with monitoring ordered by a court in advance of sentencing or at sentencing, and to make modifications or updates, as required by DCJS. DCJS has required since 2014 that plans have procedures in this area and to amend plans to be consistent with law and regulatory provisions.
- Clarifies recent statutory changes to better ensure that youth adjudicated as Youthful Offenders of DWI and/or other alcohol related offenses are subject to IID installation and related compliance provisions.
- Clarifies recent statutory change that affected operators provide proof of installation compliance with the IID requirement to the court and the applicable monitor where such person is under probation or conditional discharge supervision.
- Requires manufacturers:

o Provide documentation and verification of their respective Standby Letter of Credit (SLOC) as specified in the manufacturer's contract with New York State;

o The SLOC was previously incorporated in DCJS 2013 contracts with manufacturers.

o Adhere to any county plan real time reporting and emergency notification program requirements.

o Report a confirmatory failed test or re-test where the BAC is .05 percent or higher; and provide immediate written notice to DCJS and the DOH whenever their IID devices, services, or any other state or jurisdiction or disapproved or suspended in whole or in part, revoked or otherwise cancelled by another state or jurisdiction or has received notice or communication from another state or jurisdiction that any such actions are imminent.

Additionally, as existing DOH regulations require prior approval with respect to any operational modification of IIDs, new regulatory language reiterates this requirement and for any manufacturer to provide necessary documentation to DOH and that any such manufacturer notify DCJS of any intent to do so and provide a written summary of any requested or approved modification.

3. Professional services:

It is not anticipated that any professional services will be required to comply with the proposed regulatory changes.

4. Compliance costs:

DCJS does not anticipate that the proposed rule revisions will result in any additional costs to local governments or small businesses. The proposed regulatory changes continue to allow each jurisdiction with the flexibility to choose one or more persons or entities responsible for monitoring conditional discharge cases where a defendant has been required to install and maintain a functioning IID in any vehicle which they own or operate. It also affords the same flexibility to cases involving individuals who agree, or are ordered, to install and maintain an IID in advance of sentencing. Since 2010, DCJS has annually applied for and received grant funding from the NYS Governor's Traffic Safety Committee (GTSC) in NHTSA monies to help offset local government costs in performing monitoring services. Currently, monies are distributed to the localities pursuant to a formula based on recent statistics of DWI conviction rates. DCJS is unaware of any local government concerns with this formula. DCJS has recently received approval of approximately 1.2 million dollars for Federal fiscal year 2018, similar to the prior Federal fiscal year award.

Effective May, 8, 2014, NHTSA implemented revised Breath Alcohol IID Model Specifications refining performance criteria and test methods for IIDs. NHTSA encourages States to determine how best to implement these Model Specifications to strengthen the quality of IIDs used and therefore each qualified manufacturer has submitted updated certifications regarding devices in use in New York.

There may be limited additional costs to one of the three qualified manufacturers, in that it will now require all operators with any IIDS to undergo service visits on a monthly basis through an operator service visit. Under NYS law, unless a court waives the IID cost upon an operator who claims inability to pay, the cost is borne by the operator. Previously, such operators removed and mailed the IID "data-head" to the IID manufacturer monthly. This practice prevented monthly inspection of the IID installation and the opportunity for technicians to detect any attempted tampering or circumvention by the operator, allowing for a potential public safety risk.

5. Economic and technological feasibility:

Proposed amendments do not require any additional technological requirements beyond those currently being utilized in NYS.

As of November 1, 2013, DCJS revised IID classification system requires that all Class 1, 2, and 3 devices to include the integration of a camera. This change was made effective prospectively with the installation of new devices. Additionally, many monitoring entities require Class II devices with advanced features of Global Positioning System (GPS) location of a vehicle and Real Time Reporting (RTR). The Rule amendments propose a new RTR definition to mean the contemporaneous transmission of data of particular events, as defined in Rule Section 358.5(c)(6), to a specified monitoring entity as the event occurs or as soon as cellular reception permits. Lastly, four counties require Class III devices, which have all the minimum required features of Classes I (camera) and II (GPS and RTR), also contain an emergency notification feature. Accordingly, proposed amendments include a new definitional term "Emergency Notification Program".

6. Minimizing adverse impact:

DCJS does not anticipate that the proposed changes, which among its provisions revises or adds regulatory language to be consistent with Chapter 169 of the Laws of 2013, and current NHTSA specifications of IIDs, will have any adverse impact on local governments or small businesses. DCJS remains steadfast in its efforts to minimize adverse impact of the existing rule and any proposed changes upon local government, and has considered IID manufacturers input in crafting amendments to ensure any changes do not adversely impact service delivery or increase costs.

Since 2010 DCJS has annually submitted applications and been awarded grants from GTSC of NHTSA monies to help offset local government costs in performing monitoring services. The existing and proposed revised rule language have both been crafted to offer guidance and structure in plan development and implementation. Other features with respect to monitoring continue to afford considerable flexibility as to particular actions where feasible, yet ensure swift and certain action where necessary to achieve uniformity in the handling of certain failed tasks and failed tests, safeguard the public, and better guarantee offender accountability. The proposed regulatory revisions retain several regulatory provisions as to operator responsibility to assist the judiciary's consideration of financial "unaffordability" and minimize unnecessary waivers, and to ensure operators convey timely information to monitors, the courts, and installation/service providers. Further, the proposed regulatory amendments contains language that in the event of judicial waiver of an operator's IID cost, a manufacturer designated by the monitor bears the costs associated with installation and maintenance of the IID.

While DCJS regulatory language establishes that IID qualified manufacturers may elect to do business in one, two, three, or all four regions of NYS, all of the IID manufacturers have elected to do business throughout NYS. Rural and non-rural counties exist in three regions and proposed regulatory revisions do not alter the requirement that a manufacturer must be able to do business with all other counties within the region upon the same favorable terms which guarantee service availability of installation/service providers within 50 miles of any operators' residence statewide. Notably, operator IID costs do not vary from region to region.

DCJS continues to make model forms available which assist jurisdictions in application of Leandra's Law and its amendments. These forms are of particular assistance to those rural counties with limited staff resources to undertake form development independently. These forms also have been disseminated to all courts by the Office of Court Administration.

7. Small business and local government participation:

The existing rule was developed with the input of a workgroup which included local government representation. DCJS has considered feedback on the existing rule since its implementation provided by qualified manufacturers, and local jurisdictions, including county IID monitors. Opportunities for feedback included regular communications with qualified manufacturers, involving quarterly conference calls with the manufacturers and an annual manufacturers' conference hosted by DCJS. These annual conferences have been attended by both manufacturers and probation/CD monitoring agencies. Additionally, DCJS has communicated on the existing rule and proposed changes with local probation departments during probation professional association meetings and conferences. DCJS has (i) discussed changes with and received support of proposed revisions from the NYS Probation Commission, most recently on April 18, 2017, (ii) distributed a draft copy of the proposed revision to all Probation Directors and CD Monitors and all qualified manufacturers, (iii) discussed proposed revisions with qualified manufacturers, probation and CD monitors, and other interested State and local entities at the Annual IID Manufacturers Conferences held, and (iv) made additional revisions based on feedback received from these stakeholders to address certain service delivery issues raised. Overall, feedback was positive as to proposed regulatory changes.

Rural Area Flexibility Analysis

1. Types and estimated number of rural areas:

Forty-three (43) of the 57 local probation departments outside of New York City are located in rural areas and will be affected by the proposed revised rule.

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

The existing rule implemented Chapter 469 of the Laws of 2009, commonly referred to as "Leandra's Law", in relation to the monitoring of the use of court-ordered ignition interlock devices (IIDs) ordered upon defendants sentenced for a DWI misdemeanor or felony. It established various reporting, recordkeeping, and other compliance requirements. The proposed regulatory amendments make minor modifications to incorporate certain statutory changes resulting from enactment of Chapter 169 of the Laws of 2013, establishes parameters with respect to reduced breath samples for certain operators consistent with revised National Highway Traffic Safety Administration (NHTSA) Breath Alcohol Ignition Interlock Device Model Specifications, as well as limited revisions to improve practice based on the experience of the field since implementation of the original rule as well as address program and individual accountability issues which have arisen. Among proposed regulatory changes are the following:

- Reflects the imposition and monitoring of IIDs installed in conjunction with interim probation supervision and in cases prior to sentencing pursuant to a court order.
- Clarifies that the period of IID restriction will commence from the earlier of the date of sentencing, or the date of installation in advance of sentencing and that a court may not authorize the operation of a motor vehicle by any individual whose license or privilege to operate a motor vehicle has been revoked.
- Establishes that monitors select the class and features of IIDs available from an available manufacturer in the region where an operator resides.
- Requires that the applicable monitor coordinate monitoring with the NYS Department of Corrections and Community Supervision (DOCCS) where the operator is under DOCCS supervision and promptly provide such agency with reports of any failed tasks or failed reports.
- Requires a court authorization for a reduction in breath sample to be consistent with NHTSA requirements and that every county plan establish a procedure whereby the probation department and any other monitor be notified no later than five (5) business days from any such court approval.
- Requires all jurisdictions to submit an IID plan reflective of all operators who may be subject to IID installation and maintenance with monitoring ordered by a court in advance of sentencing or at sentencing, and to make modifications or updates, as required by DCJS. Since 2014 DCJS has required that plans have procedures in this area and to amend plans to be consistent with law and regulatory provisions.
- Clarifies recent statutory changes to better ensure that youth adjudicated as Youthful Offenders of DWI and/or other alcohol related offenses are subject to IID installation and related compliance provisions.
- Clarifies recent statutory change that affected operators provide proof of installation compliance with the IID requirement to the court and the applicable monitor where such person is under probation or conditional discharge supervision.
- Requires that manufacturers:

o Provide documentation and verification of and maintain a Standby Letter of Credit (SLOC) as specified in the manufacturer's contract with New York State;

o The SLOC was previously incorporated in DCJS 2013 contracts with manufacturers.

o Adhere to real time reporting and emergency notification program requirements where such is required in any county plan.

o Report a confirmatory failed test or re-test where the BAC is .05 percent or higher and provide immediate written notice to DCJS and the Department of Health (DOH) whenever their IID device, services, and/or operations has been compromised or does not function as intended in New York State or any other state or jurisdiction or disapproved or suspended in whole or in part, revoked or otherwise cancelled by another state or jurisdiction or has received notice or communication from another state or jurisdiction that any such actions are imminent.

Additionally, as existing DOH regulations require prior approval with respect to any operational modification of IIDs, new regulatory language reiterates this requirement and for any manufacturer to provide necessary documentation to DOH and that any such manufacturer notify DCJS of any intent to do so and to provide a written summary of any requested or approved DOH modification.

3. Costs:

DCJS does not anticipate any additional costs experienced by rural areas resulting from proposed regulatory changes. The proposed regulatory changes continue to allow each county and the city of New York as a whole, with the flexibility to choose one or more persons or entities responsible for monitoring conditional discharge cases where a defendant has been required to install and maintain a functioning IID in any vehicle which they own or operate and affords the same flexibility as to cases involving individuals who agree and are ordered to install and maintain an IID in advance of sentencing. Since 2010, DCJS has annually applied for and received grant funding from the NYS Governor's Traffic Safety Committee (GTSC) in NHTSA monies to help offset local government costs in performing monitoring services. Currently, monies are distributed to the localities pursuant to a formula based on recent statistics of DWI conviction rates. DCJS is unaware of any local government concerns with this formula. DCJS has recently received approval of approximately 1.2 million dollars for Federal fiscal year 2018, similar to the prior Federal fiscal year award.

As to operator costs associated with IID devices Vehicle and Traffic Law (VTL) § 1198(5) establishes that the court, upon determining financial "unaffordability" to pay the cost of the device, may impose a payment plan with respect to the device or waive the fee. Additionally, this VTL provision requires that where the cost is waived, DCJS through regulation shall determine who bears the costs of the device or through such other agreement which may be entered into. The proposed rule revision retains existing language which states manufacturers and not local governments bear such costs. Statistics from August 15, 2010 through December 31, 2016, indicate that 27,053 operators (90.4%) were ordered to pay all IID costs associated with the installation and monthly charges; 1,191 operators (4.0%) paid the IID costs through payments plans; and 1,677 or 5.6% of operators had costs waived.

4. Minimizing adverse impact:

DCJS does not anticipate that the proposed changes, which among its provisions revises or adds regulatory language to be consistent with Chapter 169 of the Laws of 2013, and current NHTSA specifications of IIDs, will have any adverse impact on rural areas. DCJS remains steadfast in its efforts to minimize adverse impact of the existing rule and any proposed changes upon local government, especially rural counties. As noted earlier, since 2010 DCJS has annually submitted applications and been awarded grants from GTSC of NHTSA monies to help offset local government costs in performing monitoring services. The existing and proposed revised rule language have both been crafted to offer guidance and structure in plan development and implementation. Other features with respect to monitoring continue to afford considerable flexibility as to particular actions where feasible, yet ensure swift and certain action where necessary to achieve uniformity in handling of certain failed tasks and failed tests, safeguard the public and better guarantee offender accountability. The proposed regulatory revisions retain several regulatory provisions as to operator responsibility to assist the judiciary's consideration of financial "unaffordability" and minimize unnecessary waivers, and to ensure operators convey timely information to monitors, the courts, and installation/service providers. Further, proposed regulatory amendments retain language that in the event of judicial waiver of an operator's IID cost, monitors will use the established procedures to ensure costs are proportionately borne among manufacturers.

While DCJS regulatory language establishes that IID manufacturers may elect to do business in one, two, three or all four regions of NYS, all three IID manufacturers with DOH certified IIDs have elected to do business throughout NYS. Through the prior establishment of regions, which include both rural and non-rural counties in three regions, proposed regulatory revisions continue to establish that a manufacturer doing business with a non-rural county must do business with rural counties within the region upon the same favorable terms which guarantee service availability of installation/service providers within 50 miles of any operators residence statewide.

DCJS continues to make model forms available which assist jurisdictions in application of Leandra's Law and its amendments. These forms are of particular assistance to those rural counties with limited staff resources to undertake form development independently. These forms also have been disseminated to all courts by the Office of Court Administration.

5. Rural area participation:

The existing rule was developed with the input from a workgroup which included rural probation representatives. DCJS has considered feedback on the existing rule since its implementation provided by qualified manufacturers, and local jurisdictions, including county IID monitors. Opportunities for feedback included regular communications with qualified manufacturers, involving quarterly conference calls with the manufacturers, and an annual manufacturers' conference hosted by DCJS. These annual conferences have been attended by both manufacturers and probation/CD monitoring agencies. Additionally, DCJS has communicated on the existing rule and proposed changes with local probation departments during probation professional association meetings and conferences. DCJS has discussed changes with and received support of the proposed revisions from the NYS Probation Commission, most recently on April 18, 2017, distributed a draft copy of the proposed revision to all Probation Directors and CD Monitors and all qualified manufacturers, further discussed the proposed revisions with qualified manufacturers, probation and CD monitors, and other interested State and local entities at the Annual IID Manufacturers Conferences held, and made additional revisions based on feedback received from these stakeholders to address certain service delivery issues raised. Overall, feedback was positive as to proposed regulatory changes.

Job Impact Statement

1. Nature of impact:

The revised rule will continue employment opportunities for those manufacturers of ignition interlock devices (IIDs) certified by the New York State (NYS) Department of Health (DOH), and approved as qualified manufacturers by the Division of Criminal Justice Services (DCJS) and for the more than 200 businesses in NYS which are designated installation/service providers of these devices. Between August 15, 2010 and December 31, 2016, over 111,000 IID orders were received by monitoring entities from courts statewide and approximately 30,000 (27.0%) IIDs were installed within 10 days of the time of sentencing, release from incarceration, or in advance of sentencing. There were approximately 250 approved installation/service providers, mainly small automotive or electronic shops specializing in the installation of automobile stereo systems, remote starters, mufflers, automobile repair, as well as some automobile dealers. Three (3) manufacturers are currently approved as qualified manufacturers in NYS and DCJS is in the process of contracting with one additional company. It is anticipated that the demand for devices, installation, and maintenance-related services will continue, leading to increased employment opportunities in our state.

2. Categories and numbers affected:

This regulatory rule affects manufacturers of certified IID's and their respective installation/service providers in NYS and monitors of IID cases. During 2016, there were 44,414 defendants arrested for Vehicle and Traffic Law (VTL) § 1192 Felony and Misdemeanor Driving While Intoxicated (DWI) crimes. That same year there were 19,219 convictions for VTL § 1192 Felony and Misdemeanor DWIs. Statutory provisions require defendants convicted of or adjudicated a youthful offender involving certain DWI-related crimes in NYS to install IIDs in any vehicle which they own or operate as a condition of probation or conditional discharge (CD). Additionally, there are an increasing number of defendants who are willing to be subject to IID's and court ordered to do so in advance of sentencing. As a result, it is anticipated that there will be continued and expanded employment opportunities for manufacturers and installation/service providers. Recently, DCJS issued a Request for Applications (RFA) for additional interested manufacturers and/or distributors who seek to do business in New York State and whose IIDs have been certified by DOH and have met RFA requirements. DCJS is now in the process of contracting with one other company. This RFA outcome, coupled with DCJS authority to resume an Open and Continuous Application, creates the potential to increase the number of qualified manufacturers and installation/service providers in the future.

DCJS does not foresee that counties, including New York City, or probation departments who monitor probation cases, and any probation departments and other alternative monitors who are designated to handle CD cases, will be adversely affected by the proposed revised rule. The existing rule and proposed amendments are designed to ensure consistency with state law and recommended federal National Highway Traffic Safety Administration (NHTSA) Specifications and provide flexibility, wherever feasible and/or appropriate, consistent with public safety and accountability in order to minimize any effects upon local government. DCJS has annually applied for and received grant funding from the NYS Governor's Traffic Safety Committee (GTSC) in NHTSA monies to help offset local government costs in performing monitoring services. Currently, monies are distributed to the localities pursuant to a formula based on recent statistics of DWI conviction rates. DCJS is unaware of any local government concerns with this formula. DCJS has recently received approval of approximately 1.2 million dollars for Federal fiscal year 2018, similar to the prior Federal fiscal year award.

3. Regions of adverse impact:

The revised rule will have no adverse or disproportionate impact on jobs or employment opportunities in any region of NYS. At the present

time, all three manufacturers have been approved by DCJS to operate throughout NYS.

4. Minimizing adverse impact:

DCJS does not anticipate that these regulatory amendments will have an adverse impact on jobs or employment opportunities.

DCJS' Office of Probation and Correctional Alternatives (OPCA) has: (i) discussed changes with and received support of the proposed revisions from the NYS Probation Commission, most recently on April 18, 2017; (ii) distributed a draft copy of the proposed regulatory rule revision to all Probation Directors and CD Monitors and all qualified manufacturers; further discussed the proposed regulatory revisions with qualified manufacturers, probation and CD monitors, and other state and local entities at the Annual IID Manufacturers Conferences held; (iv) made additional revisions based on feedback received from these stakeholders to address certain issues raised. Overall, feedback was positive as to these proposed regulatory changes.

5. Self-employment opportunities:

Although manufacturers of IIDs are generally large national and/or international businesses, their respective installation/service providers are typically small, owner-operated businesses doing business in NYS. There continues to be a potential for self-employment opportunities where such businesses can meet manufacturer agreements and NYS regulatory requirements governing training, installation, maintenance of services, and other operational provisions.

The proposed revision may create additional job opportunities for installation/service providers, as additional manufacturers apply to DCJS and receive certification of their devices from DOH. Further, expanded employment opportunities exist for installation/service providers as our proposed amendments will require all operators with IID(s) to undergo service visits. Under the current regulation, service visit requirements can be accomplished by operators, with a removable IID head, mailing the IID component back to the manufacturer -a practice applicable and utilized by only one manufacturer. Actual service visits to an installation/service provider are critical in detecting attempted/actual tampering and therefore a beneficial change.

Education Department

ERRATUM

The following Notices of Emergency Rule Making, I.D. No. EDU-21-17-00007-E, pertaining to Unit of Study Requirements for Career and Technical Education in Grades 7 and 8, and I.D. No. EDU-21-17-00008-E, pertaining to Education of Homeless Children and Youths (McKinney-Vento Homeless Assistance Act), both published in the July 19, 2017 issue of the *State Register* contained an incorrect effective date. The effective date of both emergencies is July 1, 2017.

NOTICE OF ADOPTION

School Health Services

I.D. No. EDU-04-17-00012-A

Filing No. 517

Filing Date: 2017-07-18

Effective Date: July 1, 2018 for sections 136.1, 136.2 and 136.3; August 2, 2017 for section 136.6

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

Action taken: Amendment of sections 136.1, 136.2, 136.3 and 136.6 of Title 8 NYCRR.

Statutory authority: Education Law, sections 101(not subdivided), 207(not subdivided), 305(1), (2), 901(1), (2), 902(1), (2), 903(1), (2), (3), 904(1), 906(1), (2), (3), 921(1), (2), 3208(1), (2), (3), (4) and (5); Public Health Law, section 2164(7)

Subject: School Health Services.

Purpose: To conform school health regulations to ch. 58 of the Laws of 2006, ch. 57 of the Laws of 2013, and ch. 373 of the Laws of 2016.

Text or summary was published in the January 25, 2017 issue of the Register, I.D. No. EDU-04-17-00012-P.

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

Revised rule making(s) were previously published in the State Register on May 24, 2017.

Text of rule and any required statements and analyses may be obtained from: Kirti Goswami, New York State Education Department, 89 Washington Avenue, Room 138, Albany, NY 12234, (518) 474-6400, email: legal@nysed.gov

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2020, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

State Aid for Library Construction, and School Library Systems

I.D. No. EDU-14-17-00006-A

Filing No. 519

Filing Date: 2017-07-18

Effective Date: 2017-08-02

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

Action taken: Amendment of sections 90.12 and 90.18 of Title 8 NYCRR.

Statutory authority: Education Law, sections 207(not subdivided), 215(not subdivided), 273-a(1)-(7), 282(not subdivided), 283(not subdivided) and 284(not subdivided)

Subject: State Aid for Library Construction, and School Library Systems.

Purpose: To implement Education Law section 273-a and to Update Terminology Related to the Functions of school library systems.

Text or summary was published in the April 5, 2017 issue of the Register, I.D. No. EDU-14-17-00006-P.

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

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

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2020, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment

Since publication of Emergency Adoption and Proposed Rule Making in the State Register on April 5, 2017, the State Education Department (SED) received one comment:

1. COMMENT:

Currently the NYSL Construction Grants provide a welcome source of funding for bricks and mortar projects that are sorely needed by our libraries. Many libraries in our area have well endowed foundations and patrons that provide the match through their benefactors to support preconstruction design and feasibility studies- these are essential to long-range capital planning.

Libraries in economically challenged communities have patrons who certainly support their libraries, but are unable due to circumstance to donate funding for pre-construction initiatives through similar financial largesse. This puts libraries serving economically challenged communities at a disadvantage in two ways: they are unable to provide the program planning to select the correct teams that perform the studies necessary to formulate and validate their capital program plans- and unlikely to raise the funds to perform master planning and feasibility studies prior to the engagement of architectural and engineering consultants for specific project design.

An innovation would be to enhance the seed funding programs that exist to encourage libraries in this regard and provide a clerk of the works to assist libraries regionally who need overall program planning assistance.

DEPARTMENT RESPONSE:

Since this comment is unrelated to the proposed amendment, no response is necessary. However, the State Education Department agrees that additional seed funding programs and a clerk of the works would help libraries in economically challenged communities. However, SED does not have the resources for a clerk of the works and would need additional funding to increase seed grants. Therefore, SED recommends that the commenter contact his/her local Legislator to request legislative actions for these purposes.

NOTICE OF ADOPTION

Eligible Score Band of an Appeal of the English Language Arts Regents Examination for Eligible English Language Learners (ELLS)

I.D. No. EDU-16-17-00008-A
Filing No. 522
Filing Date: 2017-07-18
Effective Date: 2017-08-02

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

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

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

Subject: Eligible Score Band of an Appeal of the English Language Arts Regents Examination for Eligible English Language Learners (ELLS).

Purpose: To align with the recent expansion of the eligible score band for appeals for certain regents examinations for all students.

Text or summary was published in the April 19, 2017 issue of the Register, I.D. No. EDU-16-17-00008-EP.

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

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

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2022, which is the 4th or 5th year after the year in which this rule is being adopted. This review period, justification for proposing same, and invitation for public comment thereon, were contained in a RFA, RAFA or JIS.

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Residency Certificates

I.D. No. EDU-16-17-00009-A
Filing No. 518
Filing Date: 2017-07-18
Effective Date: 2017-08-02

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

Action taken: Amendment of section 80-5.23 of Title 8 NYCRR.

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

Subject: Residency certificates.

Purpose: To establish requirements for candidates seeking a residency certificate.

Text or summary was published in the April 19, 2017 issue of the Register, I.D. No. EDU-16-17-00009-P.

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

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

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2020, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Reporting Requirements Relating to Sexual Assault on College Campuses

I.D. No. EDU-21-17-00009-A
Filing No. 523
Filing Date: 2017-07-18
Effective Date: 2017-08-02

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

Action taken: Addition of Part 48 to Title 8 NYCRR.

Statutory authority: Education Law, sections 101, 207, 305 and 6439 through 6449, as added by L. 2015, ch. 76

Subject: Reporting Requirements relating to Sexual Assault on College Campuses.

Purpose: To implement chapter 76 of the Laws of 2015.

Text of final rule: A new Part 48, is added to the Regulations of the Commissioner of Education, to read as follows:

Part 48

Annual Aggregate Data Reporting by New York State Institutions of Higher Education Related to Reports of Domestic Violence, Dating Violence, Stalking and Sexual Assault

§ 48.1 Definitions. For purposes of this Part:

(a) Accused shall mean a person accused of a violation who has not yet entered an institution's judicial or conduct process.

(b) Domestic violence, dating violence, stalking and sexual assault shall be defined by each institution in its code of conduct in a manner consistent with applicable federal definitions.

(c) Incident shall mean an incident of domestic violence, dating violence, stalking or sexual assault, where the reporting individual and/or the accused were subject to the code of conduct at the time of the incident.

(d) Institution shall mean any college or university chartered by the Board of Regents or incorporated by special act of the Legislature and that maintains a campus in New York.

(e) Reporting individual shall encompass the terms victim, survivor, complainant, claimant, witness with victim status, and any other term used by an institution to reference an individual who brings forth a report of a violation.

(f) Respondent shall mean a person accused of a violation who has entered an institution's judicial or conduct process.

(g) Title IX coordinator shall mean the Title IX Coordinator and/or his or her designee or designees.

(h) On campus shall be defined as campus is defined in the Higher Education Act (Clery Act), 20 U.S.C. § 1092(f)(6)(A)(ii).

(i) Off campus shall be defined as any location not included in the definition of on campus.

§ 48.2 Annual Aggregate Data Reporting.

On or before October 1, 2019, and by October 1 of each subsequent year thereafter, institutions shall report to the Department the following information concerning incidents that were reported during the prior calendar year in a form and manner prescribed by the Commissioner:

(a) the following numbers of incidents reported to the Title IX Coordinator (which shall be established based upon the number of reporting individuals, not by the number of the accused or respondents):

(1) the number of incidents that occurred on campus;

(2) the number of incidents that occurred off campus; and

(3) the total of incidents in paragraphs (1) and (2) of this subdivision;

(i) of those incidents reported in this paragraph:

(a) the number of incidents that the Title IX Coordinator is aware of, that were reported to law enforcement, which shall include, but not be limited to, the State Police;

(b) the number of incidents reported to campus police/campus security/campus public safety; and

(c) the number of incidents that the Title IX Coordinator is aware of, for which the reporting individual requested referral to additional services through the institution, including counseling, mental health, medical or legal services, whether those services were provided on-campus or through outside service providers.

(b) of those incidents reported in paragraph (a)(3) of this section:

(1) the number of incidents for which the reporting individual sought the institution's judicial or conduct process (which includes incidents for which a reporting individual made a request, in writing or orally, to engage the judicial or conduct process, whether an investigator or hearing model, and those incidents where, pursuant to section 6446(4) of the

Education Law, the institution made a determination to pursue the judicial or conduct process without the consent of the reporting individual); and

(2) the number of incidents that are not included in paragraph (1) of this subdivision, including those for which there was no institutional jurisdiction over the accused or respondent, and those incidents for which the judicial or conduct process could not otherwise go forward.

(3) the number of incidents for which the reporting individual sought an order of "no contact" with the respondent(s), and the number of "no contact" orders issued.

(c) of those incidents reported in paragraph (b)(1) of this section, the number of cases processed through the institution's judicial or conduct process, (which process shall commence upon a respondent's receipt of a notice of charges pursuant to section 6444(5)(b) of the Education Law);

(d) of those cases in subdivision (c) of this section, the number of respondents who were found responsible through the institution's judicial or conduct process after all levels of appeal were exhausted, which number shall include those cases in which the respondent accepted responsibility at any point in the process;

(e) of those cases in subdivision (c) of this section, the number of respondents who were found not responsible through the institution's judicial or conduct process, or whose finding of responsibility was overturned on appeal;

(f) a description of the final sanctions imposed by the institution for each incident for which a respondent was found responsible for sexual assault, dating violence, domestic violence or stalking, as provided in subdivision (d) of this section, through the institution's judicial or conduct process, which shall be defined as:

(1) the number of respondents found responsible who were expelled/dismissed from the institution;

(2) the number of respondents found responsible who were suspended from the institution;

(3) the number of respondents found responsible who received sanctions other than expulsion/dismissal or suspension;

(4) the number of respondents found responsible who received a notation added to their official transcript noting a violation of the institutions' code of conduct; and

(5) the number of respondents found responsible who received a notation added to their official transcript noting withdrawal from the institution with conduct charges pending.

(g) the number of cases in the institution's judicial or conduct process that were closed prior to a final determination after the respondent withdrew from the institution and declined to complete the disciplinary process; and

(h) the number of cases in the institution's judicial or conduct process that were closed because the complaint was withdrawn by the reporting individual prior to a final determination or an informal resolution was reached. Such number shall include all cases, regardless of the stage at which the reporting individual withdrew the complaint or the informal resolution was reached.

(i) Additional training information. Institutions may additionally report the number of trainings held by the institution, the number of staff trained, and the number of students trained during the reporting period.

Final rule as compared with last published rule: Nonsubstantive changes were made in section 48.2(a)(3)(i).

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

Revised Regulatory Impact Statement

Since publication of a Notice of Proposed Rule Making in the State Register on May 24, 2017, the following substantial revisions were made to the proposed rule:

Section 48.2(a)(3)(i)(a) was amended to clarify that of the total incidents reported to the Title IX Coordinator, institutions must report the number of incidents that the Title IX Coordinator is aware of, that were reported to law enforcement, which shall include, but not be limited to, the State Police.

The above changes do not require any changes to the previously published Regulatory Impact Statement.

Revised Regulatory Flexibility Analysis

Since publication of a Notice of Proposed Rule Making in the State Register on May 24, 2017, the proposed rule was revised as set forth in the Statement Concerning the Regulatory Impact Statement submitted herewith.

These revisions to the proposed rule do not require any revisions to the previously published Regulatory Flexibility Analysis.

Revised Rural Area Flexibility Analysis

Since publication of a Proposed Rule Making in the State Register on May 24, 2017, the proposed rule was revised as set forth in the Statement Concerning the Regulatory Impact Statement submitted herewith.

The above revisions to the proposed rule do not require any revisions to the previously published Rural Area Flexibility Analysis.

Revised Job Impact Statement

Since publication of a Notice of Emergency Adoption and Proposed Rule Making in the State Register on May 24, 2017, the proposed rule was revised as set forth in the Statement Concerning the Regulatory Impact Statement submitted herewith.

The revised proposed rule will not have a substantial impact on jobs and employment opportunities. Because it is evident from the nature of the revised proposed rule that it will not affect job and employment opportunities, no affirmative steps were needed to ascertain that fact and none were taken. Accordingly, a job impact statement is not required and one has not been prepared.

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2020, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment

Since publication of a Notice of Proposed Rule Making in the State Register on May 24, 2017, the State Education Department (SED) received the following comments from one commenter:

1. COMMENT:

Section 48.2(a)(i)(a-c).This section of the proposed regulations is referenced nowhere in the authorizing statute (Article 129-B) nor was it contained in the original proposed regulations by the Department. Inclusion of these requirements is beyond the scope of the legislation and would create an undue recordkeeping burden on colleges and universities.

Moreover, the information sought is not easily defined. Recording the exact time at which law enforcement is notified versus when the Title IX Coordinator is notified can become clouded. In addition, inclusion of this provision could create a situation on campus where college staff members, particularly during off-hours, are debating whom to notify first rather than attend to the needs of students. Ultimately this could do a disservice to a student in distress and lead to less timely notification to law enforcement.

Finally, the data collected for 48.2(a)(i)(c) may not be an accurate reflection of services being utilized by a reporting individual. In many circumstances, colleges and universities automatically refer reporting individuals to the services outlined in this section, therefore the reporting individual does not need to request such services which makes collection of this data not valuable.

The commenter recommends that this section not be included in the final regulations due to administrative overreach and the incomplete and questionable value of that data that would be collected. Resources expended to respond to this section could better be spent ensuring responsiveness to students.

DEPARTMENT RESPONSE:

The Department believes that including this information in the annual aggregate data reports is consistent with the legislative intent of the statute and will provide information that will help to inform practices and policies on campuses designed to prevent incidents of domestic violence, dating violence, stalking and sexual assault, as well as assist institutions in developing policies and practices designed to facilitate the reporting of such incidents that do take place and the provision of services to reporting individuals. There is no requirement that an institution track the time of notification to law enforcement or to the Title IX Coordinator, or that the Title IX Coordinator know or report whether a report to law enforcement was made prior to or after a report was made to the Title IX Coordinator. No regulatory revision is necessary.

2. COMMENT:

Section 48.2(a)(i) and 48.2(b). Wording is inconsistent between these two parts with (a)(i) reading "of those incidents reported in paragraph (a)(3) of this subdivision" and (b) reading "of those incidents reported in subdivision (a)(3) of this section" [emphasis added]. It appears he wording is inconsistent and should be corrected.

DEPARTMENT RESPONSE:

The Department agrees with this comment and will make the technical change requested.

3. COMMENT:

Section 48.2(b). The data requested by this section could get overly granular, especially at more suburban and rural colleges and universities with smaller populations, leading to the possibility of potential exposure of parties involved. The commenter urges the Department to exercise extreme caution when handling this information and deciding what to make public in its report to the Executive and Legislature. As always, student safety and privacy should be at the forefront of any decision made.

DEPARTMENT RESPONSE:

The Department agrees with this comment and has processes and procedures in place to ensure that all information and data reported is done in accordance with all applicable privacy laws and regulations. No regulatory revision is necessary.

4. COMMENT:
Section 48.2(b)(3). This requirement for schools to report the number of times a reporting individual sought a "no contact" order by the school is above and beyond the language and scope of the statute. The final legislation that was voted on by the Legislature came after exhaustive deliberations and consultations with a multitude of organizations, including all sectors of higher education, culminating in a detailed piece of legislation with myriad implementation and reporting requirements. To include requirements that go beyond the scope of legislative intent and the actual statute itself leads to legislating via the regulatory process. Accordingly, the commenter urges this part of the proposed regulation be struck.
DEPARTMENT RESPONSE:
The Department believes that including this information in the annual aggregate data reports is consistent with the legislative intent of the statute and will provide information that will help to inform practices and policies on campuses designed to prevent incidents of domestic violence, dating violence, stalking and sexual assault. No regulatory revision is necessary.
5. COMMENT:
Section 48.2(f). As the commenter suggested earlier for section 48.2(b), the exhaustive data requested by this section could get overly granular, especially at smaller colleges and universities, leading to the possibility of exposure of parties involved. The commenter urges the Department to exercise extreme caution when handling this information.
DEPARTMENT RESPONSE:
The Department agrees with this comment and has processes and procedures in place to ensure that all information and data reported is done in accordance with all applicable privacy laws and regulations. No regulatory revision is necessary.
6. COMMENT:
Section 48.2(f)(1-5) and (h). The commenter recommends that the Department combine these categories into one: "cases not closed" and include a drop down menu of choices from which the school can choose.
DEPARTMENT RESPONSE:
The Department will consider this recommendation as it completes the creation of the data reporting system. No regulatory revision is necessary.
7. COMMENT:
Section 48.2(i). The commenter recommends that this part not be included in the final regulations because it goes beyond the statutory language. Additionally, as written this section is subjective and provides no context for the information that may be given. Qualitative responses allow for more discussion and context. For example, a school may have two trainings each year, but those trainings could be for one week each and encompass the entire campus community. The result would be a school reporting two trainings per year but without context it could give the appearance that the school is not taking training seriously.
Responding quickly and appropriately to potential cases of sexual assault is of paramount importance. If the data requested in the proposed regulations, particularly those not contemplated in statute, cannot be shown to demonstrably improve campus safety, the commenter urges they be dropped from the final regulations. Time spent collecting data of questionable value could better be spent serving student needs.
DEPARTMENT RESPONSE:
Whether or not to report information concerning trainings held by an institution is up to each institution and is not required by this section. Institutions can opt not to respond to this section. No regulatory revision is necessary.
8. COMMENT:
Responding quickly and appropriately to potential cases of sexual assault is of paramount importance. If the data requested in the proposed regulations, particularly those not contemplated in statute, cannot be shown to demonstrably improve campus safety, the commenter urges they be dropped from the final regulations. Time spent collecting data of questionable value could better be spent serving student needs.
DEPARTMENT RESPONSE:
The Department believes that the information required by this regulation to be included in the annual data reports is consistent with the legislative intent of the statute and will provide information that will help to inform practices and policies on campuses designed to prevent incidents of domestic violence, dating violence, stalking and sexual assault, as well as assist institutions in developing policies and practices designed to facilitate the reporting of such incidents that do take place and the provision of services to reporting individuals. No regulatory revision is necessary.

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Members on the Library and Museum Council

I.D. No. EDU-31-17-00006-P

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

Proposed Action: Amendment of section 3.12 of Title 8 NYCRR.

Statutory authority: Education Law, sections 101(not subdivided), 206(not subdivided), 207(not subdivided), 214(not subdivided), 232(not subdivided), 305(1) and (2)

Subject: Members on the Library and Museum Council.

Purpose: The purpose of the proposed amendment is to increase the membership of the Library and Museum Councils.

Text of proposed rule: Paragraphs (3) and (4) of subdivision (a) of section 3.12 of the Rules of the Board of Regents shall be amended to read as follows:

(3) Library, [nine] *15* members. [The terms of the four newly created members shall be so arranged that one shall expire on September 30, 1969, one on September 30, 1970, one on September 30, 1971, and one on September 30, 1972. The terms of the five existing members shall not be disturbed. Thereafter, all] *All* members shall be appointed to serve for a term of five years beginning with the first day of October next following the ending of the term to which each, respectively, is to succeed, except that an appointment to fill a vacancy created otherwise than by the expiration of a term shall be for the unexpired term.

(4) Museum, [5] *15* members. One member shall be appointed yearly to serve for a term of five years beginning with the first day of October next following the ending of the term to which each, respectively, is to succeed, except that an appointment to fill a vacancy created otherwise than by the expiration of a term shall be for the unexpired term.

Text of proposed rule and any required statements and analyses may be obtained from: Kirti Goswami, State Education Department, Office of Counsel, 89 Washington Avenue, Room 142, Albany, NY 12234, (518) 474-6400, email: legal@nysed.gov

Data, views or arguments may be submitted to: Christina Pillips, State Education Department, Cultural Education Building, Albany, NY 12234, (518) 485-8845, email: REGCOMMENTS@NYSED.GOV

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

Regulatory Impact Statement
1. STATUTORY AUTHORITY:
Education Law § 101(not subdivided) charges the education department with all general management and supervision of all public schools and all the educational work of the State.
Education Law § 206(not subdivided) grants the regents, or any committee thereof, the authority to take testimony or hear proofs relating to their official duties.
Education Law § 207(not subdivided) grants general rule-making authority to the Board of Regents to carry into effect State educational laws and policies.
Education Law § 214(not subdivided) provides that the institutions in the university shall include all secondary and higher education institutions which are now or may hereafter be incorporated in this state, and such other libraries, museums, institutions, schools, organizations and agencies for education as may be admitted or incorporated by the university.
Education Law § 232(not subdivided) establishes the State Museum and State Library as Departments of the University.
Education Law 305(1) authorizes the Commissioner to enforce laws relating to the State educational system and execute Regents educational policies. Section 305(2) provides the Commissioner with general supervision over schools and authority to advise and guide school district officers in their duties and the general management of their schools.
2. LEGISLATIVE OBJECTIVES:
Currently, section 3.12 of the Rules of the Board of Regents states that the Museum Council shall be comprised of five members and the Library Council shall be comprised of nine members; which shall be appointed for a five-year term. However, in May 2017, the Cultural Education Committee recommended that the Museum Advisory Council be comprised of 15 members. By increasing the membership of both the Museum and Library Councils to 15 members each, all Office of Cultural Education Councils will have an equal number of members.
3. NEEDS AND BENEFITS:
Currently, section 3.12 of the Rules of the Board of Regents states that the Museum Council shall be comprised of five members and the Library Council shall be comprised of nine members; which shall be appointed for a five-year term. However, in May 2017, the Cultural Education Committee recommended that the Museum Advisory Council be comprised of 15 members. By increasing the membership of both the Museum and Library Councils to 15 members each, all Office of Cultural Education Councils will have an equal number of members.
4. COSTS:
a. Costs to State government: The amendment does not impose any costs on State government, including the State Education Department.
b. Costs to local government: The amendment does not impose any costs on local government, including institutions of higher education.

c. Costs to private regulated parties: The amendment does not impose any costs on private regulated parties.

d. Costs to regulating agency for implementation and continued administration: See above.

5. LOCAL GOVERNMENT MANDATES:

The proposed amendment does not impose any additional program, service, duty or responsibility upon any local government.

6. PAPERWORK:

The proposed amendment does not impose any additional paperwork requirements.

7. DUPLICATION:

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

8. ALTERNATIVES:

No alternatives were considered.

9. FEDERAL STANDARDS:

There are no applicable Federal standards.

10. COMPLIANCE SCHEDULE:

It is anticipated that the proposed amendment will be presented for permanent adoption at the October 2017 Regents meeting and will take effect as a permanent rule on November 1, 2017.

Regulatory Flexibility Analysis

Currently, section 3.12 of the Rules of the Board of Regents states that the Museum Council shall be comprised of five members and the Library Council shall be comprised of nine members; which shall be appointed for a five-year term. However, in May 2017, the Cultural Education Committee recommended that the Museum Advisory Council be comprised of 15 members. By increasing the membership of both the Museum and Library Councils to 15 members each, all Office of Cultural Education Councils will have an equal number of members. Because it is evident from the nature of the proposed amendment that it does not affect small businesses or local governments, no further steps were needed to ascertain that fact and none were taken. Accordingly, a regulatory flexibility analysis for small businesses and local governments is not required and one has not been prepared.

Rural Area Flexibility Analysis

Currently, section 3.12 of the Rules of the Board of Regents states that the Museum Council shall be comprised of five members and the Library Council shall be comprised of nine members; which shall be appointed for a five-year term. However, in May 2017, the Cultural Education Committee recommended that the Museum Advisory Council be comprised of 15 members. By increasing the membership of both the Museum and Library Councils to 15 members each, all Office of Cultural Education Councils will have an equal number of members. Because it is evident from the nature of the proposed amendment that it does not affect rural areas, no further steps were needed to ascertain that fact and none were taken. Accordingly, a rural area flexibility analysis is not required and one has not been prepared.

Job Impact Statement

Currently, section 3.12 of the Rules of the Board of Regents states that the Museum Council shall be comprised of five members and the Library Council shall be comprised of nine members; which shall be appointed for a five-year term. However, in May 2017, the Cultural Education Committee recommended that the Museum Advisory Council be comprised of 15 members. By increasing the membership of both the Museum and Library Councils to 15 members each, all Office of Cultural Education Councils will have an equal number of members.

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

Department of Financial Services

NOTICE OF ADOPTION

Statement of Actuarial Opinion and Actuarial Opinion Summary for Property/Casualty Insurers

I.D. No. DFS-18-17-00018-A
Filing No. 513
Filing Date: 2017-07-14
Effective Date: 2017-08-02

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

Action taken: Addition of Part 111 (Regulation 207) to Title 11 NYCRR.

Statutory authority: Financial Services Law, sections 202 and 302; Insurance Law, sections 301, 307, 316 and 4117

Subject: Statement of Actuarial Opinion and Actuarial Opinion Summary for Property/Casualty Insurers.

Purpose: To incorporate section 2A and B of the NAIC's Property and Casualty Actuarial Opinion Model Law.

Text of final rule: *111.1 Definitions.*

As used in this Part:

(a) Domestic property/casualty insurer means a property/casualty insurer incorporated or organized under the Insurance Law and includes a licensed United States branch of an alien insurer entered through this State.

(b) Domiciliary state means the state in which a property/casualty insurer was incorporated or organized or, in the case of a licensed United States branch of an alien insurer, the state through which the alien insurer has entered.

(c) Foreign property/casualty insurer means a property/casualty insurer incorporated or organized under the laws of any state, other than this State, and includes a licensed United States branch of alien insurer entered through a state other than this State.

(d) Property/casualty insurer means an insurer licensed in this State pursuant to Insurance Law Articles 41, 61, 64, 65, 66, 67, or 69.

