
NEW YORK STATE
REGISTER

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Executive Orders

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

For notices published in this issue:

- the 60-day period expires on October 2, 2016
- the 45-day period expires on September 17, 2016
- the 30-day period expires on September 2, 2016

**ANDREW M. CUOMO
GOVERNOR**

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SECRETARY OF STATE**

NEW YORK STATE DEPARTMENT OF STATE

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NEW YORK STATE REGISTER

Be a part of the rule making process!

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

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

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

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

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

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

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

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RULE MAKING ACTIVITIES

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

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

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

Department of Agriculture and Markets

NOTICE OF EXPIRATION

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

Incorporate by Reference in 1 NYCRR of the 2015 Edition of National Institute of Standards and Technology (“NIST”) Handbook 133

I.D. No.	Proposed	Expiration Date
AAM-28-15-00003-P	July 15, 2015	July 14, 2016

Board of Commissioner of Pilots

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Supplementary Fees—Hudson River

I.D. No. COP-31-16-00005-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 55.2 of Title 21 NYCRR.

Statutory authority: Navigation Law, section 87

Subject: Supplementary fees—Hudson River.

Purpose: Assess supplementary fees for pilotage on the Hudson River.

Text of proposed rule: Section 55.2. Supplementary fees—Hudson River

(a) Additional fees for intermediate cargo stops, fueling stops, stops to take water. If a vessel [shall] makes a cargo stop, a fueling stop, or a stop to take water at any intermediate port or place on the Hudson River, the *Hudson River* [p]Pilot shall be entitled to [an additional fee of \$75 for a stop of six hours or less; \$150 for a stop of more than six hours but not more than 12 hours; \$200 for a stop of more than 12 hours but not more than 24 hours; and \$300 for a stop of 24 hours] *a fee of 5 percent per hour of the Zone 2 Base Rate, up to a maximum charge of 35%.*

(b) *Launch fees.*

(1) *Zone 1 - Lower River - Yonkers to Hyde Park: Yonkers to Hyde Park: Rate \$2.99 per Pilotage Unit for the Yonkers Pilot Station, \$1.495 per Pilotage Unit (computed as 50 percent of the per unit Zone 1 launch fee) for Pilot Transport Fee at Yonkers Anchorage.*

(2) *Zone 2 - Upper River - Hyde Park through Albany or Troy: Rate \$2.99 per Pilotage Unit for the Yonkers Pilot Station, \$2.63 per Pilotage Unit for the Norrie Point Pilot Station, \$1.315 per Pilotage Unit (computed as 50 percent of the per unit Zone 2 launch fee) for Pilot Transport Fee at Hyde Park Anchorage.*

(3) *A minimum of 100 Units, maximum of 500 Units applies for all launch fees.*

[(b)] (c) Additional fee for pilot detained on board vessels due to conditions. When a pilot is detained on board a vessel due to ice conditions, such pilot shall be entitled to a fee of [\$300 for each 24 hours, or part thereof, the pilot is detained] *35 percent of the Zone 2 Base Rate for each 24 hours or part thereof during which he shall be so detained.* [If] *In the event prevailing ice conditions require two pilots on board a vessel, the fee shall be the regular pilotage fee plus 50 percent of the regular pilotage fee for the second pilot. In addition, when the Norrie Point Station is closed and the pilot boards at Yonkers, a Pilot Transport Fee of \$1.315 (computed as 50 percent of the per unit Zone 2 launch fee) per pilotage unit will apply, with a minimum of 100 pilotage units and a maximum of 500 pilotage units. When the Yonkers Station is closed, a Pilot Transport Fee of \$1.495 (computed as 50 percent of the per unit Zone 1 launch fee) per pilotage unit will apply, with a minimum of 100 pilotage units and a maximum of 500 pilotage units.*

[(c)] (d) Additional fee for docking and undocking. For docking and undocking, the following schedule of fees, in addition to any fee otherwise established, shall apply:

(1) without assistance of tugs or bow thruster, 25 percent of the [statutory rate for registered vessels] *Zone 2 base rate;*

(2) without assistance of tugs but with assistance of bow thruster, 15 percent of the [statutory rate for registered vessels] *Zone 2 base rate;*

(3) with the assistance of tug or tugs, 10 percent of the [statutory rate for registered vessels] *Zone 2 base rate.* (See section 54.2 of this Title).

[(d)] (e) Fee for shifting at Hudson River ports. When a pilot is required to shift a vessel from one berth to another berth within the same port, the fee shall be 20 percent of the [statutory rate for registered vessels] *Zone 2 base rate.*

(f) *Fee for anchoring. A Hudson River Pilot who anchors a vessel shall be entitled to a fee of 5 percent of the Zone 2 Base Rate.*

[(e)] (g) Delay in rendering services, dismissed without rendering services, detained on board, quarantined, standing by.

(1) In any case where rendering services is delayed for the convenience of the vessel, the pilot shall be entitled to [\$50 for each hour or part thereof, however, if the pilot's services are used within one hour, no charge will be incurred] *5 percent per hour of the Zone 2 Base Rate, up to a maximum charge of 35 percent. However, if the pilot's services are used within one hour, no charge will be incurred.*

(2) In any case where a pilot reporting to a vessel is dismissed without rendering services, the fee shall be [\$150] *15 percent of the Zone 2 Base Rate.*

(3) In any case where a pilot is detained on board a vessel awaiting a favorable tide, a berth, or an anchorage, *or is quarantined*, the fee shall be [\$50 an hour] 5 percent per hour of the Zone 2 Base Rate, up to a maximum charge of 35 percent for each 24 hour period.

[(4) A pilot detained on board a vessel on account of quarantinable disease shall be entitled to a fee of \$50 an hour.]

[(5)] (4) When a pilot, for the convenience of a vessel for any reason, is ordered to stand by, the pilot shall be entitled to a fee [shall be \$50 an hour for the time on board but the minimum fee shall be \$150] of 5 percent per hour of the Zone 2 Base Rate, up to a maximum charge of 15%.

(5) If the departure of a vessel is delayed less than six hours before its scheduled departure time, there shall be a charge of 5 percent per hour of the Zone 2 Base Rate until the time the vessel sails, up to a maximum charge of 35 percent.

[(f)] (h) Vessels arriving without prior notice, late cancellation of arrival, arriving late at pilot station, late ordering of pilot.

(1) Vessels which arrive at the pilot station without prior notice will be charged a fee [of \$250] equal to 25 percent of the Zone 2 Base Rate.

(2) If the arrival/departure of a vessel is cancelled less than six hours before its scheduled arrival/departure time, there shall be a charge of [\$150.] 15 percent of the Zone 2 Base Rate. If the arrival/departure of a vessel is cancelled less than two hours before its scheduled arrival/departure time, there shall be a charge of 35 percent of the Zone 2 Base Rate.

(3) If a vessel arrives at the pilot station more than one hour later than its scheduled arrival time and the pilot boat on station or the pilot office has not been notified of the delayed arrival at least three hours before the scheduled arrival time, there shall be a charge of [\$50 for each hour or part thereof. The maximum charge shall be \$300] 5 percent per hour of the Zone 2 Base Rate, up to a maximum charge of 35%.

(4) If an order to pilot a vessel outbound is received less than three hours prior to sailing time, or an order to pilot a vessel inbound is received less than six hours prior to arrival time, there shall be a charge of [\$100.] 10 percent of the Zone 2 Base Rate.

All charges covered by this section shall be in addition to other fees presented by the Navigation Law and these regulations.

Text of proposed rule and any required statements and analyses may be obtained from: Frank W. Keane, Board of Commissioner of Pilots of the State of New York, 17 Battery Place, Suite 1230, New York, N.Y. 10004, (212) 425-5027, email: FWKeane@bdcommpilotsny.org

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, 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.

Education Department

ERRATUM

A Notice of Emergency Adoption and Proposed Rule Making, I.D. No. EDU-27-16-00004-EP, published in the July 6, 2016 issue of the State Register contained an incorrect subject and purpose. The correct subject and purpose are as follows:

Subject: Social Studies examination requirements for a high school diploma.

Purpose: In effort to provide flexibility to districts during the transition period to the new Social Studies Regents examination, the proposed amendment shifts the requirement for students to take and pass the new Regents Examination in Global History and Geography II examination for graduation (instead of the prior Regents examination in global history and geography) for an additional year so that it applies to students first entering grade nine on or after September 2017; and provides districts with flexibility during the transition period to the new Social Studies Regents examination.

As a result of this publication error, the Education Department is extending the public comment period on this regulation until September 19, 2016.

Department of Environmental Conservation

NOTICE OF ADOPTION

Environmental Remediation - Brownfield Cleanup Program

I.D. No. ENV-23-15-00008-A

Filing No. 696

Filing Date: 2016-07-13

Effective Date: 30 days after filing

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

Action taken: Amendment of Part 375 of Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, art. 27, title 14, section 3-0301(2)(a) and (m)

Subject: Environmental Remediation - Brownfield Cleanup Program.

Purpose: To amend the Environmental Remediation Program regulations pertaining to the Brownfield Cleanup Program.

Text of final rule: 6 NYCRR PART 375 is amended to read as follows:

(Existing Table of Contents remains unchanged.)

Subpart 375-1 General Remedial Program Requirements

(Existing section 375-1.1 through subdivision 375-1.2(a) remain unchanged.)

Existing subdivision 375-1.2(b) is amended to read as follows:

(b) "Brownfield site" means any real property[, the redevelopment or reuse of which may be complicated by the presence or potential presence of] where a contaminant is present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by the Department that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations. Such term shall not include real property identified in subdivision 375-3.3(b).

(Existing subdivision 375-1.2(c) through section 375-1.12 remain unchanged.)

(Existing Subpart 375-2 remains unchanged)

Subpart 375-3 Brownfield Cleanup Program

(Existing section 375-3.1 remains unchanged.)

Existing subdivisions 375-3.2(a) through 375-3.2(j) are renumbered 375-3.2(b) through (k).

A new subdivision 375-3.2(a) is adopted to read as follows:

(a) "Affordable housing project" means, for purposes of this part, title fourteen of article twenty seven of the environmental conservation law and section twenty-one of the tax law only, a project that is developed for residential use or mixed residential use that must include affordable residential rental units and/or affordable home ownership units.

(1) Affordable residential rental projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, which defines (i) a percentage of the residential rental units in the affordable housing project to be dedicated to (ii) tenants at a defined maximum percentage of the area median income based on the occupants' households annual gross income.

(2) Affordable home ownership projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, which sets affordable units aside for home owners at a defined maximum percentage of the area median income.

(3) "Area median income" means, for purposes of this subdivision, the area median income for the primary metropolitan statistical area, or for the county if located outside a metropolitan statistical area, as determined by the United States department of housing and urban development, or its successor, for a family of four, as adjusted for family size.

A new subdivision 375-3.2(l) is adopted to read as follows:

(l) "Underutilized" means, as of the date of application, real property on which no more than fifty percent of the permissible floor area of the building or buildings is certified by the applicant to have been used under the applicable base zoning for at least three years prior to the application, which zoning has been in effect for at least three years; and

(1) the proposed use is at least 75 percent for industrial uses; or

(2) at which:

(i) the proposed use is at least 75 percent for commercial or commercial and industrial uses;

(ii) the proposed development could not take place without substantial government assistance, as certified by the municipality in which the site is located; and

(iii) one or more of the following conditions exists, as certified by the applicant:

(a) property tax payments have been in arrears for at least five years immediately prior to the application;

(b) a building is presently condemned, or presently exhibits documented structural deficiencies, as certified by a professional engineer, which present a public health or safety hazard; or

(c) there are no structures.

“Substantial government assistance” shall mean a substantial loan, grant, land purchase subsidy, land purchase cost exemption or waiver, or tax credit, or some combination thereof, from a governmental entity.

(Existing subdivision 375-3.3(a) remains unchanged.)

Existing paragraph 375-3.3(a)(1) is repealed.

[(1) A brownfield site has two elements:

(i) there must be confirmed contamination on the property or a reasonable basis to believe that contamination is likely to be present on the property; and

(ii) there must be a reasonable basis to believe that the contamination or potential presence of contamination may be complicating the development, use or re-use of the property.]

Existing paragraphs 375-3.3(a)(2) through 375-3.3(a)(4) are renumbered 375-3.3(a)(1) through 375-3.3(a)(3).

(Existing subdivision 375-3.3(b) through section 375-3.11 remain unchanged.)

(Existing Subparts 375-4 through 375-6 remain unchanged.)

Final rule as compared with last published rule: Nonsubstantive changes were made in section 375-3.2(l).

Revised rule making(s) were previously published in the State Register on March 9, 2016.

Text of rule and any required statements and analyses may be obtained from: Michael Ryan, NYS Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-7011, (518) 402-9706, email: derweb@dec.ny.gov

Additional matter required by statute: Negative Declaration, Short Environmental Assessment Form, and Coastal Assessment Form have been completed for this proposed rule making.

Revised Regulatory Impact Statement

1. Statutory Authority

In 2003, the New York State (State) Legislature created the Brownfield Cleanup Program (BCP) to promote environmental and public health as well as the economic vitality of the State through the cleanup and redevelopment of brownfields. The BCP offers parties two separate categories of refundable tax credits for the cost of (1) site cleanup and (2) redevelopment, the latter described as tangible property tax credits (TPCs).

The Legislature amended the BCP law in April 2015. Part BB of Chapter 56 of the Laws of 2015 amended and added new language to Environmental Conservation Law (ECL) Article 27, Title 14 (BCP) and Section 21 of the Tax Law. Some of these amendments provided new requirements for sites in New York City to qualify for TPCs. These requirements provide that, in order to qualify for TPCs, New York City sites need to be in an environmental zone, “upside down,” “underutilized,” or constitute an “affordable housing project.”

While the Legislature defined the environmental zone and “upside down” requirements, ECL § 27-1405(29) and (30) of the BCP law directs the New York State Department of Environmental Conservation (DEC) to define the terms “affordable housing project” and “underutilized” by regulation. DEC published proposed regulations regarding the “underutilized” and “affordable housing project” definitions in the State Register on June 10, 2015. Proposal of these regulations resulted in the amendments to the BCP law becoming effective on July 1, 2015. DEC also proposed to replace the prior regulatory definition of “brownfield site” to comport with the statutory definition found in ECL § 27-1405(2), as amended by Part BB of Chapter 56 of the Laws of 2015.