(e) State means any state of the United States, the commonwealth of Puerto Rico, the District of Columbia, and any United States territory.

111.2 Statement of actuarial opinion and actuarial opinion summary.

(a) A property/casualty insurer shall submit with the annual statement, by March 1 of each year, the opinion of an appointed actuary entitled "statement of actuarial opinion" in accordance with the National Association of Insurance Commissioners ("NAIC") property and casualty annual statement instructions as of September 2016[1], unless, with respect to a foreign property/casualty insurer, the insurer's domiciliary state has exempted the insurer from filing the statement of actuarial opinion with the domiciliary state.

(b)(1) A domestic property/casualty insurer, other than a corporation organized as a title insurance corporation under Insurance Law article 64, that is required to submit a statement of actuarial opinion shall submit electronically to the superintendent by March 15 of each year an actuarial opinion summary, written by the insurer's appointed actuary. The insurer shall file the actuarial opinion summary in accordance with the actuarial opinion summary supplement to the NAIC property and casualty annual statement instructions as of September 2016. The actuarial opinion summary shall be considered a document supporting the statement of actuarial opinion required by subdivision (a) of this section.

(2) A foreign property/casualty insurer that submits a statement of actuarial opinion shall submit electronically to the superintendent an actuarial opinion summary within 15 days of the superintendent's request.

Section 111.3 Exemptions from electronic filing and submission requirements.

(a) A property/casualty insurer required to make an electronic filing or a submission pursuant to this Part may apply to the superintendent for an exemption from the requirement that the filing or submission be made electronically by submitting a written request to the superintendent for approval at least 30 days before the insurer must submit to the superintendent the particular filing or submission that is the subject of the request, except that with respect to a filing or submission made pursuant to section 111.2(b)(2) of this Part, an insurer may apply for the exemption by submitting promptly a written request to the superintendent for approval upon receipt of the superintendent's request for an actuarial opinion summary.

(b) The request for an exemption shall:

(1) set forth the insurer's NAIC number;

(2) identify the specific filing or submission for which the insurer is applying for the exemption;

(3) specify whether the insurer is making the request for an exemption based upon undue hardship, impracticability, or good cause, and set forth a detailed explanation as to the reason that the superintendent should approve the request; and

(4) specify whether the request for an exemption extends to future filings or submissions, in addition to the specific filing or submission identified in paragraph (2) of this subdivision.

(c) The insurer requesting an exemption shall submit, upon the superintendent's request, any additional information necessary for the superintendent to evaluate the insurer's request for an exemption.

(d) The insurer shall be exempt from the electronic filing or submission requirement upon the superintendent's written determination so exempting the insurer, where the determination specifies the basis upon which the superintendent is granting or denying the request and to which filings or submissions the exemption applies.

(e) If the superintendent approves an insurer's request for an exemption from the electronic filing or submission requirement, then the insurer shall make a filing in a form and manner acceptable to the superintendent.

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[1] OFFICIAL NAIC ANNUAL STATEMENT INSTRUCTIONS, PROPERTY/CASUALTY, FOR THE 2016 REPORTING YEAR. Printed September 2016. © Copyright 1984 - 2016 by National Association of Insurance Commissioners, in Kansas City, Missouri.

Final rule as compared with last published rule: Nonsubstantive changes were made in section 111.2(a) and (b)(1).

Text of rule and any required statements and analyses may be obtained from: Joana Lucashuk, Associate Attorney, NYS Department of Financial Services, One State Street, 20th Floor, New York, NY 10004, (212) 480-2125, email: Joana.Lucashuk@dfs.ny.gov

Revised Regulatory Impact Statement

1. Statutory authority: Financial Services Law Sections 202 and 302 and Insurance Law Sections 301, 307, 316, and 4117.

Financial Services Law Section 202 establishes the office of the Superintendent of Financial Services ("Superintendent").

Financial Services Law Section 302 and Insurance Law Section 301, in material part, authorize the Superintendent to effectuate any power accorded to the Superintendent by the Financial Services Law, Insurance Law, or any other applicable law, and to prescribe regulations interpreting the Insurance Law, the Financial Services Law, or any other applicable law.

Insurance Law Section 307 requires an insurer to submit an annual statement to the Superintendent showing the insurer's condition at last year end, and permits the Superintendent to prescribe the form of the annual statement.

Insurance Law Section 316 permits the Superintendent to promulgate regulations to require an insurer to make a filing or submission with the Superintendent electronically, and requires the Superintendent to allow an insurer to submit a request for an exemption from the electronic filing requirement upon a demonstration of undue hardship, impracticability, or good cause.

Insurance Law Section 4117 requires that in any financial statement or report of a property/casualty insurer, there shall be included in the liabilities of such insurer loss reserves and loss expense reserves in an amount at least equal to the amounts required by that section. Section 4117 also requires every licensed property/casualty insurer that is required to file an annual statement with the superintendent to engage a qualified independent loss reserve specialist to render an opinion as to the adequacy of the insurer's loss and loss adjustment expense reserves when two of three of the insurer's results of its loss and loss adjustment expense ratios, as indicated in Insurance Law Section 4117(g)(1)(A)-(C), are outside of the indicated acceptable ranges.

2. Legislative objectives: Insurance Law Section 4117 requires every licensed property/casualty insurer that must file an annual statement to engage a qualified independent loss reserve specialist to render an opinion as to the adequacy of its loss and loss adjustment expense reserves under certain conditions. Insurance Law Section 307 requires an insurer to submit an annual statement, and permits the Superintendent to prescribe the form of the statement. The Superintendent has adopted the National Association of Insurance Commissioners ("NAIC") annual statement blank and has encouraged insurers to file their annual statements electronically with the NAIC. See Ins. Circular Letter No. 4 (2001) and 11 NYCRR § 83.2 (Insurance Regulation 172). The NAIC property and casualty annual statement instructions as of September 2014 (the "statement instructions") require an insurer to attach or include in page one of the annual statement a statement of actuarial opinion ("SAO"), which sets forth the actuary's opinion relating to reserves. The statement instructions permit an insurer to apply to its domiciliary state for an exemption from the SAO filing requirement if the insurer (i) has less than one million dollars total direct plus assumed written premiums during a calendar year and less than one million dollars total direct plus assumed loss and loss adjustment expenses at year-end; (ii) based upon the nature of its business written; or (iii) based upon a financial hardship.

The statement instructions also state that each insurer required by its domiciliary state to submit an actuarial opinion summary ("AOS") must file the AOS in the insurer's domiciliary state annually and with any other state upon request. The AOS must include certain information pertaining to loss and loss adjustment expense reserves, among other things.

This rule accords with the public policy objectives that the Legislature sought to advance in Insurance Law Sections 307 and 4117 by requiring an authorized property/casualty insurer to submit annually to the Superintendent an SAO (unless exempted from filing by the insurer's domiciliary state); requiring a domestic property/casualty insurer that must submit an SAO to submit to the Superintendent an annual AOS; and requiring a foreign insurer to submit to the Superintendent an AOS within 15 days of the Superintendent's request.

3. Needs and benefits: Section 2A of the NAIC's Property and Casualty Actuarial Opinion Model Law (the "Model Law") requires an authorized property/casualty insurer to submit an annual SAO unless otherwise exempted by the insurer's domiciliary state. Section 2B of the Model Law requires a domestic property/casualty insurer that must submit an SAO to submit an annual AOS written by the insurer's appointed actuary. An insurer must file the SAO and the AOS in accordance with the statement instructions. A foreign property/casualty insurer must submit the AOS upon request.

Sections 2A and B of the Model Law currently are NAIC accreditation standards. The purpose of the NAIC's accreditation program is for state insurance regulatory agencies to meet certain minimum standards of solvency regulation in order to promote effective insurer financial solvency regulation. Since the New York State Department of Financial Services ("DFS") has adopted the statement instructions, DFS receives an SAO as part of an insurer's annual statement. In addition, DFS issues an annual insurance circular letter that advises all domestic property/casualty insurers that are required to file an SAO that they also should file an AOS with DFS. See e.g., Supplement No. 9 to Insurance Circular Letter No. 22 (2005) dated February 27, 2017. However, DFS has been criticized for its reliance on circular letters for meeting accreditation standards.

This rule would incorporate Sections 2A and B of the Model Law to ensure that DFS meets NAIC accreditation standards and relieve DFS of the need to continue reissuing circular letters each year.

The rule also would require an authorized property/casualty insurer to submit an AOS electronically unless the Superintendent grants the insurer an exemption from filing electronically.

4. Costs: This rule should not impose any cost on authorized property/casualty insurers to implement or continue compliance with this rule because insurers who are not exempt from the filing requirements already are submitting an annual SAO and AOS to DFS. The electronic filing requirement should not impose any financial burden on most insurers, which already file electronically. Smaller insurers that have to file may seek an exemption from the electronic filing requirement upon a demonstration of undue hardship, impracticability, or good cause. DFS should not incur any additional costs in connection with the implementation of this rule because DFS already receives annual SAO and AOS filings.

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

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

6. Paperwork: The rule requires an authorized property/casualty insurer to submit with its annual statement an SAO, and requires a domestic property/casualty insurer that files an SAO to file electronically an annual AOS. The rule also requires a foreign property/casualty insurer to submit an AOS electronically within 15 days of the Superintendent's request. However, because the rule merely codifies current practices, the rule does not impose any new or additional paperwork requirements.

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

8. Alternatives: DFS considered not requiring an authorized property/casualty insurer to file an AOS electronically. However, DFS decided to require such an insurer to file an AOS electronically because it will reduce paperwork and create greater efficiency, though an insurer may request an exemption from the electronic filing requirement based upon a demonstration of undue hardship, impracticability, or good cause consistent with Insurance Law Section 316.

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

10. Compliance schedule: The rule, once adopted, would take effect upon publication in the State Register.

Revised Regulatory Flexibility Analysis

1. Effect of rule: The rule requires an authorized property/casualty insurer to submit with its annual statement a statement of actuarial opinion ("SAO") in accordance with the National Association of Insurance Commissioners property and casualty annual statement instructions as of September 2016 (the "statement instructions"), and requires a domestic property/casualty insurer that files an SAO to file with the Superintendent of Financial Services ("Superintendent") an annual actuarial opinion summary ("AOS") electronically in accordance with the statement instructions. The rule also requires a foreign property/casualty insurer to submit an AOS electronically within 15 days of the Superintendent's request. As such, it should not affect local governments. Since the New York State Department of Financial Services ("DFS") has adopted the statement instructions, DFS receives an SAO as part of an insurer's annual statement. In addition, DFS issues an annual insurance circular letter that advises all domestic property/casualty insurers that are required to file an SAO that they also should file an AOS with DFS. See e.g., Supplement No. 9 to Insurance Circular Letter No. 22 (2005) dated February 27, 2017. Therefore, this rule merely codifies current practice.

This rule is directed at property/casualty insurers, which do not fall within the definition of a "small business" as defined by State Administrative Procedure Act section 102(8) because in general they are not independently owned and do not have fewer than 100 employees.

Industry has asserted that certain property/casualty insurers, in particular co-op insurers and mutual insurers, are small businesses. DFS believes that the language in the statement instructions that permit an authorized property/casualty insurer to apply to its domiciliary state for an exemption from the SAO filing requirement if it is (i) an insurer that has less than one million dollars total direct plus assumed written premiums during a calendar year and less than one million dollars total direct plus assumed loss and loss adjustment expenses at year-end; (ii) based upon the nature of its business written; or (iii) based upon a financial hardship, will exclude any insurers that may be small businesses from being subject to the SAO and AOS filing requirements. In fact, DFS granted approximately 19 exemption requests for the filing due in 2014 and approximately 15 exemption requests for the filing due in 2015. In addition, there are co-op insurers and mutual insurers who have not requested exemptions and are already making the SAO and AOS filings.

The electronic filing requirement should not impose any financial burden on small insurers because these insurers may seek an exemption from the electronic filing requirement upon a demonstration of undue hardship, impracticability, or good cause.

2. Compliance requirements: Because the rule merely codifies current practices, there are no new or additional compliance requirements placed on small businesses. Additionally, a small business may apply for an exemption from the rule's filing requirements. A local government will not have to undertake any reporting, recordkeeping, or other affirmative acts to comply with the rule since the rule does not apply to any local government.

3. Professional services: Because the rule merely codifies current practices, a small business should not need new or additional professional services to comply. Additionally, a small business may apply for an exemption from the rule's filing requirements. A local government will not need any professional services to comply with this rule since the rule does not apply to any local government.

4. Compliance costs: Because the rule merely codifies current practices, a small business should not be subject to any new or additional compliance costs to comply. Additionally, a small business may apply for an exemption from the rule's filing requirements. A local government will not incur any costs to comply with this rule since the rule does not apply to any local government.

5. Economic and technological feasibility: Because the rule merely codifies current practices, the rule does not impose any new or additional economic or technological requirements on small businesses. Additionally, a small business may apply for an exemption from the rule's filing requirements. The rule does not impose any economic or technological requirements on a local government because the rule does not apply to any local government.

6. Minimizing adverse impact: Because the rule merely codifies current practices, the rule will not have an adverse impact on any small businesses. Additionally, a small business may apply for an exemption from the rule's filing requirements. There will not be an adverse impact on a local government because the rule does not apply to any local government.

7. Small business and local government participation: Small businesses and local government will have an opportunity to participate in the rule making process when the proposed rule is published in the State Register.

Revised Rural Area Flexibility Analysis and Job Impact Statement

Changes made to the last published proposed rule have no bearing on the last published Rural Area Flexibility Analysis and Job Impact Statement. Therefore, no changes have been made to the Rural Area Flexibility Analysis and Job Impact Statement.

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2020, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment

The New York State Department of Financial Services ("Department") received comments from a state trade association representing property/casualty insurers ("trade association") in response to the publication of its proposed rule in the New York State Register. The trade association stated that it does not have substantive objections to the proposed rule but had two suggestions.

The trade association suggested including language in the regulation from Supplement No. 9 to Insurance Circular Letter No. 22 (2005) that makes clear that an insurer may request that the Department exempt from disclosure records it considers to be trade secrets under Public Officers Law Article 6.

The Department did not make this change because insurers already legally have the right to request that the Department exempt from disclosure records they consider to be trade secrets and therefore the Department does not believe that the change is necessary.

The trade association also asked that the Department update the current Department property/casualty statutory checklist to account for the rule if the rule is adopted. The Department did not make any changes to the rule in light of this comment since this comment does not pertain to the rule.

Office of Mental Health

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Early and Periodic Screening, Diagnostic and Treatment Services for Children

I.D. No. OMH-31-17-00001-P

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

Proposed Action: Amendment of Part 511 of Title 14 NYCRR.

Statutory authority: Mental Hygiene Law, Part 511

Subject: Early and Periodic Screening, Diagnostic and Treatment Services for Children.

Purpose: To promote the expansion of behavioral health services for children and youth under 21 years of age.

Substance of proposed rule (Full text is posted at the following State website:www.omh.ny.gov): The New York State Office of Mental Health (OMH), Office of Alcoholism and Substance Abuse Services (OASAS), Office of Children and Family Services (OCFS), and the Department of Health (DOH) have worked in collaboration to promote the expansion of behavioral health services for children and youth under 21 years of age by identifying six services to be offered under the Early and Periodic Screening, Diagnosis and Treatment Benefits, commonly known as EPSDT. These six services will be available to any child eligible for Medicaid who meets relevant medical necessity criteria.

The main goals of the additional services as identified in New York State's Medicaid Plan is to:

- Identify needs early on in a child's life;
- Maintain the child at home with support and services;
- Maintain the child in the community in the least restrictive settings possible;
- Prevent the need for long-term and/or more expensive services; and
- To increase the delivery of services following trauma-informed care principles.

To accomplish these goals, the following services will be implemented:

- Other Licensed Practitioner;
- Crisis Intervention;
- Community Psychiatric Support and Treatment;
- Psychosocial Rehabilitation;
- Family Peer Support; and
- Youth Peer Advocacy and Training.

To facilitate the delivery of these services, DOH, OMH, OASAS, and OCFS will designate licensed, certified, or approved providers under their respective jurisdictions to offer these services under the Medicaid program. OMH is proposing a new Part 511 to Title 14 NYCRR to establish the process under which providers of mental health services that are

operated, licensed, or funded may obtain designation to offer any or all of these six services.

A provider of mental health services is eligible to apply for designation if it is enrolled in the Medicaid program prior to commencing service delivery; have a history of compliance with federal and state laws and regulations governing the provision of mental health services; and satisfy requisite criteria identified in the New York State Plan Amendment Designation Application and standards of care identified in the Children's Health and Behavioral Health Services Transformation Medicaid State Plan Provider Manual. Requests for designation must be in writing, in a form and format identified by OMH. The proposed regulations also include a process for revocation of a designation, establish a requirement for OMH to publish guidelines for service provision on its public website, and indicate that the aforementioned standards of care are incorporated by reference.

Text of proposed rule and any required statements and analyses may be obtained from: Julie Rodak, NYS Office of Mental Health, 44 Holland Avenue, 8th floor, Albany, NY 12229, (518) 474-1331, email: julie.rodak@omh.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: Sections 7.09 and 31.04 of the Mental Hygiene Law grant the Commissioner of Mental Health the authority and responsibility to adopt regulations that are necessary and proper to implement matters under his or her jurisdiction.

2. Legislative objectives: Articles 7 and 31 of the Mental Hygiene Law reflect the Commissioner's authority to establish regulations regarding mental health programs.

3. Needs and benefits: Federal law requires state Medicaid programs to offer Early and Periodic Screening, Diagnosis and Treatment (EPSDT) to all Medicaid-eligible children under age 21. Within the scope of EPSDT benefits, states are required to cover any service that is medically necessary to "correct or ameliorate a defect, physical or mental illness, or a condition identified by screening" and which are recommended by a licensed practitioner of the healing arts. New York State has obtained an amendment to its Medicaid State Plan that authorizes the provision of six new children's behavioral and health services under the EPSDT program. When recommended by a practitioner of the healing arts, these six services will be made available to any child eligible for Medicaid who meets relevant medical necessity criteria, and include: Crisis Intervention Services; Family Peer Support Services; Youth Peer Advocacy and Training; Psychosocial Rehabilitation Services; Community Psychiatric Support and Treatment; and Other Licensed Practitioner. This Part establishes a process to obtain designation from the Office of Mental Health to offer EPSDT behavioral health services.

4. Costs: Costs to implement these EPSDT behavioral health services in general, are significantly offset by the cost savings that can result from its use. These services will be provided in the home or community settings with the goal of identifying needs early, maintaining the child at home with support and services, and preventing longer term need for costly higher-end services. All services are intended to be delivered in a culturally competent manner and to be trauma-informed. Service planning will consider the child and his or her family's strengths, assets, needs and any history of adverse experiences.

(a) Cost to State government: There are no new costs to State government as a result of these amendments.

(b) Cost to local government: There are no new costs to local government as a result of these amendments.

(c) Cost to regulated parties: For providers that obtain designation and offer these services, there are no new costs to providers as a result of these amendments.

5. Local government mandates: The provision of this service is not required. These regulatory amendments will not involve or result in any additional imposition of duties or responsibilities upon county, city, town, village, school, or fire districts.

6. Paperwork: For providers that wish to be designated to provide this service, written plans must be submitted for approval by the Office.

7. Duplication: These regulatory amendments do not duplicate existing State or federal requirements.

8. Alternatives: Although regulations are not required to establish the standards and process for designation, the regulation ensures the requirements and process for designation, as well as the due process requirements for removing designation, are clearly established.

9. Federal standards: There are currently no federal standards specific to the provision of these EPSDT behavioral health services. However, the regulatory amendments are consistent with the definition of EPSDT services issued by the Centers for Medicare and Medicaid Services. (42 U.S.C. §§ 1396d(r)(5).

10. Compliance schedule: The amendments would be effective upon adoption.

Regulatory Flexibility Analysis

The amendments to 14 NYCRR Part 511 are intended to establish a designation process to obtain Office authorization to deliver children's behavioral services under the EPSDT program by providers that are operated, licensed, or funded by the Office. Participation in the program by such providers is not mandatory. As there will be no adverse economic impact on small businesses or local governments as a result of these amendments, a regulatory flexibility analysis is not submitted with this notice.

Rural Area Flexibility Analysis

The amendments to 14 NYCRR Part 511 are intended to establish a designation process to obtain Office authorization to deliver EPSDT children's behavioral services by providers that are operated, licensed, or funded by the Office. Participation in this program by such providers is not mandatory. The proposed rule will not impose any adverse economic impact on rural areas; therefore, a Rural Area Flexibility Analysis is not submitted with this notice.

Job Impact Statement

The amendments to 14 NYCRR Part 511 are intended to establish a designation process to obtain Office authorization to deliver EPSDT children's behavioral services by providers that are operated, licensed, or funded by the Office. Participation in this program by such providers is not mandatory. Because it is evident from the subject matter that there will be no adverse impact on jobs and employment opportunities as a result of these amendments, a Job Impact Statement is not submitted with this notice.

Office for People with Developmental Disabilities

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Representative Payee

I.D. No. PDD-31-17-00003-P

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

Proposed Action: Addition of section 633.9; and amendment of section 633.15 of Title 14 NYCRR.

Statutory authority: Mental Hygiene Law, sections 13.07, 13.09(b) and 16.00

Subject: Representative Payee.

Purpose: To regulate the management of benefit funds received by facility directors acting as representative payees.

Text of proposed rule: A new Section 633.9 is added as follows:

Section 633.9 Facility Directors as Representative Payees

(a) Applicability. This section applies to OPWDD operated and certified residential facilities, including family care homes.

(b) Definitions.

(1) Beneficiary means an individual who is receiving Social Security or other federal or state benefits.

(2) Facility means an OPWDD operated or certified residential facility. As used in this section, facility also means the agency that sponsors a Family Care home.

(3) Facility director means the executive director, administrator, CEO, or its equivalent of an OPWDD operated or certified residential facility. As used in this section, facility director also means the executive director, administrator, CEO, or its equivalent of an agency that sponsors a family care home.

(4) Health care professional means physician, psychologist, or other qualified medical practitioner whose statements are acceptable to the benefit paying agencies for the purposes of determining the beneficiary's ability to handle his or her benefits.

(5) Lump sum retroactive benefit means a lump sum retroactive payment of a federal or state benefit that exceeds the expected monthly recurring amount for a reason other than a delay in processing an application, changing a representative payee, or similar administrative delay.

(6) Medicaid exception trust means a trust that contains the assets of the beneficiary in which both the principal and income of the trust are considered exempt for purposes of determining the beneficiary's eligibility for Medicaid and/or Supplemental Security Income.

(7) Representative payee means a party designated by a benefit-paying organization to receive an individual's benefit payments in a fiduciary capacity and in compliance with federal and state laws and regulations. This includes, but is not limited to, a party specifically designated by the Social Security Administration (SSA) to handle benefits on behalf of a beneficiary.

(c) Determination of need for representative payee.

(1) The beneficiary does not have a representative payee. If an individual does not have a representative payee, then within ten (10) business days of a beneficiary's move into a facility, the facility director, in consultation with the beneficiary's planning team, must conduct a review to determine whether the appointment of a representative payee to manage the individual's benefits is advisable. The basis for the determination must be documented in the beneficiary's record. If the facility director and the planning team question whether an individual is able to manage his or her benefits, then the individual must be evaluated by a health care professional. If, in the health care professional's opinion, the beneficiary cannot manage his or her benefits, then the facility director may apply to become the beneficiary's representative payee. If, in the health care professional's opinion, the beneficiary is capable of managing his or her own benefits, then the facility director may not apply to become the beneficiary's representative payee.

(2) The beneficiary has a representative payee. If an individual has a representative payee, then within ten (10) business days of a beneficiary's move into a facility, the facility director, in consultation with the beneficiary's planning team, must conduct a review to determine whether there is a continuing need for the appointment of a representative payee for the beneficiary.

(i) If the facility director and the planning team determine that the beneficiary continues to require a representative payee, then the facility director may apply to become the beneficiary's representative payee.

(ii) If the facility director and/or the planning team determine that a beneficiary may no longer require a representative payee, or are unsure, then the individual must be evaluated by a health care professional. If the health care professional's opinion is that the beneficiary cannot manage his or her benefits, then the facility director may apply to become the beneficiary's representative payee. If the health care professional's opinion is that the beneficiary can manage his or her benefits, then the facility director may not apply to become the beneficiary's representative payee. The facility director must notify the benefit paying agency of any change.

(iii) The basis for the determination of the beneficiary's need or continuing need for a representative payee, as set forth in subparagraphs (i) and (ii) of this paragraph, must be documented in the beneficiary's record.

(3) A determination of a beneficiary's need for a representative payee must also be made under the following circumstances and must be documented in the beneficiary's record:

(i) when there is a significant change in the beneficiary's physical or mental condition;

(ii) in response to a circumstance that affects the beneficiary's ability to manage his or her benefits;

(iii) upon request of the beneficiary or a party making a request on behalf of the beneficiary;

(iv) when a beneficiary transfers from one certified residence to another and both residences are operated by the same agency, and the person needs different supports, then the facility director must follow the requirements of paragraphs (1) and (2) of this subdivision; and

(v) when a beneficiary transfers from one certified residence to another, and the residences are operated by different agencies, then the facility director must follow the requirements of paragraphs (1) and (2) of this subdivision.

(4) If the facility director applies to be representative payee, the Director must provide notification in accordance with subdivision (d) of this section. If notice is not provided, then the reason must be documented in the beneficiary's record.

(d) Notice to qualified persons of intent and application for representative payee status.

(1) Whenever a facility director intends to apply to be representative payee of a beneficiary who is receiving services from an OPWDD operated or certified residential facility, the facility director must give concurrent written notice to the qualified parties as set forth in Mental Hygiene Law 33.16(a)(6) and any other party designated by the beneficiary, of the facility director's intent to make such application.

(i) A facility director is not required to provide notice pursuant to this section if the beneficiary is a "person, capable adult" as defined in subdivision 633.99(bp) of this Part, and the beneficiary objects to such notice; if such notice is prohibited by Court order; or, if the facility director, in consultation with the planning team, determine that it would cause substantial and identifiable harm to the beneficiary. This determination must be documented in the beneficiary's record.

(ii) The notice will be deemed to have been provided if hand delivered, mailed by first class mail to the last known address of the recipient(s) of the notice, or mailed electronically to the last known email address of the recipient(s).

(iii) The notice to beneficiaries must include information that the Mental Hygiene Legal Service is available to advise beneficiaries regarding the application process.

(2) During the application process or following the appointment of a facility director as a beneficiary's representative payee, the facility must ensure that the beneficiary is apprised of his or her right at any time to request to receive benefits directly, or to request a change in representative payee. Such request must be directed to the Social Security Administration or the federal or state entity that made the appointment.

(e) Policies and procedures.

(1) If a facility director serves or may serve as representative payee, then the residential services agency must establish policies and procedures for the management and use of funds paid to the facility director as representative payee. These policies and procedures must be in compliance with all applicable federal and state laws and regulations. At a minimum, such policies and procedures must include provisions for:

(i) establishment and maintenance of beneficiary accounts in interest bearing accounts;

(ii) individual accounting to segregate balances and permit the application of interest earned, if any, on a pro-rated basis, for collective accounts;

(iii) internal controls to keep the beneficiary accounts and funds secure, prevent identity theft, provide specific authorization for banking transactions, and document receipts and disbursements;

(iv) response to a request to review the representative payee account;

(v) designation of an appropriate staff member to act as a liaison between the facility director and the beneficiary;

(vi) management of the personal allowance derived from the benefit referenced in 633.15; and

(vii) consideration of the use of a Medicaid exception trust, Supplemental Needs Trust, or similar device to protect a lump sum retroactive benefit, inheritance or any other funds which would affect eligibility for benefits.

(2) If the representative payee is the facility director, then the representative payee must:

(i) manage the benefits without charging a fee;

(ii) manage the personal allowance portion of the income without a charging a fee;

(iii) maintain a record of all funds received, including earned income, and report to the benefit paying organization(s) on these funds as required, and;

(iv) maintain a record of all resources, with current values, to meet all benefit paying organization(s) reporting requirements and to ensure that the entitlements are not jeopardized by a beneficiary's resources exceeding regulatory limits.

(3) When a beneficiary does not have a representative payee, the agency or sponsoring agency must offer to assist with:

(i) reporting both earned and unearned income to benefit paying organization(s), as required;

(ii) reporting resource amounts to benefit paying organization(s), as required;

(iii) monitoring resource amounts to ensure that the beneficiary's entitlements are not jeopardized by having excess resources; and

(iv) reporting any changes that may affect a beneficiary's entitlements to benefit paying organizations, as required.

(4) When the facility director is not the representative payee, the agency or sponsoring agency must offer to manage the beneficiary's personal allowance. The offer must be in writing and made within ten (10) business days of the beneficiary's move or change of representative payee.

(f) Transfer of Funds. When a beneficiary moves to a new residence:

(1) If the beneficiary moves to a facility operated or sponsored by the same agency, the agency may retain all funds and the facility director will continue to serve as the beneficiary's representative payee unless, in accordance with subdivision (c) of this section, the beneficiary no longer needs a representative payee. Cash maintained on behalf of the beneficiary at the facility must be forwarded to the new residential facility.

(2) If the beneficiary moves to a facility operated or sponsored by another agency:

(i) Personal allowance funds derived from payments made by SSA must either be returned to SSA within 10 business days of the person's departure or, if specifically permitted by SSA, forwarded to the new repre-

sentative payee. Encumbered funds will be retained by the agency and appropriately disbursed. Funds derived from other sources must be forwarded to the new representative payee within 10 business days of the person's departure. If funds derived from SSA have been combined with funds from other sources, then the amount returned to SSA must be the percentage of the current total that represents the SSA portion. The percentage must be calculated based on the historical payments received over the last six months from SSA and non-SSA sources.

(ii) The former agency must notify the successor representative payee in writing of the return of the beneficiary's funds to SSA immediately following such return or transfer of funds. The notification must include the amount returned or transferred and the date it was returned or transferred.

(iii) On or before the date of the move, the former agency must disburse to the new facility a sum equivalent to one month's minimum statutory personal allowance or the total of the person's funds, whichever is less, prior to returning to SSA the remainder (if any) of the person's funds that were derived from payments made by SSA.

(iv) The facility director of the new agency shall apply to the benefit paying agency to become the person's representative payee no later than ten (10) business days after the person's admission unless a determination has been made that the beneficiary no longer needs a representative payee.

(v) Upon the appointment of the facility director of the new agency as representative payee by the benefit paying agency and receipt of the person's accrued funds, the new agency shall consider the funds to be accrued personal allowance, except for any amount which is due and payable to the new agency for the provider payment(s) derived from the benefits at the time of the receipt of funds.

(vi) All funds in a burial reserve account, noted as such, regardless of the origin of the funds, shall be forwarded to the new representative payee within ten (10) business days of the beneficiary's discharge or change of representative payee.

(vii) Except for funds received from SSA, when the facility director of the former agency is the representative payee, the ongoing monthly personal allowance shall be forwarded to the successor representative payee within five (5) business days of receipt of the benefit check. This arrangement shall continue until a new payee is designated.

(g) Record Retention. Each agency or sponsoring agency must keep records documenting compliance with this section for four (4) years.

• Paragraph 633.15(b)(3) is amended as follows:

(3) Account, payee. An *account* [record] maintained by [a person who is his or her own payee, or by a payee for earnings,] a representative payee [, or a designated payee] to receive and maintain monies from a benefit paying organization.

• Existing paragraph 633.15(b)(21) is deleted and a new paragraph 633.15(b)(21) is added as follows:

(21) Payee, representative. A party designated by a benefit-paying organization to receive an individual's benefit payments in a fiduciary capacity and in compliance with federal and state laws and regulations. This includes, but is not limited to, a party specifically designated by the Social Security Administration (SSA) to handle benefits on behalf of a beneficiary.

• Paragraph 633.15(i)(9) is amended as follows:

(9) On a quarterly basis, the agency or sponsoring agency shall send a copy of each person's personal allowance account ledger card or equivalent to payees, other than the chief executive officer. [or a payee for earnings.]

• Subdivision 633.15(n) is amended as follows:

(n) Transfer of funds. *This subdivision is superseded by subdivision 633.9(f) of this Part, effective October 1, 2017.*

Note: Paragraphs (n)(1) and (2) remain unchanged.

• Subdivision 633.15(r) is amended as follows:

(r) Payee designation and responsibilities. *This subdivision is superseded by section 633.9 of this Part, effective October 1, 2017.*

Note: Paragraphs (r)(1) - (6) remain unchanged.

Text of proposed rule and any required statements and analyses may be obtained from: Office of Counsel, Bureau of Policy and Regulatory Affairs, Office for People With Developmental Disabilities (OPWDD), 44 Holland Avenue, 3rd Floor, Albany, NY 12229, (518) 474-7700, email: rau.unit@opwdd.ny.gov

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

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

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

Regulatory Impact Statement

1. Statutory authority:

a. OPWDD has the statutory responsibility to provide and encourage the provision of appropriate programs, supports, and services in the areas of care, treatment, habilitation, rehabilitation, and other education and training of persons with intellectual and developmental disabilities, as stated in the New York State (NYS) Mental Hygiene Law Section 13.07.

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

c. OPWDD has the statutory authority to adopt regulations concerned with the operation of programs and the provision of services, as stated in the NYS Mental Hygiene Law Section 16.00. As this matter concerns the provision of services pursuant to provisions of NYS Mental Hygiene Law sections 29.23 and 33.07 in relation to the receipt of federal and state benefits received by individuals supported in facilities certified or operated by OPWDD, the proposed regulations are necessary to satisfy these statutory provisions. The regulation also ensures compliance by OPWDD certified and operated residences with the proper provision of services.

2. Legislative objectives: The proposed regulations further legislative objectives embodied in sections 13.07, 13.09(b), 16.00 and 16.05 of the Mental Hygiene Law. The regulations add a new part and amend existing regulations on representative payees.

3. Needs and benefits: The proposed regulations amend 14 NYCRR Part 633 by adding a new section 633.9 concerning representative payees for individuals receiving services in residential facilities operated and/or certified by OPWDD, and by making conforming changes to existing regulations in section 633.15 concerning the management of personal allowance of residents who reside in such facilities.

The proposed regulations are necessary to satisfy provisions of sections 29.23 and 33.07 of the NYS Mental Hygiene Law that require OPWDD to promulgate regulations regarding the management and protection of individuals' funds where a facility director is appointed or may be appointed as an individual's representative payee.

The proposed regulations in 633.9 require facility directors, in consultation with an individual's planning team, to determine their need or continuing need for a representative payee to handle their funds. The regulations require documentation of the basis for that determination in the individual's record. This provides management benefits and protection to the individuals we serve.

The proposed regulations in 633.9 require facility directors to follow policies and procedures when acting as representative payee, which benefit the individuals we serve by providing management and protection of the individual's funds.

The proposed regulations amend definitions in 633.15 to correspond with the addition of 633.9.

In addition, the proposed regulations supersede certain requirements for the management of personal funds for people who are receiving services in facilities operated and/or certified by OPWDD.

4. Costs:

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

There is no anticipated impact on Medicaid expenditures as a result of the proposed regulations. The regulations require a facility director, in consultation with the beneficiary's planning team to determine a beneficiary's need or continuing need for a representative payee, to document the basis for that determination in the beneficiary's record, and to follow guidelines when a facility director is acting as representative payee. Consequently, there are no anticipated costs for the State in its role of paying for Medicaid costs.

These regulations will not have any fiscal impact on local governments, as the contribution of local governments to Medicaid has been capped. Chapter 58 of the Laws of 2005 places a cap on the local share of Medicaid costs and local governments are already paying for Medicaid at the capped level.

The regulations may result in minimal costs to OPWDD in its role as a provider of services to comply with the new requirements. Consequently, there may be costs associated with developing policies and procedures and with subsequent training. However, these costs will be satisfied with existing resources.

b. Costs to private regulated parties:

OPWDD expects that the costs to develop new policies and procedures will be minimal and be satisfied with existing resources. Costs to have a healthcare professional certify a beneficiary's competency to handle his/her benefits will be minimal because most facilities will take the beneficiary to the beneficiary's treating healthcare professional for certification.

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

6. Paperwork: Providers will experience a minimal increase in paperwork as a result of the proposed regulations. The regulations will require facility directors to document the determination of whether a beneficiary needs or continues to need a representative payee and to provide notice to appropriate parties.

7. Duplication: These regulations mirror federal benefit paying agency regulations concerning representative payees/fiduciaries. The duplicative impact of the proposed state regulations is minimal as documentation showing compliance with federal benefit paying agencies can also be used to meet OPWDD requirements.

8. Alternatives: OPWDD did not consider any other alternatives to the proposed regulations. The regulations are necessary to comply with MHL 33.07.

9. Federal standards: The proposed rule exceeds minimum standards of the federal government, as benefit paying agencies do not require a review of the person's need or continuing need for a representative payee when the person has life changes. Given the unique population served by OPWDD, and the ramifications of the representative payees' decisions, this is in accordance with current New York State statutes.

10. Compliance schedule: OPWDD is planning to adopt the proposed amendments as soon as possible within the timeframes mandated by the State Administrative Procedure Act. The proposed regulations were reviewed by Mental Hygiene Legal Services. The proposed regulations were discussed with and reviewed by representatives of providers in advance of this proposal. Additionally, OPWDD will be mailing a notice of the proposed amendments to providers in advance of the effective date.

Regulatory Flexibility Analysis

1. Effect on small business: OPWDD has determined, through a review of the certified cost reports, that many OPWDD-funded services are provided by not-for-profit agencies which employ more than 100 people. Smaller agencies that employ fewer than 100 employees are classified as small businesses. OPWDD is unable to estimate the number of agencies that may be considered to be small businesses.

The proposed amendments have been reviewed by OPWDD in light of their impact on small businesses. The proposed amendments require facility directors in consultation with the beneficiary's planning team to determine a beneficiary's need or continuing need for a representative payee, to document the basis for that determination, and to follow policies and procedures when a facility director is acting as representative payee.

2. Compliance requirements: The proposed amendments will impose some additional compliance requirements on facilities. OPWDD expects that the compliance costs to develop new policies and procedures will be minimal and satisfied with existing staff. Additionally, costs to have a healthcare professional certify a beneficiary's competency to handle his/her benefits will be minimal because most facilities will take the beneficiary to the beneficiary's treating healthcare professional for certification.

The amendments will have no effect on local governments.

3. Professional services: The proposed amendments will affect facilities that need to have a healthcare professional certify a beneficiary's competency to handle his/her benefits. This will be minimal because most facilities will take the beneficiary to the beneficiary's treating healthcare professional for certification.

4. Compliance costs: OPWDD expects that the compliance costs to develop new policies and procedures will be minimal and satisfied with existing staff. Additionally, costs to have a healthcare professional certify a beneficiary's competency to handle his/her benefits will be minimal because most facilities will take the beneficiary to the beneficiary's treating healthcare professional for certification.

5. Economic and technological feasibility: The proposed amendments do not impose the use of any new technological processes on regulated parties.

6. Minimizing adverse impact: The purpose of these proposed amendments is to require facilities to determine whether a beneficiary needs or continues to need a representative payee, to document the basis for that determination, and to follow policies and procedures when a facility director is acting as representative payee. The amendments will result in costs to facilities, including facilities that are small businesses. However, OPWDD does not expect that such costs will result in an adverse impact to providers because costs will be minimal.

OPWDD has reviewed and considered the approaches for minimizing adverse impacts as suggested in section 202-bb(2)(b) of the State Administrative Procedure Act (SAPA). However, since the representative payee determination and documentation requirements are needed to ensure beneficiaries receive a representative payee when appropriate, OPWDD did not establish different compliance, reporting requirements or timetables from these requirements and timetables on small businesses or exempt facilities that are small businesses.

7. Small business participation: The proposed regulations were discussed with and reviewed by representatives of providers, some being small businesses, in advance of this proposal. OPWDD also plans to inform all facilities, including small business providers, of the proposed amendments in advance of their scheduled effective date.

Rural Area Flexibility Analysis

1. Types and Estimated Numbers of Rural Areas: 44 counties have a population of less than 200,000: Allegany, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Clinton, Columbia, Cortland, Delaware, Essex, Franklin, Fulton, Genesee, Greene, Hamilton, Herkimer, Jefferson, Lewis, Livingston, Madison, Montgomery, Ontario, Orleans, Oswego, Otsego, Putnam, Rensselaer, St. Lawrence, Saratoga, Schenectady, Schoharie, Schuyler, Seneca, Steuben, Sullivan, Tioga, Tompkins, Ulster, Warren, Washington, Wayne, Wyoming and Yates. 9 counties with certain townships have a population density of 150 persons or less per square mile: Albany, Broome, Dutchess, Erie, Monroe, Niagara, Oneida, Onondaga and Orange.

The proposed amendments have been reviewed by OPWDD in light of their impact on entities in rural areas. The proposed amendments require a facility director in consultation with the beneficiary's planning team to determine a beneficiary's need or continuing need for a representative payee, to document the basis for that determination and to follow policies and procedures when acting as representative payee.

2. Compliance Requirements: The proposed amendments will impose some additional compliance requirements on facilities. OPWDD expects that the compliance costs to develop new policies and procedures will be minimal and satisfied with existing staff. Additionally, costs to have a healthcare professional certify a beneficiary's competency to handle his/her benefits will be minimal because most facilities will take the beneficiary to the beneficiary's treating healthcare professional for certification.

The amendments will have no effect on local governments.

3. Professional Services: The proposed amendments will affect facilities that need to have a healthcare professional certify a beneficiary's competency to handle his/her benefits. However, most facilities will take the beneficiary to the beneficiary's treating healthcare professional for certification.

4. Compliance Costs: OPWDD expects that the compliance costs to develop new policies and procedures will be minimal and satisfied with existing staff. Additionally, costs to have a healthcare professional certify a beneficiary's competency to handle his/her benefits will be minimal because most facilities will take the beneficiary to the beneficiary's treating healthcare professional.

5. Minimizing Adverse Impact: The purpose of these proposed amendments is to require facility directors to determine whether a beneficiary needs or continues to need a representative payee, to document that determination in the beneficiary's record, and to follow policies and procedures when acting as representative payee. The amendments will result in costs to facilities, including facilities in rural areas. However, OPWDD does not expect that such costs will result in an adverse impact to providers as the costs will be minimal.

OPWDD has reviewed and considered the approaches for minimizing adverse impact as suggested in section 202-bb(2)(b) of the State Administrative Procedure Act (SAPA). However, since the determination and documentation requirements are needed to ensure beneficiaries receive a representative payee when appropriate, OPWDD did not establish different compliance, reporting requirements, or timetables on providers in rural areas or local governments or exempt providers in rural areas or local governments from these requirements and timetables.

6. Rural Area Participation: The proposed regulations were discussed with and reviewed by representatives of providers, including some in rural areas, in advance of this proposal. OPWDD also plans to inform all providers, including providers in rural areas, of the proposed amendments in advance of their scheduled effective date.

Job Impact Statement

A Job Impact Statement for the proposed amendments is not being submitted because it is apparent from the nature and purposes of the amendments that they will not have a substantial adverse impact on jobs and/or employment opportunities.

The proposed regulations require facility directors in consultation with the beneficiary's planning team to determine a beneficiary's need or continuing need for a representative payee, and document that determination in the beneficiary's record. The amendments also require facility directors to follow policies and procedures when acting as the representative payee. The amendments will not result in staffing costs, and compliance requirements for facilities are minimal. Consequently, the amendments will not have a substantial impact on jobs or employment opportunities in New York State.

Public Employment Relations Board

NOTICE OF ADOPTION

Rules and Regulations to Effectuate the Purposes of the Public Employees' Fair Employment Act (Civil Service Law Art. 14)

I.D. No. PRB-16-17-00002-A
Filing No. 516
Filing Date: 2017-07-18
Effective Date: 2017-08-02

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

Action taken: Amendment of Parts 200-215 of Title 4 NYCRR.

Statutory authority: Civil Service Law, section 205.5(l)

Subject: Rules and Regulations to Effectuate the Purposes of the Public Employees' Fair Employment Act (Civil Service Law Art. 14).

Purpose: Codify existing practices; modernize pleadings; remove outdated rules.

Substance of final rule: Rules §§ 205.4(a) and 205.14 have been modified to delete the phrase "provided, however, that no such petition will be processed absent completion of the mediation process."

Rules §§ 205.4(b), 205.5(b), 205.14(b) and 205.16(b) have been modified so that proposed contract language must be attached only if such language was presented during negotiations.

Part 214, "Misconduct Before the Agency," has been modified to remove the inadvertent reference to "disbarment" in Rule § 214.2.

Final rule as compared with last published rule: Nonsubstantive changes were made in sections 205.4, 205.5, 205.14, 205.16 and 214.

Text of rule and any required statements and analyses may be obtained from: Sarah Coleman, Deputy Chair, Public Employment Relations Board, PO Box 2074, Empire State Plaza, Bldg. 2, Floor 20, Albany, NY 12220-0074, (518) 457-0956, email: scoleman@perb.ny.gov

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

A revised Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement is not required because changes made to the last published rules do not necessitate revision to the previously published Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement.

Initial Review of Rule

As a rule that does not require a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2022, which is no later than the 5th year after the year in which this rule is being adopted.

Assessment of Public Comment

Electronic Filing and Service:

A comment suggested that the proposed Rules allowing the Public Employment Relations Board (hereinafter "PERB") to adopt electronic filing and service are premature because e-filing is still "an experiment."