In the proposed rule making, DEC does not propose to revise the text of the “brownfield site” definition and only made one minor technical change to the “affordable housing project” definition as published in the State Register on June 10, 2015. No revisions were made to these definitions after the revised proposed rule making was published on March 9, 2016. The substantial revisions to the Express Terms made during the proposed rule making are found in the definition of “underutilized.” DEC proposed these revisions in response to comments received during the public comment period and the public hearing in 2015. After the revised proposed rule making, DEC made a minor clarification in the “underutilized” definition to the language pertaining to substantial government assistance which would allow for a combination of different types of assistance in order to meet the requirement for substantial government assistance. The

comments on the “underutilized” definition to a large extent urged DEC to expand the definition of underutilized properties that would qualify for the benefit of TPCs. The revisions to the definition consider the realities of redevelopment by allowing for mixed use development (up to 25 percent residential or restricted residential) while focusing on incentivizing redevelopment for industrial and commercial uses within New York City. The City of New York made clear that their primary focus was to promote the redevelopment of underutilized sites for industrial uses. The changes to the definition removed the requirement for substantial government assistance for development where the proposed use was going to be 75 percent or more for industrial uses. Additionally, DEC has lessened the time period from five to three years that a property has to be underutilized relative to applicable zoning, and DEC expanded the eligibility criteria for “underutilized” properties to include properties that are vacant with no structures on the site. All of these changes were made after consultation with the business community and the City of New York.

Finally, DEC recognizes that many of the 2015 amendments to the BCP law require the agency to propose additional regulatory changes which will apply state-wide. Following the finalization of this rule making, DEC will undertake another rule making in order to make the required additional changes to the regulations.

2. Legislative Objectives

ECL § 27-1403 states the objectives of the BCP, including the advancement of “the policy of the state of New York to conserve, improve, and protect its natural resources and environment and control water, land, and air pollution in order to enhance the health, safety, and welfare of the people of the state and their overall economic and social well-being,” finding that, “it is appropriate to adopt this act to encourage persons to voluntarily remediate brownfield sites for reuse and redevelopment.”

The 2015 amendments to the BCP reflect an intent to reduce the amount TPCs available to applicants in New York City for brownfield sites in high-value real estate markets while further incentivizing development on brownfields where certain project criteria are met. These amendments also clarify the definition of “brownfield site” such that DEC-identified standards may be used to determine program eligibility for sites. The amendments restricting the availability of BCP TPCs apply only to sites in New York City and preclude credits unless the sites are determined to be “upside down,” in an environmental zone, “underutilized,” or used for an “affordable housing project.” For sites that are eligible for TPCs anywhere in the State, these credits may be increased for projects “in an environmental zone,” “within a designated brownfield opportunity area,” “developed as affordable housing,” “used primarily for manufacturing activities,” or “remediated to Track 1.”

3. Needs and Benefits

The revised proposed rule making is mandatory and required by statute. This rule making would amend Part 375 to add to new definitions to 375-3.2, “affordable housing project” and “underutilized,” and revise the existing definition of “brownfield site” as specified in statute. Part BB of Chapter 56 of the Laws of 2015 amended and added new language to Environmental Conservation Law (ECL) Article 27, Title 14 (Brownfield Cleanup Program, BCP) and certain other laws. As required by ECL § 27-1405(29) and (30), DEC must define the terms “affordable housing project” and “underutilized” by regulation. On June 10, 2015, DEC published proposed regulations to define “affordable housing project,” and “underutilized,” as well as revise “brownfield site,” and the 2015 amendments to the BCP law became effective on July 1, 2015.

In part, the 2015 amendments to the BCP law address the large differences in the potential state tax liability between New York City BCP sites and those in the rest of the State. The primary driver for the regional imbalance within the BCP is attributed to high development costs for some downstate projects, which resulted in excessive TPCs. Limiting the eligibility of New York City sites for redevelopment credits to specific affordable housing projects and underutilized properties through criteria established by regulation, in addition to sites which are in an environmental zone or “upside down,” should help to target funds and projects in New York City areas with the most need. The substantial revisions to the proposed “underutilized” definition were made in response to comments and after consultation with New York City. Importantly, the revisions to the underutilized definition fulfills the City of New York’s stated goal to promote industrial redevelopment, while maintaining a fair and balanced approach to restrict the availability of TPCs to the sites with the most need. Finally, to ensure that TPCs are only afforded to sites with actual contamination rather than potential contamination, the amended definition of “brownfield site” clarifies DEC’s use of an environmental standards-based approach to site eligibility determinations as was set forth in the revised statute.

4. Costs

a. Costs to Regulated Parties

Since all costs incurred at a site prior to its acceptance to the BCP are ineligible for tax credits, applicants would incur credit-ineligible costs for

performing site investigation work prior to the acceptance of a site in order to meet the amended definition of “brownfield site.” Nearly all applicants currently conduct this work, or are required to do so by DEC in the context of the review of their application as set forth at 6 NYCRR 375-3.3(a)(4)(ii), under the original definition. However, following the implementation of the amended statute, every applicant would be required to provide investigatory information sufficient to satisfy DEC’s environmental quality standards prior to acceptance into the BCP.

New York City applicants may incur costs to establish the required criteria for TPCs, including costs involved with obtaining a certification that a site would not be developed without substantial government assistance as described in the definition of “underutilized.” Should New York City applicants meet the required criteria for TPCs, the costs that are incurred in the application process would be fully or partially offset through tax credits. There may be similar costs to applicants across the rest of the State attempting to increase tax credits through a certification of an affordable housing project.

b. Costs to DEC, State and Local Governments

DEC, State and local governments would not incur additional costs due to the issuance of the revised proposed regulations. DEC costs for BCP application review are ongoing and any changes to DEC’s application review process due to revised proposed regulations are expected to be de minimis.

5. Local Government Mandates

This is not a mandate on local governments. Local governments have no additional compliance obligations as compared to other subject entities. Also, no additional monitoring, recordkeeping, reporting, or other requirements would be imposed on local governments under this rule making. To the extent that New York City certifications are required for projects to meet the definitions of underutilized or affordable housing, these certification programs are in place or are developed and implemented at the discretion of the local government. The revised proposed rulemaking also responded to a request by New York City to limit instances where it needed to certify to applications received for “underutilized” properties.

6. Paperwork

The 2015 amendments to the BCP require environmental investigation data to be submitted with BCP application materials in order to prove status as a “brownfield site.” Applications for New York City sites seeking TPCs would need to also include documentation of the proposed eligibility criteria for such credits. The additional information has been added to the application form that is required for entry into the BCP.

7. Duplication

The revised proposed rule making does not duplicate, overlap, or conflict with any other State or federal requirements.

8. Alternatives

DEC was directed by the legislature to propose definitions for “affordable housing project” and “underutilized” in order for the amendments in Part BB of Chapter 56 of Laws of 2015 relative to the BCP to become effective. While conforming the definition of “brownfield site” in the regulations to the law is not statutorily dictated, failure to do so would result in confusion between the statute and existing DEC regulations with potential legal action.

Because of the statutory mandate to define “affordable housing project” and “underutilized” and the need to conform the statutory definition of “brownfield site” to the regulatory definition, there are no other alternatives for this revised proposed rule making.

9. Federal Standards

The revised proposed regulations would not exceed any minimum federal standards.

10. Compliance Schedule

As applicants have had a proposed definition for underutilized since June 2015, and DEC has revised the definition to make it less stringent (which included an additional 30 calendar day public comment period, March 10 - April 8, 2016), applicants to the BCP should be able to comply with the regulations upon adoption.

Revised Regulatory Flexibility Analysis

1. Effect of Rule

The revised proposed rule would add or update definitions of the following terms: “brownfield site,” “underutilized,” and “affordable housing project.” These definitions would only affect eligible parties that voluntarily elect to participate in the Brownfield Cleanup Program (BCP). The rule does not impose any mandate to participate. It is unknown how many small businesses or local governments would want to participate in the BCP and thus be affected by the rule.

2. Compliance Requirements

Since the BCP is a voluntary program and the revised proposed rule would only be adding or amending definitions, it would not impose any additional compliance requirements. Thus, no small business or local government would be required to undertake reporting, recordkeeping, or other affirmative acts in order to comply with the revised proposed rule.

New York City has volunteered to issue certifications that a property requires “substantial government assistance” described in the definition of “underutilized.” Additionally, New York City already enters into regulatory agreements with developers of affordable housing projects.

3. Professional Services

Since the BCP is a voluntary program and the revised proposed rule would only add or amend definitions, it would not impose any requirements for professional services. Thus, no small business or local government would require professional services in order to comply with the revised proposed rule. The New York State Department of Environmental Conservation (DEC) will continue to post information on its website to explain recent changes in the law and to provide information about the revised proposed rule.

4. Compliance Costs

Since all costs incurred at a site prior to its acceptance to the BCP are ineligible for tax credits, applicants would incur credit-ineligible costs for performing site investigation work prior to the acceptance of a site in order to meet the amended definition of “brownfield site.” Nearly all applicants currently conduct this work, or are required to do so by DEC in the context of the review of their application as set forth at 6 NYCRR 375-3.3(a)(4)(ii), under the original definition. Following the implementation of the amended statute, every applicant would be required to provide investigatory information sufficient to satisfy DEC’s environmental quality standards prior to acceptance into the BCP.

New York City applicants may incur costs to establish the required criteria for tangible property tax credits (TPCs) or costs involved with obtaining a certification that a site would not be developed without substantial government assistance as described in the definition of “underutilized.” Should New York City applicants meet the required criteria for TPCs, the costs that are incurred in the application process would be fully or partially offset through tax credits. There may be similar costs to applicants across the rest of the State attempting to increase tax credits through a certification of an affordable housing project.

5. Economic and Technological Feasibility

It is economically and technologically feasible for a small business or local government to comply with the revised proposed rule. There are financial incentives and liability protections for applicants, including small businesses and local governments, to participate in the BCP.

6. Minimizing Adverse Impact

The revised proposed rule would have no adverse economic impact on small businesses and local governments.

7. Small Business and Local Government Participation

DEC continues to post relevant information on its website to assist applicants, some of which may be small businesses or local governments, in understanding the requirements of the BCP. A public hearing on the proposed rule was held during the public comment period (June 10 – August 5, 2015) in New York City on July 29, 2015. Based on comments received, DEC made substantive revisions to the “underutilized” definition; one minor technical change to the “affordable housing project” definition; and no changes to the “brownfield site” definition. The revised proposed rule making (March 9 – April 8, 2016) also included a 30 calendar day public comment period, and the revised Express Terms and supporting rule making documents were posted on DEC’s website. DEC also maintains a listserv to which persons/entities, including small businesses and local governments, may subscribe so that they can receive information about new developments regarding the BCP.

8. Cure Period or Other Opportunity for Ameliorative Action

The rule would only add two new definitions and revise an existing definition to the BCP. Thus, no cure period is needed.

Revised Rural Area Flexibility Analysis

Changes made to the Express Terms published with the Notice of Proposed Rule Making do not require revisions to the Rural Area Flexibility Analysis that was previously published in the June 10, 2015 issue of the State Register.

Revised Job Impact Statement

Changes made to the Express Terms published with the Notice of Proposed Rule Making do not require revisions to the Job Impact Exemption Statement that was previously published in the June 10, 2015 issue of the State Register.

Initial Review of Rule

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

Assessment of Public Comment

This assessment of public comment summarizes and responds to the comments received on the revised proposed regulations for the amendment of 6 NYCRR Subparts 375-1 and 375-3. On June 10, 2015, the New York State Department of Environmental Conservation (DEC) released

for public comment proposed regulations to define “affordable housing project,” “underutilized,” and “brownfield site,” under the Brownfield Cleanup Program (BCP). The statutory authority for such regulations is governed under Article 27, Title 14 of the Environmental Conservation Law. A public hearing was held on these definitions on July 29, 2015 and the comment period ended on August 5, 2015. Comments were received, both in writing and at the public hearing, from 11 separate entities. Subsequently, on March 9, 2016, DEC released for public comment revised proposed regulations which addressed comments received on the proposed regulations. No public hearing was required for the revised rule making. Written comments were received from eight separate entities.

DEC received comments from business organizations, the City of New York, the New York State private environmental bar association, the New York State Business Council, private environmental consultants, and individuals. During preparation of the revised rule making, DEC incorporated suggestions made by the public based on the comments received. Seven comments received pertained to additional concerns with the “underutilized” definition as proposed. One commenter provided comments related to eligibility requirements, which will be addressed in a future rule making, and were not relevant to the proposed rule making which is limited to the definition provisions.

Based on comments received on the “underutilized” definition, DEC made a minor clarification to the language pertaining to substantial government assistance which would allow for a combination of different types of assistance in order to meet the requirement for substantial government assistance. No changes were made to the “affordable housing project” or “brownfield site” definitions which remain as published for public comment in the State Register on March 9, 2016. The proposed Express Terms have also been posted on DEC’s web site.

All documents submitted to DEC are available to the public, subject to exceptions in the Freedom of Information Law.

The comments pertaining to the “underutilized” definition, while acknowledging improvement from the June 10, 2015 proposed version, indicated that the definition was still restrictive and relies too heavily on anticipated future uses of the property as commercial or industrial development. DEC points out that this revised definition of “underutilized” provides for mixed use development, with up to 25 percent restricted residential uses. Additionally, brownfields that are better suited for different types of development can still qualify for Tangible Property Tax Credits (TPCs) if they are located in an EnZone, are upside down, or provide affordable housing.

There was also the concern that few sites in New York City (NYC) would qualify as “underutilized” through the Tax-in-Arrears Test because of tax delinquency policies and procedures, and that few buildings would be deemed condemned or as having acute structural deficiencies because of building code violations. DEC believes that these criteria are valid indicators of underutilization and the regulations provide objective tests with clear parameters. DEC included these criteria to broaden the definition in response to comments received during the initial comment period.

Again, one commenter suggested using existing definitions of underutilized from outside New York or from various NYC laws or regulations in place of the DEC proposal. During the development of the statute, the Executive and Legislature evaluated the use of existing definitions of “underutilized” and did not come to the conclusion that any of those definitions were appropriate for eligibility for the TPCs associated with the BCP. DEC also reviewed other state and city laws, as well as other states’ definitions and determined that these definitions did not provide a workable definition in the context of the BCP. In many circumstances, the definitions in other laws are subjective and it is clear that in this area having the most objective criteria possible minimizes risk both for applicants and the State.

Another commenter indicated the need for substantial government assistance should be a factor for consideration, but not a requirement, and they also thought it was unclear which governmental entity would make this determination. The statute directs DEC to consider substantial government assistance in developing the regulatory definition of “underutilized.” Economic development agencies often assess projects to determine if state assistance is needed. DEC also consulted with NYC, who in many instances would certify that the proposed development requires substantial government assistance, and DEC would consider that certification in its determination on eligibility for TPCs for underutilized properties.