No changes to the proposed Rules were made in response to this comment. The authorization in proposed Rule § 200.12(b) and other Rules allowing electronic filing and service are flexible enough to allow PERB to begin a voluntary pilot program that will be limited to proceedings before the board (and thus will not involve filing of potentially voluminous exhibits and other evidentiary matters which are received by administrative law judges). Upon successful completion of a pilot program, e-filing will be gradually expanded. The proposed Rules are flexible enough to allow PERB to develop a functional and accessible e-filing methodology and protocol that will meet the needs of the agency and the parties.

Another comment raised concern that continuing to require the submission of a single paper copy of a filing seemed to defeat the purpose of electronic filing and suggested that, if there is a need for a paper copy in a given matter, PERB could change its proposed Rules to permit it to require the filing of a paper copy upon notice to the party or parties, after electronic filing, rather than requiring it in every case.

No changes to the proposed Rules were made in response to this comment. Requiring one paper copy is designed to preserve the verification requirement, ensure the maintenance of a paper file in case of technical failures in the digital library, and remind all signatories that pleadings (especially sworn pleadings) and papers are legally significant and binding documents.

Another comment questioned why the proposed Rules require that electronic filings be in a searchable format.

No changes to the proposed Rules were made in response to this comment. The proposed Rules are consistent with the requirements of certain courts within the New York State Unified Court System, which require that documents be filed electronically in searchable pdf format. The proposed Rules recognizes that not all parties may have the ability to submit papers in searchable format and provides an exception to accommodate such parties.

Expedited Determinations:

A comment suggested that the proposed Rules allowing for expedited determination of disputes involving primarily a disagreement as to the scope of negotiations should be deleted because the process is rarely used and results in even more delay in case disposition than does normal case processing.

No changes to the proposed Rules were made in response to this comment. The existing Rules concerning expedited determination of scope of negotiations disputes continue to function as intended. The board has indicated that it will use this power sparingly "to encourage the parties to resolve their disputes through collective negotiations." (Bd of the City Sch Dist, City of NY, 46 PERB ¶ 3012 (2013)).

PERB does not agree that bypassing administrative law judge review will add time to the process of determining such matters, and, in any event, believes that these rules provide an appropriate vehicle for the determination of arbitrability and scope matters, especially when interest arbitration or fact-finding are at issue.

Injunctive Relief:

A comment suggested that changing the time frame to respond to an application for injunctive relief from five calendar days to five working days could alleviate attempts to potentially disadvantage the responding party by, for example, delivering an application late on a Friday to truncate the usefulness of the five calendar days.

No changes to the proposed Rules were made in response to this comment. Section 209-a.4(b) of the Public Employees' Fair Employment Act (hereinafter "the Act") requires PERB to petition in Albany County Supreme Court for an injunction or to deny an application for injunctive relief within ten calendar days of PERB's receipt of the application. Adopting the commenter's proposal would result in PERB having insufficient time to give due consideration to a response to an application for injunctive relief, particularly in the scenario outlined by the commenter. That is, if an application were received by PERB on a Friday, and the response was received by the close of business the following Friday (five working days later), PERB would have no working days to consider the response before it was required to either apply for an injunction in Supreme Court or deny the application on Monday (ten calendar days from filing of the application).

Public Arbitration Panels:

With respect to proposed Rule § 205.4(a), which amended the filing requirements for a petition requesting the director of conciliation to refer an impasse to a public arbitration panel, a comment suggested that denying processing of a petition "absent completion of the mediation process" is contrary to the terms of the Act, which requires only a fifteen-day hold period running from the appointment of a mediator, and raises additional questions about who would make the determination as to whether mediation has been completed, what the indicia of completion would be, and whether a party can challenge a determination that mediation has been completed. These additional questions generate litigation by employers seeking to deny or delay the arbitration process.

After consideration, PERB agrees that this proposed amended Rule was not consistent with this provision of the Act and has decided to adopt the commenter's suggestion that proposed Rule § 205.4(a) not include the phrase "provided, however, that no such petition will be processed absent completion of the mediation process." Section 209.4(b) of the Act provides that, "if the mediator is unable to effect settlement of the controversy within fifteen days after his appointment, either party may petition the board to refer the dispute to a public arbitration panel." The other proposed revisions in Rule 205.4(a) remain unchanged. An identical requirement was eliminated from § 205.14 under the Rules related to section 209.5 of the Act.

Compulsory Interest Arbitration:

With respect to provisions in proposed Rules § 205.4(b), § 205.5(b), § 205.16(b) which required that petitions requesting appointment of a public arbitration panel and responses to such petitions must contain proposed contract language, a comment raised concern that parties often do not have contract language developed during negotiations and recommended that the submission of language should remain optional or that the proposed Rules should require submission of contract language only if such language was presented during negotiations.

PERB believes that the commenter has raised a valid and reasonable concern. After consideration, PERB has decided to adopt the suggestion

that proposed contract language must be attached only if such language was presented during negotiations. Rules 205.4(b), 205.5(b), and 205.16(b) have been modified accordingly. An identical provision in Rule § 205.14(b) has also been modified.

Expenses and Fees:

A comment suggested that proposed Rule § 207.15(d) is unnecessary and could be used as a justification by PERB to inject itself into a billing dispute between the chair of a public arbitration panel and a party.

No changes to the proposed Rules were made in response to this comment. The proposed Rule states only that "[s]ince the designated arbitrator is not an agent or representative of the board, all matters involving arbitrator payments and compensation are to be resolved between the parties and the arbitrator directly." This language is intended to prevent parties from endeavoring to draw PERB into billing disputes, as has occurred in the past, and provides no basis for PERB's assertion of any role in such a dispute.

Misconduct before the Agency:

A comment suggested there should be some identification and specification of what is sanctionable misconduct in proposed Rules Part 214.

No changes to the proposed Rules were made in response to this comment. The proposed rule has been modified, however, to remove an inadvertent reference to "disbarment" in Rule § 214.2. The proposed Rule merely extends the long-standing rule applicable to all proceedings before PERB and/or its designees, codifying PERB's established practice of interpreting the rule as "prohibit[ing] misconduct at all stages of case processing, including conferences." Matter of Munafo, 31 PERB ¶ 3012 (1998); see also Matter of Halley, 30 PERB ¶ 3023 (1997). The proposed Rules also provide due process lacking in the prior articulation of the rule by creating a process by which any sanction imposed by an administrative law judge may be appealed to the board.

Historically, the board has construed this section as providing a basic enforcement mechanism of enforcing the well-established notion that "[t]he privilege of representing individuals or entities before this agency carries with it a certain set of responsibilities, not the least one of which is a simple duty to observe ordinary principles of civility, courtesy and decorum during appearances, even when frustrated or upset." Munafo, supra. Likewise, in Halley, the board found misconduct to include "nonresponse where response is required, selective disclosure of facts with an intent to mislead and cause delay, or the persistent raising of issues and arguments lacking any good faith basis in law or fact." These well-established rules, universally applicable to advocates before PERB, have been enunciated and applied since 1998 and 1997 respectively, and are not abstruse or vague.

PERB also received comments pointing out a number of typographical errors. The proposed Rules have been amended to correct these errors.

Public Service Commission

NOTICE OF ADOPTION

Use of Socket AP Device

I.D. No. PSC-33-16-00003-A

Filing Date: 2017-07-17

Effective Date: 2017-07-17

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

Action taken: On 7/13/17, the PSC adopted an order approving, subject to limitations, the Silver Springs Networks Inc. (Silver Springs) Socket Access Point (Socket AP) device for use in metering applications in New York State.

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

Subject: Use of Socket AP device.

Purpose: To approve, subject to limitations, Silver Springs Socket AP device for use in metering applications in New York State.

Substance of final rule: The Commission, on July 13, 2017, adopted an order approving, subject to limitations, the Silver Springs Networks Inc. (Silver Springs) Socket Access Point (Socket AP) device for use in metering applications in New York State. Consolidated Edison Company of New York, Inc., Orange and Rockland Utilities, Inc. and any New York State utility intending to use the Silver Springs Socket AP shall inspect all installations and maintain records of such inspections, 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-0376SA1)

NOTICE OF ADOPTION

Allocation of Property Tax Refunds

I.D. No. PSC-36-16-00005-A

Filing Date: 2017-07-13

Effective Date: 2017-07-13

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

Action taken: On 7/13/17, the PSC adopted an order approving the terms of a joint proposal executed by New York American Water Company, Inc. (NYAW) and the Department of Public Service (DPS) Staff and denied NYAW's petition for the proposed allocation of tax refunds.

Statutory authority: Public Service Law, section 113(2)

Subject: Allocation of property tax refunds.

Purpose: To adopt the terms of a joint proposal between NYAW and DPS Staff and deny NYAW's petition.

Substance of final rule: The Commission, on July 13, 2017, adopted an order approving the terms of a joint proposal executed by New York American Water Company, Inc. (NYAW) and the Department of Public Service (DPS) Staff and denied NYAW's petition seeking approval of a proposed allocation of tax refunds. NYAW shall pass back to customers (a) $672,617, representing 88 percent of the total net refund remaining after deduction of $219,721 in legal and other expenses, as shown in Attachment A of the Joint Proposal; (b) $7,564 in interest accrued on the above $672,617 through January 31, 2017; and (c) interest accrued on items (a) and (b) above, calculated using the Other Customer Provided Capital Rate, until those items have been refunded to customers, 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-W-0384SA1)

NOTICE OF ADOPTION

Disposition of Property Tax Benefits

I.D. No. PSC-45-16-00012-A

Filing Date: 2017-07-17

Effective Date: 2017-07-17

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

Action taken: On 7/13/17, the PSC adopted an order denying Consolidated Edison Company of New York, Inc. (Con Edison) and Orange & Rockland Utilities, Inc.'s (O&R) joint petition to retain 14% of estimated future property tax savings.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Disposition of property tax benefits.

Purpose: To deny Con Edison and O&R's joint petition to retain 14% of estimated future property tax savings.

Substance of final rule: The Commission, on July 13, 2017, adopted an order denying Consolidated Edison Company of New York, Inc. and

Orange & Rockland Utilities, Inc.'s joint petition to retain 14% of the estimated future property tax savings related to the settlement with the Town of Ramapo, 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-M-0300SA2)

NOTICE OF ADOPTION

Disposition of Property Tax Benefits

I.D. No. PSC-45-16-00014-A

Filing Date: 2017-07-17

Effective Date: 2017-07-17

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

Action taken: On 7/13/17, the PSC adopted an order denying Orange & Rockland Utilities, Inc.'s (O&R) petition to retain 14% of estimated future property tax savings.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Disposition of property tax benefits.

Purpose: To deny O&R's petition to retain 14% of estimated future property tax savings.

Substance of final rule: The Commission, on July 13, 2017, adopted an order denying Orange & Rockland Utilities, Inc.'s joint petition to retain 14% of the estimated future property tax savings related to settlements with the Towns of Clarkstown and Orangetown, 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-M-0362SA2)

NOTICE OF ADOPTION

Minor Rate Filing

I.D. No. PSC-45-16-00015-A

Filing Date: 2017-07-13

Effective Date: 2017-07-13

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

Action taken: On 7/13/17, the PSC adopted an order denying the request of Arbor Hills Waterworks, Inc. (Arbor Hills) to increase its annual revenues, the maximum balance in its escrow account and the associated quarterly surcharge.

Statutory authority: Public Service Law, sections 4(1), 5(1)f, 89-c(1), (3), (10)(a), (b) and (f)

Subject: Minor rate filing.

Purpose: To deny Arbor Hills' request to increase annual revenues, escrow account and quarterly surcharge.

Substance of final rule: The Commission, on July 13, 2017, adopted an order denying the request of Arbor Hills Waterworks, Inc. (Arbor Hills) to increase its annual revenues by about $36,500 or 45%, and to increase the maximum balance in its escrow account from $25,000 to $50,000 and the associated quarterly surcharge from $150 to $300. Arbor Hills is directed to file a cancellation supplement on not less than one day's notice, to become effective July 28, 2017, cancelling the tariff amendment and Escrow Account Statement No. 5 listed in the Appendix. Arbor Hills is also directed to notify its customers of the Commission's decision in this proceeding within 30 days of the issuance of this order and is directed to file with the Secretary to the Commission within 45 days of the issuance of this Order, a copy of the customer notifications identified in Ordering Clause No. 8 and an attestation that the customer notification has been distributed, 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-W-0606SA1)

NOTICE OF ADOPTION

Minor Rate Filing

I.D. No. PSC-45-16-00016-A

Filing Date: 2017-07-13

Effective Date: 2017-07-13

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

Action taken: On 7/13/17, the PSC adopted an order denying the request of Boniville Water Company, Inc. (Boniville) to increase its annual revenues, the maximum balance in its escrow account and the associated quarterly surcharge.

Statutory authority: Public Service Law, sections 4(1), 5(1)f, 89-c(1), (3), (10)(a), (b) and (f)

Subject: Minor rate filing.

Purpose: To deny Boniville's request to increase annual revenues, escrow account and quarterly surcharge.

Substance of final rule: The Commission, on July 13, 2017, adopted an order denying the request of Boniville Water Company, Inc. (Boniville) to increase its annual revenues by about $25,000 or 45%, and to increase the maximum balance in its escrow account from $10,000 to $20,000 and the associated quarterly surcharge from $100 to $200. Boniville is directed to file a cancellation supplement on not less than one day's notice, to become effective July 28, 2017, cancelling the tariff amendment and Escrow Account Statement No. 4 listed in the Appendix. Boniville is also directed to notify its customers of the Commission's decision in this proceeding within 30 days of the issuance of this order and is directed to file with the Secretary to the Commission within 45 days of the issuance of this Order, a copy of the customer notifications identified in Ordering Clause No. 8 and an attestation that the customer notification has been distributed, 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-W-0607SA1)

NOTICE OF ADOPTION

Minor Rate Filing

I.D. No. PSC-45-16-00017-A

Filing Date: 2017-07-13

Effective Date: 2017-07-13

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

Action taken: On 7/13/17, the PSC adopted an order denying the request of Knolls Water Co., Inc. (Knolls) to increase its annual revenues, the maximum balance in its escrow account and the associated quarterly surcharge.

Statutory authority: Public Service Law, sections 4(1), 5(1)f, 89-c(1), (3), (10)(a), (b) and (f)

Subject: Minor rate filing.

Purpose: To deny Knolls' request to increase annual revenues, escrow account and quarterly surcharge.

Substance of final rule: The Commission, on July 13, 2017, adopted an order denying the request of Knolls Water Co., Inc. (Knolls) to increase its annual revenues by about $26,600 or 45%, and to increase the maximum balance in its escrow account from $10,000 to $20,000 and the associated quarterly surcharge from $50 to $100. Knolls is directed to file a cancellation supplement on not less than one day's notice, to become effective July 28, 2017, cancelling the tariff amendment and Escrow Account Statement No. 5 listed in the Appendix. Knolls is also directed to notify its customers of the Commission's decision in this proceeding within 30 days of the issuance of this order and is directed to file with the Secretary to the Commission within 45 days of the issuance of this Order, a copy of the customer notifications identified in Ordering Clause No. 8 and an attestation that the customer notification has been distributed, 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-W-0608SA1)

NOTICE OF ADOPTION

Request for Reconsideration of Meter Test Methods

I.D. No. PSC-01-17-00021-A

Filing Date: 2017-07-13

Effective Date: 2017-07-13

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

Action taken: On 7/13/17, the PSC adopted an order approving Quadlogic Controls Corporation's (Quadlogic) petition for reconsideration of the requirement that One Vandam Condominium, LLC (One Vandam) utilize the periodic test method in its meter test plan.

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

Subject: Request for reconsideration of meter test methods.

Purpose: To approve Quadlogic's petition for reconsideration of One Vandam's meter test methods.

Substance of final rule: The Commission, on July 13, 2017, adopted an order approving Quadlogic Controls Corporation's petition for reconsideration of the requirement that One Vandam Condominium, LLC (One Vandam) utilize the periodic test method in its meter test plan, allowing One Vandam to choose any of the four meter test methods outlined in the Part 92 Operating Manual when filing its meter test plan, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(15-E-0594SA2)

NOTICE OF ADOPTION

Minor Rate Tariff Filing on Annual Revenues

I.D. No. PSC-05-17-00002-A

Filing Date: 2017-07-13

Effective Date: 2017-07-13

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

Action taken: On 7/13/17, the PSC adopted an order approving, with modifications, the Village of Fairport Electric Department's (Fairport) minor rate tariff filing in P.S.C. No. 1—Electricity, providing for annual revenues of $1,311,670 or 6.37%.

Statutory authority: Public Service Law, section 66(12)(b)

Subject: Minor rate tariff filing on annual revenues.

Purpose: To approve, with modifications, Fairport's minor rate filing providing for annual revenues.

Substance of final rule: The Commission, on July 13, 2017, adopted an order approving, with modifications, the Village of Fairport Electric Department's (Fairport) minor rate tariff filing in P.S.C. No. 1 – Electricity, providing for annual revenues of $1,311,670 or 6.37%. Fairport is also directed to file a cancellation supplement, effective on not less than one day's notice, on or before July 28, 2017, cancelling the tariff amendments and supplement listed in Appendix A, and to file further tariff revisions, to become effective on August 1, 2017, establishing the approved rates as shown in Appendix C, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(17-E-0009SA1)

NOTICE OF ADOPTION

Extension of the BQDM Program

I.D. No. PSC-06-17-00013-A

Filing Date: 2017-07-13

Effective Date: 2017-07-13

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

Action taken: On 7/13/17, the PSC adopted an order approving Consolidated Edison Company of New York, Inc.'s (Con Edison) petition to extend the Brooklyn/Queens Demand Management (BQDM) Program.

Statutory authority: Public Service Law, section 66(12)(b)

Subject: Extension of the BQDM Program.

Purpose: To approve Con Edison's petition to extend the BQDM Program.

Substance of final rule: The Commission, on July 13, 2017, adopted an order approving Consolidated Edison Company of New York, Inc.'s (Con Edison) petition to extend its Brooklyn/Queens Demand Management (BQDM) Program indefinitely, but shall not exceed the existing $200 million budget cap and shall be subject to the existing shareholder incentive mechanism. Costs incurred by Con Edison for utility-side non-traditional solutions in the BQDM Program shall not exceed $50 million, inclusive of such expenditures. Con Edison is also directed to file quarterly reports regarding BQDM Program activities and expenditures after the end of each quarter, semi-annual benefit cost analysis reports after the end of the second and fourth quarters of each year and an Implementation and Outreach Plan for the BQDM Program, which shall be updated at least annually thereafter, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment
An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.
(14-E-0302SA4)

NOTICE OF ADOPTION

Compliance Payment Modifications

I.D. No. PSC-07-17-00012-A
Filing Date: 2017-07-14
Effective Date: 2017-07-14

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

Action taken: On 7/13/17, the PSC adopted an order modifying compliance payments of Liberty Power Holdings, LLC (Liberty) approved in the November 17, 2016 Order Approving Administrative Cost Recovery, Standardized Agreements and Backstop Principles (Order).

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

Subject: Compliance payment modifications.

Purpose: To modify compliance payments of Liberty approved in the Order.

Substance of final rule: The Commission, on July 13, 2017, adopted an order modifying compliance payments of Liberty Power Holdings, LLC (Liberty) approved in the November 17, 2016 Order Approving Administrative Cost Recovery, Standardized Agreements and Backstop Principles (Order). The New York State Energy Research and Development Authority (NYSERDA) is directed to suspend 35% of Liberty's April 1, 2017 through March 31, 2018 Zero Emissions Credits (ZEC) compliance obligation monthly payments beginning with the August 2017 payment. NYSERDA is also directed to absorb the ZEC revenue shortfall that will result from the suspension of a portion of Liberty's ZEC obligation until the ZEC reconciliation occurs in September 2018. Upon the close of the first reconciliation period for the Zero Emissions Credit Program, Staff, in consultation with NYSERDA, shall review the results of the reconciliations to determine if programmatic changes in calculating load serving entity (LSE) loads for future compliance periods are warranted, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment
An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.
(15-E-0302SA26)

NOTICE OF ADOPTION

Transfer of Real Property Interests

I.D. No. PSC-11-17-00011-A
Filing Date: 2017-07-14
Effective Date: 2017-07-14

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

Action taken: On 7/13/17, the PSC adopted an order approving Alcoa Power Generating Inc.'s (APGI) petition for the transfer of real property interests between APGI and Arconic Inc. (Arconic).

Statutory authority: Public Service Law, sections 2(13), (26), (27), 5(1)(b), 70, 89-b, 89-c, 89-d, 89-f, 89-g and 89-h

Subject: Transfer of real property interests.

Purpose: To approve APGI's petition for the transfer of real property interests between APGI and Arconic Inc.

Substance of final rule: The Commission, on July 13, 2017, adopted an order approving Alcoa Power Generating Inc.'s (APGI) petition for the transfer of real property interests between APGI and Arconic Inc. APGI's request for an exemption from regulation as a water-works corporation is denied, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment
An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.
(17-E-0069SA1)

NOTICE OF ADOPTION

Petition for Deferral Accounting and Recovery of Costs

I.D. No. PSC-14-17-00018-A
Filing Date: 2017-07-13
Effective Date: 2017-07-13

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

Action taken: On 7/13/17, the PSC adopted an order approving, with modifications, Central Hudson Gas & Electric Corporation's (Central Hudson) petition for deferral accounting and recovery of $1,829,537 of Distributed System Platform related costs.

Statutory authority: Public Service Law, sections 4(1), 65, 66(1) and (12)

Subject: Petition for deferral accounting and recovery of costs.

Purpose: To approve, with modifications, Central Hudson's petition for deferral accounting and recovery of costs.

Substance of final rule: The Commission, on July 13, 2017, adopted an order approving, with modifications, Central Hudson Gas & Electric Corporation's (Central Hudson) petition for an accounting deferral and recovery of $1,829,537 of Distributed System Platform costs related to policies set forth in Case 14-M-0101, Reforming the Energy Vision, Order Adopting a Ratemaking and Utility Revenue Model Policy Framework issued May 19, 2016. Central Hudson shall recover the $1,829,537, plus carrying charges, through its new Miscellaneous Charges Factor III under its Energy Cost Adjustment Mechanism. These costs shall be allocated based on Transmission and Distribution revenues amongst all its service classifications. The costs shall be recovered on a volumetric basis for non-demand metered customers and on a demand basis for demand metered customers for a period of 24 months, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment
An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.
(17-E-0113SA1)

NOTICE OF ADOPTION

Tariff Amendments

I.D. No. PSC-16-17-00005-A
Filing Date: 2017-07-14
Effective Date: 2017-07-14

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

Action taken: On 7/13/17, the PSC adopted an order approving Orange and Rockland Utilities, Inc.'s (O&R) tariff amendments to General Information Section (GIS) No. 14—Form of Application for Service, contained in P.S.C. No. 3—Electricity.

Statutory authority: Public Service Law, section 66(12)(b)

Subject: Tariff amendments.

Purpose: To approve O&R's tariff amendments to GIS No. 14, contained in P.S.C. No. 3—Electricity.

Substance of final rule: The Commission, on July 13, 2017, adopted an order approving Orange and Rockland Utilities, Inc.'s tariff amendments to General Information Section No. 14 – Form of Application for Service, contained in P.S.C. No. 3 – Electricity, to amend several of its Forms of Application for Service, to add a new Application Form for outdoor lighting and to update its electric connection fee for residential and non-residential customers requesting temporary service, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(17-E-0174SA1)

NOTICE OF ADOPTION

Tariff Amendments

I.D. No. PSC-16-17-00006-A

Filing Date: 2017-07-14

Effective Date: 2017-07-14

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

Action taken: On 7/13/17, the PSC adopted an order approving Orange and Rockland Utilities, Inc.'s (O&R) tariff amendments to General Information Section (GIS) No. 13—Form of Application for Service, contained in P.S.C. No. 4—Gas.

Statutory authority: Public Service Law, section 66(12)(b)

Subject: Tariff amendments.

Purpose: To approve O&R's tariff amendments to GIS No. 13, contained in P.S.C. No. 4—Gas.

Substance of final rule: The Commission, on July 13, 2017, adopted an order approving Orange and Rockland Utilities, Inc.'s tariff amendments to General Information Section No. 13 – Form of Application for Service, contained in P.S.C. No. 4 – Gas, to amend several of its Forms of Application for Service, to add new Application Forms for conversion to natural gas and standby natural gas generators to its gas schedule and a new Application Form for gas non-residential service, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(17-G-0175SA1)

NOTICE OF ADOPTION

Tariff Cancellation

I.D. No. PSC-16-17-00007-A

Filing Date: 2017-07-17

Effective Date: 2017-07-17

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

Action taken: On 7/13/17, the PSC adopted an order approving Roosevelt Drive Water Users Association's (Roosevelt Drive) petition to cancel its tariff schedule, P.S.C. No. 1—Water.

Statutory authority: Public Service Law, section 89-c

Subject: Tariff cancellation.

Purpose: To approve Roosevelt Drive's petition to cancel its tariff schedule, P.S.C. No. 1—Water.

Substance of final rule: The Commission, on July 13, 2017, adopted an order approving Roosevelt Drive Water Users Association's petition to cancel its tariff schedule, P.S.C. No. 1—Water, filing a cancellation supplement, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(17-W-0183SA1)

NOTICE OF ADOPTION

Alternative Protocol for the Comparative Emission Test

I.D. No. PSC-17-17-00009-A

Filing Date: 2017-07-14

Effective Date: 2017-07-14

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

Action taken: On 7/13/17, the PSC adopted an order approving the recommendations in a report filed by the Department of Public Service Staff (Staff) for an alternative protocol to the Comparative Emission Test for biomass gasification technologies in the RES program.

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

Subject: Alternative protocol for the Comparative Emission Test.

Purpose: To approve recommendations in Staff's report for alternative protocol for the Comparative Emission Test.

Substance of final rule: The Commission, on July 13, 2017, adopted an order approving recommendations in An Alternative Compliance Protocol to the Comparative Emission Testing Requirements for Gasification of Adulterated Biomass (Report), prepared by the ANTARES Group and filed by Department of Public Service Staff (Staff) on March 31, 2017, to provide for an alternative protocol to the Comparative Emission Test criterion related to the eligibility of certain biomass gasification technologies in the Renewable Energy Standard (RES) program. The Commission also directs the New York State Energy and Research Development Authority, after consultation with Staff, to file a revised Biomass Power Guide within 60 days of the issuance of this Order, to incorporate the recommendations in the Report, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(15-E-0302SA27)

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Notice of Intent to Submeter Electricity

I.D. No. PSC-31-17-00007-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 the notice of intent of 685 First Realty Company, LLC, to submeter electricity at 685 1st Avenue, New York, New York.

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

Subject: Notice of intent to submeter electricity.

Purpose: To consider the notice of intent of 685 First Realty Compamy, LLC to submeter electricity at 685 1st Avenue, New York, New York.

Substance of proposed rule: The Commission is considering the notice of intent of 685 First Realty Company, LLC filed on June 20, 2017, to submeter electricity at 685 1st Avenue New York, New York, located in the service territory of Consolidated Edison Company of New York, Inc. The full text of the notice of intent may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject or modify, in whole or in part, the relief 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.

(17-E-0358SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Petition to Submeter Electricity and Waiver Request

I.D. No. PSC-31-17-00008-P

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

Proposed Action: The Commission is considering the petition of RCB 1NOMINEE LLC c/o GID Development Group, to submeter electricity at 30 Riverside Boulevard, New York, New York and request for a waiver of 16 NYCRR section 96.5(k)(3).

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

Subject: Petition to submeter electricity and waiver request.

Purpose: To consider the petition to submeter electricity and waiver request of 16 NYCRR section 96.5(k)(3).

Substance of proposed rule: The Commission is considering the petition of RCB 1NOMINEE LLC c/o GID Development Group, filed on April 6, 2017, to submeter electricity at 30 Riverside Boulevard, New York, New York, located in the service territory of Consolidated Edison Company of New York, Inc. The Commission is also considering RCB 1NOMINEE LLC c/o GID Development Group request for a waiver of 16 NYCRR § 96.5(k)(3), which requires proof that an energy audit has been conducted when 20 percent or more of the residents receive income-based housing assistance. The full text of the petition and waiver request may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject or modify, in whole or in part, the relief 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.

(17-E-0190SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Issuance of Promissory Notes

I.D. No. PSC-31-17-00009-P

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

Proposed Action: The Commission is considering the petition of National Fuel Gas Distribution Corp. to issue promissory notes up to $400 million for construction programs and for general corporate purposes and to enter into derivative instruments through December 31, 2020.

Statutory authority: Public Service Law, section 69

Subject: Issuance of promissory notes.

Purpose: To consider the petition of National Fuel Gas Distribution Corp. to issue up to $400 million in promissory notes.

Substance of proposed rule: The Public Service Commission is considering a petition filed by National Fuel Gas Distribution Corporation (Petitioner), on June 30, 2017, authorizing the issuance of long-term indebtedness for the purposes authorized under Public Service Law Section 69. Specifically, the Petitioner proposes to issue, as part of this financing, secured promissory notes to National in the principal amount of not more than $400,000,000 applying the proceeds from the sale of such notes to: (i) fund, in part, Petitioner's construction programs for calendar years 2018, 2019 and 2020, (ii) to repay short-term debt obligations outstanding and promissory notes issued by Distribution to National in exchange for loans from National to Distribution in connection with Distribution's 6.69% promissory note issued April 11, 2008 and due April 15, 2018, or as otherwise agreed by the parties and Distribution's 8.93% promissory note issued April 6, 2009 and due May 1, 2019, or as otherwise agreed by the parties, and (iii) use for general corporate purposes. The full text of the petition may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject or modify, in whole or in part, the relief 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.

(17-G-0414SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Notice of Intent to Submeter Electricity

I.D. No. PSC-31-17-00010-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 the notice of intent of 11737 Owners Corp. to submeter electricity at 117 East 37th Street, New York, New York.

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

Subject: Notice of intent to submeter electricity.

Purpose: To consider the notice of intent of 11737 Owners Corp. to submeter electricity at 117 East 37th Street, New York, New York.

Substance of proposed rule: The Commission is considering the notice of intent of 11737 Owners Corp. filed on June 27, 2017, to submeter electricity at 117 East 37th Street, New York, New York, located in the service territory of Consolidated Edison Company of New York, Inc. The full text

of the notice of intent may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject or modify, in whole or in part, the relief 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.

(17-E-0367SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Notice of Intent to Submeter Electricity and Waiver Request

I.D. No. PSC-31-17-00011-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 the notice of intent of ERY Retail Podium LLC to submeter electricity at 15 Hudson Yards, New York, New York and request for a waiver of 16 NYCRR section 96.5(k)(3).

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

Subject: Notice of intent to submeter electricity and waiver request.

Purpose: To consider the notice of intent to submeter electricity and waiver request of 16 NYCRR section 96.5(k)(3).

Substance of proposed rule: The Commission is considering the notice of intent of ERY Retail Podium LLC (ERY Retail), filed on June 1, 2017, to submeter electricity at 15 Hudson Yards, New York, New York, located in the service territory of Consolidated Edison Company of New York, Inc. The Commission is also considering ERY Retail's request for a waiver of 16 NYCRR § 96.5(k)(3), which requires proof that an energy audit has been conducted when 20 percent or more of the residents receive income-based housing assistance. The full text of the notice of intent and waiver request may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject or modify, in whole or in part, the relief 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.

(17-E-0301SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Minor Rate Filing

I.D. No. PSC-31-17-00012-P

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

Proposed Action: The Commission is considering a proposal filed by Bath Electric, Gas & Water Systems to increase its annual gas revenues by approximately $304,629 or 14%, in P.S.C. No. 4—Gas.

Statutory authority: Public Service Law, section 66(12)(b)

Subject: Minor rate filing.

Purpose: To consider an increase in annual revenues of about $304,629 or 14%.

Substance of proposed rule: The Commission is considering a proposal filed by Bath Electric, Gas & Water Systems (Bath), on July 16, 2017, to increase its annual gas revenues for the rate year ending October 31, 2018, by approximately $304,629, or 14%, in P.S.C. No. 4—Gas. Bath's requested increase in gas revenues results in a monthly bill increase of about $8.90, or 13.2%, for a residential customer using approximately 100 CCF of gas per month. Bath also proposed charges for the disconnection and reconnection of service, work at a customer's request and for returned checks. The proposed amendments have an effective date of November 1, 2017. The full text of the filing may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject or modify, in whole or in part, the relief 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.

(17-G-0423SP1)

Department of State

NOTICE OF ADOPTION

State Uniform Fire Prevention and Building Code (Uniform Code)

I.D. No. DOS-14-17-00004-A

Filing No. 520

Filing Date: 2017-07-18

Effective Date: 90 days after publication

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

Action taken: Amendment of sections 1220.1, 1221.1, 1222.1, 1223.1, 1224.1, 1225.1, 1226.1, 1227.1, 1228.4, 1228.17, 1264.4 and 1265.3; repeal of section 1226.1(d) of Title 19 NYCRR.

Statutory authority: Executive Law, sections 377, 382-a and 382-b

Subject: State Uniform Fire Prevention and Building Code (Uniform Code).

Purpose: To amend the existing Uniform Code and to make conforming changes to 19 NYCRR Parts 1264 and 1265.

Substance of final rule: This rule making would amend the current versions of Parts 1220, 1221, 1222, 1223, 1224, 1225, 1226, and 1227 of Title 19 of the Official Compilation of Codes, Rules and Regulations of the State of New York by replacing references to the 2016 Uniform Code Supplement with the new publication entitled the 2017 Uniform Code Supplement. The individual Parts pertain to specified portions of the Uniform Fire Prevention and Building Code and are summarized below:

Part 1220 Residential Construction

The construction, alteration, movement, replacement, repair, equipment, use, maintenance, removal and demolition of applicable residential structures and their accessory structures shall comply with the requirements of the "2015 International Residential Code" published by the International Code Council, Inc. (hereinafter the 2015 IRC), incorporated

herein by reference, as amended in the manner specified in the "2017 Uniform Code Supplement," published in July 2017, by the NYS Department of State and incorporated herein by reference.

Applicable residential structures include detached one- and two-family dwellings and multiple single-family dwellings (townhouses), not more than three stories in height above grade with a separate means of egress; such one-family dwellings converted to bed and breakfast dwellings; and certain specified such dwellings under the supervision or jurisdiction of a department or agency of New York State (NYS).

Certain published standards are incorporated by reference into 19 NYCRR Part 1220.

Part 1221 Building Construction

The construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, maintenance, removal and demolition of every building or structure, or appurtenance connected or attached to any building or structure, shall comply with the requirements of the publication entitled "2015 International Building Code" published by the International Code Council, Inc. (hereinafter the 2015 IBC), incorporated herein by reference, as amended in the manner specified in the "2017 Uniform Code Supplement," published in July 2017, by the NYS Department of State and incorporated herein by reference.

Certain published standards are incorporated by reference into 19 NYCRR Part 1221.

Part 1222 Plumbing Systems

The erection, installation, alteration, repair, relocation, replacement, addition to, use or maintenance of plumbing systems, nonflammable medical gas systems, and sanitary and condensate vacuum collection systems, shall comply with the requirements of the "2015 International Plumbing Code" published by the International Code Council, Inc. (hereinafter the 2015 IPC), incorporated herein by reference, as amended in the manner specified in the "2017 Uniform Code Supplement," published in July 2017, by the NYS Department of State and incorporated herein by reference.

Certain published standards are incorporated by reference into 19 NYCRR Part 1222.

Part 1223 Mechanical Systems

The design, installation, maintenance, alteration and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions and related processes within buildings shall comply with the requirements of the publication entitled "2015 International Mechanical Code" published by the International Code Council, Inc. (hereinafter the 2015 IMC), incorporated herein by reference, as amended in the manner specified in the "2017 Uniform Code Supplement," published in July 2017, by the NYS Department of State and incorporated herein by reference.

Certain published standards are incorporated by reference into 19 NYCRR Part 1223.

Part 1224 Fuel Gas Equipment and Systems

The design, installation, maintenance, alteration and inspection of fuel gas piping and equipment, fuel gas-fired appliances and fuel gas fired appliance ventilating systems shall comply with the requirements of the publication entitled "2015 International Fuel Gas Code" published by the International Code Council, Inc. (hereinafter the 2015 IFGC), incorporated herein by reference, as amended in the manner specified in the "2017 Uniform Code Supplement," published in July 2017, by the NYS Department of State and incorporated herein by reference.

Certain published standards are incorporated by reference into 19 NYCRR Part 1224.

Part 1225 Fire Prevention

Structures, processes and premises; the storage, handling or use of structures, materials or devices; the occupancy and operation of structures and premises; and the construction, extension, repair, alteration or removal of fire suppression and alarms systems, shall comply with the requirements of the publication entitled "2015 International Fire Code" published by the International Code Council, Inc. (hereinafter the 2015 IFC, incorporated herein by reference, as amended in the manner specified in the "2017 Uniform Code Supplement," published in July 2017, by the NYS Department of State and incorporated herein by reference.

Certain published standards are incorporated by reference into 19 NYCRR Part 1225.

Part 1226 Property Maintenance

All existing residential and nonresidential structures, premises, equipment and facilities, owners, operators and occupants of existing structures and premises, and the occupancy of existing structures and premises, shall comply with the requirements of the publication entitled "2015 International Property Maintenance Code" published by the International Code Council, Inc. (hereinafter the 2015 IPMC), and incorporated herein by reference, as amended in the manner specified in the "2017 Uniform Code Supplement," published in July 2017, by the NYS Department of State and incorporated herein by reference.

Certain published standards are incorporated by reference into 19 NYCRR Part 1226.

Part 1227 Existing Buildings

The repair, alteration, change of occupancy, addition and relocation of existing buildings shall comply with the requirements of the "2015 International Existing Building Code" published by the International Code Council, Inc. (hereinafter the 2015 IEBC), incorporated herein by reference, as amended in the manner specified in the "2017 Uniform Code Supplement," published in July 2017, by the NYS Department of State and incorporated herein by reference.

Certain published standards are incorporated by reference into 19 NYCRR Part 1227.

19 NYCRR Parts 1228, 1264, and 1265

This rule making would amend 19 NYCRR Parts 1228, 1264, and 1265 to reference the 2017 Uniform Code Supplement, as opposed to the 2016 Uniform Code Supplement.

Final rule as compared with last published rule: Nonsubstantive changes were made in sections 1220.1(b), 1221.1(b), 1222.1(b), 1223.1(b), 1224.1(b), 1225.1(b), 1226.1(b), 1227.1(b) and 1228.17(e).

Text of rule and any required statements and analyses may be obtained from: Gerard Hathaway, Department of State, 99 Washington Avenue, Suite 1160, Albany, NY 12231, (518) 474-4073, email: Gerard.Hathaway@dos.ny.gov

Additional matter required by statute: Executive Law § 378(15)(a) provides that except as otherwise provided by statute, no change to the Uniform Fire Prevention and Building Code ("Uniform Code") shall become effective until at least ninety days after the date on which notice of such change has been published in the State Register, unless the State Fire Prevention and Building Code Council ("Code Council") finds that (i) an earlier effective date is necessary to protect health, safety and security; or (ii) the change to the code will not impose any additional compliance requirements on any person.

At its meeting held July 13, 2017, the Code Council voted to adopt a rule to amend the Uniform Code and the Code Council did not find that an earlier effective was necessary to protect health, safety, and security or that the change to the Uniform Code would not impose any additional compliance requirements on any person. Therefore, the rule and the changes to the Uniform Code made by the rule will become effective ninety days after the date on which notice of such change has been published in the State Register.

Pursuant to Executive Law § 377(1), Secretary of State Rosanna Rosado reviewed the amendment of the Uniform Code to be implemented by this rule, found that such amendment effectuates the purposes of Article 18 of the Executive Law, and therefore approved said amendment.

Revised Regulatory Impact Statement

The Department of State has determined that the changes made to the last published rule are non-substantive and do not necessitate a revision of the original Regulatory Impact Statement published in the Notice of Proposed Rule Making.

Those changes made to the rule are summarized as follows:

Parts 1220 through 1228 of Title 19 NYCRR were changed to update the date that the 2017 Supplement was published from March to July. Changes were made throughout the 2017 Uniform Code Supplement to clarify certain code language and to delete duplicative code language. The majority of the changes were to Chapter 11 of the 2015 International Residential Code (IRC).

The legally binding provisions of the State Energy Conservation Construction Code (Energy Code) are as set forth in 19 NYCRR Part 1240, and consist, primarily, of the 2015 International Energy Conservation Code (IECC) and ASHRAE 90.1-203, as amended by the 2016 Supplement to the New York State Energy Conservation Construction Code (Revised August 2016) (ECS). Chapter 11 of the 2015 IRC, as amended by the 2017 Uniform Code Supplement, is intended to be a restatement of the provisions of the Energy Code applicable to residential buildings. However, in the event of a conflict between provisions of Part 1240 and the provisions in Chapter 11, the provisions of Part 1240 will control. To address any discrepancies, the 2017 Uniform Code Supplement has been revised to align the Chapter 11 provisions with the corresponding provisions of the IECC/ECS.

Revised Regulatory Flexibility Analysis

The Department of State has determined that the changes made to the last published rule are non-substantive and do not necessitate a revision of the original Regulatory Flexibility Analysis for Small Businesses and Local Governments published in the Notice of Proposed Rule Making.

The changes made to the previously published rule text provide clarification as to the application of the proposed text and do not alter or increase any effect of the rule upon small businesses or local governments.

This rule making would amend the current version of the Uniform Fire Prevention and Building Code (Uniform Code) by replacing the 2016 Uniform Code Supplement with a new publication entitled the 2017 Uniform Code Supplement. The proposed new text of the Uniform Code

is based upon the new modifications to the 2015 editions of model codes developed by the International Code Council, Inc. (ICC), as set forth in the 2017 Uniform Code Supplement. The Uniform Code is applicable in all areas of the State with the exception of the City of New York.

Revised Rural Area Flexibility Analysis

The Department of State has determined that the changes made to the last published rule are non-substantive and do not necessitate a revision of the original Rural Area Flexibility Analysis published in the Notice of Proposed Rule Making.

The changes made to the previously published rule text provide clarification as to the application of the proposed text and do not alter or increase any effect of the rule upon rural areas in New York State.

The rule would amend the current version of the Uniform Fire Prevention and Building Code (Uniform Code), by replacing the 2016 Uniform Code Supplement with a new publication entitled the 2017 Uniform Code Supplement. The proposed new text of the Uniform Code is based upon the new modifications to the 2015 editions of model codes developed by the International Code Council, Inc. (ICC), as set forth in the 2017 Uniform Code Supplement. The Uniform Code is applicable in all areas of the State with the exception of the City of New York. Therefore, adoption of this rule making will apply to all rural areas of the State.

The following changes were made to sections in the Revised 2016 Energy Code Supplement:

Changes in Part 1

In Item 1.7, the terms "commercial building," "historic building," and "2015 International Property Maintenance Code (as amended)" were added to the list of definitions added or amended by section 1.7.

In Item 1.8, which amends section C302.2 of the 2015 IECC Commercial Provisions, a note was added to clarify that Item 1.8 does not delete or amend section C303.2.1 of the 2015 IECC Commercial Provisions.

In Item 1.9, which amends section C401.2 of the 2015 IECC Commercial Provisions, a note was added to clarify that Item 1.9 does not delete or amend section C401.2.1 of the 2015 IECC Commercial Provisions.

Item 1.10 was revised to correct the numbering of the new section added by section 1.10 ("C402.2.6" was changed to "C402.6.7"). In addition, a note was added to clarify that Item 1.10 does not delete or amend sections C402.2.1, C402.2.3, C402.2.4, C402.2.5 or C402.2.6 of the 2015 IECC Commercial Provisions.

In Item 1.12, the caption was revised to correct the reference to the section in the 2015 IECC Commercial Provisions amended by section 1.13 ("C402.4.1" was changed to "C402.4.2").

In Item 1.13, the caption was revised and word "stove" was changed to "stoves."

In Item 1.18, the description of the publication known as "ASHRAE Appendix G Excerpt – 2015" was changed to reflect more accurately the manner in which that publication is referenced in the 2015 IECC Commercial Provisions (as amended).

In Item 1.19, the word "paragraphs" was changed to "Items."

Changes in Part 2

Item 2.2, which amends section 4.2.1.1 of ASHRAE 90.1-2013, was revised to clarify that the new item "c" added by Item 2.2 is one of three paths permitted by section 4.2.1.1 of ASHRAE 90.1-2013; to correct the formula for "PCIt" (the second equal sign was changed to a plus sign); and to add a new description of how "regulated energy cost" and "unregulated energy cost" are to be calculated.

Item 2.3 was revised to correct the reference to the section in ASHRAE 90.1-2013 that is amended by section 2.3 ("4.1.2.3" was changed to "4.2.1.3" in two places).

Item 2.5 was revised to correct the reference to the section in ASHRAE 90.1-2013 that is amended by Item 2.5 ("8.41" was changed to "8.4.1" in two places), to add the exception for circuits used for emergency services (the exception was inadvertently omitted from the Original 2016 Energy Code Supplement), and to clarify the fact that sections 8.4.1.1 and 8.4.1.2 of ASHRAE 90.1-2013 are not included in section 8.4.1 of ASHRAE 90.1-203 as amended by Item 2.5 of the Revised 2016 Energy Code Supplement.