Two commenters suggested that the time limit for the Tax-in-Arrears test should be revised to either one or three years rather than be five years. DEC believes that the five year limit is appropriate to demonstrate underutilization. One year is too short of a timeframe to be a legitimate indicator of underutilization and it could have the perverse effect of encouraging entities to stop paying property tax specifically for the purpose of qualifying for TPCs.

DEC does not agree that the revised “underutilized” definition is unduly restrictive. Under the amendments to the BCP, it was clearly the intent of the Legislature to limit eligibility for TPCs in cities with a popula-

tion of a million or more, as evidenced by the statutory restrictions adopted. Nonetheless, in response to concerns raised by the definition proposed on June 10, 2015, DEC significantly broadened the definition and increased the number of sites eligible for TPCs by revising the definition to allow for commercial use in addition to industrial use, with up to 25 percent restricted residential uses for “underutilized” properties. Yet the revised definition responds to the Legislative mandate to limit the number of sites that are eligible for TPCs.

It should also be noted that any site meeting the definition of a “brownfield” remains eligible to participate in the site preparation tax credits and release of liability offered by the BCP, and, once additional regulations are adopted, the newly created BCP-EZ program. Only sites seeking the TPCs would be subject to the underutilized definition, if not otherwise eligible under one of the other gateways.

NOTICE OF ADOPTION

Deer and Bear Hunting

I.D. No. ENV-19-16-00001-A

Filing No. 705

Filing Date: 2016-07-18

Effective Date: 2016-08-03

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

Action taken: Amendment of sections 1.11, 1.18 and 1.31 of Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 11-0303, 11-0903 and 11-0907

Subject: Deer and Bear Hunting.

Purpose: To revise regulations governing deer hunting seasons, issuance and use of deer hunting tags, and hunting black bear.

Text or summary was published in the May 11, 2016 issue of the Register, I.D. No. ENV-19-16-00001-P.

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

Text of rule and any required statements and analyses may be obtained from: Jeremy Hurst, Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-4754, (518) 402-8867, email: jeremy.hurst@dec.ny.gov

Initial Review of Rule

As a rule that does not require a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2021, which is no later than the 5th year after the year in which this rule is being adopted.

Assessment of Public Comment

The Department received approximately 20 comments relevant to the proposed changes. The discussion below is organized according to the topic of the proposed change.

1. Adding bear to the youth hunt.

Comment: Several commenters expressed support for this change.

Response: The Department appreciates the recognition of the benefits to be gained by this change.

Comment: One person objected to this change based on an objection to all special hunting opportunities for youth, expressing the opinion that they create an entitlement attitude and an expectation of getting something for nothing.

Response: The Department and most hunting groups believe that youth hunting programs increase interest in hunting and help build the next generation of hunters.

2. Rescinding 2015 antlerless-only regulation.

Comment: Several commenters expressed support for this change, although one of them noted that it might have been preferable to allow a 2-year trial period for the 2015 regulation. A couple of writers noted that some hunters may have refrained from hunting during the antlerless-only period because of the restriction. One person suggested immediately implementing a new antlerless-only muzzleloader season as Phase 3, rather than waiting until next year, due to the severe overpopulation of deer in the affected Wildlife Management Units (WMUs). Another suggested reducing the number of buck tags distributed.

Response: The Department believes that little would be gained by leaving the Phase 2 restrictions in place for another year. We plan to discuss several possible regulatory approaches with hunters this year in an effort to identify a strategy for 2017 that will increase antlerless harvest as needed.

Comment: One commenter opposed the change, stating that Phase 2 should remain in place until Phase 3 is ready.

Response: The Department believes that little would be gained by leaving the Phase 2 restrictions in place for another year. We hope that rescinding them will help stimulate productive conversations with hunters to identify a more effective strategy.

3. Reducing doe harvest in 6F and 6J.

Comment: Several commenters expressed support for this change. A couple of them suggested that the antlered-only restriction should apply to bowhunters as well as muzzleloader hunters.

Response: The bowhunting harvest is a small percentage of the total harvest of does in these units, so limiting it would not have much of an impact on population objectives. The current change matches the restrictions that are in place in neighboring WMUs 6A and 6N.

Comment: One person objected to this change, stating that deer are plentiful in that area.

Response: Harvest numbers indicate that populations have been declining for several years in these WMUs.

4. Clarification of special season tag use.

Comment: Several commenters expressed support for this change.

Response: The Department appreciates the support.

PROPOSED RULE MAKING HEARING(S) SCHEDULED

Waste Fuels

I.D. No. ENV-31-16-00003-P

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

Proposed Action: Amendment of Part 200; repeal of Subpart 225-2; and addition of new Subpart 225-2 to Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 1-0101, 3-0301, 19-0103, 19-0105, 19-0301, 19-0303, 19-0305, 71-2103 and 71-2105

Subject: Waste Fuels.

Purpose: Update permit references, rule citations, monitoring, recordkeeping, reporting requirements, and incorporate Federal standards.

Public hearing(s) will be held at: 1:00 p.m., Sept. 30, 2016 at Department of Environmental Conservation, 625 Broadway, Public Assembly Rm. 129A/B, Albany, NY.

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

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

Text of proposed rule: (Existing subdivisions 200.1(a) through (cu) remain unchanged.)

Existing subdivision (cw) is amended as follows:

(cw) Waste Oil. Any [Used]used and/or reprocessed[engine lubricating] oil [and/or any other used oil, including but not limited to, fuel oil, engine oil, gear oil, cutting oil, transmission fluid, hydraulic fluid, dielectric fluid, oil storage tank residue, animal oil, and vegetable oil,]which has not[subsequently] been re-refined, and which does not contain chemical waste. This includes but is not limited to, engine oil, gear oil, cutting oil, transmission fluid, hydraulic fluid, dielectric fluid, oil storage tank residue, animal oil, and vegetable oil.

A new subdivision (cx) is added as follows:

(cx) Residual oil. A fuel oil which meets the latest American Society for Testing and Materials (ASTM) specification number D396 for residual fuel oils (#4, #5, or #6).

(Existing sections 200.2 through 200.8 remain unchanged.)

Existing section 200.9, Table 1 is amended as follows:

Regulation	Referenced Material	Availability
[225-2.4(a)(3)]	[40 CFR Part 761 (July 1989) pages 213-267]	[*]

(Existing section 200.10 through section 200.16 remains unchanged.)

Existing 6 NYCRR Subpart 225-2, Fuel Composition and Use - Waste Fuels is repealed. A new Subpart 225-2, Fuel Composition and Use - Waste Oil as a Fuel is added as follows:

6 NYCRR Subpart 225-2, Fuel Composition and Use - Waste Oil as a Fuel

Section 225-2.1 Applicability.

This Subpart applies to the use of waste oil to be burned as a fuel.

Section 225-2.2 Definitions.

(a) To the extent that they are not inconsistent with the specific definitions in Subdivision (b) of this Section, the general definitions of Part 200 and Part 201 of this Title apply.

(b) For the purposes of this Subpart, the following definitions also apply:

(1) 'Automotive maintenance/service facility'. Any facility that performs automotive fluid changes, collects automotive fluids, or drains automotive fluids.

(2) 'Chemical waste'. Waste including but not limited to spent solvents, tars, paints, resins and wastes, and sludges from any process.

(3) 'Reprocessed oil'. Any oil from which physical and/or chemical contaminants have been removed such that the oil is suitable for productive use (including but not limited to reuse as a lubricant, or burned as a fuel).