In Item 2.7, the word "paragraphs" was changed to "Items."

Changes in Part 3

Item 3.3 amends and restates Chapter 1 of the 2015 IECC Residential Provisions. In the portion of Item 3.3 that amends and restates section R101.1 of the 2015 IECC Residential Provisions, a reference in the final line to the "2015 IECC" was corrected to be a reference to the "2016 Energy Code Supplement."

In Item 3.5, the terms "historic building" and "2015 International Property Maintenance Code (as amended)" were added to the list of definitions added or amended by Item 3.5, and the definition of "residential building" was corrected by changing the reference to the "2010 Building Code of New York State" to a reference to the "2015 International Building Code (as amended)."

In Item 3.6, which amends section R303.2 of the 2015 IECC Residential Provisions, a note was added to clarify that Item 3.6 does not delete or amend section R303.2.1 of the 2015 IECC Residential Provisions.

Item 3.7 of the Revised 2016 Energy Code Supplement amends sections R402.1, R402.1.1, and R402.1.2 of the 2015 IECC Residential Provisions. The amendments of sections R402.1 and R402.1.1 are the same as the amendments made in items 7 and 8 of Part 3 of the Original 2016 Energy Code Supplement. The amendment of section R402.1.2 is new. Amended section R402.1.2 provides that buildings in climate zone 6 may comply with either of the two rows for climate zone 6 in Table R402.1.2. In addition, a note was added to Item 3.7 to clarify that Item 3.7 does not delete or amend sections R402.1.3, R402.1.4 or R402.1.5 of the 2015 IECC Residential Provisions.

Item 3.8 adds a new row for Climate Zone 6 to Table R402.1.2 of the 2016 IECC Residential Provisions. The new row provides a new option for Climate Zone 6, which allows the use of R-25 cavity-only insulation in wood frame walls, provided that (1) the fenestration U-factor is reduced to 0.28 and (2) the R-value of the insulation in the basement wall and in the crawl space wall is increased from 15/19 to 15/20. Based on recently developed studies and information relating to the Vermont Residential Building Energy Standards (RBES), the Department of State now believes that this additional option for buildings in climate zone 6 meets the REScheck compliance path and does not constitute a substantial change to the Original Rule.

In Item 3.10, a note was added to refer to Item 3.14 for a more complete description of the effect of Items 3.10 through 3.14 on Section R402.4 (including sections R402.4.1, R402.4.1.1, R402.4.1.2, R402.4.1.3, R402.4.2, R402.4.3, R402.4.4, R402.4.5, and R402.4.6) of the 2015 IECC Residential Provisions.

In Item 3.14, references to section numbers were corrected ("C402.4" was changed to "R402.4" and "C402.4.6" was changed to "R402.4.6"). In addition, a note was added to clarify that sections R402.4.1, R402.4.1.1, R402.4.3, R402.4.4, and R402.4.5 of the 2015 IECC Residential Provisions were not deleted or amended by Items 3.10 through 3.14 of the Revised 2016 Energy Code Supplement, and to summarize the effect of Items 3.10 through 3.14 on Section R402.4 (including sections R402.4.1, R402.4.1.1, R402.4.1.2, R402.4.1.3, R402.4.2, R402.4.3, R402.4.4, R402.4.5, and R402.4.6) of the 2015 IECC Residential Provisions.

In Item 3.15, which amends section R403.3.2 of the 2015 IECC Residential Provisions, a note was added to clarify that Item 3.15 does not delete or amend section R403.3.2.1 of the 2015 IECC Residential Provisions.

In Item 3.16, which amends section R403.6 of the 2015 IECC Residential Provisions, a note was added to clarify that section 3.16 does not delete or amend Item R403.6.1 of the 2015 IECC Residential Provisions.

Item 3.20 was revised to clarify its meaning ("Compliance with this section requires that the mandatory provisions identified in Sections R401.2 and R403.5.3 be met" was changed to "Compliance with this section requires that (1) the provisions in Sections R401 through R404 labeled as 'mandatory' and (2) the provisions of Section R403.5.3 be met").

Revised Job Impact Statement

The Department of State has determined that the changes made to the last published rule are non-substantive and do not necessitate a revision of the original Job Impact Statement published in the Notice of Proposed Rule Making.

The changes made to the previously published rule text provide clarification as to the application of the proposed text and will not have a substantial adverse impact on jobs and employment opportunities in New York State.

The rule would amend the current version of the Uniform Fire Prevention and Building Code (Uniform Code). The current version of the Uniform Code (19 NYCRR Parts 1220 through 1227) became fully effective on October 3, 2016. It is based upon the 2015 editions of model codes developed by the International Code Council (ICC), with some New York modifications as set forth in the 2016 Uniform Code Supplement. If adopted, this rule would replace the 2016 Uniform Code Supplement with a new publication entitled the 2017 Uniform Code Supplement. The 2017 Supplement is intended to make corrections to the 2016 Supplement and address topics specific to New York.

The ICC model codes incorporate the most current technology in the areas of building construction and fire prevention. The ICC codes are updated on a three-year cycle to stay current with industry practice and technical and life-safety evolution. The Department of State concludes that this update, which is based upon the current edition of the ICC model codes with some New York modifications as set forth in the 2017 Uniform Code Supplement, will continue to provide a greater incentive to construction of new buildings and rehabilitation of existing buildings. Therefore, this rule making will not have a substantial adverse impact on jobs and employment opportunities within New York.

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2020, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment

Comments were received requesting deletion of certain New York State (NYS)-specific amendments to the International Code Council's (ICC) model code requirements in favor of adopting the model codes without amendment, including but not limited to: assistive listening systems, the definition of the terms "dwelling unit" and "story above grade plane", water reducing plumbing fixtures, flame safeguard devices; IRC Sections R303.10 (required heating), R306.1 (toilet facilities), R306.2 (kitchen), R322.1.4 (establishing the design flood elevation), R322.1.4.1 (determination of design flood elevations, R322.1.7 (protection of water supply and sanitary sewage systems), R324.3 (Photovoltaic systems), R324 (Solar energy systems), E3609.7 (bonding other metal piping), AJ604.3 (Automatic sprinkler systems), and Table P2903.2 (Maximum flow rates and consumption for plumbing fixtures and fixture fittings); IPC Table 604.4 (Maximum flow rates and consumption for plumbing fixtures and fixture fittings); IBC Sections 1108.2.7 (Assistive listening systems) and 716.6.7.1 (Where 3/4-hour fire protection window assemblies permitted); IFGC Sections 404.7 (Protection against physical damage), 404.7.1 (Shield plates), and 602.2 (Flame safeguard device); modifications to IFC Sections 605.11 (Solar photovoltaic power systems), and 5306.2 (Interior supply location); IPMC Section 302.8 (Motor vehicles); and IEBC Section 805.3.1.1 (Single-exit buildings). Because these requested modifications were either substantive or would not comply with NYS statutory requirements or a directive of the State Fire Prevention and Building Code Council (Code Council), these changes were not made at this time.

Comments were received requesting deletion of the following NYS-specific code requirements that are in addition to the ICC model code requirements, including but not limited to: 2017 Uniform Code Supplement Chapter 1 Sections 102.2.1, 107, 108, and 109; IBC Sections 427 (health care facilities), 907.2.1 (Group A), 1107.2.1 (Type B unit doors), and 1107.2.2 (Type B unit toilet and bathing facilities), IBC Appendix N; IRC Sections R314.9 (Portable smoke alarms in lodging houses), R314.8 (Lodging house evacuation notices), and M1401 (General); IMC Section 901 (General); IFGC Section 631.1.1 (Other standards); IFC Sections 403.2.5 (Education Law requirements for Groups A college and university buildings), 403.4.1 (Education Law requirements for Group B college and university buildings), 403.12.2 (Public safety plans for gatherings), 603.10 (Solid fuel-burning heating appliances, chimneys and flues), 806.1.1 (Restricted occupancies), 1031.10 (Capacity of means of egress), 1031.11 (Posting of occupant load), 1031.12 (Overcrowding), and Table 901.6.1 (Fire Protection System Maintenance Standards); IPMC Sections 302.3.1 (Off-street parking lots), 304.2.1 (Lead-based paint), 305.3.1 (Lead-based paint), and 608 (assistive listening systems); and IEBC Section 202 (definition of the term "international symbol of accessibility"). Because these requested modifications were either substantive or would not comply with NYS statutory requirements or a directive of the Code Council, these changes were not made at this time.

Comments were received requesting modifications to certain provisions of the Uniform Code, including but not limited to: IRC Sections 324.7.3 (Ground access areas), R324.7 (Access and pathways), R324.7.2 (Roof access points), R324.7.4 (Single ridge roofs), R324.7.6 (Roofs with valleys), and R324.7.7 (Allowance for smoke ventilation operations); IRC and IFC rooftop solar provisions to address residential flat roofs, clarifications of vertical ventilation techniques and alternative ventilation methods (applicable to the IRC and IFC rooftop solar provisions); automatic fire sprinkler system in townhouses; IPC Section 1002.6 (Building traps) and 2015 IRC Section P3201.4 (Building traps); request for adoption of Article 555 from the updated 2017 National Electrical Code; IFC Section 605.11.1.3 (Other than Group R-3 Buildings); IRC Table P2903.2 (maximum flow rates and consumption for plumbing fixtures and fixture fittings); and IPC Table 604.4 (maximum flow rates and consumption for plumbing fixtures and fixture fittings). Because these requested modifications were either substantive or would not comply with NYS statutory requirements or a directive of the Code Council, these changes were not made.

Comments were received pointing out potential code discrepancies and the possible need for corrections to the Uniform Code, including but not limited to: carbon monoxide alarm requirements found in IRC Section AJ504.3, IRC Section AJ604.2, and IFC Section 915.2; missing Referenced Standards TPI, UL, ULC, USC, and WDMA; a separate electric meter requirement for individual dwelling units (IRC dwellings) similar to what had been required in the 2010 RCNYS; factory vs. site performed blower door tests for factory manufactured homes; IRC Section R313 vs. garage separation to account for sprinklers not being required (similar to what had been done in the 2010 RCNYS); IRC Section 304.1 (Minimum area) vs. IPMC Section 404.4.1 (Room area); IRC Section R305.1 (Minimum height) vs. IPMC Section 404.3 (Minimum ceiling heights); IRC definition of freeboard; and illuminated means of egress similar to Section 1029.8 of the FCNYS. These comments did not require substantive changes to the Uniform Code.

Duplicative code language was deleted and certain code language was clarified in such a manner as to require Items to be renumbered in certain chapters of the 2017 Supplement.

Description of Changes Made in the Rule

This rule will amend the current versions of Parts 1220 through 1228, 1264, and 1265 of Title 19 of the Official Compilation of Codes, Rules and Regulations of the State of New York (NYCRR) by replacing references to the 2016 Uniform Code Supplement with the new publication entitled 2017 Uniform Code Supplement (2017 Supplement). Non-substantive changes were made to the following subdivisions of Parts 1220 through 1228; the 2017 Supplement; and the 2015 Codes published by the International Code Council, as originally proposed.

Changes to Title 19 NYCRR Parts 1220 through 1228

The following changes were made to the amended Parts 1220 through 1228 of Title 19 NYCRR. The changes update the date that the 2017 Supplement was published from March to July.

Part 1220, Section 1220.1(b): The publication date of the publication entitled "2017 Uniform Code Supplement" has been changed from March 2017 to July 2017.

Part 1221, Section 1221.1(b): The publication date of the publication entitled "2017 Uniform Code Supplement" has been changed from March 2017 to July 2017.

Part 1222, Section 1222.1(b): The publication date of the publication entitled "2017 Uniform Code Supplement" has been changed from March 2017 to July 2017.

Part 1223, Section 1223.1(b): The publication date of the publication entitled "2017 Uniform Code Supplement" has been changed from March 2017 to July 2017.

Part 1224, Section 1224.1(b): The publication date of the publication entitled "2017 Uniform Code Supplement" has been changed from March 2017 to July 2017.

Part 1225, Section 1225.1(b): The publication date of the publication entitled "2017 Uniform Code Supplement" has been changed from March 2017 to July 2017.

Part 1226, Section 1226.1(b): The publication date of the publication entitled "2017 Uniform Code Supplement" has been changed from March 2017 to July 2017.

Part 1227, Section 1227.1(b): The publication date of the publication entitled "2017 Uniform Code Supplement" has been changed from March 2017 to July 2017.

Part 1228, Section 1228.17(e): The publication date of the publication entitled "2017 Uniform Code Supplement" has been changed from March 2017 to July 2017.

Changes to the 2017 Supplement

General Changes

Formatting changes such as margins, spacing, and indents were made throughout the 2017 Supplement. For the sake of clarity, whenever a change is described herein to an Item number in the 2017 Supplement, such change shall refer to the original numbering convention, and not the numbering convention resulting from the change.

Changes to the Table of Contents

The table of contents has been changed to coordinate with the amendments to Chapters 2, 3, 7, and 10.

Changes to Chapter 2

Item 2.2: The following terms were added to coordinate with the amendments made to IRC Chapter 11: air-impermeable insulation", "building thermal envelope", "conditioned space", and "ERI reference design.

Item 2.5: Item 2.5 has been deleted as it can never be applied, since an electrical power supply is required by Exceptions 1 and 2.

Item 2.6: Item 2.6 has been deleted as it can never be applied, since an electrical power supply is required by the Exception.

Item 2.25: Exception 1 to R324.7 was separated into two exceptions to provide clarity. Because R324.7 and R324.7.7 share similar exceptions, a similar modification was made to R324.7.7. R324.7.2, item 5 has been clarified to state that roof access points shall be located where the accompanying ground access area does not conflict with ground obstructions. Section R324.7.3 has been amended to delete the word "directly" and insertion of the phrase "so as to facilitate roof access" and clarifies where ground access areas shall be located.

Item 2.28: The legally binding provisions of the Energy Code are as set forth in 19 NYCRR Part 1240, and consist, primarily, of the 2015 International Energy Conservation Code (IECC) and ASHRAE 90.1-203, as amended by the 2016 Supplement to the New York State Energy Conservation Construction Code (Revised August 2016) (ECS). Chapter 11 of the 2015 IRC, as amended by the 2017 Uniform Code Supplement, is intended to be a restatement of the provisions of the Energy Code applicable to residential buildings. However, in the event of a conflict between provisions of Part 1240 and the provisions in Chapter 11, the provisions of Part 1240 will control. To address any discrepancies, the 2017 Uniform Code Supplement has been revised to align the Chapter 11 provi-

sions with the corresponding provisions of the IECC/ECS as described herein. These modifications include:

1. New exceptions 2 and 3 to IRC Section N1101.1;
2. New Sections N1101.3.1, N1101.3.1.1, and N1101.3.1.1.1;
3. Amendments to the terms "building thermal envelope", "conditioned space", "ERI reference design", and "historic building" and a new definition of the term "air-impermeable insulation have been added to N1101.6;
4. An amendment to Section N1102.1;
5. An amendment to Section N1102.1.2;
6. An amendment to Table N1102.1.2;
7. An amendment to Section N1102.4;
8. An amendment to Section N1102.4.1.2;
9. The addition of new Sections N1102.4.1.3 and N1102.4.1.3.1;
10. An amendment to Section N1102.4.2;
11. The addition of a new Section N1102.4.6;
12. An amendment to Section N1103.10.3;
13. An amendment to Section N1103.12;
14. An amendment to Section N1107.4; and
15. An amendment to Section N1107.6.

Changes to Chapter 3

Item 3.3: Item 3.3 has been deleted. It was placed in the 2016 Supplement in response to an errata report from the ICC which made a correction to the first printing of the 2015 IBC. The third printing of the IBC that was adopted incorporated this correction. The contents of Item 3.3 are duplicative of what appears in the adopted IBC.

Changes to Chapter 7

New Item 7.9: A new Item 7.9, which amends Section 503.1 of the IFC, was added to the Supplement to clarify that Appendix D was adopted and made part of the IFC.

Item 7.13: Item 7.13, Section 511.2.6, did not have a section heading and was subsequently titled "Driveways serving more than four buildings".

Item 7.15: Section 605.11.1 is substantially similar to IRC Section R324.7. Consequently, the clarification that was made to IRC Section R324.7, which separated Exception 1 into two exceptions, has been made for Section 605.11.1. Section 605.11.1.1 is substantially similar to IRC Section R324.7.2. Therefore, the clarification made to IRC Section R324.7.2 has also been made to 605.11.1.1. This clarification states that roof access points shall be located where the accompanying ground access area does not conflict with ground obstructions. Section 605.11.1.2.2 is substantially similar to IRC Section R324.7.3. Likewise, the clarification made to IRC Section R324.7.3 has also been made to Section 605.11.1.2.2. This amendment deletes the word "directly" and inserts the phrase "so as to facilitate roof access", clarifying where ground access areas shall be located. Finally, Section 605.11.1.2.6 is substantially similar to IRC Section R324.7.7. Therefore, the clarification made to IRC Section R324.7.7 has also been made to Section 605.11.1.2.6, which separated Exception 1 into two exceptions.

Item 7.16: The reference to "soda ash" extinguisher has been deleted from Section 806.1.1 so as to correctly reference fire extinguishers in conformance with NFPA 10. A footnote has been added to further clarify the exception.

Item 7.28: The reference to "Part" 1203.3(g) has been changed to "Section". The reference to subdivision (h) has been corrected to reference Section 5610.8.

Changes to Chapter 9

Item 9.3: The missing reference to footnote "a" was inserted into Table 805.3.1.1(1).

Changes to Chapter 10

The referenced standard 222-3 (2014) contained a typo and was subsequently relabeled 222-G-3 (2014).

NOTICE OF ADOPTION

State Energy Conservation Construction Code (Energy Code)

I.D. No. DOS-14-17-00005-A

Filing No. 521

Filing Date: 2017-07-18

Effective Date: 90 days after publication

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

Action taken: Amendment of section 1240.3; addition of sections 1240.2(s), (t), 1240.4(c)(9) and 1240.5(b)(7) to Title 19 NYCRR.

Statutory authority: Energy Law, section 11-103(2)

Subject: State Energy Conservation Construction Code (Energy Code).

Purpose: To amend the existing Energy Code.

Text of final rule: Section 1240.2 of Title 19 of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended by adding new subdivisions (s) and (t), to read as follows:

(s) 2016 Uniform Code Supplement. The term "2016 Uniform Code Supplement" means the publication entitled 2016 Uniform Code Supplement (publication date: March 2016) published by the New York State Department of State.

(t) 2017 Uniform Code Supplement. The term "2017 Uniform Code Supplement" means the publication entitled 2017 Uniform Code Supplement (publication date: July 2017) published by the New York State Department of State.

Section 1240.3 of Title 19 of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended to read as follows:

1240.3 Amendments made by *and to* the 2016 Energy Code supplement.

(a) For the purposes of applying the 2015 IECC commercial provisions, the 2015 IECC residential provisions, and ASHRAE 90.1-2013 in New York State:

[(a)] *(1)* the 2015 IECC commercial provisions shall be deemed to be amended in the manner provided in part 1 of the 2016 Energy Code supplement;

[(b)] *(2)* ASHRAE 90.1-2013 shall be deemed to be amended in the manner provided in part 2 of the 2016 Energy Code supplement; and

[(c)] *(3)* the 2015 IECC residential provisions shall be deemed to be amended in the manner provided in part 3 of the 2016 Energy Code supplement.

(b) The 2016 Energy Code supplement shall be deemed to be amended as follows: each reference in the 2016 Energy Code supplement to the 2016 Uniform Code Supplement shall be deemed to be amended to be a reference to the 2017 Uniform Code Supplement.

Subdivision (c) of section 1240.4 of Title 19 of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended by adding a new paragraph (9) to read as follows:

(9) New York State Department of State. The following publication published by the New York State Department of State is incorporated herein by reference: 2017 Uniform Code Supplement (publication date: July 2017). Copies of the 2017 Uniform Code Supplement may be obtained from the publisher at the following address: New York State Department of State, Division of Building Standards and Codes, One Commerce Plaza, 99 Washington Avenue, Suite 1160, Albany, NY 12231-0001. The 2017 Uniform Code Supplement is available for public inspection and copying at the Office of the New York State Department of State located at One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001.

Subdivision (b) of section 1240.5 of Title 19 of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended by adding a new paragraph (7) to read as follows:

(7) New York State Department of State. The following publication published by the New York State Department of State is incorporated herein by reference: 2017 Uniform Code Supplement (publication date: July 2017). Copies of the 2017 Uniform Code Supplement may be obtained from the publisher at the following address: New York State Department of State, Division of Building Standards and Codes, One Commerce Plaza, 99 Washington Avenue, Suite 1160, Albany, NY 12231-0001. The 2017 Uniform Code Supplement is available for public inspection and copying at the Office of the New York State Department of State located at One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001.

Final rule as compared with last published rule: Nonsubstantive changes were made in sections 1240.2(s), (t), 1240.4(c)(9) and 1240.5(b)(7).

Text of rule and any required statements and analyses may be obtained from: Gerard Hathaway, Department of State, 99 Washington Avenue, Suite 1160, Albany, NY 12231, (518) 474-4073, email: Gerard.Hathaway@dos.ny.gov

Revised Regulatory Impact Statement

The Department of State has determined that the changes made to the last published rule are non-substantive and do not necessitate a revision of the original Regulatory Impact Statement published in the Notice of Proposed Rule Making.

Those changes made to the rule are summarized as follows:

Part 1240 of Title 19 NYCRR was changed to update the date that the 2017 Supplement was published from March to July. Changes were made throughout the 2017 Uniform Code Supplement to clarify certain code language and to delete duplicative code language. The majority of the changes were to Chapter 11 of the 2015 International Residential Code (IRC).

The legally binding provisions of the State Energy Conservation Construction Code (Energy Code) are as set forth in 19 NYCRR Part 1240, and consist, primarily, of the 2015 International Energy Conservation Code (IECC) and ASHRAE 90.1-203, as amended by the 2016 Supplement to the New York State Energy Conservation Construction Code (Revised August 2016) (ECS). Chapter 11 of the 2015 IRC, as amended by the 2017 Uniform Code Supplement, is intended to be a restatement of

the provisions of the Energy Code applicable to residential buildings. However, in the event of a conflict between provisions of Part 1240 and the provisions in Chapter 11, the provisions of Part 1240 will control. To address any discrepancies, the 2017 Uniform Code Supplement has been revised to align the Chapter 11 provisions with the corresponding provisions of the IECC/ECS.

Revised Regulatory Flexibility Analysis

The Department of State has determined that the changes made to the last published rule are non-substantive and do not necessitate a revision of the original Regulatory Flexibility Analysis for Small Businesses and Local Governments published in the Notice of Proposed Rule Making.

The changes made to the previously published rule text provide clarification as to the application of the proposed text and do not alter or increase any effect of the rule upon small businesses or local governments.

19 NYCRR Part 1240 ("Part 1240") and the publications incorporated by reference in Part 1240 constitute the State Energy Conservation Construction Code (the "Energy Code") promulgated pursuant to Article 11 of the Energy Law. The amended and updated version of the Energy Code that became effective on October 3, 2016 incorporated by reference the 2015 edition of the International Energy Conservation Construction Code (the "2015 IECC") published by the International Code Council, Inc. and the 2013 edition of the Energy Standard for Building Except Low-Rise Residential Buildings ("ASHRAE 90.1-2013") published by the American Society of Heating, Refrigeration and Air-Conditioning Engineers, Inc. Under the amended and updated version of the Energy Code, certain provisions of the 2015 IECC and certain provisions of ASHRAE 90.1-2013 are deemed to be amended in the manner provided in the publication entitled 2016 Supplement to the New York State Energy Conservation Construction Code (revised August 2016) (the "2016 Energy Code Supplement").

The 2016 Energy Code Supplement includes a number of references to the 2016 Uniform Code Supplement. This rule amends and updates the Uniform Code by replacing the 2016 Uniform Code Supplement with a new publication entitled the 2017 Uniform Code Supplement. The State Fire Prevention and Building Code Council (the "Code Council") voted to adopt and approve this rule to amend and update the Uniform Code at a meeting held on July 13, 2017.

This rule amends Part 1240 so that references in Part 1240 to provisions in the prior version of the Uniform Code are changed to refer to the corresponding provisions in the updated version of the Uniform Code. Particularly, this rule amends Part 1240 so that all references in the 2016 Energy Code Supplement to the 2016 Uniform Code Supplement are deemed to be references to the 2017 Uniform Code Supplement. The rule also amends the 2016 Energy Code by incorporating by reference the 2017 Uniform Code Supplement.

This rule makes no substantive changes to Part 1240.

Small businesses and local governments that are currently subject to Part 1240 will continue to be subject to Part 1240 as amended by this rule.

Revised Rural Area Flexibility Analysis

The Department of State has determined that the changes made to the last published rule are non-substantive and do not necessitate a revisions of the original Rural Area Flexibility Analysis published in the Notice of Proposed Rule Making.

The changes made to the previously published rule text provide clarification as to the application of the proposed text and do not alter or increase any effect of the rule upon rural areas in New York State.

19 NYCRR Part 1240 ("Part 1240") and the publications incorporated by reference in Part 1240 constitute the State Energy Conservation Construction Code (the "Energy Code") promulgated pursuant to Article 11 of the Energy Law. The amended and updated version of the Energy Code that became effective on October 3, 2016 incorporated by reference the 2015 edition of the International Energy Conservation Construction Code (the "2015 IECC") published by the International Code Council, Inc. and the 2013 edition of the Energy Standard for Building Except Low-Rise Residential Buildings ("ASHRAE 90.1-2013") published by the American Society of Heating, Refrigeration and Air-Conditioning Engineers, Inc. Under the amended and updated version of the Energy Code, certain provisions of the 2015 IECC and certain provisions of ASHRAE 90.1-2013 are deemed to be amended in the manner provided in the publication entitled 2016 Supplement to the New York State Energy Conservation Construction Code (revised August 2016) (the "2016 Energy Code Supplement").

The 2016 Energy Code Supplement includes a number of references to the 2016 Uniform Code Supplement. This rule amends and updates the Uniform Code by replacing the 2016 Uniform Code Supplement with a new publication entitled the 2017 Uniform Code Supplement. The State Fire Prevention and Building Code Council (the "Code Council") voted to adopt and approve this rule to amend and update the Uniform Code at a meeting held on July 13, 2017.

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This rule makes no substantive changes to Part 1240.

Since Part 1240 applies in all rural areas of the State, and since this rule amends Part 1240, this rule will apply in all rural areas of the State.

Revised Job Impact Statement

The Department of State has determined that the changes made to the last published rule are non-substantive and do not necessitate a revision of the original Job Impact Statement published in the Notice of Proposed Rule Making.

The changes made to the previously published rule text provide clarification as to the application of the proposed text and will not have a substantial adverse impact on jobs and employment opportunities in New York State.

19 NYCRR Part 1240 ("Part 1240") and the publications incorporated by reference in Part 1240 constitute the State Energy Conservation Construction Code (the "Energy Code") promulgated pursuant to Article 11 of the Energy Law. The amended and updated version of the Energy Code that became effective on October 3, 2016 incorporated by reference the 2015 edition of the International Energy Conservation Construction Code (the "2015 IECC") published by the International Code Council, Inc. and the 2013 edition of the Energy Standard for Building Except Low-Rise Residential Buildings ("ASHRAE 90.1-2013") published by the American Society of Heating, Refrigeration and Air-Conditioning Engineers, Inc. Under the amended and updated version of the Energy Code, certain provisions of the 2015 IECC and certain provisions of ASHRAE 90.1-2013 are deemed to be amended in the manner provided in the publication entitled 2016 Supplement to the New York State Energy Conservation Construction Code (revised August 2016) (the "2016 Energy Code Supplement").

The 2016 Energy Code Supplement includes a number of references to the 2016 Uniform Code Supplement. This rule amends and updates the Uniform Code by replacing the 2016 Uniform Code Supplement with a new publication entitled the 2017 Uniform Code Supplement. The State Fire Prevention and Building Code Council (the "Code Council") voted to adopt and approve this rule to amend and update the Uniform Code at a meeting held on July 13, 2017.

This rule amends Part 1240 so that references in Part 1240 to provisions in the prior version of the Uniform Code are changed to refer to the corresponding provisions in the updated version of the Uniform Code. Particularly, this rule amends Part 1240 so that all references in the 2016 Energy Code Supplement to the 2016 Uniform Code Supplement are deemed to be references to the 2017 Uniform Code Supplement. The rule also amends the 2016 Energy Code by incorporating by reference the 2017 Uniform Code Supplement.

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2020, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment

The Proposed Rule Making was published in the State Register on April 5, 2017. A public hearing was held on May 22, 2017. The Department of State (DOS) received the comments described below. Where identical or substantially similar comments were received from more than one commenter, those comments are discussed in one consolidated statement below.

Summary and Analysis of Issues Raised and Significant Alternatives Suggested by Comments, and Reasons Why any Significant Alternatives were not incorporated into the Rule.

COMMENT 1: Several comments were received requesting deletion of Item 3.8 of the 2016 Supplement to the New York State Energy Conservation Construction Code (Revised August 2016) ("2016 Energy Code Supplement") which added an "Option 2" in the prescriptive table (Table R402.1.2) of the 2015 International Energy Conservation Code (IECC) which allows a reduction in insulation as a trade-off for improved fenestration U-value in climate zone 6. The commenters stated that "Option 2" is inconsistent with the 2015 IECC, it is not necessary as the IECC already provides several means of demonstrating compliance that provide extensive flexibility for builders, not technically justified possibly leading to less efficient residential buildings, and a similar proposal was rejected by the Code Development Committee for the 2018 IECC because it was found to be confusing. The commenters also stated that "Option 2" would seem to open up the IECC to additional requests for product-specific exceptions in the prescriptive path.

RESPONSE TO COMMENT 1: The purpose of this rule was to amend the 2017 Uniform Code Supplement and to amend Part 1240 to the extent that references to the 2016 Uniform Code Supplement should be references to the 2017 Uniform Code Supplement. No changes were made to the 2016 Energy Code Supplement by this rule. However, the DOS will continue to research the above topic and determine if the requested modifications can be accommodated at a future code update.

COMMENT 2: Several comments noted discrepancies between the Residential Provisions of the 2015 IECC, as amended by the 2016 Energy Code Supplement, and Chapter 11 of the 2015 International Residential Code (IRC), as amended by proposed the 2017 Uniform Code Supplement. For example, the requirements for insulation values and fenestration by component, and the provisions of section R501.4 of the 2015 IECC, as amended by the 2016 Energy Code Supplement, differ from the corresponding provisions in Chapter 11 of the 2015 IRC, as amended by proposed the 2017 Uniform Code Supplement.

RESPONSE TO COMMENT 2: The legally binding provisions of the Energy Code are as set forth in 19 NYCRR Part 1240, and consist, primarily, of the 2015 IECC and ASHRAE 90.1-2013, as amended by the 2016 Energy Code Supplement. Chapter 11 of the 2015 IRC, as amended by the 2017 Uniform Code Supplement, is intended to be a restatement of the provisions of the Energy Code applicable to residential buildings. However, in the event of a conflict between the provisions of Part 1240 and the provisions in Chapter 11, the provisions of Part 1240 will control. DOS agrees that discrepancies should be corrected, to reduce confusion. Therefore, the 2017 Uniform Code Supplement has been revised to align the Chapter 11 provisions cited in the comments with the corresponding provisions in the 2015 IECC, as amended by the 2016 Energy Code Supplement.

COMMENT 3: The 2015 IECC Commercial Provisions Section C405.6 mandates that each dwelling unit located in a Group R-2 building shall have a separate electrical meter. There was a similar requirement for monitoring electrical energy consumption, in buildings having individual dwelling units, in the 2010 RCNYS Section N1101.10. There is no similar requirement in the 2015 IRC, the 2015 IECC Residential Provisions, nor in the 2016 UCS or the 2017 Draft UCS.

RESPONSE TO COMMENT 3: When the Code Council amended the entire Energy Code in 2016, the Code Council determined that it would adopt the 2015 IECC with only those changes that were (1) required by NYS law or (2) deemed by the Code Council to be necessary in NYS. The 2015 IECC requires separate meters in buildings in Occupancy Group R-2, but not in buildings in Occupancy Groups R-1 or R-3 nor in buildings that are subject to the 2015 IRC. When the Code Council adopted the 2016 version of the Energy Code, the Code Council elected not to change the 2015 IECC's requirements for separate metering. The Energy Code-related rule now being adopted is intended only to make those changes to Part 1240 that are necessary to change Part 1240's references to a publication that was part of the Uniform Code (the 2016 Uniform Code Supplement) to references to the new publication (the 2017 Uniform Code Supplement) that will now be part of the Uniform Code pursuant to a separate rule making. This comment requests a substantive change to the Energy Code, which would be beyond the intended scope of the Energy Code-related rule now being adopted. Any substantive change, such as that requested by this comment, would have to be considered as part of a new, separate rule making, and would require consideration of issues, such as anticipated pay-back periods, as prescribed in Article 11 of the Energy Law.

COMMENT 4: The 2015 IRC, the 2015 IECC, and the 2016 Energy Code Supplement mandate that blower door testing shall be performed to verify compliance with mandatory air leakage requirements. The 2016 Energy Code Supplement amends the definition of "Residential Building" to include factory manufactured homes and mobile homes. The 2016 UCS and the 2017 Draft UCS Section 101.2.1.4 mandate that Factory Manufactured Homes (Modular Homes) shall be constructed and installed in accordance with the requirements of the 2015 IRC and shall bear an Insignia of Approval issued in accordance with the 19 NYCRR Part 1209, Regulations and Fees for Factory Manufactured Homes. The 2016 Energy Code Supplement (Revised August 2016) Section R402.4.1.2 mandates that the building (including factory manufactured homes and mobile homes, according to the definition for building) or dwelling unit shall be tested and verified as having an air leakage rate not exceeding three air changes per hour. Testing shall be conducted in accordance with ASTM E 779 or ASTM E 1827 and reported at a pressure of 0.2 inch w.g. (50 Pascals). Testing shall be performed at any time after creation of all penetrations of the building thermal envelope. QUESTION: Can the manufacturer issue that insignia if the blower door test is not performed with satisfactory results? Is the factory required to conduct the blower door test at the time of manufacture of the factory manufactured home, or does the local code official have the right to require blower door testing of the factory manufactured home once it is installed on the project site?

RESPONSE TO COMMENT 4:

The insignia of approval only demonstrates that the work performed in the factory meets code requirements; it does not certify to all requirements of the Uniform Code. The DOS believes that the issue raised by this comment does not require a change to this rule or to the Energy Code, but may better be addressed by a technical bulletin or similar guidance to be issued by the DOS. No change will be made to this rule in response to this comment.

Description of Changes Made in the Rule

This rule will amend Part 1240 of Title 19 NYCRR. Part 1240 incorporates by reference a publication entitled "2017 Uniform Code Supplement" (hereinafter referred to as the "2017 Supplement"). Non-substantive changes were made to the following subdivisions of Part 1240, as originally proposed.

Changes to Title 19 NYCRR Part 1240

The following changes were made to the amendment to Part 1240 of Title 19 NYCRR. The changes update the date that the 2017 Supplement was published from March to July.

Part 1240, Section 1240.2(t): The publication date of the publication entitled "2017 Uniform Code Supplement" has been changed from March 2017 to July 2017.

Part 1240, Section 1240.4(c)(9): The publication date of the publication entitled "2017 Uniform Code Supplement" has been changed from March 2017 to July 2017.

Part 1240, Section 1240.5(b)(7): The publication date of the publication entitled "2017 Uniform Code Supplement" has been changed from March 2017 to July 2017.

Changes to the 2017 Supplement

Changes to Chapter 2

The legally binding provisions of the Energy Code are as set forth in 19 NYCRR Part 1240, and consist, primarily, of the 2015 IECC and ASHRAE 90.1-2013, as amended by the 2016 Energy Code Supplement. Chapter 11 of the 2015 IRC, as amended by the 2017 Uniform Code Supplement, is intended to be a restatement of the provisions of the Energy Code applicable to residential buildings. However, in the event of a conflict between the provisions of Part 1240 and the provisions in Chapter 11, the provisions of Part 1240 will control. To address any discrepancies, the 2017 Uniform Code Supplement has been revised to align the Chapter 11 provisions with the corresponding provisions of the 2015 IECC, as amended by the 2016 Energy Code Supplement, as described herein. These modifications include:

1. New exceptions 2 and 3 to IRC Section N1101.1 (old Item 2.28);
2. New Sections N1101.3.1, N1101.3.1.1, and N1101.3.1.1.1 (new Item 2.27);
3. Amendments to the terms "building thermal envelope", "conditioned space", "ERI reference design", and "historic building" and a new definition of the term "air-impermeable insulation have been added to N1101.6 (New Item 2.28);
4. An amendment to Section N1102.1 (New Item 2.29);
5. An amendment to Section N1102.1.2 (New Item 2.30);
6. An amendment to Table N1102.1.2 (New Item 2.31);
7. An amendment to Section N1102.4 (New Item 2.32);
8. An amendment to Section N1102.4.1.2 (New Item 2.33);
9. The addition of new Sections N1102.4.1.3 and N1102.4.1.3.1 (New Item 2.34);
10. An amendment to Section N1102.4.2 (New Item 2.35);
11. The addition of a new Section N1102.4.6 (New Item 2.36);
12. An amendment to Section N1103.10.3 (New Item 2.37);
13. An amendment to Section N1103.12 (New Item 2.38);
14. An amendment to Section N1107.4 (New Item 2.39); and
15. An amendment to Section N1107.6 (New Item 2.40).

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Continuing Education Requirements

I.D. No. DOS-31-17-00005-P

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

Proposed Action: Amendment of section 192.7(v) and (w) of Title 19 NYCRR.

Statutory authority: General Business Law, sections 791(2), 794 and 803

Subject: Continuing education requirements.

Purpose: To amend the education requirements to include 1 hour of instruction on telecoil (t-coil) and other assistive listening devices.

Text of proposed rule: Section 192.7 of Title 19 NYCRR is amended to read as follows:

Section 192.7. Continuing education

(v) Infection control and New York State and Federal law, regulation and professional conduct for hearing aid dispensers. As a condition of renewing a hearing aid dispenser registration, each hearing aid dispenser shall successfully complete a total of 20 continuing education credits per registration period as set forth in section 794 of the General Business Law. At least [two] *one* of [these] *the* required credit hours shall be devoted to the subject of infection control as prescribed by the Secretary of State*, at least one of the required credit hours shall be devoted to the subject of telecoil (t-coil) and other assistive listening devices,* and at least one of the required credit hours shall be devoted to the subject of New York State and Federal law, regulations and professional conduct as prescribed by the Secretary of State.

(w) Infection control and New York State and Federal law, regulation and professional conduct for audiologists. As a condition of renewing a hearing aid dispenser registration, each audiologist who is registered as a hearing aid dispenser under General Business Law section 790(1)(b), shall successfully complete four continuing education credits relating to the dispensing of hearing aids as set forth in section 794 of the General Business Law. At least [two] *one* of [these] *the* required credit hours shall be devoted to the subject of infection control*, at least one of the required credit hours shall be devoted to the subject of telecoil (t-coil) and other assistive listening devices,* and at least one of the required credit hours shall be devoted to the subject of New York State and Federal law, regulations and professional conduct.

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

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

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

Regulatory Impact Statement

1. Statutory authority:

Article 37-a of General Business Law ("GBL"), Registration of Hearing Aid Dispensers, prescribes continuing education requirements for individuals and business entities to act as a hearing aid dispenser. GBL §§ 791(2) and 794 authorizes the Secretary of State to promulgate rules and regulations establishing the content requirements of continuing education hearing aid dispenser courses. GBL § 794 authorizes the Secretary to promulgate rules and regulations establishing the method, content and supervision requirements for the continuing education course or courses provided for in this section. GBL § 803 authorizes the Secretary to promulgate such rules and regulations as are deemed necessary to effectuate the purposes of Article 37-a.

2. Legislative objectives:

To protect the hearing-impaired public by ensuring competent, honest and accountable dispensers of hearing aids who will protect the health, safety and welfare of the people of New York State.

3. Needs and benefits:

Existing laws regulating the dispensing of hearing aids have been ineffective in providing adequate education to hearing aid dispensers and audiologists regarding telecoil (t-coil) and other assistive listening devices. T-coils are small copper coils on hearing aids that allow various sound sources to be directly connected to hearing aids, improving sound quality and permitting the hearing aid user to easily perceive the signal of interest in almost any environment regardless of background noise. The T-coil feature provides access to many public accommodations such as movie theaters, libraries, theaters, and auditoriums.

Although T-coils are an option on a variety of hearing aids, many consumers are not sufficiently informed of their availability or benefits when purchasing hearing aids. Requiring at least one of the required credit hours of continuing education for hearing aid dispensers and audiologists to be devoted to the subject of telecoil (t-coil) and other assistive listening devices will promote the safety of users of hearing aids by enabling hearing aid dispensers and audiologists to more thoroughly advise hearing aid consumers of the benefits and uses of T-coils. These changes are intended to ensure continued consumer access to safe, reliable and appropriate hearing aid dispensing services.

4. Costs:

a. Costs to regulated parties:

The Department does not anticipate additional costs to regulated parties resulting from the implementation of the rule. Hearing aid dispenser and audiologist licensees are already required to complete a greater number of total course hours, and this rule simply reallocates the required subject matters.

b. Costs to the Department of State:

The rule does not impose any costs to the agency, the state or local governments for the implementation and continuation of the rule. Existing staff will answer any questions about the regulatory changes and investigate and enforce compliance with the proposed rules.

5. Local government mandates:

The rule does not impose any program, service, duty or responsibility upon any county, city, town, village, school district or other special district.

6. Paperwork:

The rule does not impose any new paperwork requirements. Insofar as licensees are already required to satisfactorily complete continuing education prior to renewal, this rule change does not impose new paperwork requirements.

7. Duplication:

This rule does not duplicate, overlap or conflict with any other state or federal requirement.

8. Alternatives:

The New York State Department of State and Hearing Aid Dispenser Board participated in a series of open meetings with various stakeholders to discuss and consider alternative variations of course subject matter and allocation of required hours within the hearing aid dispenser curriculum. After due consideration of various alternatives to the existing hearing aid dispenser and audiologist course curriculum, the Department of State determined that the proposed course subject matter and allocation of hours was the preferred option and recommended said proposal. The Department for example considered not permitting audiologists to have any elective courses, but was informed by the New York State Board for Speech-language Pathology and Audiology that allowing an elective would benefit licensed audiologists who also dispensed hearing aids.

9. Federal standards:

There are no federal standards relating to this rule. Consequently, this rule does not exceed any existing federal standard.

10. Compliance schedule:

The rule will be effective January 1, 2019 to allow licensees to prepare for this change, as well as allow educational providers to create new courses to cover these topics.

Regulatory Flexibility Analysis

1. Effect of rule:

The rule will require that all licensed hearing aid dispensers complete at least 1 hour of continuing education devoted to telecoil (t-coil) and other assistive listening devices prior to renewal. The majority of hearing aid businesses licensed by the Department are small businesses employing 10 or fewer persons.

The rule does not apply to local governments.

2. Compliance requirements:

Insofar as the existing statute and regulations already require minimum continuing education requirements for license renewal, the rule making will not add any new reporting, record keeping or other compliance requirements.

The rule does not impose any compliance requirements on local governments.

3. Professional services:

Hearing aid dispensers will not need to rely on any new or different professional services in order to comply with the rule. Dispensers are already required to complete continuing education pursuant to Article 37-a of the General Business Law. Insofar as dispensers must already attend and complete approved education courses, this proposal will not result in the need to rely on any new professional services. The Department expects existing education providers to offer new approved courses in accordance with this rule making.

The rule does not impose any compliance requirements on local governments.

4. Compliance costs:

The rule making will not result in increased costs to dispensers as the proposal merely reallocates existing course requirements, and does not add new credit hours to renew. The rule does not impose any compliance costs on governments.

5. Economic and technologic feasibility:

This rule is both economically and technologically feasible to comply with. The Department is aware that there are courses which already provide instruction in this subject area so dispensers will be able to comply.

6. Minimizing adverse impact:

The rule making will not result in any adverse economic impact. Insofar as dispensers must already attend and complete approved education courses, the rule will not have an adverse economic impact on prospective dispensers seeking renewal.

7. Small business participation:

This proposal was discussed at several open meetings conducted by the Hearing Aid Advisory Board and at least 1 meeting of the New York State Board for Speech-language Pathology and Audiology; these meeting allowed for small business participation. Additionally, publication of the proposed rule in the State Register will provide additional notice to small businesses of the proposed rule making.

Rural Area Flexibility Analysis
A rural area flexibility analysis is not required because this rule does not impose any adverse impact on rural areas, and the rule does not impose any new reporting, record keeping or other compliance requirements on public or private entities in rural areas. The rule merely proposes the reallocation of the required course hours that dispensers are required to complete. Insofar as the existing regulations already require education requirements for renewal, the rule making will not add any new reporting, record keeping or other compliance requirements on public or private entities in rural areas, outside of the proposed changes in the education requirement.

Job Impact Statement
A job impact statement is not required because this rule will not have any substantial impact on jobs or employment opportunities for registered hearing aid dispensers. The rule making reallocates existing continuing education credit hours to include 1 hour of instruction in a new topic. The Department finds that this change will not have any foreseeable impact on jobs or employment opportunities for hearing aid dispensers seeking renewal.

Office of Temporary and Disability Assistance

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Mandated Reporter Requirement and Background Checks

I.D. No. TDA-31-17-00002-EP
Filing No. 515
Filing Date: 2017-07-17
Effective Date: 2017-07-17

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

Proposed Action: Addition of Part 901 to Title 18 NYCRR.

Statutory authority: Social Services Law, sections 17(a)-(b), (j), 20(2)(b), 34(3)(c)-(d), (6), 412, 413, 424-a, 460-h and 495; L. 2017, ch. 56, part Q

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 protect and prevent homeless children being served by publicly-funded emergency shelters for families with children from exposure to potentially harmful conditions, including child abuse, neglect, and maltreatment, and to prevent their interacting with individuals who are inappropriate to serve this vulnerable population.

This rule protects children who are residing in publicly-funded emergency shelters for families with children by requiring checks of the Statewide Central Register of Child Abuse and Maltreatment (SCR), the Register of Substantiated Category One Cases of Abuse or Neglect (hereinafter referenced as the Staff Exclusion List [SEL]), and criminal history information for certain persons functioning in qualifying roles in publicly-funded emergency shelters for families with children and who have the potential for regular and substantial contact with children served by these emergency shelters. This rule also expands the list of individuals who are mandated reporters of child abuse and maltreatment by amending State regulations, consistent with recent amendments to Social Services Law § 413(1), to include employees of publicly-funded emergency shelters for families with children. Furthermore, by preserving the health, safety, and general welfare of children in publicly-funded emergency shelters for families with children, this rule helps make such shelters safer for all individuals and families staying in them.

Given the foregoing potential dangers faced by children served by publicly-funded emergency shelters for families with children and other hazards posed to individuals experiencing homelessness, 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 immediate health, safety, and general welfare of this vulnerable population. Without this emergency rule, publicly-funded emergency shelters for families with children would be allowed to maintain the status quo, thereby increasing the potential that children experiencing homelessness may be subject to potential abuse, neglect, and maltreatment.

In addition, OTDA notes that this rule has been developed by the Office of Children and Family Services, the Division of Criminal Justice Services, and itself to implement Part Q of Chapter 56 of the Laws of 2017, which provides that the rule may be promulgated on an emergency basis.

Subject: Mandated reporter requirement and background checks.

Purpose: To implement the State regulations as required by part Q of chapter 56 of the Laws of 2017.

Substance of emergency/proposed rule (Full text is posted at the following State website: http://otda.ny.gov/legal/regulatory-activities.asp): The Office of Temporary and Disability Assistance (OTDA) is proposing the addition of 18 NYCRR Part 901, pursuant to Part Q of Chapter 56 of the Laws of 2017, to require publicly-funded emergency shelters for families with children to perform checks of the Statewide Central Register of Child Abuse and Maltreatment (SCR), the Staff Exclusion List of Category One Cases of Abuse and Neglect (SEL), and criminal history information for certain persons functioning in qualifying roles in publicly-funded emergency shelters for families with children and who have the potential for regular and substantial contact with children served by these emergency shelters. This rule also expands the list of individuals who are mandated reporters of child abuse and maltreatment by amending State regulations, consistent with recent amendments to Social Services Law § 413(1), to include employees of publicly-funded emergency shelters for families with children.

Add Subpart 901-1 addressing the mandated reporter requirement, SCR, and SEL.

Add § 901-1.1(a) to include definitions of the following terms that are used in this Subpart: contractor, facility, Justice Center, Office, prospective consultant, prospective employee, prospective volunteer, and publicly-funded emergency shelter for families with children.

Add § 901-1.1(b) to include the screening requirements, notice provisions, and record keeping requirements for publicly-funded emergency shelters for families with children regarding the SCR and the SEL checks. Provisions relating to the temporary approval of individuals subject to these checks prior to obtaining the results are included, as well as the analysis that must occur when an individual is found to be the subject of an indicated report.

Add § 901-1.1(c) to include the mandated reporter requirements for employees of publicly-funded emergency shelters for families with children when they have reasonable cause to suspect that a child coming before them in their professional or official capacity as an employee of a publicly-funded emergency shelter for families with children is an abused or maltreated child.

Add § 901-1.1(d) to include a severability provision so that if any provision of this Subpart or the application thereof to any person or circumstance is determined to be invalid, such determination shall not affect other provisions or applications of this Subpart and they are deemed to be severable.

Add Subpart 901-2 addressing criminal history information reviews.

Add § 901-2.1 to provide that this Subpart, relating to criminal history background checks, shall apply to every provider of services to publicly-funded emergency shelters for families with children.

Add § 901-2.2 to include definitions of the following terms that are used in this section: authorized person, criminal history information, Division, facility, Office, prospective assistant, prospective consultant, prospective employee, prospective volunteer, provider of services, publicly-funded emergency shelter for families with children, subject individual, and supervising social services district.

Add § 901-2.3 to include the procedure, notice requirements, and informed consents relating to the submission of fingerprints by prospective employees, consultants, assistants and volunteers in order to obtain criminal history information. This section also provides that an individual subject to the background check requirement can withdraw from the application process, without prejudice, at any time.

Add § 901-2.4 to include the required procedure when a publicly-funded emergency shelter for homeless families with children receives criminal history information. Specifically, it requires that upon receipt of criminal history information from the Division of Criminal Justice Services, the shelter provider shall assess the information to consider and determine whether to approve or disapprove the prospective employee, prospective consultant, prospective volunteer or prospective asssistant in accordance with the provisions of article 23-A of the Correction Law and Executive Law § 296(15) and (16). It also provides the subject individual the opportunity to explain why the application should not be denied and

requires that the individual shall be provided with information detailing how to seek correction of information contained in the report.

Add § 901-2.5 to include documentation and confidentiality provisions relative to criminal history background checks conducted pursuant to the regulation. It also provides that any party who willfully permits the disclosure of any confidential criminal history information obtained pursuant to this Subpart to parties not authorized to receive such information shall be guilty of a misdemeanor.

Add § 901-2.6 to include the required procedure when it is learned that an individual subject to a criminal background check has a pending criminal charges.

Add § 901-2.7 to include the responsibilities incumbent upon publicly-funded emergency shelters for families with children regarding record-keeping, retention and disposal of criminal history information, and the requirement that each qualified shelter provider have policies and procedures to ensure compliance with the regulation.

Add § 901-2.8 to include a severability provision so that if any provision of this Subpart or the application thereof to any person or circumstance is determined to be invalid, such determination shall not affect other provisions or applications of this Subpart and they are deemed to be severable.

A copy of the full text of the regulatory proposal is available on OTDA's website at http://otda.ny.gov/legal/regulatory-activities.asp.

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 October 14, 2017.

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

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

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

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

Regulatory Impact Statement

1. Statutory Authority:

Social Services Law (SSL) § 17(a)-(b) and (j) 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)(b) provides, in part, that 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), OTDA is authorized to promulgate rules, regulations, and policies to fulfill its powers and duties under the SSL.

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 necessaries of life and of all matters pertaining thereto." In addition, pursuant to SSL § 34(3)(d), OTDA's Commissioner must exercise general supervision over the work of all social services districts (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 SSDs. 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 § 412 defines the term "publicly-funded emergency shelter for families with children" as "any facility with overnight sleeping accommodations and that is used to house recipients of temporary housing assistance and which houses or may house children and families with children."

SSL § 413 sets forth the list of persons who are required to report suspected cases of child abuse or maltreatment, which includes, but is not limited to, employees of publicly- funded emergency shelters for families with children.

SSL § 424-a allows access to, and requires checks of, the Statewide Central Register of Child Abuse and Maltreatment (SCR) as to certain qualifying individuals by providers of publicly-funded emergency shelters for families with children.

SSL § 460-h allows access to, and requires checks of, criminal history information as to certain qualifying individuals by providers of publicly-funded emergency shelters for families with children.

SSL § 495 allows access to, and requires checks of, the Register of Substantiated Category One Cases of Abuse or Neglect (hereinafter referenced as the Staff Exclusion List [SEL]) as to certain qualifying individuals by providers of publicly-funded emergency shelters for families with children.

Part Q of Chapter 56 of the Laws of 2017 provides that rules and regulations necessary to implement the provisions of that law concerning the required mandated reporting requirements and the required SCR checks, the SEL checks, and the criminal history background checks may be promulgated on an emergency basis.

2. Legislative Objectives:

It is the intent of the Legislature in enacting the above statutes that OTDA, the Office of Children and Family Services (OCFS), and the Division of Criminal Justice Services (DCJS) establish rules, regulations and policies to provide for the health, safety and general welfare of vulnerable individuals.

3. Needs and Benefits:

Homeless children are a vulnerable population in need of additional protections to ensure their wellbeing while residing in publicly-funded emergency shelters for families with children. The purpose of this rule is to address the need for additional protections for children who are residing in publicly-funded emergency shelters for families with children by requiring checks of the SCR and the SEL and criminal history background checks for individuals in certain positions in publicly-funded emergency shelters for families with children who have the potential for regular and substantial contact with children who are served by the shelter. This rule prevents children from being exposed to individuals with indicated reports of abuse, maltreatment and neglect or prior criminal convictions that rise to the level of rendering them particularly inappropriate for interactions with such children. Not only does this rule preserve the health, safety, and general welfare of children in publicly-funded emergency shelters for families with children, but also helps make these shelters safer for all individuals residing in such shelters.

The rule also expands the list of individuals who are mandated reporters of child abuse and maltreatment, consistent with the recent amendments to SSL § 413(1), to include employees of publicly-funded emergency shelters for families with children, thereby expanding the scope of individuals required to report child abuse and maltreatment which will improve child welfare in publicly-funded emergency shelters for families with children.

4. Costs:

For the providers of publicly-funded emergency shelters for families with children who are subject to the rule, there are neither expected initial capital costs, nor recurring annual fixed costs to comply with this rule.

OTDA does not anticipate compliance costs for publicly-funded emergency shelters for families with children that already conduct these searches. Qualifying shelters that do not already conduct these searches may experience a slight increase in administrative costs associated with the screening process and the additional steps that are required by the rule before hiring an individual. The publicly-funded emergency shelters for families with children will incur the costs associated with the actual checks, which, in the cases of the SCR and criminal background checks, cost $25 and $87 (subject to change) each, respectively; there are no costs associated with the SEL check. Qualifying shelters can include the costs within their operational budgets and may seek reimbursement from the State for at least a portion thereof. It is anticipated there would be a manageable increase in the amount of administrative and recordkeeping responsibilities imposed by the rule upon such providers.

There could be a slight increase in the number of SCR-related fair hearings held by OCFS. As to the SEL checks, the Justice Center for the Protection of People with Special Needs (Justice Center) will input into its system all provider agencies required to perform SEL checks, which is now estimated at approximately 80, and will perform more checks of the SEL. It is noted that such SEL checks are practically automated. DCJS will perform more criminal background checks, for which it will receive the aforementioned fee.

5. Local Government Mandates:

Local governments must inform and ensure that all qualifying shelters are fully compliant with existing State and local laws, regulations, administrative directives, and guidelines.

6. Paperwork:

There are essentially four requirements imposed by the legislative action and the subject rule.

The portion of the rule concerning criminal history background checks mandates that qualifying providers of services to publicly-funded emergency shelters for families with children perform criminal history background checks of all prospective employees, prospective consultants, prospective assistants and prospective volunteers it seeks to hire, contract with, or otherwise utilize the services of who will have the potential for, or may be permitted, regular and substantial contact with children who are served by the publicly-funded emergency shelter for families with children. The recordkeeping requirements that are needed to comply with

this portion of the rule include, but are not limited to, informing and obtaining the signed consent, on a prescribed form, of the individual subject to the check and selecting an authorized person to refer the subject to a designated fingerprinting entity to receive and transmit the fingerprints to DCJS, and to receive and evaluate the search results to determine whether to approve or disapprove the prospective employee/consultant/volunteer/applicant in accordance with the provisions of article-23A of the Correction Law and subdivisions (15) and (16) of § 296 of the Executive Law. Additionally, all qualifying providers are required to keep records of the current roster of employees, staffing assignments, volunteers, assistants and consultants as well as the names of all persons for whom criminal history background checks are submitted to DCJS. Such records shall be kept for at least six years from the time a person is no longer employed in, volunteers as, or serves as an assistant or consultant in a position that involves regular and substantial contact with children who are served by such shelters; such records shall also include applicants who are ultimately not hired. Moreover, under certain circumstances, certain records are to be destroyed and/or returned, and a use and dissemination agreement will be required and provided by DCJS with each provider.

The portion of the regulation concerning checks of the SCR requires checks of same for all prospective employees, prospective consultants, prospective volunteers and any individual or any person employed by an individual who will have the potential for regular and substantial contact with children who are served by such qualifying shelters and allows SCR checks for current employees. The publicly-funded emergency shelters for families with children may also conduct SCR checks on current employees at their own discretion, but not more than once every six months. The recordkeeping requirements include informing and obtaining the signed consent, on a prescribed form, of the individual subject to the check and notifying that individual that the check will be conducted. Additionally, whenever a person who is the subject of an indicated report is hired, retained, used, or given access to children, a written record must be generated and maintained and contain the specific reasons why the person was determined to be appropriate and acceptable to be afforded such access. OCFS may require a use agreement with each shelter provider subject to this rule.

The portion of the regulation concerning checks of the SEL before determining whether to hire or otherwise allow any person as an employee, administrator, consultant, intern, volunteer or contractor who will have the potential for regular and substantial contact with children who are served by such qualifying shelters place recordkeeping requirements upon shelter providers. These recordkeeping requirements include informing and obtaining the signed consent, on a prescribed form, of the individual subject to the check, and notifying that individual that the check will be conducted. The Justice Center may require a use agreement with each shelter provider subject to this rule.

The portion of the regulation designating employees of qualifying shelters as mandated reporters requires such employees to report to the SCR "when they have reasonable cause to suspect that a child coming before them in their professional or official capacity … [is] an abused or maltreated child", in accordance with SSL § 413(1)(a). Qualifying shelters shall provide all current and new employees with information on how to recognize the signs of child abuse and maltreatment. Subsequent to reporting these signs via telephone, the reporting employee shall follow-up with a written report to the child protective services of the local social services district and notify the provider, director, other person in charge, or a designated agent of the publicly- funded emergency shelter for families with children that the report was made.

7. Duplication:

The rule does not duplicate, overlap, or conflict with any existing State or federal regulations.

8. Alternatives:

Failure to promulgate the rule could jeopardize the health, safety and general welfare of vulnerable homeless children by subjecting them to the risk of substantial interaction with individuals convicted of prior criminal offenses, and/or indicating behaviors that constitute child abuse or neglect and render such individuals inappropriate for substantial interactions with children in such qualifying publicly-funded emergency shelters for families with children. Therefore, OTDA does not consider inactivity as a viable alternative to the rule. OTDA believes that the rule is necessary to protect homeless children from the dangers presented by exposure to the aforementioned individuals.

9. Federal Standards:

The rule does not conflict with federal statutes, regulations or policies.

10. Compliance Schedule:

To protect the public health, safety and general welfare of homeless children, the rule will be effective immediately upon its filing date.

Regulatory Flexibility Analysis

1. Effect of rule:

Pursuant to the State Administrative Procedure Act (SAPA) § 102(8), a "small business," in part, is any business which is independently owned and operated and employs 100 or fewer individuals. Publicly-funded emergency shelters for families with children will be required to provide additional protections to children by adding steps to their clearance process and making their employees mandated reporters of child abuse and maltreatment. The Office of Temporary and Disability Assistance (OTDA) anticipates that some of the additional costs incurred by such shelters as a result of the implementation of this rule can be included in the shelter's operational budget which may be reimbursed to the social services districts (SSDs) by OTDA. The rule applies to all publicly-funded emergency shelters for families with children in all 58 SSDs in New York State.

There are approximately 80 providers of publicly-funded emergency shelters for families with children in New York State, the majority of which are considered to be small businesses under SAPA § 102(8). It is estimated that approximately 30 SSDs will be affected.

2. Compliance requirement:

There are essentially four requirements imposed by the legislative action and the subject rule.

The portion of the rule concerning criminal history background checks mandates that qualifying providers of services to publicly-funded emergency shelters for families with children perform criminal history background checks of all prospective employees, prospective consultants, prospective assistants and prospective volunteers it seeks to hire, contract with, or otherwise utilize the services of who will have the potential for, or may be permitted, regular and substantial contact with children who are served by the publicly-funded emergency shelter for families with children. The recordkeeping requirements needed to comply with this portion of the rule include, but are not limited to, informing and obtaining the signed consent, on a prescribed form, of the individual subject to the check and selecting an authorized person to refer the subject to a designated fingerprinting entity to receive and transmit the fingerprints to the Division of Criminal Justice Services (DCJS), and to receive and evaluate the search results to determine whether to approve or disapprove the prospective employee/consultant/volunteer/applicant in accordance with the provisions of Article-23A of the Correction Law and subdivisions (15) and (16) of § 296 of the Executive Law. Additionally, all qualifying providers are required to keep records of the current roster of employees, staffing assignments, volunteers, assistants and consultants as well as the names of all persons for whom criminal history background checks are submitted to DCJS. Such records shall be kept for at least six years from the time a person is no longer employed in, volunteers as, or serves as an assistant or consultant in a position that involves regular and substantial contact with children who are served by such shelters; such records shall also include applicants who are ultimately not hired. Moreover, under certain circumstances, certain records are to be destroyed and/or returned, and a use and dissemination agreement will be required by DCJS with each provider.

The portion of the regulation concerning checks of the Statewide Central Register of Child Abuse and Maltreatment (SCR) requires checks of same for all prospective employees, prospective consultants, prospective volunteers and any individual or any person employed by an individual who will have the potential for regular and substantial contact with children who are served by such qualifying shelters and allows SCR checks for current employees. The publicly-funded emergency shelters for families with children may also conduct SCR checks on current employees at their own discretion, but not more than once every six months. The rule's recordkeeping requirements include informing and obtaining the signed consent, on a prescribed form, of the individual subject to the check and notifying that individual that the check will be conducted. Additionally, whenever a person who is the subject of an indicated report is hired, retained, used or given access to children, a written record must be generated and maintained and contain the specific reasons why the person was determined to be appropriate and acceptable to be afforded such access. The Office of Children and Family Services may require a use agreement with each shelter provider subject to this rule.

The portion of the regulation concerning checks of the Register of Substantiated Category One Cases of Abuse or Neglect (Staff Exclusion List [SEL]) before determining whether to hire or otherwise allow any person as an employee, administrator, consultant, intern, volunteer or contractor who will have the potential for regular and substantial contact with children who are served by such qualifying shelters places recordkeeping requirements upon shelter providers. These recordkeeping requirements include informing and obtaining the signed consent, on a prescribed form, of the individual subject to the check and notifying that individual that the check will be conducted. The Justice Center may require a use agreement with each qualifying shelter provider subject to this rule.

The portion of the regulation designating employees of qualifying shelters as mandated reporters requires such employees to report "when they have reasonable cause to suspect that a child coming before them in their professional or official capacity … [is] an abused or maltreated child" in accordance with Social Services Law § 413(1)(a). Qualifying shelters

shall provide all current and new employees with information on how to recognize the signs of child abuse and maltreatment. Subsequent to reporting such alleged abuse and/or maltreatment signs via telephone, the reporting employee shall follow-up with a written report and notify the provider, director, other person in charge, or a designated agent of the publicly-funded emergency shelter for families with children that the report was made.

3. Professional services:

The rule imposes obligations upon the publicly-funded emergency shelters for families with children that OTDA anticipates can be fulfilled without the need for the qualifying shelter(s) or SSD(s) to obtain professional services.

4. Compliance costs:

OTDA does not anticipate compliance costs for publicly-funded emergency shelters for families with children qualifying as small businesses under SAPA § 102(8) that already conduct these searches. Qualifying shelters meeting the small business definition under SAPA § 102(8) that do not already conduct these searches may experience a slight increase in administrative costs associated with the screening process and the additional steps that are required by the rule before hiring an individual. The publicly-funded emergency shelters for families with children will incur the costs associated with the actual checks, which, in the cases of the SCR and criminal background checks, cost $25 and $87 (subject to change) each, respectively; there are no costs associated with the SEL check. Qualifying shelters can include the costs within their operational budgets and may seek reimbursement from the State for at least a portion thereof. Regarding local governments, OTDA notes that most of the publicly-funded emergency shelters for families with children are located in New York City and that relatively few rural SSDs have qualifying shelters.

5. Economic and technological feasibility:

SSDs and publicly-funded emergency shelters for families with children qualifying as small businesses pursuant to the SAPA already have the economic and technological abilities to comply with the rule.

6. Minimizing adverse impact:

This rule is designed to minimize any adverse economic impact on affected small businesses or local governments. The rule only targets those publicly-funded emergency shelters for families with children and not all publicly-funded shelters that house homeless individuals. Further, the required checks of certain persons functioning in qualifying roles in these shelters is limited to those individuals who will have regular and substantial contact with children served by the shelter, and not all individuals at those shelters. The rule should not provide exemptions to small businesses, because this would contravene the purpose of the rule, namely, preserving the health, safety, and general welfare of homeless children who reside in publicly-funded emergency shelters for families with children.

7. Small business and local government participation:

The rule was discussed at the New York Public Welfare Association conference held on May 10-12, 2017, at which representatives from the SSDs were in attendance and provided an opportunity to express their concerns. OTDA will also be providing administrative guidance to SSDs for distribution to the publicly-funded emergency shelters for families with children so that they are notified of the rule and the requirements associated therewith. Qualifying shelter providers and SSDs will also have the opportunity to comment on the rule during the 45-day SAPA public comment period.

Rural Area Flexibility Analysis

1. Types and estimate numbers of rural areas:

Although the rule will, on its face, apply to all 44 of the rural social services districts (SSDs), it is expected that not all of these rural SSDs have publicly-funded emergency shelters for families with children that will have to take action to comply with the rule.

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

There are essentially four requirements imposed by the legislative action and the subject rule.

The portion of the rule concerning criminal history background checks mandates that qualifying providers of services to publicly-funded emergency shelters for families with children in rural areas perform criminal history background checks of all prospective employees, prospective consultants, prospective assistants and prospective volunteers it seeks to hire, contract with, or otherwise utilize the services of who will have the potential for, or may be permitted, regular and substantial contact with children who are served by the publicly-funded emergency shelter for families with children. The recordkeeping requirements that are needed to comply with this portion of the rule include, but are not limited to, informing and obtaining the signed consent, on a prescribed form, of the individual subject of the check and selecting an authorized person to refer the subject to a designated fingerprinting entity to receive and transmit the fingerprints to the Division of Criminal Justice Services (DCJS), and to receive and evaluate the search results to determine whether to approve or disapprove the prospective employee/consultant/volunteer/applicant in accordance with the provisions of Article-23A of the Correction Law and subdivisions (15) and (16) of § 296 of the Executive Law. Additionally, all qualifying providers in rural areas are required to keep records of the current roster of employees, staffing assignments, volunteers, assistants and consultants as well as the names of all persons for whom criminal history background checks are submitted to DCJS. Such records shall be kept for at least six years from the time a person is no longer employed in, volunteers as, or serves as an assistant or consultant in a position that involves regular and substantial contact with children who are served by such shelters; such records shall also include applicants who are ultimately not hired. Moreover, under certain circumstances, certain records are to be destroyed and/or returned, and a use and dissemination agreement will be required by and is provided by DCJS with each provider.

The portion of the regulation concerning checks of the Statewide Central Register of Child Abuse and Maltreatment (SCR) requires checks of same for all prospective employees, prospective consultants, prospective volunteers and any individual or any person employed by an individual who will have the potential for regular and substantial contact with children who are served by such qualifying shelters. The publicly-funded emergency shelters for families with children in rural areas may also conduct SCR checks on current employees at their own discretion, but not more than once every six months. The recordkeeping requirements include informing and obtaining the signed consent, on a prescribed form, of the individual subject to the check and notifying that individual that the check will be conducted. Additionally, whenever a person who is the subject of an indicated report is hired, retained, used, or given access to children, a written record must be generated and maintained and contain the specific reasons why the person was determined to be appropriate and acceptable to be afforded such access. The Office of Children and Family Services may require a use agreement with each shelter provider subject to this rule.

The portion of the regulation concerning checks of the Register of Substantiated Category One Cases of Abuse or Neglect (hereinafter referenced as the Staff Exclusion List [SEL]) before determining whether to hire or otherwise allow any person as an employee, administrator, consultant, intern, volunteer or contractor who will have the potential for regular and substantial contact with children who are served by such qualifying shelters places recordkeeping requirements upon shelter providers in rural areas. These recordkeeping requirements include informing and obtaining the signed consent, on a prescribed form, of the individual subject to the check, and notifying that individual that the check will be conducted. The Justice Center may require a use agreement with each shelter provider subject to this rule.

The portion of the regulation designating employees of qualifying shelters as mandated reporters requires such employees to report "when they have reasonable cause to suspect that a child coming before them in their professional or official capacity … [is] an abused or maltreated child" in accordance with Social Services Law § 413(1)(a). Qualifying shelters in rural areas shall provide all current and new employees with information on how to recognize the signs of child abuse and maltreatment. Subsequent to reporting these signs via telephone to the SCR, the reporting employee shall follow-up with a written report to the child protective services of the rural SSD and notify the provider, director, other person in charge, or a designated agent of the publicly-funded emergency shelter for families with children that the report was made.

3. Costs:

For the providers of publicly-funded emergency shelters for families with children in rural areas who are subject to the rule, there are neither expected initial capital costs, nor recurring annual fixed costs to comply with this rule. Providers will have to pay $25 for each SCR check and $87 (subject to change) for each criminal history background check. There is no fee for checks of the SEL.

For rural SSDs, the fiscal impact of the rule is anticipated to be small because of the relatively small number of publicly-funded emergency shelter for families with children located in those rural SSDs. Moreover, qualifying shelter providers in rural areas may seek reimbursement at least in part from the State for expenditures relating to the searches required by this rule.

4. Minimizing adverse impact:

The rule is not expected to adversely impact rural areas. Moreover, the rule is designed to minimize any such possible adverse impact on rural areas by limiting its scope to shelters that are receiving qualified services. The rule should not provide exemptions, because doing so would contravene the purpose of the rule, namely, preserving the health, safety, and general welfare of homeless children who reside in publicly-funded emergency shelters for families with children.

5. Rural area participation:

The rule was discussed at the New York Public Welfare Association conference held on May 10-12, 2017, at which representatives from the

rural SSDs were in attendance and provided an opportunity to express their concerns. The Office of Temporary and Disability Assistance will also be providing administrative guidance to all SSDs for distribution to the publicly-funded emergency shelters for families with children so that they are notified of the rule and the requirements associated therewith. Qualifying shelter providers and SSDs in rural areas will also have the opportunity to comment on the rule during the 45-day State Administrative Procedure Act public comment period.

Job Impact Statement

A Job Impact Statement is not required for this rule. The purpose of the rule is to protect children who are residing in publicly-funded emergency shelters for the homeless by requiring checks of the Statewide Central Register of Child Abuse and Maltreatment (SCR), the Register of Substantiated Category One Cases of Abuse or Neglect (hereinafter referenced as the Staff Exclusion List [SEL]), and criminal history information for certain persons functioning in qualifying roles in publicly-funded emergency shelters for families with children who have the potential for regular and substantial contact with children who are served by the qualifying shelter, and by amending State regulations to include employees of publicly-funded emergency shelters for families with children who are designated as mandated reporters of child abuse and maltreatment pursuant to Social Services Law § 413(1).

It is apparent from the nature and the purpose of the rule 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. This rule will not reduce the number of jobs or employment opportunities within the subject facilities, but rather modify the clearance process for prospective employees and add an additional reporting responsibility for employees.

HEARINGS SCHEDULED FOR PROPOSED RULE MAKINGS

Agency I.D. No.	Subject Matter	Location—Date—Time
Health, Department of		
HLT-28-17-00009-P	Early Intervention Program	Webinar: https://www.health.ny.gov/events/meeting August 15, 2017, 1:00 p.m. University at Albany, School of Public Health Auditorium, One University Place, Rensselaer, NY—August 17, 2017, 10:00 a.m.
Long Island Power Authority		
LPA-28-17-00010-P	Low income customer program provisions of the Authority's Tarrif for Electric Service	Long Island Power Authority, H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—August 28, 2017, 10:00 a.m. Long Island Power Authority, 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY—August 28, 2017, 2:00 p.m.
Public Service Commission		
PSC-14-17-00017-P	Petition for full-scale deployment of AMI and to establish an AMI surcharge	Department of Public Service, Agency Bldg. 3, 19th Fl. Boardroom, Albany, NY—August 2, 2017, 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 Cases 17-E-0058 and 17-G-0059.
PSC-23-17-00022-P	Changes in regulation of ESCOs, including restrictions on or prohibitions of marketing or offering certain products or services	Department of Public Service, Agency Bldg. 3, 19th Fl. Boardroom, Albany, NY—September 6, 2017, 10:00 a.m. and daily on succeeding business days as necessary (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 15-M-0127, 12-M-0476 and 98-M-1343.
PSC-27-17-00014-P	Major electric rate filing	Department of Public Service, Agency Bldg. 3, 19th Fl. Boardroom, Albany, NY—October 2, 2017, 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 17-E-0238 and 17-G-0239.
PSC-27-17-00017-P	Major gas rate filing	Department of Public Service, Agency Bldg. 3, 19th Fl. Boardroom, Albany, NY—October 2, 2017, 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 17-E-0238 and 17-G-0239.

ACTION PENDING INDEX

The action pending index is a list of all proposed rules which are currently being considered for adoption. A proposed rule is added to the index when the notice of proposed rule making is first published in the *Register*. A proposed rule is removed from the index when any of the following occur: (1) the proposal is adopted as a permanent rule; (2) the proposal is rejected and withdrawn from consideration; or (3) the proposal's notice expires.

Most notices expire in approximately 12 months if the agency does not adopt or reject the proposal within that time. The expiration date is printed in the second column of the action pending index. Some notices, however, never expire. Those notices are identified by the word "exempt" in the second column. Actions pending for one year or more are preceded by an asterisk(*).

For additional information concerning any of the proposals listed in the action pending index, use the identification number to locate the text of the original notice of proposed rule making. The identification number contains a code which identifies the agency, the issue of the *Register* in which the notice was printed, the year in which the notice was printed and the notice's serial number. The following diagram shows how to read identification number codes.

Agency code	Issue number	Year published	Serial number	Action Code
AAM	**01**	**12**	**00001**	**P**

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF			
ASA-24-17-00017-P	06/14/18	General service standards for chemical dependence outpatient (CD-OP) and opioid treatment programs (OTP)	Conforms HIV and Hepatitis testing in accordance with the public health law; clarifies the services a peer may provide
ASA-24-17-00018-P	06/14/18	Residential services	Conforms HIV and Hepatitis testing requirements in residential settings with public health law
CIVIL SERVICE, DEPARTMENT OF			
*CVS-29-16-00001-P	07/20/17	Jurisdictional Classification	To classify positions in the exempt class
*CVS-29-16-00002-P	07/20/17	Jurisdictional Classification	To delete subheading & positions from; to add heading, subheading & positions in exempt and non-competitive classes
*CVS-29-16-00003-P	07/20/17	Jurisdictional Classification	To delete positions from the exempt and non-competitive classes
*CVS-29-16-00004-P	07/20/17	Jurisdictional Classification	To delete positions from the non-competitive class
*CVS-29-16-00005-P	07/20/17	Jurisdictional Classification	To classify a position in the exempt class
*CVS-29-16-00006-P	07/20/17	Jurisdictional Classification	To classify a position in the exempt class
*CVS-29-16-00007-P	07/20/17	Jurisdictional Classification	To classify a position in the non-competitive class
*CVS-29-16-00008-P	07/20/17	Jurisdictional Classification	To classify a position in the exempt class and to delete a position from the non-competitive class
*CVS-29-16-00009-P	07/20/17	Jurisdictional Classification	To classify positions in the exempt class
*CVS-29-16-00010-P	07/20/17	Jurisdictional Classification	To classify positions in the exempt class
*CVS-29-16-00011-P	07/20/17	Jurisdictional Classification	To classify a position in the exempt class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
*CVS-29-16-00012-P	07/20/17	Jurisdictional Classification	To classify positions in the exempt class
*CVS-29-16-00013-P	07/20/17	Jurisdictional Classification	To classify a position in the exempt class
*CVS-29-16-00014-P	07/20/17	Jurisdictional Classification	To classify a position in the non-competitive class
*CVS-29-16-00015-P	07/20/17	Jurisdictional Classification	To delete positions from the non-competitive class
*CVS-29-16-00016-P	07/20/17	Jurisdictional Classification	To delete positions from the exempt and non-competitive classes
*CVS-29-16-00017-P	07/20/17	Jurisdictional Classification	To classify a position in the exempt class and to delete a position from the non-competitive class
*CVS-29-16-00018-P	07/20/17	Jurisdictional Classification	To delete subheading & positions from; to add heading, subheading & positions in exempt and non-competitive classes
CVS-35-16-00004-P	08/31/17	Jurisdictional Classification	To classify positions in the exempt class
CVS-35-16-00005-P	08/31/17	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class.
CVS-35-16-00006-P	08/31/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-35-16-00007-P	08/31/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-35-16-00008-P	08/31/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-35-16-00009-P	08/31/17	Jurisdictional Classification	To classify positions in the exempt class
CVS-35-16-00010-P	08/31/17	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-35-16-00011-P	08/31/17	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-35-16-00012-P	08/31/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-44-16-00001-P	11/02/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-44-16-00002-P	11/02/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-44-16-00003-P	11/02/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-44-16-00004-P	11/02/17	Jurisdictional Classification	To classify a position in the exempt class and to delete a position from the non-competitive class
CVS-44-16-00005-P	11/02/17	Jurisdictional Classification	To delete a position from and classify a position in the non-competitive class
CVS-44-16-00006-P	11/02/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-44-16-00007-P	11/02/17	Jurisdictional Classification	To classify a position in the exempt class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-44-16-00008-P	11/02/17	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-44-16-00009-P	11/02/17	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-46-16-00001-P	11/16/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-46-16-00002-P	11/16/17	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-46-16-00003-P	11/16/17	Jurisdictional Classification	To classify positions in the exempt class
CVS-46-16-00004-P	11/16/17	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-01-17-00006-P	01/04/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-01-17-00007-P	01/04/18	Jurisdictional Classification	To delete a position from and classify positions in the non-competitive class
CVS-01-17-00008-P	01/04/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-01-17-00009-P	01/04/18	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-01-17-00010-P	01/04/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-01-17-00011-P	01/04/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-01-17-00012-P	01/04/18	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-01-17-00013-P	01/04/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-01-17-00014-P	01/04/18	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-01-17-00015-P	01/04/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-01-17-00017-P	01/04/18	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-04-17-00003-P	01/25/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-04-17-00004-P	01/25/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-07-17-00003-P	02/15/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-07-17-00004-P	02/15/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-07-17-00005-P	02/15/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-07-17-00006-P	02/15/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-07-17-00007-P	02/15/18	Jurisdictional Classification	To classify a position non-competitive class.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-12-17-00004-P	03/22/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-12-17-00005-P	03/22/18	Jurisdictional Classification	To delete a position from and classify a position in the non-competitive class.
CVS-12-17-00006-P	03/22/18	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class.
CVS-12-17-00007-P	03/22/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-12-17-00008-P	03/22/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-12-17-00009-P	03/22/18	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-12-17-00010-P	03/22/18	Jurisdictional Classification	To delete positions from and classify positions in the exempt class
CVS-17-17-00002-P	04/26/18	Supplemental military leave benefits	To extend the availability of supplemental military leave benefits for certain New York State employees until December 31, 2017
CVS-18-17-00001-P	05/03/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-18-17-00002-P	05/03/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-18-17-00003-P	05/03/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-18-17-00004-P	05/03/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-18-17-00005-P	05/03/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-18-17-00006-P	05/03/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-18-17-00007-P	05/03/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-18-17-00008-P	05/03/18	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-18-17-00009-P	05/03/18	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-18-17-00010-P	05/03/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-18-17-00011-P	05/03/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-18-17-00012-P	05/03/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-18-17-00013-P	05/03/18	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-18-17-00014-P	05/03/18	Jurisdictional Classification	To classify positions in the exempt and non-competitive classes

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-18-17-00015-P	05/03/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-18-17-00016-P	05/03/18	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-18-17-00017-P	05/03/18	Jurisdictional Classification	To classify positions in the exempt class and delete positions from the non-competitive class
CVS-23-17-00001-P	06/07/18	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-23-17-00002-P	06/07/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-23-17-00003-P	06/07/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-23-17-00004-P	06/07/18	Jurisdictional Classification	To delete positions from and classify positions in the labor class
CVS-23-17-00005-P	06/07/18	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-23-17-00006-P	06/07/18	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-23-17-00007-P	06/07/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-23-17-00008-P	06/07/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-23-17-00009-P	06/07/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-23-17-00010-P	06/07/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-23-17-00011-P	06/07/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-23-17-00012-P	06/07/18	Jurisdictional Classification	To delete positions from and classify positions in the exempt class
CVS-23-17-00013-P	06/07/18	Jurisdictional Classification	To delete positions from and classify positions in the exempt class
CVS-23-17-00014-P	06/07/18	Jurisdictional Classification	To delete positions from and classify positions in the exempt class
CVS-30-17-00006-P	07/26/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-30-17-00007-P	07/26/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-30-17-00008-P	07/26/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-30-17-00009-P	07/26/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-30-17-00010-P	07/26/18	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-30-17-00011-P	07/26/18	Jurisdictional Classification	To classify positions in the non-competitive class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-30-17-00012-P	07/26/18	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-30-17-00013-P	07/26/18	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-30-17-00014-P	07/26/18	Jurisdictional Classification	To classify a position in the non-competitive class.
CVS-30-17-00015-P	07/26/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-30-17-00016-P	07/26/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-30-17-00017-P	07/26/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-30-17-00018-P	07/26/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-30-17-00019-P	07/26/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-30-17-00020-P	07/26/18	Jurisdictional Classification	To delete positions from and classify positions in the exempt class and to delete positions from the non-competitive class.
CVS-30-17-00021-P	07/26/18	Jurisdictional Classification	To add a subheading and to classify positions in the non-competitive class
CVS-30-17-00022-P	07/26/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-30-17-00023-P	07/26/18	Jurisdictional Classification	To classify positions in the exempt and non-competitive classes
CORRECTION, STATE COMMISSION OF			
CMC-22-17-00003-P	05/31/18	Feminine hygiene products in lockups	To ensure feminine hygiene products are available and accessible to female prisoners detained in local lockups
CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF			
CCS-39-16-00004-P	09/28/17	Parole Board decision making	To clearly establish what the Board must consider when conducting an interview and rendering a decision
CCS-10-17-00002-P	03/08/18	Payment of costs for prosecution of certain inmates and certain inmate-patients	To amend the rule in accordance with Mental Hygiene Law and to update the agency name
CCS-10-17-00003-P	03/08/18	Marriages During Confinement	Update a job title, clarify rules for existing program, set timing for notification of marriage, delete chaplains interview
CRIMINAL JUSTICE SERVICES, DIVISION OF			
CJS-30-17-00025-P	07/26/18	Familial Search Policy	To codify a familial search policy
CJS-31-17-00004-P	08/02/18	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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
EDU-04-17-00005-ERP	01/25/18	Continuing education requirements for veterinarians and veterinary technicians	Provides that veterinarians may provide free spaying and neutering services as part of their continuing education requirements
EDU-21-17-00006-P	05/24/18	Education requirements for certification as a certified athletic trainer	To conform to current national education standards for certification by eliminating 79-7.2(b) education pathway by July 1, 2022
EDU-21-17-00007-P	05/24/18	Unit of Study Requirements for Career and Technical Education in Grades 7 and 8	To implement Regents policy relating to career and technical education units of study
EDU-21-17-00008-P	05/24/18	The education of homeless children and youths (McKinney-Vento Homeless Assistance Act)	Required by the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. section 11431 et seq.), as amended by ESSA
EDU-21-17-00010-EP	05/24/18	Teaching Certificates in Career and Technical Education	Establish flexibility in the requirements for teaching certificates in career & technical education to address teacher shortage
EDU-27-17-00006-P	07/05/18	Interstate Compact for Educational Opportunity for Military Children and Physical Education Requirements for a Diploma.	To implement Ch. 328 of the Laws of 2014 and to provide flexibility in the physical education diploma requirements.
EDU-27-17-00010-EP	07/05/18	Academic Intervention Services	To revise the methodology by which school districts shall identify students in grades 3 – 8 who receive AIS
EDU-27-17-00011-EP	07/05/18	Local Assistance Plan (LAP) and Focus Schools	To remove the requirement that LAP and Focus Schools be identified using assessment results from 2015-16 and subsequent years
EDU-28-17-00011-P	07/12/18	Interstate Compact for Educational Opportunity for Military Children and Physical Education Requirements for a Diploma	To implement Ch. 328 of the Laws of 2014 and to provide flexibility in the physical education diploma requirements
EDU-28-17-00012-EP	07/12/18	Conditional initial certificates for classroom teachers	Allow out-of-state teachers to obtain a conditional certificate while completing their edTPA requirement during their first year of employment in NY
EDU-28-17-00013-EP	07/12/18	Higher Education Opportunity Programs	To implement Chapter 494 of the Laws of 2016 and make technical clarifying amendments
EDU-31-17-00006-P	08/02/18	Members on the Library and Museum Council	The purpose of the proposed amendment is to increase the membership of the Library and Museum Councils.
ELECTIONS, STATE BOARD OF			
SBE-21-17-00002-P	05/24/18	Administrative Complaint Procedure for Resolution of Violations of Title III Provisions of HAVA	To streamline the HAVA complaint procedure and clarify that Counsel's Office at SBOE administers the procedure
SBE-21-17-00004-P	05/24/18	Amending 6201.2 and 6201.3 to update and provide clarity on how Fair Campaign Code Procedures are administered	To update 6201.2 and 6201.3 to update and clarify procedures and to reflect standard for poll release in Board Op. 1984 # 1
SBE-21-17-00005-P	05/24/18	Designation of treasurer removal committee and related procedures	To implement the process of treasurer removal provided for by Part C of Chapter 286 of the Laws of 2016

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ELECTIONS, STATE BOARD OF			
SBE-28-17-00004-P	07/12/18	Use of independent automated audit tools	To implement the amendment to Election Law 9-211 permitting use of independent automated audit tools
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
*ENV-11-16-00004-RP	09/05/17	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-31-16-00003-P	09/30/17	Waste Fuels	Update permit references, rule citations, monitoring, record keeping, reporting requirements, and incorporate federal standards
ENV-36-16-00002-P	11/02/17	Lake Champlain drainage basin	To reclassify certain surface waters in Lake Champlain Drainage Basin, in Clinton, Essex, Franklin, Warren, Washington counties
ENV-06-17-00001-P	03/31/18	Amendments to 6 NYCRR Part 617 (which implement the State Environmental Quality Review Act [Article 8 of the ECL])	The purpose of the rule making is to streamline the SEQR process without sacrificing meaningful environmental review
ENV-09-17-00001-P	03/01/18	Regional Hunting Regulations	To repeal regional hunting regulations
ENV-14-17-00001-P	05/25/18	Prevention and Control of Environmental Pollution by Radioactive Materials	To amend regulations pertaining to disposal and release of radioactive materials to the environment
ENV-16-17-00003-P	04/19/18	Permits for taking surfclams	To reduce paperwork and streamline the surfclam permitting process
ENV-17-17-00006-P	04/26/18	Protection of diamondback terrapin	To close the open season on diamondback terrapin
ENV-19-17-00003-P	06/30/18	Part 232 regulates entities that operate dry cleaning machines.	Repeal and replace Part 232 to reduce alternative solvent and perc emissions.
ENV-22-17-00001-EP	05/31/18	Regulations governing the recreational harvest of summer flounder	To revise regulations concerning the recreational harvest of summer flounder in New York State
ENV-24-17-00005-P	06/14/18	Lower Salmon River State Forest	To protect public safety and natural resources on the Lower Salmon River State Forest
ENV-27-17-00007-P	07/05/18	Repeal 6 NYCRR Part 500 and Amend/ Repeal references to Parts 750-758	To correct or remove outdated references in the Department's regulations.
ENV-28-17-00003-P	07/12/18	Management of crustaceans, horseshoe crabs (HSC) and whelk; protection of terrapin	Modify rules on terrapin excluder device, HSC harvest limit and whelk reporting
FINANCIAL SERVICES, DEPARTMENT OF			
*DFS-17-16-00003-P	exempt	Plan of Conversion by Commercial Travelers Mutual Insurance Company	To convert a mutual accident and health insurance company to a stock accident and health insurance company
DFS-39-16-00007-RP	09/28/17	Charges for Professional Health Services	Limit reimbursement of no-fault health care services provided outside NYS to highest fees in fee schedule for services in NYS