(4) 'Re-refined oil'. Any oil from which physical and/or chemical contaminants have been removed such that the oil is substantially equivalent to virgin distillate or residual oil.

(5) 'Total halogens'. The total organic and inorganic halides (fluorine, F; chlorine, Cl; bromine, Br; iodine, I), expressed as chloride present in a fuel oil or waste fuel, in parts per million by weight (water free basis).

Section 225-2.3 Prohibitions. No owner or operator of a facility may burn waste oil without a department issued permit or registration, pursuant to Part 201 of this Title, except as stated in subdivision 225-2.4(d) of this subpart. To be permitted to burn a waste oil, an owner or operator of a facility must meet the requirements of this Subpart.

Section 225-2.4 'Requirements for owners or operators of facilities proposing to burn waste oil'. As part of an application for a permit or registration to burn waste oil, owners or operators of facilities must meet the following criteria.

(a) Submit an analysis of the waste oil proposed to be burned to the department, pursuant to Section 225-2.6 of this Subpart.

(b) A stationary combustion installation or process source that proposes to burn waste oil must have a minimum operating heat input of 10 million Btus per hour or greater.

(c) An incinerator that proposes to burn waste oil must have a minimum charging capacity that equals or exceeds 2,000 pounds per hour of refuse.

(d) An owner or operator of space heaters located in automotive maintenance/service facilities may burn waste oil and be excepted from the requirements of this section, where the following conditions are met:

(1) the maximum operating heat input is less than one million Btu per hour;

(2) the waste oil is generated on site (this includes waste oils generated by do-it-yourself customers that the facility is required to accept) or at another facility owned and/or operated by the same person or group; and

(3) the waste oil meets the criteria in Section 225-2.5 Table 1 of this Subpart, except that lead may not exceed 25 parts per million (ppm) by weight (water free basis) of fuel.

Section 225-2.5 General waste oil limits. Any waste oil that is proposed to be burned must meet the minimum limitations in Table 1 below:

Constituent/Property	Limit
Polychlorinated Biphenyls (PCB)	< 2 ppm (1)
Total Halogens	<= 1,000 ppm (1)
Sulfur	0.75% by weight (2)
Gross Heat Content	>= 125,000 (Btu/gal)
Lead	< 100 ppm (1)

(1) ppm by weight (water free basis) of fuel.

(2) As per the requirements of subdivision 6 NYCRR 225-1.2(i) of this Title.

Section 225-2.6 Reports, sampling, and analysis of waste oil.

(a) The owner or operator of a facility permitted to burn waste oil shall: (1) sample, analyze, and measure each load of waste oil received, or maintain copies of supplier provided analyses of each load of waste oil received; and

(2) maintain, for a minimum of five years, records of the total quantity of waste oil received and the names, addresses, and waste oil analysis from each waste oil supplier.

(b) Owners or operators required to maintain and retain records pursuant to this section must make such records available for inspection by the department during normal business hours. These records must be submitted upon request to the department.

(c) Sampling and analysis of waste oil samples must be carried out in accordance with methods acceptable to the department.

Section 225-2.7 Severability.

Each provision of this Subpart shall be deemed severable, and, in the event that any provision of this Subpart is held to be invalid, the remainder of this Subpart shall continue in full force and effect.

Text of proposed rule and any required statements and analyses may be obtained from: Michael Jennings, NYSDEC, Division of Air Resources, 625 Broadway, Albany, NY 12233-3254, (518) 402-8403

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

Public comment will be received until: October 5, 2016.

Additional matter required by statute: Pursuant to Article 8 of the State Environmental Quality Review Act, a Short Environmental Assessment Form, a Negative Declaration and a Coastal Assessment Form have been prepared and are on file.

Summary of Regulatory Impact Statement

INTRODUCTION

Proposed 6 NYCRR Subpart Part 225-2 (Proposed Subpart 225-2) regulates the use of waste oil to be burned for heat and/or energy recovery at non-exempt, stationary sources. The Department is proposing to repeal Existing 6 NYCRR Part 225-2 Fuel Composition and Use – Waste Fuel (Existing Subpart 225-2) and replace it with Proposed 6 NYCRR Subpart 225-2, Fuel Composition and Use - Waste Oils (Proposed Subpart 225-2). Proposed Subpart 225-2 regulates the burning of waste oils in combustion, incineration, and process sources throughout New York State. Proposed Subpart 225-2 establishes applicability criteria, composition limits, and permitting requirements for waste oils; establishes monitoring, record-keeping, and reporting requirements for facilities that are determined eligible to burn waste oil; and allows for the burning of waste oils in space heaters at automotive maintenance/service facilities. Also, as part of this rulemaking, the Department is adding the definition for “residual oil” to 6 NYCRR Part 200 (Part 200). If finalized, Proposed Subpart 225-2 will be included as a component of the State Implementation Plan (SIP) for New York State (NYS), as required by the Clean Air Act. This is not a mandate on local governments. It applies to any entity that owns or operates a subject stationary source. In addition, Part 200, which contains definitions related to air regulations, will also be updated.

STATUTORY AUTHORITY

The statutory authority for promulgation of Proposed 6 NYCRR Subpart 225-2 is found in the following Sections of the Environmental Conservation Law (ECL): Section 1-0101, Section 3-0301, Section 19-0103, Section 19-0105, Section 19-0301, Section 19-0303, Section 19-0305, Section 71-2103, and Section 71-2105.

Based on the above-referenced sections the Commissioner has sufficient authority to regulate air pollution from emission sources, including the promulgation of Proposed 6 NYCRR Subpart 225-2 “Fuel Composition and Use - Waste Oils”.

LEGISLATIVE OBJECTIVES

Article 19 of the ECL was adopted to safeguard the air resources of New York from pollution. To facilitate this purpose, the Legislature granted specific powers and duties to the Department, including the power to formulate, adopt, promulgate, amend, and repeal regulations that prevent, control, or prohibit air pollution. This authority specifically extends these powers over areas of the State that are or may be affected by air pollution and allows the Department to prescribe for such areas (1) the degree of air pollution or air contamination that may be permitted therein, and (2) the extent to which air contaminants may be emitted to the air by any air contamination source. In addition, this authority includes the preparation of a general, comprehensive plan for the control or abatement of existing air pollution and for the control or prevention of any new air pollution recognizing various requirements for different areas of the State. The legislative objectives underlying the above statutes are directed toward protection of the environment and public health.

Proposed 6 NYCRR Subpart 225-2 addresses the burning of waste oils and subsequent emissions from burning waste oils throughout New York State. The regulation defines waste oil and establishes clear limits on its constituents. Finally, the regulation incorporates monitoring, recordkeeping, and reporting requirements for the purpose of compliance with the regulation.

NEEDS AND BENEFITS

The Department is proposing this repeal and replacement of Existing Subpart 225-2 in order to best protect and preserve the state’s air resources. The Department proposes to achieve this end by imposing composition limits on waste oil in order to minimize emissions and clarify the types of emission sources eligible to burn waste oil. The Department is proposing to repeal Existing Subpart 225-2 and replace it with Proposed Subpart 225-2, Fuel Composition and Use – Waste Fuel. Existing Subpart 225-2 has not been updated since its promulgation in 1983. As a result, many of its provisions are outdated and contain obsolete references and standards.