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
FINANCIAL SERVICES, DEPARTMENT OF			
DFS-48-16-00006-RP	11/30/17	Life Insurance and Annuity Non-guaranteed Elements	To establish standards for the determination and readjustment of non-guaranteed elements for life insurance and annuities
DFS-11-17-00003-P	03/15/18	Continuing Care Retirement Communities	Amend rules related to permitted investments, financial transactions, reporting requirements and add new optional contract type
DFS-18-17-00019-P	05/03/18	Financial Risk Transfer Agreements Between Insurers and Accountable Care Organizations	To permit insurers to enter into financial risk transfer agreements with Accountable Care Organizations
DFS-18-17-00020-P	05/03/18	Establishment And Operation Of Market Stabilization Mechanisms For Certain Health Insurance Markets	To allow for the implementation of a market stabilization pool for the small group health insurance market
DFS-18-17-00021-P	05/03/18	Title Insurance Rates, Expenses and Charges	To insure proper, non-excessive rates, compliance with Ins. Law 6409(d), and reasonable charges for ancillary services
DFS-18-17-00022-P	05/03/18	Title insurance agents, affiliated relationships, and title insurance business	To implement requirements of Chapter 57 of Laws of NY 2014 re: title insurance agents and placement of title insurance business
DFS-20-17-00001-P	05/17/18	Private Passenger Motor Vehicle Insurance Multi-Tier Programs	To ensure education level attained/occupational status in initial tier placement/movement does not result in unfair rate
DFS-20-17-00004-P	05/17/18	Financial Statement Filings and Accounting Practices and Procedures	To update citations in Part 83 to the Accounting Practices and Procedures Manual as of March 2017 (instead of 2016)
DFS-25-17-00002-EP	06/21/18	Minimum standards for form, content and sale of health insurance, including standards of full and fair disclosure	To ensure coverage for essential health benefits in all individual, small group, and student accident and health policies
DFS-25-17-00007-EP	06/21/18	Transportation network companies, minimum requirements for financial responsibility policies and other requirements	Implements Part AAA of Chapter 59 of the Laws of 2017, providing for the operation of transportation network companies in NY
DFS-29-17-00004-EP	07/19/18	Permitted use of Nationwide Multistate Licensing System and Registry (NMLS) in submissions to the Department	To provide for the voluntary use of NMLS to allow for electronic filing of submissions to the Department
GAMING COMMISSION, NEW YORK STATE			
SGC-45-16-00004-P	11/09/17	Anti-stacking of NSAIDs and diclofenac made a 48 hour NSAID	To enable the Commission to preserve the integrity of pari-mutuel racing while generating reasonable revenue for the support of
HEALTH, DEPARTMENT OF			
*HLT-14-94-00006-P	exempt	Payment methodology for HIV/AIDS outpatient services	To expand the current payment to incorporate pricing for services
HLT-35-16-00018-P	08/31/17	All Payer Database (APD)	To define the parameters for operating the APD regarding mandatory data submission by healthcare payers as well as data release
HLT-37-16-00024-P	09/14/17	Medical Use of Marihuana	To comprehensively regulate the manufacture, sale and use of medical marihuana

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
HLT-41-16-00002-EP	10/12/17	Residential Health Care Facility Quality Pool	To reward NYS facilities with the highest quality outcomes as determined by methodology developed by regulation
HLT-07-17-00009-P	02/15/18	Public Water Systems	To incorporate federal rules and revisions to Public Health Law
HLT-20-17-00013-P	05/17/18	Lead Testing in School Drinking Water	Requires lead testing and remediation of potable drinking water in schools
HLT-21-17-00001-EP	05/24/18	Physician and Pharmacies; Prescribing, Administering and Dispensing for the Treatment of Narcotic Addiction	To allow any authorized practitioner to prescribe, administer & dispense buprenorphine for the treatment of narcotic addiction.
HLT-22-17-00009-P	05/31/18	Updating Certificate of Need Thresholds	To update Certificate of Need review thresholds
HLT-25-17-00009-EP	06/21/18	Hospital Indigent Care Pool Payment Methodology	To extend the methodology for indigent care pool payments to general hospitals for another 3 year period - 1/1/16 - 12/31/18
HLT-25-17-00010-P	06/21/18	Communication Between Clinical Laboratory Physicians and Patients	To allow lab physicians to discuss the meaning and interpretation of test results with patients under certain circumstances
HLT-27-17-00005-P	07/05/18	Managed Care Organizations	To amend prior approval requirements pertaining to asset transfers for managed care organizations.
HLT-28-17-00001-P	07/12/18	Children's Behavioral Health and Health Services	To authorize Medicaid coverage of new behavioral health and health services for children under 21 years of age
HLT-28-17-00009-P	08/17/18	Early Intervention Program	To conform existing program regulations to federal regulations and state statute
LONG ISLAND POWER AUTHORITY			
*LPA-08-01-00003-P	exempt	Pole attachments and related matters	To approve revisions to the authority's tariff
*LPA-41-02-00005-P	exempt	Tariff for electric service	To revise the tariff for electric service
*LPA-04-06-00007-P	exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan
*LPA-03-10-00004-P	exempt	Residential late payment charges	To extend the application of late payment charges to residential customers
LPA-28-17-00010-P	exempt	Low income customer program provisions of the Authority's Tariff for Electric Service	To update the Authority's low income programs consistent with the rest of New York State
MENTAL HEALTH, OFFICE OF			
OMH-31-17-00001-P	08/02/18	Early and Periodic Screening, Diagnostic and Treatment Services for Children	To promote the expansion of behavioral health services for children and youth under 21 years of age

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
MOTOR VEHICLES, DEPARTMENT OF			
MTV-25-17-00008-EP	06/21/18	Transportation network companies	Establish guidelines for the operation of transportation network companies and their drivers
MTV-26-17-00003-EP	06/28/18	Insurance requirements for TNC vehicles	Technical amendment regarding insurance requirements for TNC vehicles
MTV-27-17-00008-P	07/05/18	International Registration Plan	Allows trip permits to be performed via electronic technologies that may be acceptable to the International Registration Bureau
MTV-28-17-00002-P	07/12/18	Private Service Bureaus	To replace the outdated DMV website address in the regulation
NIAGARA FALLS WATER BOARD			
*NFW-04-13-00004-EP	exempt	Adoption of Rates, Fees and Charges	To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders
*NFW-13-14-00006-EP	exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders
NIAGARA FRONTIER TRANSPORTATION AUTHORITY			
NFT-23-17-00016-P	06/07/18	Procurement Guidelines of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc.	To amend Procurement Guidelines to reflect changes in law, clarifying provisions and change signing authority level
PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR			
PDD-08-17-00006-P	02/22/18	Certification of Facilities and Home and Community Based Services (HCBS)	To update, reorganize, and relocate existing requirements for certification of programs and services in OPWDD's system
PDD-27-17-00009-EP	07/05/18	Reportable Incidents and Notable Occurrences	To amend existing regulations for mandated reporters of reportable incidents to the Justice Center
PDD-29-17-00005-EP	07/19/18	Home and Community Based Services (HCBS) Waiver and Non-Waiver Enrolled Respite Services	To amend the existing regulations for HCBS Waiver Respite and create five separate categories of Respite
PDD-31-17-00003-P	08/02/18	Representative Payee	To regulate the management of benefit funds received by facility directors acting as representative payees
POWER AUTHORITY OF THE STATE OF NEW YORK			
*PAS-01-10-00010-P	exempt	Rates for the sale of power and energy	Update ECSB Programs customers' service tariffs to streamline them/include additional required information
PUBLIC SERVICE COMMISSION			
*PSC-09-99-00012-P	exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-15-99-00011-P	exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-12-00-00001-P	exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-44-01-00005-P	exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-07-02-00032-P	exempt	Uniform business practices	To consider modification
*PSC-36-03-00010-P	exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-40-03-00015-P	exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00010-P	exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-41-03-00011-P	exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-44-03-00009-P	exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates
*PSC-02-04-00008-P	exempt	Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York	To rehear the Nov. 25, 2003 order
*PSC-06-04-00009-P	exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC
*PSC-10-04-00005-P	exempt	Temporary protective order	To consider adopting a protective order
*PSC-10-04-00008-P	exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement
*PSC-14-04-00008-P	exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway
*PSC-15-04-00022-P	exempt	Submetering of electricity by Glenn Gardens Associates, L.P.	To permit submetering at 175 W. 87th St., New York, NY
*PSC-21-04-00013-P	exempt	Verizon performance assurance plan by Metropolitan Telecommunications	To clarify the appropriate performance level
*PSC-22-04-00010-P	exempt	Approval of new types of electricity meters by Powell Power Electric Company	To permit the use of the PE-1250 electronic meter
*PSC-22-04-00013-P	exempt	Major gas rate increase by Consolidated Edison Company of New York, Inc.	To increase annual gas revenues
*PSC-22-04-00016-P	exempt	Master metering of water by South Liberty Corporation	To waive the requirement for installation of separate water meters

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-25-04-00012-P	exempt	Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P.	To amend the agreement
*PSC-27-04-00008-P	exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-27-04-00009-P	exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-28-04-00006-P	exempt	Approval of loans by Dunkirk & Fredonia Telephone Company and Cassadaga Telephone Corporation	To authorize participation in the parent corporation's line of credit
*PSC-31-04-00023-P	exempt	Distributed generation service by Consolidated Edison Company of New York, Inc.	To provide an application form
*PSC-34-04-00031-P	exempt	Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc.	To set appropriate level of permanent rates
*PSC-35-04-00017-P	exempt	Application form for distributed generation by Orange and Rockland Utilities, Inc.	To establish a new supplementary application form for customers
*PSC-43-04-00016-P	exempt	Accounts recievable by Rochester Gas and Electric Corporation	To include in its tariff provisions for the purchase of ESCO accounts recievable
*PSC-46-04-00012-P	exempt	Service application form by Consolidated Edison Company of New York, Inc.	To revise the form and make housekeeping changes
*PSC-46-04-00013-P	exempt	Rules and guidelines governing installation of metering equipment	To establish uniform statewide business practices
*PSC-02-05-00006-P	exempt	Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc.	To consider imposing remedial actions against the company and its owners, officers and directors
*PSC-09-05-00009-P	exempt	Submetering of natural gas service by Hamlet on Olde Oyster Bay	To consider submetering of natural gas to a commercial customer
*PSC-14-05-00006-P	exempt	Request for deferred accounting authorization by Freeport Electric Inc.	To defer expenses beyond the end of the fiscal year
*PSC-18-05-00009-P	exempt	Marketer Assignment Program by Consolidated Edison Company of New York, Inc.	To implement the program
*PSC-20-05-00028-P	exempt	Delivery point aggregation fee by Allied Frozen Storage, Inc.	To review the calculation of the fee
*PSC-25-05-00011-P	exempt	Metering, balancing and cashout provisions by Central Hudson Gas & Electric Corporation	To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11
*PSC-27-05-00018-P	exempt	Annual reconciliation of gas costs by New York State Electric & Gas Corporation	To consider the manner in which the gas cost incentive mechanism has been applied

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-41-05-00013-P	exempt	Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities	To consider the filings
*PSC-45-05-00011-P	exempt	Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation	To defer certain costs
*PSC-46-05-00015-P	exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale
*PSC-47-05-00009-P	exempt	Transferral of gas supplies by Corning Natural Gas Corporation	To approve the transfer
*PSC-50-05-00008-P	exempt	Long-term debt by Saratoga Glen Hollow Water Supply Corp.	To obtain long-term debt
*PSC-04-06-00024-P	exempt	Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc.	To approve of the transfer
*PSC-06-06-00015-P	exempt	Gas curtailment policies and procedures	To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established
*PSC-07-06-00009-P	exempt	Modification of the current Environmental Disclosure Program	To include an attributes accounting system
*PSC-22-06-00019-P	exempt	Hourly pricing by National Grid	To assess the impacts
*PSC-22-06-00020-P	exempt	Hourly pricing by New York State Electric & Gas Corporation	To assess the impacts
*PSC-22-06-00021-P	exempt	Hourly pricing by Rochester Gas & Electric Corporation	To assess the impacts
*PSC-22-06-00022-P	exempt	Hourly pricing by Consolidated Edison Company of New York, Inc.	To assess the impacts
*PSC-22-06-00023-P	exempt	Hourly pricing by Orange and Rockland Utilities, Inc.	To assess the impacts
*PSC-24-06-00005-EP	exempt	Supplemental home energy assistance benefits	To extend the deadline to Central Hudson's low-income customers
*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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*PSC-08-08-00016-P	exempt	Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al.	To consider the transfer
*PSC-12-08-00019-P	exempt	Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-12-08-00021-P	exempt	Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-13-08-00011-P	exempt	Waiver of commission policy and NYSEG tariff by Turner Engineering, PC	To grant or deny Turner's petition
*PSC-13-08-00012-P	exempt	Voltage drops by New York State Electric & Gas Corporation	To grant or deny the petition

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-23-08-00008-P	exempt	Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project	To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project
*PSC-23-08-00009-P	exempt	The transfer of certain real property with an original cost under $100,000 in the Town of Throop	To consider the filing for the transfer of certain real property in the Town of Throop
*PSC-25-08-00007-P	exempt	Policies and procedures regarding the selection of regulatory proposals to meet reliability needs	To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs
*PSC-25-08-00008-P	exempt	Report on Callable Load Opportunities	Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years
*PSC-28-08-00004-P	exempt	Con Edison's procedure for providing customers access to their account information	To consider Con Edison's implementation plan and timetable for providing customers access to their account information
*PSC-31-08-00025-P	exempt	Recovery of reasonable DRS costs from the cost mitigation reserve (CMR)	To authorize recovery of the DRS costs from the CMR
*PSC-32-08-00009-P	exempt	The ESCO referral program for KEDNY to be implemented by October 1, 2008	To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program
*PSC-33-08-00008-P	exempt	Noble Allegany's request for lightened regulation	To consider Noble Allegany's request for lightened regulation as an electric corporation
*PSC-36-08-00019-P	exempt	Land Transfer in the Borough of Manhattan, New York	To consider petition for transfer of real property to NYPH
*PSC-39-08-00010-P	exempt	RG&E's economic development plan and tariffs	Consideration of the approval of RG&E's economic development plan and tariffs
*PSC-40-08-00010-P	exempt	Loans from regulated company to its parent	To determine if the cash management program resulting in loans to the parent should be approved
*PSC-41-08-00009-P	exempt	Transfer of control of cable TV franchise	To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved
*PSC-43-08-00014-P	exempt	Annual Reconcilliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-46-08-00008-P	exempt	Property transfer in the Village of Avon, New York	To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York
*PSC-46-08-00010-P	exempt	A transfer of indirect ownership interests in nuclear generation facilities	Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities
*PSC-46-08-00014-P	exempt	The attachment of cellular antennae to an electric transmission tower	To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-48-08-00005-P	exempt	A National Grid high efficiency gas heating equipment rebate program	To expand eligibility to customers converting from oil to natural gas
*PSC-48-08-00008-P	exempt	Petition for the master metering and submetering of electricity	To consider the request of Bay City Metering, to master meter & submeter electricity at 345 E. 81st St., New York, New York
*PSC-48-08-00009-P	exempt	Petition for the submetering of electricity	To consider the request of PCV/ST to submeter electricity at Peter Cooper Village & Stuyvesant Town, New York, New York
*PSC-50-08-00018-P	exempt	Market Supply Charge	A study on the implementation of a revised Market Supply Charge
*PSC-51-08-00006-P	exempt	Commission's October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458	To consider a Petition for rehearing of the Commission's October 27, 2008 Order in Case 07-M-0458
*PSC-51-08-00007-P	exempt	Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078	To consider Petitions for rehearing of the Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078
*PSC-53-08-00011-P	exempt	Use of deferred Rural Telephone Bank funds	To determine if the purchase of a softswitch by Hancock is an appropriate use of deferred Rural Telephone Bank funds
*PSC-53-08-00012-P	exempt	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY
*PSC-53-08-00013-P	exempt	To transfer common stock and ownership	To consider transfer of common stock and ownership
*PSC-01-09-00015-P	exempt	FCC decision to redefine service area of Citizens/Frontier	Review and consider FCC proposed redefinition of Citizens/Frontier service area
*PSC-02-09-00010-P	exempt	Competitive classification of independent local exchange company, and regulatory relief appropriate thereto	To determine if Chazy & Westport Telephone Corporation more appropriately belongs in scenario 1 rather than scenario 2
*PSC-05-09-00008-P	exempt	Revenue allocation, rate design, performance metrics, and other non-revenue requirement issues	To consider any remaining non-revenue requirement issues related to the Company's May 9, 2008 tariff filing
*PSC-05-09-00009-P	exempt	Numerous decisions involving the steam system including cost allocation, energy efficiency and capital projects	To consider the long term impacts on steam rates and on public policy of various options concerning the steam system
*PSC-06-09-00007-P	exempt	Interconnection of the networks between Frontier Comm. and WVT Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier Comm. and WVT Comm.
*PSC-07-09-00015-P	exempt	Transfer certain utility assets located in the Town of Montgomery from plant held for future use to non-utility property	To consider the request to transfer certain utility assets located in the Town of Montgomery to non-utility assets
*PSC-07-09-00017-P	exempt	Request for authorization to defer the incremental costs incurred in the restoration work resulting from the ice storm	To allow the company to defer the incremental costs incurred in the restoration work resulting from the ice storm

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-07-09-00018-P	exempt	Whether to permit the submetering of natural gas service to an industrial and commercial customer at Cooper Union, New York, NY	To consider the request of Cooper Union, to submeter natural gas at 41 Cooper Square, New York, New York
*PSC-12-09-00010-P	exempt	Charges for commodity	To charge customers for commodity costs
*PSC-12-09-00012-P	exempt	Charges for commodity	To charge customers for commodity costs
*PSC-13-09-00008-P	exempt	Options for making additional central office codes available in the 718/347 numbering plan area	To consider options for making additional central office codes available in the 718/347 numbering plan area
*PSC-14-09-00014-P	exempt	The regulation of revenue requirements for municipal utilities by the Public Service Commission	To determine whether the regulation of revenue requirements for municipal utilities should be modified
*PSC-16-09-00010-P	exempt	Petition for the submetering of electricity	To consider the request of AMPS on behalf of Park Imperial to submeter electricity at 230 W. 56th Street, in New York, New York
*PSC-16-09-00020-P	exempt	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity
*PSC-17-09-00010-P	exempt	Whether to permit the use of Elster REX2 solid state electric meter for use in residential and commerical accounts	To permit electric utilities in New York State to use the Elster REX2
*PSC-17-09-00011-P	exempt	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes
*PSC-17-09-00012-P	exempt	Petition for the submetering of gas at commercial property	To consider the request of Turner Construction, to submeter natural gas at 550 Short Ave., & 10 South St., Governors Island, NY
*PSC-17-09-00014-P	exempt	Benefit-cost framework for evaluating AMI programs prepared by the DPS Staff	To consider a benefit-cost framework for evaluating AMI programs prepared by the DPS Staff
*PSC-17-09-00015-P	exempt	The construction of a tower for wireless antennas on land owned by National Grid	To approve, reject or modify the petition to build a tower for wireless antennas in the Town of Onondaga
*PSC-18-09-00012-P	exempt	Petition for rehearing of Order approving the submetering of electricity	To consider the request of Frank Signore to rehear petition to submeter electricity at One City Place in White Plains, New York
*PSC-18-09-00013-P	exempt	Petition for the submetering of electricity	To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York
*PSC-18-09-00017-P	exempt	Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers	To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower
*PSC-20-09-00016-P	exempt	The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc	To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with it's AMI pilots etc

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-20-09-00017-P	exempt	The recovery of, and accounting for, costs associated with CHG&E's AMI pilot program	To consider a filing of CHG&E as to the recovery of, and accounting for, costs associated with it's AMI pilot program
*PSC-22-09-00011-P	exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-25-09-00005-P	exempt	Whether to grant, deny, or modify, in whole or in part, the petition	Whether to grant, deny, or modify, in whole or in part, the petition
*PSC-25-09-00006-P	exempt	Electric utility implementation plans for proposed web based SIR application process and project status database	To determine if the proposed web based SIR systems are adequate and meet requirements needed for implementation
*PSC-25-09-00007-P	exempt	Electric rates for Consolidated Edison Company of New York, Inc	Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc
*PSC-27-09-00011-P	exempt	Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access.	To review the terms and conditions of the negotiated agreement between Vernon and tw telecom of new york l.p.
*PSC-27-09-00014-P	exempt	Billing and payment for energy efficiency measures through utility bill	To promote energy conservation
*PSC-27-09-00015-P	exempt	Interconnection of the networks between Oriskany and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Oriskany and tw telecom of new york l.p
*PSC-29-09-00011-P	exempt	Consideration of utility compliance filings	Consideration of utility compliance filings
*PSC-32-09-00009-P	exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-34-09-00016-P	exempt	Recommendations made in the Management Audit Final Report	To consider whether to take action or recommendations contained in the Management Audit Final Report
*PSC-34-09-00017-P	exempt	To consider the transfer of control of Plattsburgh Cablevision, Inc. d/b/a Charter Communications to CH Communications, LLC	To allow the Plattsburgh Cablevision, Inc. to distribute its equity interest in CH Communications, LLC
*PSC-36-09-00008-P	exempt	The increase in the non-bypassable charge implemented by RG&E on June 1, 2009	Considering exemptions from the increase in the non-bypassable charge implemented by RG&E on June 1, 2009
*PSC-37-09-00015-P	exempt	Sale of customer-generated steam to the Con Edison steam system	To establish a mechanism for sale of customer-generated steam to the Con Edison steam system
*PSC-37-09-00016-P	exempt	Applicability of electronic signatures to Deferred Payment Agreements	To determine whether electronic signatures can be accepted for Deferred Payment Agreements
*PSC-39-09-00015-P	exempt	Modifications to the $5 Bill Credit Program	Consideration of petition of National Grid to modify the Low Income $5 Bill Credit Program
*PSC-39-09-00018-P	exempt	The offset of deferral balances with Positive Benefit Adjustments	To consider a petition to offset deferral balances with Positive Benefit Adjustments

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-40-09-00013-P	exempt	Uniform System of Accounts - request for deferral and amortization of costs	To consider a petition to defer and amortize costs
*PSC-51-09-00029-P	exempt	Rules and guidelines for the exchange of retail access data between jurisdictional utilities and eligible ESCOs	To revise the uniform Electronic Data Interchange Standards and business practices to incorporate a contest period
*PSC-51-09-00030-P	exempt	Waiver or modification of Capital Expenditure condition of merger	To allow the companies to expend less funds for capital improvement than required by the merger
*PSC-52-09-00006-P	exempt	ACE's petition for rehearing for an order regarding generator-specific energy deliverability study methodology	To consider whether to change the Order Prescribing Study Methodology
*PSC-52-09-00008-P	exempt	Approval for the New York Independent System Operator, Inc. to incur indebtedness and borrow up to $50,000,000	To finance the renovation and construction of the New York Independent System Operator, Inc.'s power control center facilities
*PSC-05-10-00008-P	exempt	Petition for the submetering of electricity	To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY
*PSC-05-10-00015-P	exempt	Petition for the submetering of electricity	To consider the request of 243 West End Avenue Owners Corp. to submeter electricity at 243 West End Avenue, New York, NY
*PSC-06-10-00022-P	exempt	The Commission's Order of December 17, 2009 related to redevelopment of Consolidated Edison's Hudson Avenue generating facility	To reconsider the Commission's Order of December 17, 2009 related to redevelopment of the Hudson Avenue generating facility
*PSC-07-10-00009-P	exempt	Petition to revise the Uniform Business Practices	To consider the RESA petition to allow rescission of a customer request to return to full utility service
*PSC-08-10-00007-P	exempt	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847
*PSC-08-10-00009-P	exempt	Consolidated Edison of New York, Inc. energy efficiency programs	To modify approved energy efficiency programs
*PSC-12-10-00015-P	exempt	Recommendations made by Staff intended to enhance the safety of Con Edison's gas operations	To require that Con Edison implement the Staff recommendations intended to enhance the safety of Con Edison's gas operations
*PSC-14-10-00010-P	exempt	Petition for the submetering of electricity	To consider the request of 61 Jane Street Owners Corporation to submeter Electricity at 61 Jane Street, Manhattan, NY
*PSC-16-10-00005-P	exempt	To consider adopting and expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-16-10-00007-P	exempt	Interconnection of the networks between TDS Telecom and PAETEC Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between TDS Telecom and PAETEC Communications
*PSC-16-10-00015-P	exempt	Interconnection of the networks between Frontier and Choice One Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier and Choice One Communications

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-18-10-00009-P	exempt	Electric utility transmission right-of-way management practices	To consider electric utility transmission right-of-way management practices
*PSC-19-10-00022-P	exempt	Whether National Grid should be permitted to transfer a parcel of property located at 1 Eddy Street, Fort Edward, New York	To decide whether to approve National Grid's request to transfer a parcel of vacant property in Fort Edward, New York
*PSC-22-10-00006-P	exempt	Requirement that Noble demonstrate that its affiliated electric corporations operating in New York are providing safe service	Consider requiring that Noble demonstrate that its affiliated electric corporations in New York are providing safe service
*PSC-22-10-00008-P	exempt	Petition for the submetering of electricity	To consider the request of 48-52 Franklin Street to submeter electricity at 50 Franklin Street, New York, New York
*PSC-24-10-00009-P	exempt	Verizon New York Inc. tariff regulations relating to voice messaging service	To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff
*PSC-25-10-00012-P	exempt	Reassignment of the 2-1-1 abbreviated dialing code	Consideration of petition to reassign the 2-1-1 abbreviated dialing code
*PSC-25-10-00015-P	exempt	To allow NYWC to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2009	Consideration of NYWC's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2009
*PSC-27-10-00016-P	exempt	Petition for the submetering of electricity	To consider the request of 9271 Group, LLC to submeter electricity at 960 Busti Avenue, Buffalo, New York
*PSC-31-10-00007-P	exempt	Waiver of the Attachment 23 requirement in 2001 Rate Order that NMPC Board of Directors consist of "outside directors"	To consider the waiver of the requirement that a majority of NMPC Board of directors consist of "outside directors"
*PSC-34-10-00003-P	exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-34-10-00005-P	exempt	Approval of a contract for $250,000 in tank repairs that may be a financing	To decide whether to approve a contract between the parties that may be a financing of $250,000 for tank repairs
*PSC-34-10-00006-P	exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-36-10-00010-P	exempt	Central Hudson's procedures, terms and conditions for an economic development plan	Consideration of Central Hudson's procedures, terms and conditions for an economic development plan
*PSC-40-10-00014-P	exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by National Grid
*PSC-40-10-00021-P	exempt	Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall	To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall
*PSC-41-10-00018-P	exempt	Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter	Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-41-10-00022-P	exempt	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY
*PSC-42-10-00011-P	exempt	Petition for the submetering of electricity	To consider the request of 4858 Group, LLC to submeter electricity at 456 Main Street, Buffalo, New York
*PSC-43-10-00016-P	exempt	Utility Access to Ducts, Conduit Facilities and Utility Poles	To review the complaint from Optical Communications Group
*PSC-44-10-00003-P	exempt	Third and fourth stage gas rate increase by Corning Natural Gas Corporation	To consider Corning Natural Gas Corporation's request for a third and fourth stage gas rate increase
*PSC-51-10-00018-P	exempt	Commission proceeding concerning three-phase electric service by all major electric utilities	Investigate the consistency of the tariff provisions for three-phase electric service for all major electric utilities
*PSC-11-11-00003-P	exempt	The proposed transfer of 55.42 acres of land and $1.4 million of revenues derived from the rendition of public service	The proposed transfer of 55.42 acres of land and $1.4 million of revenues derived from the rendition of public service
*PSC-12-11-00008-P	exempt	To allow NYWC to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2010	Consideration of NYWC's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2010
*PSC-13-11-00005-P	exempt	Exclude the minimum monthly bill component from the earnings test calculation	Exclude the minimum monthly bill component from the earnings test calculation
*PSC-13-11-00007-P	exempt	Budget allocations and use of System Benefits Charge funds to pay State Cost Recovery Fee	To encourage cost effective gas and electric energy conservation in the State
*PSC-14-11-00009-P	exempt	Petition for the submetering of electricity	To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York
*PSC-16-11-00011-P	exempt	The Energy Efficiency Portfolio Standard	To promote gas and electricity energy conservation programs in New York
*PSC-19-11-00007-P	exempt	Utility price reporting requirements related to the Commission's "Power to Choose" website	Modify the Commission's utility electric commodity price reporting requirements related to the "Power to Choose" website
*PSC-20-11-00012-P	exempt	Petition for the submetering of electricity	To consider the request of KMW Group LLC to submeter electricity at 122 West Street, Brooklyn, New York
*PSC-20-11-00013-P	exempt	Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges	To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable
*PSC-22-11-00004-P	exempt	Whether to permit the use of the Sensus accWAVE for use in residential gas meter applications	To permit gas utilities in New York State to use the Sensus accWAVE diaphragm gas meter
*PSC-23-11-00018-P	exempt	NYSERDA's energy efficiency program for low-income customers	To promote energy conservation in New York State
*PSC-26-11-00007-P	exempt	Water rates and charges	To approve an increase in annual revenues by about $25,266 or 50%

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-26-11-00009-P	exempt	Petition for the submetering of electricity at commercial property	To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York
*PSC-26-11-00012-P	exempt	Waiver of generation retirement notice requirements	Consideration of waiver of generation retirement notice requirements
*PSC-29-11-00011-P	exempt	Petition requesting the Commssion reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order.	To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing.
*PSC-35-11-00011-P	exempt	Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8	Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters
*PSC-36-11-00006-P	exempt	To consider expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-38-11-00002-P	exempt	Operation and maintenance procedures pertaining to steam trap caps	Adopt modified steam operation and maintenance procedures
*PSC-38-11-00003-P	exempt	Waiver of certain provisions of the electric service tariffs of Con Edison	Consideration of waiver of certain provisions of the electric service tariffs of Con Edison
*PSC-40-11-00010-P	exempt	Participation of regulated local exchange carriers in the New York Data Exchange, Inc. (NYDE)	Whether to partially modify its order requiring regulated local exchange carriers' participation NYDE
*PSC-40-11-00012-P	exempt	Granting of transfer of plant in-service to a regulatory asset	To approve transfer and recovery of unamortized plant investment
*PSC-42-11-00018-P	exempt	Availability of telecommunications services in New York State at just and reasonable rates	Providing funding support to help ensure availability of affordable telecommunications service throughout New York
*PSC-43-11-00012-P	exempt	Transfer of outstanding shares of stock	Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC
*PSC-47-11-00007-P	exempt	Remedying miscalculations of delivered gas as between two customer classes	Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations
*PSC-48-11-00007-P	exempt	Transfer of controlling interests in generation facilities from Dynegy to PSEG	Consideration of the transfer of controlling interests in electric generation facilities from Dynegy to PSEG
*PSC-48-11-00008-P	exempt	Petition for the submetering of electricity	To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York
*PSC-51-11-00010-P	exempt	The Total Resource Cost (TRC) test, used to analyze measures in the Energy Efficiency Portfolio Standard program	Petitioners request that the TRC test and/or its application to measures should be revised
*PSC-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-01-12-00009-P	exempt	Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove	To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered
*PSC-11-12-00002-P	exempt	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff
*PSC-11-12-00005-P	exempt	Transfer of land and water supply assets	Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman
*PSC-13-12-00005-P	exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-19-12-00019-P	exempt	EEPS programs administered by New York State Electric & Gas Corporation and Rochester Gas and Electric Corporation	To modify the C&I sector by combining multiple approved C&I programs into a single C&I program for each PA
*PSC-19-12-00022-P	exempt	Approval of a combined heat and power performance program funding plan administered by NYSERDA	Modify NYSERDA's EEPS programs budget and targets to fund the CHP program
*PSC-19-12-00023-P	exempt	Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than $100,000	To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc.
*PSC-21-12-00006-P	exempt	Tariff filing requirements and refunds	To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted
*PSC-21-12-00011-P	exempt	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47
*PSC-23-12-00005-P	exempt	EEPS multifamily programs administered by Consolidated Edison Company of New York, Inc.	To redesign the multifamily electric and gas programs and modify the budgets and targets
*PSC-23-12-00007-P	exempt	The approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility	To consider the approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility
*PSC-23-12-00009-P	exempt	Over earnings sharing between rate payers and shareholders	To establish an Earnings Sharing Mechanism to be applied following the conclusion of Corning's rate plan
*PSC-27-12-00012-P	exempt	Implementation of recommendations made in a Management Audit Report	To consider implementation of recommendations made in a Management Audit Report
*PSC-28-12-00013-P	exempt	Exemption of reliability reporting statistics for the purpose of the 2012 Reliability Performance Mechanism	Consideration of Orange and Rockland Utilities request for exemption of the 2012 reliability reporting statistics
*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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-18-13-00007-P	exempt	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes
*PSC-21-13-00003-P	exempt	To consider policies that may impact consumer acceptance and use of electric vehicles	To consider and further develop policies that may impact consumer acceptance and use of electric vehicles
*PSC-21-13-00005-P	exempt	To implement an abandonment of Windover's water system	To approve the implementation of abandonment of Windover's water system
*PSC-21-13-00008-P	exempt	Rates of National Fuel Gas Distribution Corporation	To make the rates of National Fuel Gas Distribution Corporation temporary, subject to refund, if they are found to be excessive
*PSC-21-13-00009-P	exempt	Reporting requirements for natural gas local distribution companies	To help ensure efficient and economic expansion of the natural gas system as appropriate
*PSC-22-13-00009-P	exempt	On remand from New York State court litigation, determine the recovery of certain deferred amounts owed NFG by ratepayers	On remand, to determine the recovery of certain deferral amounts owed NFG from ratepayers
*PSC-23-13-00005-P	exempt	Waiver of partial payment, directory database distribution, service quality reporting, and service termination regulations	Equalize regulatory treatment based on level of competition and practical considerations
*PSC-25-13-00008-P	exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-25-13-00009-P	exempt	Provision by utilities of natural gas main and service lines.	To help ensure efficient and economic expansion of the natural gas system as appropriate.
*PSC-25-13-00012-P	exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-27-13-00014-P	exempt	Columbia Gas Transmission Corporation Cost Refund	For approval for temporary waiver of tariff provisions regarding its Columbia Gas Transmission Corporation cost refund.
*PSC-28-13-00014-P	exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-28-13-00016-P	exempt	The request of NGT for lightened regulation as a gas corporation.	To consider whether to approve, reject, or modify the request of Niagara gas transport of Lockport, NY LLC.
*PSC-28-13-00017-P	exempt	The request by TE for waiver of regulations requiring that natural gas be odorized in certain gathering line segments	Consider the request by TE for waiver of regulations that gas be odorized in certain lines
*PSC-32-13-00009-P	exempt	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices
*PSC-32-13-00010-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-32-13-00012-P	exempt	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion
*PSC-33-13-00027-P	exempt	Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines.	Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines.
*PSC-33-13-00029-P	exempt	Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy.	To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy.
*PSC-34-13-00004-P	exempt	Escrow account and surcharge to fund extraordinary repairs	To approve the establishment of an escrow account and surcharge
*PSC-37-13-00007-P	exempt	Dissolution of Garrow Water Works Company, Inc..	To allow for the dissolution of Garrow Water Works Company, Inc.
*PSC-39-13-00010-P	exempt	NY-Sun initiative within the Customer-Sited Tier of the RPS Program.	To increase the statewide adoption of customer sited photovoltaic solar generation through the NY-Sun Initiative.
*PSC-42-13-00013-P	exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-42-13-00015-P	exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-43-13-00015-P	exempt	Petition for submetering of electricity	To consider the request of 2701 Kingsbridge Terrace L.P. to submeter electricity at 2701 Kingsbridge Terrace, Bronx, N.Y.
*PSC-45-13-00021-P	exempt	Investigation into effect of bifurcation of gas and electric utility service on Long Island.	To consider a Petition for an investigation into effect of bifurcation of gas and electric utility service on Long Island.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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-04-14-00005-P	exempt	National Fuel Gas Corporation's Conservation Incentive Programs.	To modify National Fuel Gas Corporation's Non-Residential Conservation Incentive Program.
*PSC-05-14-00010-P	exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-07-14-00008-P	exempt	Petition for submetering of electricity	To consider the request of Greater Centennial Homes HDFC, Inc. to submeter electricity at 102, 103 and 106 W 5th Street, et al.
*PSC-07-14-00012-P	exempt	Water rates and charges	Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project
*PSC-08-14-00015-P	exempt	Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities	To improve Verizon New York Inc.'s service quality andthe Customer Trouble Report Rate levels at certain central office entities
*PSC-10-14-00006-P	exempt	Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance	To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance
*PSC-11-14-00003-P	exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-17-14-00003-P	exempt	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism
*PSC-17-14-00004-P	exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00007-P	exempt	To consider petitions for rehearing, reconsideration and/or clarification	To consider petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00008-P	exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-19-14-00014-P	exempt	Market Supply Charge	To make tariff revisions to the Market Supply Charge for capacity related costs
*PSC-19-14-00015-P	exempt	Whether to permit the use of the Sensus accuWAVE for use in residential and commercial gas meter applications	To permit gas utilities in New York State to use the Sensus accuWAVE 415TC gas meter
*PSC-19-14-00018-P	exempt	Uniform System of Accounts, deferral of an expense item	Authorization of a deferral for an expense item beyond the end of the year in which it was incurred
*PSC-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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-32-14-00012-P	exempt	Whether to grant or deny, in whole or in part, the Connect New York Coalition's petition	To consider the Connect New York Coalition's petition seeking a formal investigation and hearings
*PSC-34-14-00009-P	exempt	Whether to approve the Quadlogic S10N residential submeter.	Approval of the Quadlogic S10N Smart Meter for use in residential electric submetering is required by 16 NYCRR Parts 93 and 96.
*PSC-35-14-00004-P	exempt	Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY	To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY
*PSC-35-14-00005-P	exempt	Whether to permit the use of the Sensus iConA electric meter	Pursuant to 16 NYCRR Parts 92 and 93, Commission approval is necessary to permit the use of the Sensus iConA electric meter
*PSC-36-14-00009-P	exempt	Modification to the Commission's Electric Safety Standards.	To consider revisions to the Commission's Electric Safety Standards.
*PSC-36-14-00010-P	exempt	The procurement of Main Tier renewable resources will become the responsibility of the State's electric utilities.	To ensure the development of large-scale remnewables in New York State to promote fuel diversity and reduce carbon emissions.
*PSC-36-14-00011-P	exempt	To defer pension settlement losses associated with retirements in the year ended March 31, 2014.	To resolve the ratemaking of the pension settlement loss.
*PSC-38-14-00003-P	exempt	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.
*PSC-38-14-00004-P	exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00005-P	exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*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.

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-01-15-00014-P	exempt	State Universal Service Fund Disbursements	To consider Edwards Telephone Company's request for State Universal Service Fund disbursements
*PSC-08-15-00009-P	exempt	Approval of a surcharge.	To allow or disallow Emerald Green Lake Louise Marie Water Company, Inc. for a surcharge.
*PSC-08-15-00010-P	exempt	Request pertaining to the lawfulness of National Grid USA continuing its summary billing program.	To grant, deny, or modify URAC Rate Consultants' request that National Grid cease its summary billing program.
*PSC-10-15-00007-P	exempt	Notification concerning tax refunds	To consider Verizon New York Inc.'s partial rehearing or reconsideration request regarding retention of property tax refunds
*PSC-10-15-00008-P	exempt	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes
*PSC-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-18-15-00005-P	exempt	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism
*PSC-19-15-00011-P	exempt	Gas Safety Performance Measures and associated negative revenue adjustments	To update the performance measures applicable to KeySpan Gas East Corporation d/b/a National Grid

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-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-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-29-15-00018-P	exempt	Approval of ratemaking related to amendment a certificate of public convenience and necessity	To approve or reject the ratemaking aspects of SLG's petition to amend its certificate of public convenience and necessity
*PSC-29-15-00025-P	exempt	Joint Petition for authority to transfer real property located at 624 West 132nd Street, New York, NY	Whether to authorize the proposed transfer of real property located at 624 West 132nd Street, New York, NY
*PSC-32-15-00006-P	exempt	Development of a Community Solar Demonstration Project.	To approve the development of a Community Solar Demonstration Project.
*PSC-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-35-15-00014-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-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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-41-15-00009-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
*PSC-42-15-00006-P	exempt	Deferral of incremental expenses associated with NERC's new Bulk Electric System (BES) compliance requirements approved by FERC.	Consideration of Central Hudson's request to defer incremental expenses associated with new BES compliance requirements.
*PSC-44-15-00028-P	exempt	Deferral of incremental expenses associated with new compliance requirements	Consideration of Central Hudson's request to defer incremental expenses associated with new compliance requirements
*PSC-44-15-00030-P	exempt	System Improvement Plan mechanism	To consider Bath's petition to implement a SIP mechanism
*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-50-15-00009-P	exempt	Notice of Intent to submeter electricity.	To consider the request to submeter electricity at 31-33 Lincoln Road and 510 Flatbush Avenue, Brooklyn, New York.
*PSC-51-15-00010-P	exempt	Modification of the EDP	To consider modifying the EDP
*PSC-01-16-00002-P	exempt	Revenue assurance calculations	To consider whether the revenue assurance National Grid is requiring of Tiashoke for the upgraded service is appropriate
*PSC-01-16-00005-P	exempt	Proposed amendment to Section 5, Attachment 1.A of the Uniform Business Practices	To consider amendment to Section 5, Attachment 1.A of the Uniform Business Practices
*PSC-04-16-00007-P	exempt	Whether Hamilton Municipal Utilities should be permitted to construct and operate a municipal gas distribution facility.	Consideration of the petition by Hamilton Municipal Utilities to construct and operate a municipal gas distribution facility.
*PSC-04-16-00011-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-04-16-00012-P	exempt	Proposal to mothball three gas turbines located at the Astoria Gas Turbine Generating Station.	Consider the proposed mothball of three gas turbines located at the Astoria Gas Turbine Generating Station.
*PSC-04-16-00013-P	exempt	Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.	Consider whether three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.
*PSC-06-16-00010-P	exempt	Lakewood disputes National Grid's revenue assurance calculations, specifically the duration used.	To consider whether the revenue assurance National Grid is requiring of Lakewood for the new interconnection is appropriate.
*PSC-06-16-00012-P	exempt	Inclusion of a Farm and Food Community program in the community distributed generation program.	To consider the inclusion of a Farm and Food Community program in the community distributed generation program.
*PSC-06-16-00013-P	exempt	Continued deferral of approximately $16,000,000 in site investigation and remediation costs.	To consider the continued deferral of approximately $16,000,000 in site investigation and remediation costs.
*PSC-06-16-00014-P	exempt	MEGA's proposed demonstration CCA program.	To consider MEGA's proposed demonstration CCA program.
*PSC-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-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-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
*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-13-16-00009-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-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-15-16-00012-P	exempt	Adequate service of Verizon New York, Inc.	To consider the adequacy of Verizon New York Inc.'s service quality
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-18-16-00015-P	exempt	Petitions for rehearing of the Order Resetting Retail Energy Markets and Establishing Further Process.	To ensure consumer protections for ESCO customers.
*PSC-18-16-00016-P	exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00018-P	exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-20-16-00008-P	exempt	Consideration of consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).	To consider consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).
*PSC-20-16-00010-P	exempt	Deferral and recovery of incremental expense.	To consider deferring costs of conducting leak survey and repairs for subsequent recovery.
*PSC-20-16-00011-P	exempt	Enetics LD-1120 Non-Intrusive Load Monitoring Device in the Statewide Residential Appliance Metering Study.	To consider the use of the Enetics LD-1120 Non-Intrusive Load Monitoring Device.
*PSC-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-22-16-00013-P	exempt	Disposition of tax refunds and other related matters.	To consider the disposition of tax refunds and other related matters.
*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-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-25-16-00018-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-25-16-00023-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-28-16-00017-P	exempt	A petition for rehearing of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework.	To determine appropriate rules for and calculation of the distributed generation reliability credit.
*PSC-29-16-00024-P	exempt	Participation of NYPA customers in surcharge-funded clean energy programs.	To consider participation of NYPA customers in surcharge-funded clean energy programs.
*PSC-29-16-00025-P	exempt	Proposed modifications to gas safety violations metric adopted in Case 12-G-0202.	To consider NMPC's petition to modify gas safety violations metric.
PSC-30-16-00007-P	exempt	The Municipal Electric and Gas Alliance's Community Choice Aggregation Implementation Plan	To ensure appropriate consumer protections
PSC-32-16-00012-P	exempt	Benefit-Cost Analysis Handbooks.	To evaluate proposed methodologies of benefit-cost evaluation.
PSC-33-16-00001-EP	08/17/17	Use of escrow funds for repairs.	To authorize the use of escrow account funds for repairs.
PSC-33-16-00005-P	exempt	Exemption from certain charges for delivery of electricity to its Niagara Falls, New York facility.	Application of System Benefits Charges, Renewable Portfolio Standard charges and Clean Energy Fund surcharges.
PSC-34-16-00005-P	exempt	Community Choice Aggregation (CCA) Data Services.	To consider the implementation of fees for CCA Data Services requested by CCA Administrators.
PSC-34-16-00006-P	exempt	Community Choice Aggregation (CCA) Data Services.	To consider the implementation of fees for CCA Data Services requested by CCA Administrators.
PSC-34-16-00008-P	exempt	Community Choice Aggregation (CCA) Data Services.	To consider the implementation of fees for CCA Data Services requested by CCA Administrators.
PSC-34-16-00009-P	exempt	Community Choice Aggregation (CCA) Data Services.	To consider the implementation of fees for CCA Data Services requested by CCA Administrators.
PSC-34-16-00010-P	exempt	Community Choice Aggregation (CCA) Data Services.	To consider the implementation of fees for CCA Data Services requested by CCA Administrators.
PSC-34-16-00011-P	exempt	Community Choice Aggregation (CCA) Data Services.	To consider the implementation of fees for CCA Data Services requested by CCA Administrators.
PSC-34-16-00012-P	exempt	Community Choice Aggregation (CCA) Data Services.	To consider the implementation of fees for CCA Data Services requested by CCA Administrators.
PSC-34-16-00013-P	exempt	Community Choice Aggregation (CCA) Data Services.	To consider the implementation of fees for CCA Data Services requested by CCA Administrators.
PSC-34-16-00015-P	exempt	Community Choice Aggregation (CCA) Data Services.	To consider the implementation of fees for CCA Data Services requested by CCA Administrators.
PSC-35-16-00015-P	exempt	NYSRC's revisions to its rules and measurements	To consider revisions to various rules and measurements of the NYSRC

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-36-16-00003-P	exempt	Petition regarding the Commission's July 14, 2016 Order Denying Petition.	To consider the terms and conditions of utility service received by Fastrac Markets, LLC.
PSC-36-16-00004-P	exempt	Recovery of costs for installation of electric service.	To consider the recovery of costs for installation of electric service.
PSC-38-16-00006-P	exempt	Request for waiver of the individual metering requirements of Opinion 76-17 and 16 NYCRR Part 96	To consider the request for waiver of the individual metering requirements of Opinion 76-17 and 16 NYCRR Part 96
PSC-39-16-00028-P	exempt	Consolidated Edison Company of New York, Inc.'s replevin acts and practices.	To review Consolidated Edison Company of New York, Inc.'s replevin acts and practices.
PSC-39-16-00029-P	exempt	Minor rate filing.	To consider an increase in annual revenues of about $158,709 or 20%.
PSC-40-16-00013-P	exempt	Surcharge to recover costs of Dynamic Load Management Programs.	To consider a surcharge to recover costs of the Dynamic Load Management Programs.
PSC-40-16-00014-P	exempt	Surcharge to recover costs of Dynamic Load Management Programs.	To consider a surcharge to recover costs of the Dynamic Load Management Programs.
PSC-40-16-00015-P	exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 175 Huguenot Street, New Rochelle, New York.
PSC-40-16-00017-P	exempt	Request for waiver of 16 NYCRR sections 96.5(a) and 96.6(b)	To consider the request for waiver of 16 NYCRR sections 96.5(a) and 96.6(b)
PSC-40-16-00018-P	exempt	Petition for commercial electric meter.	To consider the petition to use the Itron OpenWay Riva commerical meter in electric metering applications.
PSC-40-16-00019-P	exempt	Surcharge to recover costs of Dynamic Load Management Programs.	To consider a surcharge to recover costs of the Dynamic Load Management Programs.
PSC-40-16-00020-P	exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of 501 Broadway Troy, LLC to submeter electricity at 501 Broadway, Troy, New York.
PSC-40-16-00021-P	exempt	Surcharge to recover costs of Dynamic Load Management Programs.	To consider a surcharge to recover costs of the Dynamic Load Management Programs.
PSC-40-16-00025-P	exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP).	To consider whether to impose consequences on Smart One for its apparent non-compliance with Commission requirements.
PSC-40-16-00026-P	exempt	Compliance filing establishing an interruptible gas service sales rate.	To consider RG&E's proposed revisions to establish an interruptible gas service sales rate.
PSC-42-16-00014-P	exempt	Proposed Public Policy Transmission Needs/ Public Policy Requirements, as defined under the NYISO tariff.	To identify any proposed Public Policy Transmission Needs/Public Policy Requirements for referral to the NYISO.
PSC-44-16-00015-P	exempt	Surcharge to recover costs of Dynamic Load Management Programs	To consider a surcharge to recover costs of the Dynamic Load Management Programs
PSC-45-16-00008-P	exempt	Petition to use a commercial electric meter.	To consider the petition to use the Landis+Gyr S4X Commercial Meter with Gridstream Series 5 RF Mesh IP AMI.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-45-16-00011-P	exempt	Petition to use a residential electric meter.	To consider the petition to use the Landis+Gyr Focus AXe Meter with Gridstream Series 5 RF Mesh IP AMI.
PSC-45-16-00018-P	exempt	Proposed water supply agreement between NYAW and Glen Cove.	To consider the proposed water supply agreement between NYAW and Glen Cove.
PSC-46-16-00015-P	exempt	The eligibility of street lighting and area lighting accounts for remote net metering.	Consideration of eligibility for remote net metering.
PSC-46-16-00018-P	exempt	Con Edison's proposed pilot shared solar program for low-income customers.	Consideration of the authorization and appropriate design of a utility-owned low-income shared solar program.
PSC-47-16-00009-P	exempt	Petition to use commercial electric meters	To consider the petition of Itron, Inc. to use the Itron CP2SO and CP2SOA in commercial electric meter applications
PSC-47-16-00010-P	exempt	Standby Service rate design	To consider the report filed and the recommendations therein
PSC-47-16-00013-P	exempt	Standby Service rate design	To consider the report filed and the recommendations therein
PSC-47-16-00014-P	exempt	Standby Service rate design	To consider the report filed and the recommendations therein
PSC-47-16-00016-P	exempt	Standby Service rate design	To consider the report filed and the recommendations therein
PSC-49-16-00005-P	exempt	Waiver of certain rules and requirements pertaining to cable television franchise.	To determine whether to waive any regulations.
PSC-52-16-00003-P	exempt	Transfer of controlling interest and associated financial transactions.	To consider the transfer of controlling interest and associated financial transactions.
PSC-01-17-00018-P	exempt	The addition of Company-owned LED options under SC No. 1 - Street Lighting Service	To consider the addition of Company-owned LED lighting options for customers served under SC No. 1
PSC-01-17-00022-P	exempt	The addition of Company-owned LED options under SC No. 3 - Standard Street Lighting Service	To consider the addition of Company-owned LED lighting options for customers served under SC No. 3
PSC-01-17-00023-P	exempt	Transfer of certain pipeline facilities and applicability of Public Service Law (PSL) Article 4	To consider a request to transfer certain pipeline facilities and a declaration regarding application of the PSL
PSC-02-17-00008-P	exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 416 Kent Avenue, Brooklyn, NY and 420 Kent Avenue, Brooklyn, NY.
PSC-02-17-00010-P	exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for RG&E.
PSC-02-17-00012-P	exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for NYSEG.
PSC-03-17-00003-P	exempt	Good Energy, L.P.'s Community Choice Aggregation Implementation Plan and Data Protection Plan.	To ensure appropriate consumer protections.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-03-17-00006-P	exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of West 30th HL LLC to submeter electricity at 520 West 30th Street, New York, New York.
PSC-04-17-00010-P	exempt	The inclusion of interest in a payment compensating developer for work performed in preparation for electric service	To consider whether to include interest in the calculation of the amount owed in compensation
PSC-05-17-00004-P	exempt	Petition to submeter electricity.	To consider the petition to submeter electricity at 336 Himrod Street, Brooklyn, New York and waiver request of § 96.5(k)(3).
PSC-06-17-00004-P	exempt	Waiver to permit National Fuel Resources, Inc. to serve low-income customers	To consider the Petition for a waiver
PSC-06-17-00005-P	exempt	Waiver and rates for Saratoga Water Services, Inc. to provide water service to GLOBALFOUNDRIES U.S. Inc.	To consider the waiver and rates for Saratoga Water Services, Inc. to provide water service to GLOBALFOUNDRIES U.S. Inc.
PSC-06-17-00008-P	exempt	Waiver to permit Ambit New York, LLC to serve low-income customers.	To consider the Petition for a waiver.
PSC-06-17-00010-P	exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of VillaBXV Condominium to submeter electricity at 15 Kensington Road, Bronxville, New York.
PSC-06-17-00011-P	exempt	A waiver to permit Zone One Energy LLC to serve low-income customers.	To consider the Petition for a waiver.
PSC-07-17-00014-P	exempt	Petition for rehearing of the December 16, 2016 Order with respect to rate proceedings in Cases 16-G-0058 and 16-G-0059	To consider the petition for rehearing of the December 16, 2016 Order
PSC-07-17-00019-P	exempt	Deferral and recovery of incremental costs	To consider deferring costs related to water main leak repairs for subsequent recovery
PSC-07-17-00020-P	exempt	Notice of Intent to submeter electricity and request for a waiver of 16 NYCRR § 96.5(k)(3)	To consider the Notice of Intent to submeter electricity at 988 East 180th St., Bronx, NY and waiver request of § 96.5(k)(3)
PSC-08-17-00007-P	exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 327 Central Park West, New York, New York.
PSC-09-17-00005-P	exempt	Notice of Intent to submeter electricity and waiver request of energy audit requirement	To consider the Notice of Intent to submeter electricity at 2351-2359 Adam Clayton Powell Jr. Blvd., NY, NY and waiver request
PSC-09-17-00007-P	exempt	Petition to submeter electricity	To consider the petition of 587-91 Third Owner LLC to submeter electricity at 591 Third Avenue, New York, New York
PSC-09-17-00008-P	exempt	Petition to submeter electricity	To consider the petition of Red Hook 160, LLC to submeter electricity at 160 Imlay Street, Brooklyn, New York
PSC-11-17-00006-P	exempt	Use of the Itron 100W+, to collect and transmit meter data, in water metering applications.	To consider the use of the Itron 100W+, to collect and transmit meter data in water metering applications.
PSC-11-17-00007-P	exempt	Minor rate filing.	To consider an increase in annual revenues of about $395,756, or 5.3%.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-11-17-00009-P	exempt	Petition to submeter electricity.	To consider the petition of 8th and C HDFC to submeter electricity at 334 East 8th Street, New York, New York.
PSC-12-17-00012-P	exempt	Amendments to the UBP.	To consider amendments to the UBP.
PSC-12-17-00017-P	exempt	Amendments to the UBP.	To consider the petition for amendments to the UBP.
PSC-13-17-00003-P	exempt	Rehearing of Commission's January 25, 2017 Order Approving Electric and Gas Rate Plans in Cases 16-E-0060 and 16-G-0061.	To consider Petitions for Rehearing regarding certain metering costs as addressed in Cases 16-E-0060 and 16-G-0061.
PSC-13-17-00004-P	exempt	Notice of Intent to submeter electricity and request for waiver of energy audit.	To consider the Notice of Intent to submeter electricity and request for waiver of energy audit.
PSC-13-17-00007-P	exempt	Petition for rehearing of the Rate Plan Order.	To consider the petition for rehearing of the Rate Plan Order.
PSC-13-17-00008-P	exempt	Petition for rehearing of the Rate Plan Order.	To consider the petition for rehearing of the Rate Plan Order.
PSC-13-17-00009-P	exempt	Petition for rehearing and clarification of the Rate Plan Order.	To consider the petition for rehearing and clarification of the Rate Plan Order.
PSC-13-17-00010-P	exempt	Rehearing of Commission's January 25, 2017 Order Approving Electric and Gas Rate Plans in Cases 16-E-0060 and 16-G-0061.	To consider Petitions for Rehearing regarding certain metering costs as addressed in Cases 16-E-0060 and 16-G-0061.
PSC-14-17-00008-P	exempt	Waiver to the prohibition on service to low-income customers by ESCOs.	To consider the petition for a waiver to the prohibition on service to low-income customers by ESCOs.
PSC-14-17-00009-P	exempt	Waiver to the prohibition on service to low-income customers by ESCOs.	To consider the petition for a waiver to the prohibition on service to low-income customers by ESCOs.
PSC-14-17-00010-P	exempt	Waiver to the prohibition on service to low-income customers by ESCOs.	To consider the petition for a waiver to the prohibition on service to low-income customers by ESCOs.
PSC-14-17-00011-P	exempt	Waiver to the prohibition on service to low-income customers by ESCOs.	To consider the petition for a waiver to the prohibition on service to low-income customers by ESCOs.
PSC-14-17-00012-P	exempt	Waiver to the prohibition on service to low-income customers by ESCOs.	To consider the petition for a waiver to the prohibition on service to low-income customers by ESCOs.
PSC-14-17-00013-P	exempt	Waiver to the prohibition on service to low-income customers by ESCOs.	To consider the petition for a waiver to the prohibition on service to low-income customers by ESCOs.
PSC-14-17-00014-P	exempt	Waiver to the prohibition on service to low-income customers by ESCOs.	To consider the petition for a waiver to the prohibition on service to low-income customers by ESCOs.
PSC-14-17-00015-P	exempt	Waiver to the prohibition on service to low-income customers by ESCOs.	To consider the petition for a waiver to the prohibition on service to low-income customers by ESCOs.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-14-17-00016-P	exempt	Waiver to the prohibition on service to low-income customers by ESCOs..	To consider the petition for a waiver to the prohibition on service to low-income customers by ESCOs.
PSC-14-17-00017-P	exempt	Petition for Full-Scale Deployment of AMI and to Establish an AMI Surcharge.	To consider the petition for Full-Scale Deployment of AMI and to Establish an AMI Surcharge.
PSC-14-17-00019-P	exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 94 North 3rd St., Brooklyn, NY and waiver of 16 NYCRR § 96.5(k)(3).
PSC-15-17-00004-P	exempt	Rolling Meadows Water Corporation's rates for the provision of water.	To consider increasing the volumetric rate from $8.57 to $8.84 and increasing the allowed rate case expense to $37,000.
PSC-16-17-00004-P	exempt	Proposed transfer of assets of Corbin Hill to the Town and dissolution of the Company	To consider the transfer of assets of Corbin Hill to the Town and dissolution of the Company
PSC-18-17-00023-P	exempt	Second stage rate filing.	To consider an increase in rate year revenues by approximately $247,086 or 8.24%.
PSC-18-17-00024-P	exempt	A petition for rehearing or reconsideration of the Order Addressing Public Policy Transmission Need for AC Transmission Upgrades	To determine whether Public Policy Transmission Need/Public Policy Requirements continue to exist.
PSC-18-17-00025-P	exempt	A petition for rehearing or reconsideration of the Order on Remand Denying Refunds.	To determine whether IPANY and individual pay telephone providers are entitled to refunds from Verizon New York Inc.
PSC-18-17-00026-P	exempt	Revisions to the Dynamic Load Management surcharge.	To consider revisions to the Dynamic Load Management surcharge.
PSC-18-17-00027-P	exempt	A petition for rehearing or clarification of the March 9, 2017 Order.	To determine appropriate treatment of submetered energy users in community distributed generation programs.
PSC-18-17-00028-P	exempt	A petition for rehearing, reconsideration, or clarification of the March 9, 2017 Order.	To determine appropriate treatment of environmental attributes related to distributed energy resources.
PSC-18-17-00029-P	exempt	Commission oversight of distributed energy resource suppliers.	To consider proposed standards for Commission oversight of distributed energy resource suppliers.
PSC-18-17-00030-P	exempt	Pareto Energy Ltd.'s petition for rehearing.	To consider Pareto's petition for rehearing.
PSC-18-17-00031-P	exempt	Notice of Intent to submeter electricity and waiver of energy audit requirement.	To consider the Notice of Intent to submeter electricity at 1328 Fulton Street, Brooklyn, NY and waiver of 16 NYCRR § 96.5(k)(3).
PSC-18-17-00032-P	exempt	Application of Gas Safety Metrics to NFGD's 2014 Records and Field audits.	To consider NFGD's appeal of Gas Safety Metrics as applied to NFGD's 2014 Records and Field audits.
PSC-18-17-00033-P	exempt	Use of the ROMET AdEM-T volumetric corrector.	To consider the use of the ROMET AdEM-T volumetric corrector.
PSC-18-17-00034-P	exempt	Use of the ROMET AdEM-PTZ volumetric corrector.	To consider the use of the ROMET AdEM-PTZ volumetric corrector.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-19-17-00004-P	exempt	NYAW's request to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2016.	Consideration of NYAW's petition to defer and amortize, for future rate recognition, pension payour losses incurred in 2016.
PSC-20-17-00006-P	exempt	Public Street Lighting - LED Options.	To consider the addition of a 23 Watt LED luminaire option under SC No. 4 - Public Street Lighting - Company Owned.
PSC-20-17-00007-P	exempt	Minor rate filing.	To consider an increase in annual revenues of about $319,412 or 12.9%.
PSC-20-17-00008-P	exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid NY regarding the potential for adoption of compressed natural gas as a motor fuel.
PSC-20-17-00009-P	exempt	Proof of distributed generation project site control and local moratoria attestation.	To support developing mature project applications and appropriately focus utility resources.
PSC-20-17-00010-P	exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid regarding the potential for adoption of compressed natural gas as a motor fuel.
PSC-20-17-00011-P	exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of FreeWythe, LLC to submeter electricity at 60 South 2nd Street, Brooklyn, New York.
PSC-21-17-00011-P	exempt	Pole Attachment Rates.	To consider an update to the proxy pole attachment rate used by New York Municipal Power Agency's municipal utility members.
PSC-21-17-00012-P	exempt	Compensation for distributed generation systems located at farms.	To consider appropriate compensation and policies for distributed generation systems located at farms.
PSC-21-17-00013-P	exempt	The establishment and implementation of Earnings Adjustment Mechanisms.	To consider the establishment and implementation of Earnings Adjustment Mechanisms.
PSC-21-17-00014-P	exempt	Grandfathering provisions for sites served by multiple remote net metered projects.	To consider appropriate grandfathering provisions for sites served by multiple remote net metered projects.
PSC-21-17-00015-P	exempt	Expansion of Energy Efficiency and Advanced Metering Infrastructure Programs, and implementation of NWA framework.	To consider expanded Energy Efficiency and AMI programs and framework for implementing NWA projects and related cost recovery.
PSC-21-17-00016-P	exempt	Compensation for distributed energy resources through the Value Stack methodology.	To implement appropriate compensation methodologies for distributed energy resources.
PSC-21-17-00017-P	exempt	Petition to defer incremental vegetation management funding and relief of 2016 SAIFI negative revenue adjustment.	To consider the petition for deferral accounting and relief of 2016 SAIFI negative revenue adjustment.
PSC-21-17-00018-P	exempt	Proposed agreement for the provision of water service by Saratoga Water Services, Inc.	To consider a waiver and approval of terms of a service agreement.
PSC-21-17-00019-P	exempt	Notice of Intent to submeter electricity and waiver request.	To consider the Notice of Intent to submeter electricity at 918 East New York Avenue, Brooklyn, NY and waiver request.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-21-17-00020-P	exempt	Mitigation of distributed energy resource project costs and bill impacts.	To implement policies that mitigate costs of distributed energy resource projects.
PSC-22-17-00004-P	exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives	To consider the proposed Interconnection Survey Process and Earnings Adjustment Mechanisms
PSC-22-17-00005-P	exempt	To effectuate amendments to 49 CFR Part 192 mandated by the Pipeline and Hazardous Materials Safety Administration	To consider revisions to its gas tariff schedule regarding the installation of excess flow valves
PSC-22-17-00006-P	exempt	Revisions to the delivery discount and monthly customer charge for SC No. 3 and the commodity price for SC 15	To consider revisions to the delivery discount and monthly customer charge for SC No. 3 and the commodity price for SC 15
PSC-22-17-00007-P	exempt	Certain Commission requirements related to blockable central office codes	To consider a change to certain Commission requirements related to blockable central office codes
PSC-22-17-00008-P	exempt	Petition to submeter electricity and waiver request	To consider the petition to submeter electricity at 412-14 East 10th Street, New York, New York and waiver of 16 NYCRR § 96.2(b)
PSC-23-17-00019-P	exempt	Clean Energy Standard	To promote and maintain renewable and zero-emission electric energy resources
PSC-23-17-00020-P	exempt	Waiver of Commission regulations.	To consider whether to waive Commission regulations.
PSC-23-17-00021-P	exempt	Petition to transfer cable systems.	To consider Nicholville et. al.'s request to transfer cable systems in an internal restructuring.
PSC-23-17-00022-P	exempt	Changes in regulation of ESCOs, including restrictions on or prohibitions of marketing or offering certain products or services.	To ensure consumer protection for ESCO customers.
PSC-24-17-00006-P	exempt	Development of the Utility Energy Registry.	Improved data access.
PSC-24-17-00007-P	exempt	Toll commencement date; allow changes to performance metrics; correct language; allow service termination; reconcile orders.	To consider requests for rehearing, reconsideration or clarification of the April 20, 2017 Order.
PSC-24-17-00008-P	exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of 320 East 82nd Owner, LLC to submeter electricity at 320 East 82nd Street, New York, NY.
PSC-24-17-00009-P	exempt	Petition to submeter electricity and waiver request.	To consider the petition to submeter electricity at 1013 West Street, Utica, NY and request for waiver of 16 NYCRR § 96.5(k)(3).
PSC-24-17-00010-P	exempt	Petition to submeter electricity.	To consider the petition of Bay View Home Association, Inc. to submeter electricity at 671 47th Street Brooklyn, New York.
PSC-24-17-00011-P	exempt	Suez Water Westchester, Inc.'s private hydrant rates.	To consider whether Suez Water Westchester, Inc.'s private hydrant rates should be made temporary and subject to refund.
PSC-24-17-00012-P	exempt	Notice of Intent to submeter electricity and waiver request.	To consider the Notice of Intent to submeter electricity at 425 East 161 Street and waiver request of 16 NYCRR § 96.5(k)(3).

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PUBLIC SERVICE COMMISSION			
PSC-24-17-00013-P	exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 28-10 and 28-30 Jackson Ave. and 28-40 Queens Blvd., Queens, NY.
PSC-24-17-00014-P	exempt	An alternative methodology for calculating billing adjustments.	To consider an alternative methodology for calculating billing adjustments.
PSC-24-17-00015-P	exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of 522-528 LLC to submeter electricity at 509 Pacific Street, Brooklyn, New York.
PSC-24-17-00016-P	exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of 56 Leonard Street Condominium to submeter electricity at 56 Leonard Street, New York, NY.
PSC-25-17-00005-P	exempt	Minor rate filing	To consider an increase in annual revenues by $154,329 or 116%
PSC-25-17-00006-P	exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent of The Charles Condominiums, LLC to submeter electricity at 1355 First Avenue, New York, NY
PSC-26-17-00004-P	exempt	Revisions to the delivery discount and monthly customer charge for SC Nos. 15 and 16 and the commodity price for SC 15.	To consider revisions to the delivery discount and monthly customer charge for SC 15 and 16 and the commodity price for SC 15.
PSC-26-17-00005-P	exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 125 Waverly Street, Yonkers, New York.
PSC-26-17-00006-P	exempt	Notice of Intent to submeter electricity and waiver request.	To consider the Notice of Intent to submeter electricity and waiver request.
PSC-26-17-00007-P	exempt	To effectuate amendments to 49 CFR Part 192 mandated by the Pipeline and Hazardous Materials Safety Administration.	To consider revisions to its gas tariff schedule regarding the installation of excess flow valves.
PSC-26-17-00008-P	exempt	To revise its provisions regarding no-access for meter reading.	To consider revisions to NMPC's no access provisions related to meter reading in its gas tariff schedule.
PSC-26-17-00009-P	exempt	To revise its provisions regarding no-access for meter reading.	To consider revisions to KEDLI's no access provisions related to meter reading in its gas tariff schedule.
PSC-27-17-00012-P	exempt	Conclusion of the Energy Efficiency Portfolio Standard programs.	To address the conclusion of EEPS programs, award EEPS 1 and 2 shareholder incentives, and remediate EEPS 1 overspending.
PSC-27-17-00013-P	exempt	Issuance by Corning Natural Gas of long-term indebtedness.	To consider Corning to issue long-term indebtedness in the amount of $44,064,353.
PSC-27-17-00014-P	exempt	Major electric rate filing.	To consider an increase in NMPC's electric delivery revenues by approximately $326 million (or 13.0% in total revenues).
PSC-27-17-00015-P	exempt	Whether a proposed agreement for the provision of water service by Saratoga Water Services, Inc. is in the public interest.	To consider a waiver and the terms of a service agreement.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-27-17-00016-P	exempt	Modification of interim build-out targets.	To consider a settlement agreement that modifies Section I(B)(1)(c) of Appendix A of the Commission's January 8, 2016 Order.
PSC-27-17-00017-P	exempt	Major gas rate filing.	To consider an increase in NMPC's gas delivery revenues by approximately $81 million (14.0% in total revenues).
PSC-28-17-00006-P	exempt	To effectuate amendments to 49 CFR Part 192 mandated by the Pipeline and Hazardous Materials Safety Administration	To consider revisions to its gas tariff schedule regarding the installation of excess flow valves
PSC-28-17-00007-P	exempt	Property tax reconciliation surcharge	To consider the continued deferral of $487,095 in property taxes
PSC-28-17-00008-P	exempt	FASB update on pension and OPEB net periodic costs	To consider whether to adopt the FASB update
PSC-29-17-00006-P	exempt	Petition to submeter gas.	To consider the petition of LaGuardia Gateway Partners, to submeter gas at LaGuardia Airport Central Terminal B, Flushing, NY.
PSC-30-17-00026-P	exempt	Notice of Intent to submeter electricity and waiver request.	To consider the Notice of Intent to submeter electricity and waiver request of 16 NYCRR § 96.5(k)(3).
PSC-30-17-00027-P	exempt	The extension of the compensation term for certain community distributed generation projects.	To determine the appropriate compensation term for certain community distributed generation projects.
PSC-30-17-00028-P	exempt	Proposed tariff filing to modify the Daily Delivery Service Program and the treatment of certain non-firm revenues.	To consider tariff revisions modifying the Daily Delivery Service Program and the treatment of certain non-firm revenues.
PSC-30-17-00029-P	exempt	Proposed amendments to the modified criteria to grandfathering established in a December 16, 2016 Order.	To consider modifying the monetary remote net metering grandfathering criteria in response to a developer request.
PSC-30-17-00030-P	exempt	Time of Use Rates.	To consider the establishment of a new TOU rate for customers not currently taking service under Central Hudson's TOU rate.
PSC-30-17-00031-P	exempt	Proposed tariff filing to implement electric rate options on a pilot basis for the Energy Smart Community Project.	To consider tariff revisions implementing electric rate options on a pilot basis for the Energy Smart Community Project.
PSC-30-17-00032-P	exempt	VDER Tranche allocations and policies.	To consider modifications to VDER Tranche allocations and policies.
PSC-31-17-00007-P	exempt	Notice of intent to submeter electricity.	To consider the notice of intent of 685 First Realty Compamy, LLC to submeter electricity at 685 1st Avenue, New York, New York.
PSC-31-17-00008-P	exempt	Petition to submeter electricity and waiver request.	To consider the petition to submeter electricity and waiver request of 16 NYCRR § 96.5(k)(3).
PSC-31-17-00009-P	exempt	Issuance of promissory notes.	To consider the petition of National Fuel Gas Distribution Corp. to issue up to $400 million in promissory notes.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-31-17-00010-P	exempt	Notice of intent to submeter electricity.	To consider the notice of intent of 11737 Owners Corp. to submeter electricity at 117 East 37th Street, New York, New York.
PSC-31-17-00011-P	exempt	Notice of intent to submeter electricity and waiver request.	To consider the notice of intent to submeter electricity and waiver request of 16 NYCRR § 96.5(k)(3).
PSC-31-17-00012-P	exempt	Minor rate filing.	To consider an increase in annual revenues of about $304,629 or 14%.
STATE, DEPARTMENT OF			
DOS-26-17-00001-P	06/28/18	Appraisal experience log	To clarify and update Department of State policy in reviewing appraisal experience
DOS-26-17-00002-P	06/28/18	Distance learning for qualifying real estate appraisal courses.	To authorize distance learning for qualifying real estate appraisal courses.
DOS-28-17-00005-P	07/12/18	Electronic storage of safety data sheets	To permit appearance enhancement licensees to maintain safety data sheets electronically
DOS-30-17-00001-P	07/26/18	Esthetics curriculum and waxing procedures	To update the qualifying curriculum for esthetics and ensure that waxing procedures are safe and sanitary.
DOS-30-17-00002-P	07/26/18	Cease and desist zone for Queens and Bronx Counties.	To adopt cease and desist zones for Queens and Bronx Counties.
DOS-31-17-00005-P	08/02/18	Continuing education requirements.	To amend the education requirements to include 1 hour of instruction on telecoil (t-coil) and other assistive listening devices.
STATE UNIVERSITY OF NEW YORK			
SUN-06-17-00003-P	02/08/18	proposed amendments to traffic and parking regulations at SUNY Binghamton	Amend existing regulations to update traffic and parking regulations
SUN-30-17-00003-EP	07/26/18	State University of New York Tuition and Fees Schedule	To amend the Tuition and Fees Schedule to increase tuition for students in all programs in the State University of New York.
SUN-30-17-00004-P	07/26/18	State basic financial assistance for the operating expenses of community colleges under the program of SUNY and CUNY.	To modify limitations formula for basic State Financial assistance and conform to the Education Law and the 2017-18 Budget Bill
SUN-30-17-00024-P	07/26/18	The governance, structure and operations of SUNY authorized charter schools pertaining to teacher compliance	Provide alternative teacher certification compliance pathways for SUNY charter schools with strong student performance.
TAXATION AND FINANCE, DEPARTMENT OF			
TAF-51-16-00002-EP	12/21/17	Metropolitan Transportation Business Tax Surcharge	To provide metropolitan transportation business tax rate for tax year 2017
TAF-22-17-00002-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, 2017 through September 30, 2017

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
TAXATION AND FINANCE, DEPARTMENT OF			
TAF-27-17-00004-EP	07/05/18	City of New York withholding tables and other methods.	To provide current City of New York withholding tables and other methods.
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
TDA-23-17-00015-P	06/07/18	Supplemental Nutrition Assistance Program (SNAP) categorical eligibility	To align State regulations with current SNAP policy and practice regarding categorical eligibility for SNAP
TDA-25-17-00001-P	06/21/18	Local district child support enforcement unit	To afford social services districts greater flexibility in selecting a name for the local entity responsible for child support activities within each social services district, update current State regulation language, and corect regulatory citations
TDA-31-17-00002-EP	08/02/18	Mandated reporter requirement and background checks	To implement the State regulations as required by Part Q of Chapter 56 of the Laws of 2017
TRANSPORTATION, DEPARTMENT OF			
TRN-24-17-00001-P	06/14/18	Railroad Bridge Inventory and Inspection	Render state railroad bridge inspection and inventory regulations consistent with Title 49 CFR Part 237
WORKERS' COMPENSATION BOARD			
WCB-20-17-00012-P	05/17/18	Attorneys fees and representation of clients	Create criteria for legal bills and withdrawal of representation
WCB-25-17-00003-P	06/21/18	Workers' compensation benefits for Transportation Network Company drivers	Clarify which drivers are covered and when they are covered by the Black Car Fund

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

REHABILITATE
HVAC SYSTEM
Camp Smith Training Site
Cortlandt Manor, Westchester County

Sealed bids for Project No. 45551-H, for HVAC Work, Rehabilitate HVAC System, Building 508, Camp Smith Training Site, 11 Bear Mountain Bridge Road, Cortlandt Manor (Westchester County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Division of Military and Naval Affairs, until 2:00 p.m. on Wednesday, August 9, 2017, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of $36,900 for H.

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

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

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

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

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

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on July 28, 2017 at Camp Smith, 11 Bear Mountain Bridge Road, Cortlandt Manor, NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

Phone the office of Arsenia Palacios, (845) 421-7650 a minimum of 24 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

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

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

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

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

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

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

DEMOLISH
ADDITION
Camp Smith Training Site
Cortlandt Manor, Westchester County

Sealed bids for Project No. 45586-C, for Construction Work, Demolish Addition, Building 70, Camp Smith Training Site, 11 Bear Mountain Bridge Road, Cortlandt Manor (Westchester County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Division of Military and Naval Affairs, until 2:00 p.m. on Wednesday, August 2, 2017, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of $18,300 for C.

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

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

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

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

The State intends to expedite award of this Contract and the Contractor shall be prepared to proceed with the Work accordingly. Bidders are warned that time is of the essence of the Contract and substantial completion of the Work must be within 234 days after the Agreement is approved by the Comptroller. Due to the tightness of the construction schedule, bidders should consider the necessity for an increased work force and shift operations.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on July 20, 2017 at Camp Smith, OGS Trailer, 11 Bear Mountain Bridge Road, Cortlandt Manor, NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

Phone the office of Arsenia Palacios, (845) 421-7650 a minimum of 24 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

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

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

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

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

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

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

REPLACE
ROOF/ROOFTOP UNITS
Army Aviation Support Facility #2
Rochester, Monroe County

Sealed bids for Project Nos. 45403-C and 45403-H, comprising separate contracts for Construction Work and HVAC Work, Replace Roof & Rooftop Units, Army Aviation Support Facility #2, 76 Patriot Way, Rochester (Monroe County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Division of Military and Naval Affairs, until 2:00 p.m. on Wednesday, August 2, 2017, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of $24,000 for C and $17,900 for H.

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

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting, on the OGS website, in a newspaper of general circulation, or in the Contract Reporter of written notice, advertisement or solicitation of offers

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

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

The State intends to expedite award of this Contract and the Contractor shall be prepared to proceed with the Work accordingly. Bidders are warned that time is of the essence of the Contract and substantial completion of the Work must be within 226 days after the Agreement is approved by the Comptroller. Due to the tightness of the construction schedule, bidders should consider the necessity for an increased work force and shift operations.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on July 20, 2017 at Army Aviation Support Facility, 100 Patriot Way, Rochester, NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

Phone the office of Tom Cutter, (585) 427-7430 a minimum of 24 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

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

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

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

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

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

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

NOTICE OF AVAILABILITY
OF STATE AND FEDERAL FUNDS

New York Homes and Community Renewal
Division of Housing and Community Renewal
Hampton Plaza
38-40 State St.
Albany, NY 12207

PERSONS/FIRMS SPONSORING THE CONSTRUCTION AND/OR REHABILITATION OF RENTAL HOUSING FOR LOW AND MODERATE-INCOME PERSONS/ HOUSEHOLDS

Low-Income Housing Credit Program

DESCRIPTION:

New York State Homes and Community Renewal (HCR) announces the availability of tax credit under the Low-Income Housing Credit Program (LIHC), administered by the New York State Division of Housing and Community Renewal (DHCR), which is authorized under Section 42 of the Internal Revenue Code.

A Request for Proposals (RFP) for Unified Funding (UF) 2017 site-specific multi-family project applications (Capital Applications) seeking funding under the LIHC Program is expected to be available on or about August 15, 2017.

UF 2017 Capital Applications will be submitted using the Community Development Online (CDOL) Application System, located on HCR's website at: http://www.nyshcr.org/Apps/CDOnline/

Printable instructions for the UF 2017 CDOL application and screen shots of the UF 2017 CDOL application exhibits will be available on the HCR Website at: http://www.nyshcr.org/Funding/UnifiedFundingMaterials/2017/

APPLICATION DEADLINES & FEES:

There are three UF 2017 application deadlines. The first deadline will be for Early Award Projects (EA), which meet criteria set forth in the RFP and are described, in part, below. The second deadline will be for Early Round Empire State Supportive Housing Initiative (ESSHI) Projects which meet criteria that will be set forth in the RFP and are described, in part, below. The third deadline will be for all other Capital Applications described in the upcoming RFP.

Applications for EA Projects must be completed and submitted by 5:00 PM on Thursday, October 5, 2017. Applications for Early Round EESHI Projects must be completed and submitted no later than 5:00 PM on Tuesday, November 7, 2017. All other UF 2017 Capital Applications must be completed and submitted by 5:00 PM on Tuesday, December 5, 2017.

A $3,000 application fee is required for each LIHC Capital Application with the following exception: not-for-profit applicants (or their wholly-owned subsidiaries) which will be sole general partner of the partnership/project owner or sole managing member of the limited liability company/project owner may request a deferral of payment until the time of credit allocation.

UF 2017 LIHC AVAILABLE:

DHCR expects to have approximately $28 million available for LIHC reservations.

EARLY AWARD APPLICATIONS:

A. General Information

HCR seeks to encourage high quality, high readiness projects that advance specific Early Award New York State Housing Goals by providing an accelerated application and review process as part of UF 2017. In addition to meeting the general application requirements described in the upcoming RFP, EA applications must satisfy additional conditions and requirements not required of UF 2017 applications generally, including an earlier application submission deadline and a mandatory pre-application conference with HCR staff.

Applications satisfying the conditions and requirements for early round funding awards will be provided an accelerated review and will be rated and ranked compared only to other EA applications that advance the same policy goal, subject to the other funding considerations described in the UF 2017 RFP. In the event an application does not receive an early round funding award, the application may be considered for an award pursuant to later funding round decisions.

In addition to satisfying the conditions and requirements generally applicable to all UF 2017 applications, EA applicants must also:

1. Submit a complete application by 5:00 PM, October 5, 2017 or by 5:00 PM, November 7, 2017 for Early Round ESSHI Projects;

2. Demonstrate the project will be able to proceed to construction within 120 calendar days of award, or within 180 days of award, if located in the City of New York. In evaluating a project's readiness to proceed to construction, HCR will consider development team past performance in the delivery of units on time and on-budget in addition to project-specific indicators such as status of local approvals, complexity of the proposed transaction, including whether a project must comply with National Environmental Policy Act (NEPA) requirements, and status of financing commitments; and,

3. Provide documentation demonstrating the application proposes a project which clearly advances at least one Early Award State Housing Goal described below in Section B. Applications that advance more than one housing goal will be given preference.

B. Early Award State Housing Goals

To be eligible, EA applications must clearly advance at least one of the following Early Award State Housing Goals:

1. Revitalization and Economic Development Goals

a. Priority Projects Identified in Regional Economic Development Plans

These applications will propose affordable housing projects that have been specifically endorsed in a Regional Economic Development Council Strategic Plan and for which significant financial assistance has been made available as part of such a plan.

b. Downtown Revitalization Initiative Projects

These applications will propose projects that clearly advance the objectives of an approved Downtown Revitalization Initiative Strategic Investment Plan. Projects for which significant financial assistance has been made available as part of such a plan will be prioritized.

c. Upstate Revitalization Initiative Projects

These applications will propose projects specifically identified in an Upstate Revitalization Initiative Plan for which at least a portion of project units will be affordable to low and/or moderate income households and for which significant financial assistance has been made available pursuant to such a Plan.

d. Mixed-Income/Mixed-Use Revitalization

These applications will propose mixed-income projects in mixed-use neighborhoods involving:

- the use/adaptive reuse of existing underutilized buildings;
- infill new construction; and/or,

• the demolition/replacement of buildings with a blighting impact on a community, for which rehabilitation is impracticable.

Applications must clearly demonstrate the project is part of a neighborhood-specific revitalization effort developed with significant community and local government involvement.

Applications must clearly demonstrate community support for the proposed project, as evidenced by commitment of local resources and local actions that have, or will, be taken in support of the project. To be considered mixed-income, applications must target at least 15% of the project units for households at incomes above federal LIHC limits.

Preference under this State housing goal will be given to applications that:

• demonstrate site control of land acquired through Land Banks, established pursuant to

Article 16 of the NYS Not-for-Profit Corporation Law, in neighborhoods that have experienced a high incidence of abandoned, "zombie" properties;

• propose a retail/community service component that will address an unmet community need identified in a neighborhood-specific revitalization plan;

• propose a project resulting in the cleanup/redevelopment of property that has been determined to be eligible to participate in the NYS Brownfield Cleanup Program (BCP). To be eligible for this preference, applications must propose a financing plan fully utilizing all BCP tax credits generated from the cleanup/redevelopment of the property;

• propose a project that is part of a neighborhood-specific revitalization plan that also includes the development of new affordable homeownership units and/or the rehabilitation of existing owner-occupied housing; and/or,

• propose a comprehensive workforce development plan for the recruitment, training and hiring of low-income residents, from the neighborhoods surrounding the proposed project, for the construction of the project. The proposed plan must be based on demonstrated, successful best practices with specific hiring targets that exceed any targets for which the project would otherwise be subject to as a condition of receiving federal or State funding.

2. Supportive Housing Goals

a. Empire State Supportive Housing Initiative (ESSHI) Projects

These applications will propose Supportive Housing Projects that have received Conditional Award Notifications through the Empire State Supportive Housing Initiative Inter-agency Service and Operating Opportunity RFP and for which at least 50% of the project's total units will serve an eligible target population.

b. New York/New York III Projects

Applicants must demonstrate they have secured a commitment of NY/NY III service and operating subsidy for at least 50% of the project's total units.

c. NYS Office of Mental Health Capital Projects

These applications must propose projects that have received a commitment from the NYS Office of Mental Health for capital and operating subsidy to support at least 50% of the project's total units.

3. Workforce Opportunity Goals

a. Housing Opportunity Projects (HOP)

These applications will propose workforce family housing in areas experiencing economic growth that are served by high performing schools. Projects must be located in areas that have stable/growing tax bases, and must be in close proximity to public transportation, child care and employment opportunities. Proposed projects must include a significant percentage of two, three, or more than three, bedroom units. Applications that clearly advance this goal may be eligible for a 130% LIHC basis boost, based on a DHCR designation, as authorized by the federal Housing and Economic Recovery Act of 2008.

b. Transit Oriented Development (TOD)

These applications will propose workforce housing projects in close proximity to Metropolitan Transportation Authority (MTA) rail stations outside the City of New York, or within a quarter-mile walk of an MTA subway station within the City of New York; or, which are in communities that have completed and are implementing TOD plans clearly linking the proposed project to expanded transportation choices for tenants; or, which are in close proximity to multi-modal transportation centers contributing to the development of vibrant, mixed-use, high-density neighborhoods through the adaptive reuse of non-residential buildings or through infill development.

4. Affordable Housing Preservation Goals

a. Rural Preservation Projects

These applications must propose the rehabilitation of projects currently receiving Rural Rental Assistance Program (RRAP) funds. Applications must propose a scope of work extending the expected useful life of the project by no less than 20 years and which satisfies heightened energy efficiency standards specified by HCR in the UF 2017 RFP. Successful applications must demonstrate the rehabilitation will be undertaken as part of a financing plan that will result in ongoing reductions of RRAP funding, and that at least 90% of the proposed total development costs will be directly related to physical improvements that will extend the useful life and improve the habitability and energy efficiency of the project. The only source of funding that may be requested under this goal is Community Investment Fund (CIF). Requests are limited to $2 million in CIF funds, and $40,000 per unit, and must satisfy all CIF program requirements described in the UF 2017 RFP.

b. Public Housing Redevelopment Projects

These applications must propose the gut rehabilitation and/or demolition and replacement of substandard public housing located outside the City of New York.

c. DHCR/HTFC Portfolio Preservation Projects

These applications will propose the rehabilitation of projects currently regulated by the New York State Division of Housing and Community Renewal and/or the New York State Housing Trust Fund Corporation that have significant unmet physical needs which cannot be addressed solely through the use of existing project reserves and for which the mismanagement of the property is not a significant contributing factor. Applications must propose a scope of work extending the expected useful life of the project by no less than 20 years and which satisfies heightened energy efficiency standards specified by HCR in the UF 2017 RFP. Successful applications must demonstrate that at least 90% of proposed total development costs will be directly related to physical improvements that will extend the useful life and improve the habitability and energy efficiency of the project. The only source of funding that may be requested under this goal is the Multifamily Preservation Program (MPP). Requests are limited to $2 million in MPP funds, and $50,000 per unit, and must satisfy any additional MPP requirements described in the UF 2017 RFP.

APPLICATION WORKSHOPS:

UF 2017 Capital Application Workshops will include a presentation and discussion of project application requirements and the UF process. UF 2017 Capital Application Workshops will be conducted at the following times and locations:

ROCHESTER:
Thursday, September 7, 2017, at 10:00 AM
Rochester City Council Chambers
City Hall – Room 302
30 Church St.
Rochester, NY

ALBANY:
Friday, September 8, 2017, at 10:00 AM
Hampton Plaza Ballroom
38-40 State Street
Albany, NY

NEW YORK CITY:
Monday, September 11, 2017, at 10:00 AM
5th Floor Hearing Room
25 Beaver Street
New York, NY

New York Homes and Community Renewal
Housing Trust Fund Corporation
Hampton Plaza
38-40 State St.
Albany, NY 12207

PERSONS/FIRMS SPONSORING THE CONSTRUCTION AND/OR REHABILITATION OF HOUSING FOR LOW, MODERATE AND MIDDLE-INCOME PERSONS/HOUSEHOLDS

Low-Income Housing Trust Fund Program, New York State HOME Program, Community Investment Fund Program, Supportive Housing Opportunity Program, Homes for Working Families Program, Public Housing Preservation Program, Multifamily Preservation Program, Middle Income Housing Program

DESCRIPTION:

New York State Homes and Community Renewal (HCR) announces the availability of Low-Income Housing Trust Fund Program (HTF), New York State HOME Program (NYS HOME), Community Investment Fund Program (CIF), Supportive Housing Opportunity Program (SHOP), Homes for Working Families Program (HWF), Public Housing Preservation Program (PHP), Multifamily Preservation Program (MPP) and Middle Income Housing Program (MIHP). A Request for Proposals (RFP) for Unified Funding (UF) 2017 site-specific multifamily project applications (Capital Applications) seeking funding under these programs is expected to be available on August 15, 2017.

NYS HOME Program applicants are advised this NOFA is applicable to site-specific capital projects only. Funding for NYS HOME Local Program Administrator applications is offered under a separate NOFA.