Rule Streamlining and Simplification

The permitting process contained in Existing Subpart 225-2 has become

outdated. Proposed Subpart 225-2 will simplify and streamline implementation of the regulation by eliminating obsolete regulatory references; correcting typographical errors; updating the regulation’s waste oil constituent limits; removing outdated work practices; expanding the number of facilities eligible to burn waste oil; updating the permitting process to include monitoring, recordkeeping, and reporting requirements, thus aligning it with Part 201 and Title V criteria found in the Clean Air Act; and moving the definition of “residual oil” from Existing Subpart 225-2 to 6 NYCRR Part 200 (Part 200). Existing Subpart 225-2 also contains references to liquid waste transportation regulations that, over the past thirty years, have changed and need to be removed from this regulation. The Department is removing the ninety-nine (99) percent combustion efficiency requirement. The Proposed Subpart 225-2 will no longer address the burning of chemical waste and “off-spec” waste oils (i.e. Waste fuel B) that do not meet the limitations specified in Table 1 of Existing Subpart 225-2. Instead, burning chemical waste and off-spec waste oils will be regulated under 6 NYCRR Part 212 (Process Operations) or 6 NYCRR Parts 370-376 as appropriate. Proposed Subpart 225-2 will expand the number of emission sources eligible to burn waste oils by lowering the minimum permissible heat input requirement of 20 million British thermal units per hour (mmBtu/hr) to 10 mmBtu/hr. Proposed Subpart 225-2 clarifies the regulation’s process for the burning of waste oil while removing the term waste fuel.

Finally, the Department is extending the permitting exemption for facilities generating their own waste oils to fire waste oil in space heaters of less than one mmBtu/hr heat input. Existing Subpart 225-2 provides this permitting exemption exclusively to automotive service facilities. Proposed Subpart 225-2 allows additional types of facilities to burn waste oil in space heaters. Automotive maintenance/service facilities are now defined as “any facility that performs automotive fluid changes, collects automotive fluids, or drains automotive fluids”. Eligible facilities now include, but are not limited to, fleet maintenance facilities like municipal garages, rental car maintenance facilities, auto crushing facilities, and junkyards.

Stakeholder Meetings

While drafting Proposed Subpart 225-2, the Department held a stakeholder conference call with staff from the New York City Department of Environmental Protection on February 14, 2014 and a stakeholder meeting with an attendee from the New York Association of Service Stations and Repair Shops on February 18, 2014. The Department solicited comments on Proposed Subpart 225-2 from the stakeholders. While the stakeholders asked questions, which the Department answered, they provided no specific comments.

On March 4, 2016 the Department sent a mass e-mail to the environmental justice contact list (8000 to 10,000 contacts), which contained a fact sheet on the proposed changes to Subpart 225-2. The fact sheet contained information regarding the proposed rule changes and included frequently asked questions. The contacts were given until March 25, 2016 to review and provide comments to the Department. No Comments were received. Utilizing the same contact list the Department sent a mass e-mail to schedule a webinar. The Webinar was held on May 24, 2016 at 12:30 PM. The webinar had 15 attendees. The attendees asked several questions regarding the time frame for notice and applicability of the proposed rule, which Department staff answered.

COSTS

Costs to Regulated Parties and Consumers:

There will be no additional costs associated with the Proposed Subpart 225-2.

In addition, the removal of the 99 percent combustion efficiency limit will save regulated facilities money by eliminating the requirement to periodically test combustion efficiency. Depending on equipment size and configuration, these tests can cost a subject facility between \$1,000.00 and \$5,000.00 per test.

Costs to State and Local Governments:

Based on the Department’s permitting data, there currently are no State and local government facilities that have a Title V permit, state facility permit, or registration subject to this regulation. Therefore, no additional costs will be incurred by State and local government facilities based on this regulatory update.

Costs to the Regulating Agency:

No additional monitoring, recordkeeping, or reporting requirements are being proposed under this rule-making. The only costs to the Regulating Agency are those routine costs associated with the rulemaking. These costs are regularly-incurred, operating costs.

LOCAL GOVERNMENT MANDATES

This is not a mandate on local governments. Local governments have no additional compliance obligations as compared to other subject entities. No additional monitoring, recordkeeping, reporting, or other requirements will be imposed on local governments under this rulemaking. Finally, as stated above in the Cost section of this Regulatory Impact Statement, there are currently no local government facilities subject to this regulation.

PAPERWORK

Proposed Subpart 225-2 will create no additional paperwork for the facilities subject to the requirements of this rule.

DUPLICATION

Proposed Subpart 225-2 does not duplicate, overlap, or conflict with any other State or federal Air requirements.

ALTERNATIVES

The Department evaluated the following alternatives:

1) No action - do not change the current version of the regulation. This option will not address the issue of consistency with Title V monitoring, recordkeeping, or reporting requirements. It will also not correct inconsistencies with other State and federal regulations.

2) Title V Update only - update the rule to match the current Title V permitting requirements. This regulation has not been updated since its promulgation in 1983. The regulation does not conform to the requirements of the Title V program (Subpart 201-6). Updating the monitoring, recordkeeping, and reporting requirements of this rule to match those of Title V is long overdue. However, this option by itself would not address inconsistencies with other State and Federal liquid waste transportation requirements, nor would it simplify and/or streamline the regulation.

FEDERAL STANDARDS

Proposed Subpart 225-2 does not exceed any minimum federal standards. The proposed reduction of the lead standard will make the Proposed 225-2 lead limit equivalent to the lead standards regulated under the federal regulations for liquid waste transporters.

COMPLIANCE SCHEDULE

The Department proposes to promulgate the Proposed Subpart 225-2 by the summer of 2016. The provisions of this rule will take effect upon promulgation of the rule.

Regulatory Flexibility Analysis**EFFECT OF RULE ON SMALL BUSINESSES AND LOCAL GOVERNMENTS**

The Department is proposing to repeal Existing 6 NYCRR Part 225-2 Fuel Composition and Use – Waste Fuel (Existing Subpart 225-2) and replace it with Proposed 6 NYCRR Subpart 225-2, Fuel Composition and Use - Waste Oils (Proposed Subpart 225-2). Proposed Subpart 225-2 regulates the burning of waste oils in combustion, incineration, and process sources throughout New York State. Small businesses are those that are independently owned, located within New York State, and that employ 100 or fewer persons. Proposed Subpart 225-2 requirements apply equally to every stationary source that fires oil in New York State. Proposed Subpart 225-2 will not affect small businesses or local governments differently from any other source subject to this rule and may help certain small businesses.

COMPLIANCE REQUIREMENTS

Proposed Subpart 225-2 establishes applicability criteria, composition limits, and permitting requirements for waste oils; establishes monitoring, recordkeeping, and reporting requirements for facilities that are determined eligible to burn waste oil; and allows for the burning of waste oils in space heaters at automotive maintenance/service facilities. If finalized, Proposed Subpart 225-2 will be included as a component of the State Implementation Plan (SIP) for New York State (NYS), as required by the Clean Air Act. Also, as part of this rulemaking, the Department is adding the definition for “residual oil” to 6 NYCRR Part 200 (Part 200). No new compliance requirements will be incurred by stationary sources subject to the provisions of the proposed rule.

PROFESSIONAL SERVICES

As stated above, this revision will place no new compliance obligation on subject stationary sources. Therefore, the Department does not expect small businesses or local governments will need to hire additional professional services to comply with the provisions of the proposed rule.