UF 2017 Capital Applications will be submitted using the Community Development Online (CDOL) Application System, located on HCR's website at: http://www.nyshcr.org/Apps/CDOnline/

Printable instructions for the UF 2017 CDOL application and screen shots of the UF 2017 CDOL application exhibits will be available on the HCR Website at: http://www.nyshcr.org/Funding/UnifiedFundingMaterials/2017/

APPLICATION DEADLINES:

There are three UF 2017 application deadlines. The first deadline will be for Early Award Projects (EA), which meet criteria set forth in the RFP and are described, in part, below. The second deadline will be for Early Round Empire State Supportive Housing Initiative (ESSHI) Projects which meet criteria that will be set forth in the RFP and are described, in part, below. The third deadline will be for all other Capital Applications described in the upcoming RFP.

Applications for EA Projects must be completed and submitted by 5:00 PM on Thursday, October 5, 2017. Applications for Early Round ESSHI Projects must be completed and submitted no later than 5:00 PM on Tuesday, November 7, 2017. All other UF 2017 Capital Applications must be completed and submitted by 5:00 PM on Tuesday, December 5, 2017.

UF 2017 FUNDS AVAILABLE:

Approximately $65.2 million in HTF funds; $7 million in NYS HOME funds; $44.9 million in CIF funds; $35 million in SHOP funds; $4 million in HWF funds; $10 million in PHP funds; $15 million in MPP Funds; and, $16 million in MIHP funds are available, subject to availability of appropriations. A minimum of 15% of NYS HOME funds must be reserved for Community Housing Development Organization projects. In addition, a minimum of 80% of these funds must be allocated to projects located in non-participating jurisdictions.

Approximately 100 Project-Based Section 8 Vouchers will be available for UF 2017 Capital Applications. Such applications will be considered within overall review of project funding requests. Applications requesting only Section 8 assistance will not be considered.

EARLY AWARD APPLICATIONS:

A. General Information

HCR seeks to encourage high quality, high readiness projects that advance specific Early Award New York State Housing Goals by providing an accelerated application and review process as part of UF 2017. In addition to meeting the general application requirements described in the upcoming RFP, EA applications must satisfy additional conditions and requirements not required of UF 2017 applications generally, including an earlier application submission deadline and a mandatory pre-application conference with HCR staff.

Applications satisfying the conditions and requirements for early round funding awards will be provided an accelerated review and will be rated and ranked compared only to other EA applications that advance the same policy goal, subject to the other funding considerations described in the UF 2017 RFP. In the event an application does not receive an early round funding award, the application may be considered for an award pursuant to later funding round decisions.

In addition to satisfying the conditions and requirements generally applicable to all UF 2017 applications, EA applicants must also:

1. Submit a complete application by 5:00 PM, October 5, 2017 or by 5:00 PM, November 7, 2017 for Early Round ESSHI Projects;

2. Demonstrate the project will be able to proceed to construction within 120 calendar days of award, or within 180 days of award, if located in the City of New York. In evaluating a project's readiness to proceed to construction, HCR will consider development team past performance in the delivery of units on time and on-budget in addition to project-specific indicators such as status of local approvals, complexity of the proposed transaction, including whether a project must comply with National Environmental Policy Act (NEPA) requirements, and status of financing commitments; and,

3. Provide documentation demonstrating the application proposes a project which clearly advances at least one Early Award State Housing Goal described below in Section B. Applications that advance more than one housing goal will be given preference.

B. Early Award State Housing Goals

To be eligible, EA applications must clearly advance at least one of the following Early Award State Housing Goals:

1. Revitalization and Economic Development Goals

a. Priority Projects Identified in Regional Economic Development Plans

These applications will propose affordable housing projects that have been specifically endorsed in a Regional Economic Development Council Strategic Plan and for which significant financial assistance has been made available as part of such a plan.

b. Downtown Revitalization Initiative Projects

These applications will propose projects that clearly advance the objectives of an approved Downtown Revitalization Initiative Strategic Investment Plan. Projects for which significant financial assistance has been made available as part of such a plan will be prioritized.

c. Upstate Revitalization Initiative Projects

These applications will propose projects specifically identified in an Upstate Revitalization Initiative Plan for which at least a portion of project units will be affordable to low and/or moderate income households and for which significant financial assistance has been made available pursuant to such a plan.

d. Mixed-Income/Mixed-Use Revitalization

These applications will propose mixed-income projects in mixed-use neighborhoods involving:

- the use/adaptive reuse of existing underutilized buildings;
- infill new construction; and/or,
- the demolition/replacement of buildings with a blighting impact on a community, for which rehabilitation is impracticable.

Applications must clearly demonstrate the project is part of a neighborhood-specific revitalization effort developed with significant community and local government involvement. Applications must clearly demonstrate community support for the proposed project, as evidenced by commitment of local resources and local actions that have, or will, be taken in support of the project. To be considered mixed-income, applications must target at least 15% of the project units for households at incomes above federal LIHC limits.

Preference under this State housing goal will be given to applications that:

• demonstrate site control of land acquired through Land Banks, established pursuant to Article 16 of NYS Not-for-Profit Corporation Law, in neighborhoods that have experienced a high incidence of abandoned, "zombie" properties;

• propose a retail/community service component that will address an unmet community need identified in a neighborhood-specific revitalization plan;

• propose a project resulting in the cleanup/redevelopment of property that has been determined to be eligible to participate in the NYS Brownfield Cleanup Program (BCP). To be eligible for this preference, applications must propose a financing plan fully utilizing all BCP tax credits generated from the cleanup/redevelopment of the property;

• propose a project that is part of a neighborhood-specific revitalization plan that also includes the development of new affordable homeownership units and/or the rehabilitation of existing owner-occupied housing; and/or,

• propose a comprehensive workforce development plan for the recruitment, training and hiring of low-income residents, from the neighborhoods surrounding the proposed project, for the construction of the project. The proposed plan must be based on demonstrated, successful best practices with specific hiring targets that exceed any targets or goals for which the project would otherwise be subject to as a condition of receiving federal or State funding.

2. Supportive Housing Goals

a. Empire State Supportive Housing Initiative (ESSHI) Projects

These applications will propose Supportive Housing Projects that have received Conditional Award Notifications through the Empire State Supportive Housing Initiative Inter-Agency Service and Operating Opportunity RFP and for which at least 50% of the project's total units will serve an eligible target population.

b. New York/New York III Projects

Applicants must demonstrate they have secured a commitment of NY/NY III service and operating subsidy for at least 50% of the project's total units.

c. NYS Office of Mental Health Capital Projects

These applications must propose projects that have received a commitment from the NYS Office of Mental Health for capital and operating subsidy to support at least 50% of the project's total units.

3. Workforce Opportunity Goals

a. Housing Opportunity Projects (HOP)

These applications will propose workforce family housing in areas experiencing economic growth that are served by high performing schools. Projects must be located in areas that have stable/growing tax bases, and must be in close proximity to public transportation, child care and employment opportunities. Proposed projects must include a significant percentage of two, three, or more than three, bedroom units. Applications that clearly advance this goal may be eligible for a 130% LIHC basis boost, based on a DHCR designation, as authorized by the federal Housing and Economic Recovery Act of 2008.

b. Transit Oriented Development (TOD)

These applications will propose workforce housing projects in close proximity to Metropolitan Transportation Authority (MTA) rail stations outside the City of New York, or within a quarter-mile walk of an MTA subway station within the City of New York; or, which are in communities that have completed and are implementing TOD plans clearly linking the proposed project to expanded transportation choices for tenants; or, which are in close proximity to multi-modal transportation centers contributing to the development of vibrant, mixed-use, high-density neighborhoods through the adaptive reuse of non-residential buildings or through infill development.

4. Affordable Housing Preservation Goals

a. Rural Preservation Projects

These applications propose the rehabilitation of projects currently receiving Rural Rental Assistance Program (RRAP) funds. Applications must propose a scope of work extending the expected useful life of the project by no less than 20 years and which satisfies heightened energy efficiency standards specified by HCR in the UF 2017 RFP. Successful applications must demonstrate the rehabilitation will be undertaken as part of a financing plan that will result in ongoing reductions of RRAP funding, and that at least 90% of proposed total development costs will be directly related to physical improvements that will extend the useful life and improve the habitability and energy efficiency of the project. The only source of funding that may be requested under this goal is CIF. Requests are limited to $2 million in CIF funds, and $40,000 per unit, and must satisfy all CIF program requirements described in the UF 2017 RFP.

b. Public Housing Redevelopment Projects

These applications must propose the gut rehabilitation and/or demolition and replacement of substandard public housing located outside the City of New York.

c. DHCR/HTFC Portfolio Preservation Projects

These applications will propose the rehabilitation of projects currently regulated by the New York State Division of Housing and Community Renewal and/or the New York State Housing Trust Fund Corporation that have significant unmet physical needs which cannot be addressed solely through the use of existing project reserves and for which the mismanagement of the property is not a significant contributing factor. Applications must propose a scope of work extending the expected useful life of the project by no less than 20 years and which satisfies heightened energy efficiency standards specified by HCR in the UF 2017 RFP. Successful applications must demonstrate that at least 90% of proposed total development costs will be directly related to physical improvements that will extend the useful life and improve the habitability and energy efficiency of the project. The only source of funding that may be requested under this goal is the Multifamily Preservation Program (MPP). Requests are limited to $2 million in MPP funds, and $50,000 per unit, and must satisfy any additional MPP requirements described in the UF 2017 RFP.

APPLICATION WORKSHOPS:

UF 2017 Capital Application Workshops will include a presentation and discussion of project application requirements and the UF process. UF 2017 Capital Application Workshops will be conducted at the following times and locations:

ROCHESTER:
Thursday, September 7, 2017, at 10:00 AM
Rochester City Council Chambers
City Hall – Room 302
30 Church St.
Rochester, NY

ALBANY:
Friday, September 8, 2017, at 10:00 AM
Hampton Plaza Ballroom
38-40 State Street
Albany, NY

NEW YORK CITY:
Monday, September 11, 2017, at 10:00 AM
5th Floor Hearing Room
25 Beaver Street
New York, NY

New York Homes and Community Renewal

Division of Housing and Community Renewal
Hampton Plaza
38-40 State St.
Albany, NY 12207

PERSONS/FIRMS SPONSORING THE CONSTRUCTION AND/OR REHABILITATION OF RENTAL HOUSING FOR LOW AND MODERATE-INCOME PERSONS/HOUSEHOLDS

New York State Low-Income Housing Tax Credit Program

DESCRIPTION:

New York State Homes and Community Renewal (HCR) announces the availability of tax credit under the New York State Low-Income Housing Tax Credit Program (SLIHC), administered by the New York State Division of Housing and Community Renewal (DHCR), which is authorized under Article 2-A of the Public Housing Law.

A Request for Proposals (RFP) for Unified Funding (UF) 2017 site-specific multi-family project applications (Capital Applications) seeking funding under the SLIHC Program is expected to be available on or about August 15, 2017.

UF 2017 Capital Applications will be submitted using the Community Development Online (CDOL) Application System, located on HCR's website at: http://www.nyshcr.org/Apps/CDOnline/

Printable instructions for the UF 2017 CDOL application and screen shots of the UF 2017 CDOL application exhibits will be available on the HCR Website at: http://www.nyshcr.org/Funding/UnifiedFundingMaterials/2017/

APPLICATION DEADLINES & FEES:

There are three UF 2017 application deadlines. The first deadline will be for Early Award Projects (EA), which meet criteria set forth in the RFP and are described, in part, below. The second deadline will be for Early Round Empire State Supportive Housing Initiative (ESSHI) Projects which meet criteria that will be set forth in the RFP and are described, in part, below. The third deadline will be for all other Capital Applications described in the upcoming RFP.

Applications for EA Projects must be completed and submitted by 5:00 PM on Thursday, October 5, 2017. Applications for Early Round ESSHI Projects must be completed and submitted no later than 5:00 PM on Tuesday, November 7, 2017. All other UF 2017 Capital Applications must be completed and submitted by 5:00 PM on Tuesday, December 5, 2017.

A $3,000 application fee is required for each SLIHC Capital Application with the following exception: not-for-profit applicants (or their wholly-owned subsidiaries) which will be sole general partner of the partnership/project owner or sole managing member of the limited liability company/project owner may request a deferral of payment until the time of credit allocation.

UF 2017 SLIHC AVAILABLE:

DHCR expects to have approximately $4 million available for SLIHC reservations.

EARLY AWARD APPLICATIONS:

A. General Information

HCR seeks to encourage high quality, high readiness projects that advance specific Early Award New York State Housing Goals by providing an accelerated application and review process as part of UF 2017. In addition to meeting the general application requirements described in the upcoming RFP, EA applications must satisfy additional conditions and requirements not required of UF 2017 applications generally, including an earlier application submission deadline and a mandatory pre-application conference with HCR staff.

Applications satisfying the conditions and requirements for early round funding awards will be provided an accelerated review and will be rated and ranked compared only to other EA applications that advance the same policy goal, subject to the other funding considerations described in the UF 2017 RFP. In the event an application does not receive an early round funding award, the application may be considered for an award pursuant to later funding round decisions.

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1. Submit a complete application by 5:00 PM, October 5, 2017 or by 5:00 PM, November 7, 2017 for Early Round ESSHI Projects;

2. Demonstrate the project will be able to proceed to construction within 120 calendar days of award, or within 180 days of award, if located in the City of New York. In evaluating a project's readiness to proceed to construction, HCR will consider development team past performance in the delivery of units on time and on-budget in addition to project-specific indicators such as status of local approvals, complexity of the proposed transaction, including whether a project must comply with National Environmental Policy Act (NEPA) requirements, and status of financing commitments; and,

3. Provide documentation demonstrating the application proposes a project which clearly advances at least one Early Award State Housing Goal described below in Section B. Applications that advance more than one housing goal will be given preference.

B. Early Award State Housing Goals

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b. Downtown Revitalization Initiative Projects

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These applications will propose mixed-income projects in mixed-use neighborhoods involving:

- the use/adaptive reuse of existing underutilized buildings;
- infill new construction; and/or,
- the demolition/replacement of buildings with a blighting impact on a community, for which rehabilitation is impracticable.

Applications must clearly demonstrate the project is part of a neighborhood-specific revitalization effort developed with significant community and local government involvement.

Applications must clearly demonstrate community support for the proposed project, as evidenced by commitment of local resources and local actions that have, or will, be taken in support of the project. To be considered mixed-income, applications must target at least 15% of the project units for households at incomes above federal LIHC limits.

Preference under this State housing goal will be given to applications that:

- demonstrate site control of land acquired through Land Banks, established pursuant to Article 16 of the NYS Not-for-Profit Corporation Law, in neighborhoods that have experienced a high incidence of abandoned, "zombie" properties;
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- propose a project that is part of a neighborhood-specific revitalization plan that also includes the development of new affordable homeownership units and/or the rehabilitation of existing owner-occupied housing; and/or,
- propose a comprehensive workforce development plan for the recruitment, training and hiring of low-income residents, from the neighborhoods surrounding the proposed project, for the construction of the project. The proposed plan must be based on demonstrated, successful best practices with specific hiring targets that exceed any targets for which the project would otherwise be subject to as a condition of receiving federal or State funding.

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b. New York/New York III Projects

Applicants must demonstrate they have secured a commitment of NY/NY III service and operating subsidy for at least 50% of the project's total units.

c. NYS Office of Mental Health Capital Projects

These applications must propose projects that have received a commitment from the NYS Office of Mental Health for capital and operating subsidy to support at least 50% of the project's total units.

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These applications will propose workforce family housing in areas experiencing economic growth that are served by high performing schools. Projects must be located in areas that have stable/growing tax bases, and must be in close proximity to public transportation, child care and employment opportunities. Proposed projects must include a significant percentage of two, three, or more than three, bedroom units. Applications that clearly advance this goal may be eligible for a 130% SLIHC basis boost, based on a DHCR designation, as authorized by the federal Housing and Economic Recovery Act of 2008.

b. Transit Oriented Development (TOD)

These applications will propose workforce housing projects in close proximity to Metropolitan Transportation Authority (MTA) rail stations outside the City of New York, or within a quarter-mile walk of an MTA subway station within the City of New York; or, which are in communities that have completed and are implementing TOD plans clearly linking the proposed project to expanded transportation choices for tenants; or, which are in close proximity to multi-modal transportation centers contributing to the development of vibrant, mixed-use, high-density neighborhoods through the adaptive reuse of non-residential buildings or through infill development.

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b. Public Housing Redevelopment Projects

These applications must propose the gut rehabilitation and/or demolition and replacement of substandard public housing located outside the City of New York.

c. DHCR/HTFC Portfolio Preservation Projects

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APPLICATION WORKSHOPS:

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Friday, September 8, 2017, at 10:00 AM
Hampton Plaza Ballroom
38-40 State Street
Albany, NY

NEW YORK CITY:
Monday, September 11, 2017, at 10:00 AM
5th Floor Hearing Room
25 Beaver Street
New York, NY

New York Homes and Community Renewal

Housing Trust Fund Corporation
38-40 State St., 4th Fl. S
Albany, NY 12207

UNITS OF LOCAL GOVERNMENT OR ORGANIZATIONS INCORPORATED UNDER THE NYS NOT-FOR-PROFIT CORPORATION LAW

New York Main Street Technical Assistance Projects

Funding Availability

The Housing Trust Fund Corporation invites eligible applicants to apply for funding for New York Main Street Technical Assistance (NYMS-TA) Projects. This Notice of Funding Availability (NOFA) describes the available funds, and the method used to accept and evaluate applications for funding.

HTFC expects to make up to $200,000 in funds available to eligible applicants under this NOFA. Eligible applicants are invited to submit applications for funding requests of up to $20,000. NYMS-TA funds are available in the form of matching, reimbursement-based grants. NYMS-TA funds may reimburse up to 95% of the project cost, not to exceed $20,000. The remaining 5% must be provided as a cash match. Project activities may not commence prior to award and execution of a grant agreement.

New York Main Street Technical Assistance Activity Description

New York Main Street Technical Assistance (NYMS-TA) projects are intended to improve a community's readiness to administer a future NYMS building renovation program. Two essential elements in successful administration of a New York Main Street renovation program are a clear understanding of the needs of the project community, and interest from mixed-use property owners. NYMS-TA funds are available to encourage communities to evaluate commercial neighborhood building conditions, and housing opportunities to prepare for future NYMS projects. Part of this evaluation may include identifying prior-

ity target areas, and developing a phased approach to downtown revitalization.

NYMS-TA funds cannot be used for administrative expenses, general planning activities or to prepare a grant application for NYMS or other sources. Priority is given to proposals for NYMS-TA projects that have a broader application in assisting other communities, or can be readily adapted for use by other communities or the statewide New York Main Street Program, e.g., template guidelines or technical primers, as such projects maximize the NYMS-TA investment. Please contact the Office of Community Renewal to discuss project eligibility.

Eligible Applicants

Eligible applicants for NYMS Program applications are Units of Local Government or organizations incorporated under the NYS Not-for-Profit Corporation Law that have been providing relevant service to the community for at least one year prior to application.

Application Process

The NYMS-TA application is available through an open round process in the Consolidated Funding Application (CFA) portal: https://apps.cio.ny.gov/apps/cfa/. Beginning August 2, 2017 a $200,000 allocation will be available for NYMS-TA projects.

An applicant must complete the full application in the CFA portal within 60 days of beginning an application. An application is subject to cancellation in the CFA portal if it has not been finalized within 60 days. Applications will be accepted until the available funding is committed. The application will close when available funding has been committed, no later than 4:00 pm on February 28, 2018.

This Notice provides a summary description of the New York Main Street Technical Assistance project funds, and procedures for applying for assistance thereunder. A detailed Request for Proposals (RFP) outlining project and application requirements is expected to be available on August 2, 2017 online, here: http://www.nyshcr.org/Funding/.

Applicants are advised that this NOFA is applicable to New York Main Street Technical Assistance projects only. Funding for traditional New York Main Street (NYMS) renovation projects will be offered in the annual Consolidated Funding Application (CFA) process.

For additional information, please contact: Crystal Loffler, Office of Community Renewal, at the above address or call (518) 474-2057, e-mail: HCR_CFA@nyshcr.org

MISCELLANEOUS NOTICES/HEARINGS

Notice of Abandoned Property Received by the State Comptroller

Pursuant to provisions of the Abandoned Property Law and related laws, the Office of the State Comptroller receives unclaimed monies and other property deemed abandoned. A list of the names and last known addresses of the entitled owners of this abandoned property is maintained by the office in accordance with Section 1401 of the Abandoned Property Law. Interested parties may inquire if they appear on the Abandoned Property Listing by contacting the Office of Unclaimed Funds, Monday through Friday from 8:00 a.m. to 4:30 p.m., at:

1-800-221-9311
or visit our web site at:
www.osc.state.ny.us

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

PUBLIC NOTICE

Department of Health

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

The Department of Health proposes to amend the Title XIX (Medicaid) State Plan for institutional, non-institutional, long term care, and to comply with enacted statutory provisions. The following changes are proposed:

All Services

• The initiative previous noticed regarding no greater than zero trend factors attributable to services is now effective on and after April 1, 2017 through March 31, 2019 pursuant to the provisions of Public Health Law § 2807-c(10)(c) to rates of payment for hospital inpatient and outpatient services, inpatient and adult day health care outpatient services provided by residential health care facilities pursuant to Article 28 of the Public Health Law, except for residential health care facilities or units of such facilities providing services primarily to children under 21 year of age, certified home health agencies, AIDS home care programs, and for personal care services pursuant to section 365-a of the Social Services Law, including personal care services provided in those local social services districts, including New York City, whose rates of payment for services is established by such social services districts pursuant to a rate-setting exemption granted by the Department, and assisted living program services.

The annual decrease in gross Medicaid expenditures for state fiscal year 2017/2018 is ($208.8) million.

Institutional Services

• The initiative previously noticed to extend current provisions for services is now effective on and after April 1, 2017 through March 30, 2019. The reimbursable operating cost component for general hospital inpatient rates will be established with the 2006 final trend factor equal to the final Consumer Price Index (CPI) for all urban consumers less 0.25%.

The estimated annual net decrease in gross Medicaid expenditures attributable to these cost containment initiatives contained in the budget for state fiscal year 2017/2018 is ($114.5) million.

• The initiative previously noticed regarding Capital related costs of a general hospital excluding 44% of the major movable costs and excluding staff housing costs will continue effective April 1, 2017 through March 31, 2019.

The estimated gross annual decrease in Medicaid expenditures for state fiscal year 2017/2018 for this initiative is ($48.4) million.

• Budgeted capital inpatient costs of a general hospital applicable to the rate year will be decreased to reflect the percentage amount by which the budget for the base year two years prior to the rate year for capital related inpatient expenses of the hospital exceeded actual expenses will continue effective April 1, 2017 through March 31, 2019.

The estimated gross annual decrease in Medicaid expenditures for state fiscal year 2017/2018 for this initiative is ($15.9) million.

Long Term Care Services

• The initiative previously noticed regarding the rates of payment for RHCFs shall not reflect trend factor projections or adjustments for the period April 1, 1996 through March 31, 1997 and continues the provision effective on and after April 1, 2017 through March 31, 2019.

The estimated annual net aggregate decrease in gross Medicaid expenditures attributable to this initiative contained in the budget for state fiscal year 2017/2018 is ($12,749,000) million.

Non-Institutional Services

• The initiative previously noticed to extend current provisions to services continues on and after April 1, 2017 through March 30, 2019, the reimbursable operating cost component for general hospital outpatient rates and adult day health care services provided by RHCFs rates will be established with the final 2006 trend factor equal to the final consumer price index (CPI) for all urban consumers less 0.25%.

• The initiative previously noticed to extend current provisions for certified home health agency administrative and general cost reimbursement limits for the periods April 1, 2017 through March 31, 2019.

• The initiative previously noticed regarding capital related costs of a general hospital excluding 44% of the major movable costs and excluding staff housing costs will continue effective April 1, 2017 through March 31, 2019.

The estimated gross annual decrease in Medicaid expenditures for state fiscal year 2017/2018 for this initiative is ($35.1) million.

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

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

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

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

Queens County, Queens Center

3220 Northern Boulevard
Long Island City, New York 11101

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

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

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

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

PUBLIC NOTICE

Oneida-Herkimer Solid Waste Authority
Request for Proposals (RFP)
Source Separated Organics Processing Facility Project
For Oneida-Herkimer Solid Waste Management Authority

Pursuant to New York State General Municipal Law, Section 120-w, the Oneida-Herkimer Solid Waste Authority hereby gives notice of the following:

The Oneida-Herkimer Solid Waste Authority (Authority) is requesting proposals from companies that are interested in providing the design, procurement, construction and installation of a new Source Separated Organics Processing Facility. The Facility is to be located adjacent to the Authority's existing Eastern Transfer Station, Leland Ave Extension, Utica, NY. This RFP is being issued by the Authority in accordance with the provisions of Section 120-w of the General Municipal Law of New York State. A mandatory pre-proposal conference and facility tour was held on June 20, 2017. The deadline for comments on the Draft RFP was July 17, 2017. Responses to the RFP must be received by 3:00 PM, August 18, 2017.

The Authority does not discriminate because of race, creed, color, national origin, sex, age, disability or marital status. All qualified respondents will be afforded equal opportunities without discrimination. Furthermore, the Authority invites certified Minority and Women-Owned Business Enterprises (M/WBE) participation in this RFP. Firms that are not M/WBEs responding to this RFP are strongly encouraged to consider partnering, or creating other similar joint venture arrangements with certified M/WBEs and to give M/WBEs the opportunity to participate in responding to this RFP. The directory of New York State M/WBEs can be viewed at http://www.esd.ny.gov/mwbe.html.

Copies of the RFP may be obtained at www.ohswa.org or by contacting: James V. Biamonte, Contracting Officer, Oneida-Herkimer Solid Waste Authority, 1600 Genesee St., Utica, NY 13502

PUBLIC NOTICE

New York State and Local Retirement System

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

The persons whose names and last known addresses are set forth below appear from records of the above named Retirement System to be entitled to accumulated contributions held by said retirement system whose membership terminated pursuant to Section 517-a of the Retirement and Social Security Law on or before June 30, 2017. This notice is published pursuant to Section 109 of the Retirement and Social Security Law of the State of New York. A list of the names contained in this notice is on file and open to public inspection at the office of the New York State and Local Retirement System located at the 110 State St, in the City of Albany, New York. At the expiration of six months from the date of the publication of this notice. The accumulated contributions of the persons so listed shall be deemed abandoned and shall be placed in the pension accumulation fund to be used for the purpose of said fund. Any accumulated contributions so deemed abandoned and transferred to the pension accumulation fund may be claimed by the persons who made such accumulated contributions or, in the event of his death, by his estate or such person as he shall have nominated to receive such accumulated contributions, by filing a claim with the State Comptroller in such form and in such a manner as may be prescribed by him, seeking the return of such abandoned contributions. In the event such claim is properly made the State Comptroller shall pay over to the person or persons or estate making the claim such amount of such accumulated contributions without interest.

Bennett, Tadd M - Queensbury, NY
Coombs, Joshua R - Arkport, NY

PUBLIC NOTICE

New York State and Local Retirement System

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

The persons whose names and last known addresses are set forth below appear from records of the above named Retirement System to be entitled to accumulated contributions held by said retirement system whose membership terminated pursuant to Section 613 of the Retirement and Social Security Law on or before June 30, 2017. This notice is published pursuant to Section 109 of the Retirement and Social Security Law of the State of New York. A list of the names contained in this notice is on file and open to public inspection at the office of the New York State and Local Retirement System located at the 110 State St., in the City of Albany, New York. At the expiration of six months from the date of the publication of this notice. The accumulated contributions of the persons so listed shall be deemed abandoned and shall be placed in the pension accumulation fund to be used for the purpose of said fund. Any accumulated contributions so deemed abandoned and transferred to the pension accumulation fund may be claimed by the persons who made such accumulated contributions or, in the event of his death, by his estate or such person as he shall have nominated to receive such accumulated contributions, by filing a claim with the State Comptroller in such form and in such a manner as may be prescribed by him, seeking the return of such abandoned contributions. In the event such claim is properly made the State Comptroller shall pay over to the person or persons or estate making the claim such amount of such accumulated contributions without interest.

Abbott,Cynthia L - Rensselaer, NY
Abulesky,Amy M - Wilmington,DE
Adams,Tiffany L - Salt Lake Cty,UT
Aikens,Meredith E - Brooklyn, NY
Alger,Brigette M - Interlaken, NY
Alvarado-Little,Wilma I - Albany, NY
Alvarado,Tyrone F - East Elmhurst, NY
Anderson,Daniel J - Cortlandt Manor, NY
Anderson,Shawn - Massapequa, NY
Armbruster,Matthew T - Northport, NY
Ashton,Helen J - Clinton Corners, NY
Atwater,Levi D - Rifle,CO
Auguste,Dorothy - Spring Valley, NY
Baker,Edward B - Bernhards Bay, NY
Barge,Natalie A - Yonkers, NY
Bartholomew,Crystal D - Arlington,VA
Battaglia,Jillian L - Potsdam, NY
Belden,Teresa A - Melville, NY

Belknap,Jonathan B - Burlington Flats, NY
Benedict,Rachel F - Honeoye Falls, NY
Bernard,Jeffrey - West Hempstead, NY
Bice,Robert D - Evans Mills, NY
Billingiere,Tina M - Falls Church,VA
Black,Sherri - Waldoboro,ME
Blasioli,Peter N - Syracuse, NY
Bridges,Tanis S - Rochester, NY
Brock,Debra R - Eagle Bridge, NY
Brown,Brian S - Rochester, NY
Brown,Jamica Y - Syracuse, NY
Brown,Michele E - Syracuse, NY
Bruce,Edwina U - Rochester, NY
Brysinski,Matthew J - Buffalo, NY
Buddenhagen,Desiree M - Esopus, NY
Buie,Serena - Buffalo, NY
Burgess,Marcy L - Waverly, NY
Burgstahler,Rory O - Eden, NY
Butera,Francisco R - Amherst, NY
Button,Charles T - Dansville, NY
Cadzin,Carla B - Shelter Island, NY
Cakmak,Goksenin - Ballston Spa, NY
Calarco,Lisa M - Batavia, NY
Capozzi,Kristen - E Williston, NY
Cardoza,Gavino P - Spring Valley, NY
Carmer,Brandon L - Fillmore, NY
Carpio,Christine A - Suwanee,GA
Carty,James E - Farmingville, NY
Cerroni,Marcus Y - Baldwinsville, NY
Chazen,Cynthia M - Cheektowaga, NY
Chipperfield,Joseph J - Syracuse, NY
Chisolm,Solomon - Mount Vernon, NY
Christian,Richard L - Buffalo, NY
Christy,Amy B - Jamestown, NY
Church,Cassondra R - Riverhead, NY
Cippel,Kaitlin L - Bethel Park, PA
Coan,Timothy F - Patchogue, NY
Conkey,Shayne E - Greenfield, NY
Cotroneo,Frank A - Selden, NY
Crosby,Lyman A - Chenango Forks, NY
Cross,Megan A - Carthage, NY
D'Eletto,Anthony - Bellport, NY
Dahl,Theresa N - Penfield, NY
Dambrosio,Maria C - Hempstead, NY
Dattilo,Christopher P - Rochester, NY
Davis,Maura B - Catskill, NY
Dawson,Robert W - Waverly, NY
De La Paz,Salvadore - East Hampton, NY
De Pentu,Kathryn A - Baldwinsville, NY
Desai,Jigisha A - Floral Park, NY
Deyo,Erin L - Johnson City, NY
Di Bari,Eric M - Santa Cruz, CA
Di Fino,Joseph S - Syracuse, NY
Di Fiore,Robert M - Wynantskill, NY
Diaz,Michelle - Livingston Manor, NY
Dijon,Kassandre - Spring Valley, NY
Dimmick,Machel Lee - Dansville, NY
Donahue,Marquette D - Rochester, NY
Driscoll,Tracy E - Liverpool, NY
Duggan,Essie - Brooklyn, NY
Dunn,Michael - Holbrook, NY
Durant,Brandon S - Malone, NY
Ellick,Sharon A - New Windsor, NY
Elliott,Mary T - Calistoga, CA
Ellis,Benjamin A - Durham,NC
Elsesser,Bryan M - Mount Sinai, NY
Engler,James A - Utica, NY
Falasco,Robert J - Liverpool, NY
Falzon,Amanda J - Valley Stream, NY
Feldman,Gary M - Great Neck, NY
Fernandez,Maureen A - North Babylon, NY
Ferreira,Jason T - Mount Vernon, NY
Flint,Steven J - Batavia, NY
Flynn,Charles J - Tonawanda, NY
French,Michael D - Austin, TX
Frid,Elia - North Woodmere, NY
Fryling,Kevin D - Batavia, NY
Galinko,Alice - Suffern, NY
Garcia,Cristina C - Baltimore,MD
Gardner,Melissa Sue - Johnson City, NY
Garfinkle,Sara P - Long Beach, NY
Gedz,Cynthia L - Mayville, NY
George,Sheryl - Kingwood, TX
Geppner,Donna M - Pearl River, NY
Gerrish,Austie R - Potsdam, NY
Getchell-Smith,Robin D - Queensbury, NY
Giaimo,Joan A - Commack, NY
Gibbs,Nestloye - Jamaica, NY
Goehring,Jeanne N - Brooklyn, NY
Gomez,Carmen L - Nanuet, NY
Gomez,Nadia C - Larchmont, NY
Gonzalez,Samuel - Brentwood, NY
Grant,Elaine B - Globe, AZ
Green,Cassaundra O - Hempstead, NY
Grogan,John P - Saratoga Spgs, NY
Hackett,Thomas J - Hyde Park, NY
Hamilton,Brenda S - Kirkville, NY
Hamilton,Paul M - Skaneateles, NY
Handibode,Edward F - Ft Lauderdale, FL
Harris,Tyrone L - Dansville, NY
Hayes,Jeremy R - Fredonia, NY
Hendershot,Daniel D - Newark, NY
Hernandez,Neila L - Stony Brook, NY
Hertz,Jacob R - Plainview, NY
Heselton,Martin C - Camillus, NY
Hickey,Brian - Brewerton, NY
Hodgson,Frances - East Marion, NY
Hoffman,Shirley A - Geneseo, NY
Holland,Tracie L - Schenectady, NY
Holmes,Sylvia M - Yonkers, NY
Hoover,Tamara K - Jacksonville, FL
Horsey,Valleen F - Elmira, NY
Hubert,Jeremy D - Callicoon, NY
Hull,Tammy L - Philmont, NY
Ingerson,Charles L - Chittenango, NY
Ingoglia,Dawn M - Deer Park, NY
Ippolito,Terence - Kenmore, NY
Jason,Matthew W - Gansevoort, NY

Jenack,Mckenzie L - Lubbock, TX
Jenkins,Felicia - Wappingers Fl, NY
Johannes,Elizabeth - North Tonawanda, NY
Johnson,Ebony H - Buffalo, NY
Johnson,Nicholas A - Huntington, NY
Johnson,Sarah L - Ithaca, NY
Judson,Patricia - Great Neck, NY
Kalinowski,Michael T - Valley Stream, NY
Kane,Darcy L - Brockport, NY
Kane,Mark W - Katonah, NY
Keegan,Phyllis L - Babylon, NY
Kempt,David - Deltona, FL
King,Lisa E - Granville, NY
Kirby,Christine M - Minoa, NY
Kirkland,Jason K - Holland Patent, NY
Klenz,Margaret P - Clay, NY
Koenitzer,Cheryl L - Voorheesville, NY
Kolz,Jane S - East Aurora, NY
Kozak,Belle M - Lancaster, NY
Kulawiec,Mariola K - Kent,WA
La Buz,Brenda - Hinckley, NY
La Plante,David A - West Chazy, NY
La Reaux,Jacques G - Utica, NY
Lapp,Richard A - High Falls, NY
Law,Brandy L - Hornell, NY
Li,Junran - Tulsa,OK
Logan,Amber L - Hudson Falls, NY
Lubecki,Lynn M - Rochester, NY
Lucas,Emily S - Williamsburg,VA
Lynch,Jeremy D - Tallahassee, FL
Lyon,Robert M - Malone, NY
Mabra,John W - Jersey City, NJ
Maciag,Barbara - Clifton Park, NY
Malik,Carolyn E - East Meadow, NY
Maloney,Steven L - Loudonville, NY
Malota,Joy M - Warwick, NY
Mangan,Brittany C - Sayville, NY
Mannion,Brenda M - Cornwall On Hudson, NY
Marella,Pauline A - Westbury, NY
Martin,Susan M - Churchville, NY
Martinez,Madelyn E - Williamsville, NY
Martucci,Kaylyn M - Stony Point, NY
Maslar,Thomas R - Bayport, NY
May,Jamie L - Skaneateles, NY
Mc Casland,Amy E - Morrisonville, NY
Mc Dermott,Sonia A - Buffalo, NY
Mc Donald,Kathleen B - Endicott, NY
Mc Donnell,Heather K - Medford, NY
Mc Eachron,Rebecca L - Sparta, TN
Mc Grath,Megan K - Hobart, NY
Mc Ilroy,Wendy M - Liverpool, NY
Mc Loughlin,James - Long Beach, NY
Melito,Donna M - Oakdale, NY
Mendoza,Rosalina A - New York, NY
Merritt,Jordon - Sharon Springs, NY
Miceli,Antonio - Spencerport, NY
Migliore,Paul A - Buffalo, NY
Milefski,Robert B - Lake Helen, FL
Mitchell,Dana G - Naples, NY
Moskowitz,Evan B - Roslyn, NY
Mulligan,Michael E - Palisades, NY
Munroe-Caliendo,Debra A - Westbury, NY
Munson,James G - Woodstock, NY
Murray-Gregory,Angela M - Malta, NY
Neun,Colleen A - Ballston Spa, NY
Norris,Andrew K - Ravena, NY
O'Connell,Shirah J - S Portland,ME
Oddo,Maria A - Lake View, NY
Odonkor,Sheriff K - Meriden, CT
Okpomo,Godwin M - Bronx, NY
Ortiz,Laura C - Goshen, NY
Owens,Kevin T - Niskayuna, NY
Patterson,Joel - Ulster Park, NY
Payne,Brian R - Cortland, NY
Perdomo,Gregorio - Rochester, NY
Perry,Joseph E - Malone, NY
Peterson,Sean F - West Babylon, NY
Petro,Alison C - Chappaqua, NY
Pickreign,Sarah E - Malone, NY
Pietrosanti,Anthony J - Johnson City, NY
Place,Ashley - Clinton, NY
Plunkett,Jonathan D - Troy, NY
Pratt,Christine J - Buffalo, NY
Puentes,Jorge E - Bay Shore, NY
Purdy,Kenneth W - Cassadaga, NY
Rabent,Katie A - Buffalo, NY
Reeve,Kara M - Rochester, NY
Reid,Viven R - Yonkers, NY
Reyen,Michael E - Buffalo, NY
Rhoden,Devon C - Bronx, NY
Ribakove,Joshua B - Austin, TX
Riff,Adam J - Brooklyn, NY
Roberts,Meaghan B - White Sulphur Sprng, NY
Robinson,Danielle C - Buffalo, NY
Robinson,Jonathan - Buffalo, NY
Rodriguez,Emelisa - Yonkers, NY
Roe,Kim M - Bernhards Bay, NY
Rogus,Julie M - Farmingdale, NY
Romeling,Shannon E - East Nassau, NY
Sair,Dwayne A - Huntingtn Sta, NY
Salazar,Jorge - East Hampton, NY
Salerno,Jeanine - Farmingdale, NY
Santos,Gloria V - Rochester, NY
Sardullo,Wayne P - Morristown, NY
Sawyer,Brianna B - Raleigh,NC
Scalfari,Christian J - Highland, NY
Schaeffer,Kari N - Schenectady, NY
Scheffler,Meaghan J - Rehrersburg, PA
Schram,Olivia P - Skaneateles, NY
Scott,Cornell - Medford, NY
Scott,Trisha A - Yonkers, NY
Servo,Robert J - North Chili, NY
Sheldon,Alexander T - Wallingford, CT
Shelton,Chelsea D - Horseheads, NY
Silvestri,Andrea L - Vestal, NY
Singletary,Alexa M - Schenectady, NY
Slade,Nekeilah I - Albany, NY
Smart,Phiona - Poughkeepsie, NY

Smith,Donna M - Buffalo, NY
Smith,Patricia L - West Falls, NY
Snyder,Jennifer E - Tucson, AZ
Sowa,Justin - Goodyear, AZ
Spicer,Tara K - Syracuse, NY
Starkey,Candy L - Wolcott, NY
Stathis,Katherine A - Webster, NY
Steves,Michele L - Ooltewah, TN
Stowell,Tyler J - Danielson, CT
Stranahan,Angela E - Grand Island, NY
Strohl,Elana M - Latham, NY
Sweatman,Robert A - South Plainfield, NJ
Sweet,Nathan W - Sand Lake, NY
Swensen,Erik C G - Largo, FL
Tan,Siew Peng Celine - Baltimore,MD
Tanzini,Kathy M - Endicott, NY
Teat,Bernice R - West Babylon, NY
Thygesen,Tracey A - Webster, NY
Tur,Irina - Frankfort, NY
Vargas,Miguel A - Rochester, NY
Verdi,Dominick - Amherst, NY
Vernile,Stephanie J - Rochester, NY
Wahl,Laura A - Keller, TX
Wainwright,Angela M - Arcade, NY
Warner,Kathleen L - Avoca, NY
Warrington,Brandon M - Fort Ann, NY
Waters,Daniel - Lindenhurst, NY
Wellington,Courtney M - Rochester, NY
Westman,Bernadette F - West Sayville, NY
White,Leslie C - Waverly, NY
Williams,Damen E - Bronx, NY
Williams,Jeremy M - Madison, NY
Williams,Michael - Nesconset, NY
Williams,Moira A - Brentwood, NY
Williams,Terrance R - Syracuse, NY
Williams,William J - Bronx, NY
Wilson,Teri E - Hilton, NY
Witherell,Nancy K - Troy, NY
Witherspoon,Aaron E - Amherst, NY
Wolosen,Mark W - Schaghticoke, NY
Woodworth,Nancy L - Lindley, NY
Wright,Rachael J - Rochester, NY
Wyse,Sean P - Latham, NY
Yu,Lin - Orlando, FL
Zeitz,Matthew P - Johnson City, NY

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

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.

2017-0158 Matter of Esther Nowen & Gilles Barrandon, 100 Farley Ave., Goshen, NY 10924 for a variance concerning allowable fire area.

Involved is a horse riding arena located at 100 Farley Lane, Town of Hamptinburgh, County of Orange, State of New York.

2017-0199 Matter of The Cappelli Organization, 7 Renaissance Square, White Plains, NY 10601 for a variance concerning fire safety requirements, including area of openings.

Involved is a multi-family dwelling located at 251 North Avenue, City of New Rochelle, County of Westchester, State of New York.

2017-0232 Matter of SUNY/ New Paltz, c/o Mary Kate Young-Architecture Plus, 297 River Street, Troy, NY 12180 for a variance concerning an addition, including accessibility.

Involved is a dormitory, located at SUNY New Paltz, One Hawk Drive, Town of New Paltz, County of Ulster, State of New York.

2017-0256 Matter of CPV Valley Electric, c/o Chris Algeier, 8403 Colesville Road, Silverspring, MD 20910 for a variance concerning fire safety requirements, including sprinklers.

Involved is an electric generating facility, located at 3330 Route 6, Town of Middletown, County of Orange, State of New York.

2017-0267 Matter of Berish Feldman, 6 Ruzhin Road-Unit 101, Monroe, NY 10950 for a hybrid variance concerning fire safety requirements, including an aerial apparatus road.

Involved is a three family dwelling, located at 81 Twin Avenue, Town of Ramapo, County of Rockland, State of New York.

2017-0287 Matter of Washington Ave. Lofts, LLC, Vito Erico, PO Box 221, Pleasantville, NY 10570 for a variance concerning fire safety requirements, including an aerial apparatus road.

Involved is a three story mixed use building located at 17-45 Washington Avenue, Town of Pleasantville, County of Westchester, State of New York.

2017-0289 Matter of The Long Island Rail Road c/o Robert Wittie Jr. RA, Garnett Fleming Arch & Eng, PC, Two Penn Plaza, Suite 552, 380 7th Ave., New York, NY 10121 for an appeal and or variances concerning requirements, including the provisions for hiring special inspectors.

Involved are buildings along a 9.8 mile route of track, located at between Hicksville and Floral Park, Nassau County, New York.

2017-0295 Matter of VillaBXV, c/o Gateway Kenningston, Jim Carnicelli, Two Dearfield Drive, Suite 3, Greenwich, CT 06831 Bronxville, for an appeal/ variance concerning fire safety requirements, including non-combustible material.

Involved is a Townhouse and parking garage, located at 15 Kensington Road, Village of Bronxville, County of Westchester, State of New York.

PUBLIC NOTICE

Wyoming County

Wyoming County is requesting proposals from qualified administrative services agencies, and/or financial organizations relating to administration, trustee services and/or funding of a deferred compensation plan for employees of Wyoming County meeting the requirements of Section 457 of the Internal Revenue Code and Section 5 of the State Finance Law, including all rules and regulations issued pursuant thereto.

A copy of the proposal questionnaire may be obtained from: Peter J. Bendyna, pbendyna@wyomingco.net, Director of Human Resources, Wyoming County

All proposals must be submitted no later 30 days from the date of publication in the New York State Register no later than 4:30 p.m. on Friday, September 1, 2017.