COMPLIANCE COSTS

Based on the Department’s permitting data, there currently are no local government facilities that have a Title V permit, state facility permit, or registration subject to this regulation. Therefore, no additional costs will be incurred by local government facilities based on this regulatory update. In addition, because there will be no additional compliance requirements placed on subject facilities, the Department does not anticipate any new costs to small businesses.

MINIMIZING ADVERSE IMPACTS

The Department does not expect any particular adverse impacts on small businesses and local governments throughout New York State. Proposed Subpart 225-2 is a statewide regulation. Its requirements are the same for all facilities. The Department does not anticipate small businesses or local governments to be impacted differently than other sources subject to Proposed Subpart 225-2.

SMALL BUSINESS AND LOCAL GOVERNMENT PARTICIPATION

During the drafting of Proposed Subpart 225-2, the Department held both a stakeholder conference call with staff from the New York City

Department of Environmental Protection on February 14, 2014 and a stakeholder meeting with an attendee from the New York Association of Service Stations and Repair Shops on February 18, 2014. The Department solicited comments on the proposed rule from the stakeholders. The stakeholders asked questions but provided no specific comments. In addition, the Department will hold public hearings on Proposed Subpart 225-2 at various locations in New York State which will be open to small business and local government representatives.

ECONOMIC AND TECHNOLOGICAL FEASIBILITY

The Department does not expect any particular adverse economic or technological feasibility impacts on small businesses and local governments throughout New York State. Proposed Subpart 225-2 is a statewide regulation. Its requirements are the same for all facilities. The Department does not anticipate small businesses or local governments to be impacted economically or technologically differently than other sources subject to Proposed Subpart 225-2.

CURE PERIOD

The Department is not including a cure period in this rulemaking. The purpose of this rulemaking is to update, clarify, and simplify the regulation. Delaying the promulgation of the regulation will adversely affect the facilities that are subject to this regulation in that they will not receive the benefits of the streamlining and updating in a timely fashion.

Rural Area Flexibility Analysis**TYPES AND ESTIMATED NUMBERS OF RURAL AREAS AFFECTED**

Proposed 6 NYCRR Subpart 225-2 (Proposed Subpart 225-2) is not expected to have a substantial adverse impact on rural areas in New York State. The proposed rulemaking will apply statewide and thus all stationary sources that fire waste fuels in New York State will be equally affected.

Rural areas are defined as rural counties in New York State that have populations of less than 200,000 people, towns in non-rural counties where the population densities are less than 150 people per square mile, and villages within those towns.

COMPLIANCE REQUIREMENTS

The Department is proposing to repeal Existing 6 NYCRR Part 225-2 Fuel Composition and Use – Waste Fuel (Existing Subpart 225-2) and replace it with Proposed 6 NYCRR Subpart 225-2, Fuel Composition and Use - Waste Oils (Proposed Subpart 225-2). Proposed Subpart 225-2 regulates the burning of waste oils in combustion, incineration, and process sources throughout New York State. Proposed Subpart 225-2 establishes applicability criteria, composition limits, and permitting requirements for waste oils; establishes monitoring, recordkeeping, and reporting requirements for facilities that are determined eligible to burn waste oil; and allows for the burning of waste oils in space heaters at automotive maintenance/service facilities. If finalized, Proposed Subpart 225-2 will be included as a component of the State Implementation Plan (SIP) for New York State (NYS), as required by the Clean Air Act. Also, as part of this rulemaking, the Department is adding the definition for “residual oil” to 6 NYCRR Part 200 (Part 200). No new compliance requirements will be incurred by stationary sources subject to the provisions of the proposed rule.

COSTS

There will be no additional costs associated with Proposed Subpart 225-2.

The removal of the 99 percent combustion efficiency limit will save regulated facilities money (\$1,000.00 to \$5,000.00 per test) by eliminating the requirement to periodically test combustion efficiency.

MINIMIZING ADVERSE IMPACT

The Department does not expect any adverse impacts on rural areas. Proposed Subpart 225-2 is a statewide regulation. Its requirements are the same for all facilities, and rural areas are impacted no differently than other areas in the state.

RURAL AREA PARTICIPATION

During the drafting of Proposed Subpart 225-2, the Department held both a stakeholder conference call with staff from the New York City Department of Environmental Protection on February 14, 2014 and a stakeholder meeting with an attendee from the New York Association of Service Stations and Repair Shops on February 18, 2014. The Department solicited comments on the proposed rule from the stakeholders. The stakeholders asked questions but provided no specific comments. In addition, the Department will hold public hearings on Proposed Subpart 225-2 at various locations in New York State which will be open to representatives from rural areas.

Job Impact Statement**NATURE OF IMPACT**

The Department is proposing to repeal Existing 6 NYCRR Part 225-2 Fuel Composition and Use – Waste Fuel (Existing Subpart 225-2) and replace it with Proposed 6 NYCRR Subpart 225-2, Fuel Composition and Use - Waste Oils (Proposed Subpart 225-2). Proposed Subpart 225-2

regulates the burning of waste oils in combustion, incineration, and process sources throughout New York State. Proposed Subpart 225-2 establishes applicability criteria, composition limits, and permitting requirements for waste oils; establishes monitoring, recordkeeping, and reporting requirements for facilities that are determined eligible to burn waste oil; and allows for the burning of waste oils in space heaters at automotive maintenance/service facilities. Also, as part of this rulemaking, the Department is adding the definition for "residual oil" to 6 NYCRR Part 200 (Part 200). If finalized, Proposed Subpart 225-2 will be included as a component of the State Implementation Plan (SIP) for New York State (NYS), as required by the Clean Air Act. These proposed changes to Subpart 225-2 are not anticipated to have an adverse impact on employment opportunities in the State.

CATEGORIES AND NUMBERS AFFECTED

Proposed Subpart 225-2 is meant to streamline regulations and is not placing any new substantive requirements on subject stationary sources. Therefore, Proposed Subpart 225-2 is not anticipated to have any short-term or long-term effects on the number of current jobs or future employment opportunities throughout New York State.

REGIONS OF ADVERSE IMPACT

Proposed Subpart 225-2 is a statewide regulation. This regulation is not expected to have an adverse impact on jobs or employment opportunities in New York State. It does not impact any region or area of the state disproportionately in terms of jobs or employment opportunities.

MINIMIZING ADVERSE IMPACT

The Department does not expect any adverse impacts on jobs in New York State based on Proposed Subpart 225-2. Proposed Subpart 225-2 is a statewide regulation. Its requirements are the same for all facilities, and will not impact job opportunities in the State.

SELF-EMPLOYMENT OPPORTUNITIES

There are no anticipated effects on self-employment opportunities associated with Proposed Subpart 225-2.

tion 202(1) of the State Administrative Procedure Act would be contrary to the public interest.

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

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

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

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

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

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

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

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

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

(b) Eligibility. An applicant must:

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

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

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

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

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

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

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

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

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

(d) Administration.

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

(2) Recipients of an award shall:

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

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

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

(e) Awards.

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

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

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

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt this emergency rule as a permanent rule and will publish a notice of proposed rule making in the *State Register* at some future date. The emergency rule will expire October 12, 2016.

Higher Education Services Corporation

EMERGENCY RULE MAKING

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

I.D. No. ESC-31-16-00001-E

Filing No. 701

Filing Date: 2016-07-15

Effective Date: 2016-07-15

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

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

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

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

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

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

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

Regulatory Impact Statement

Statutory authority:

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

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

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

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

Legislative objectives:

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

Needs and benefits:

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

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

Costs:

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

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

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

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

Local government mandates:

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

Paperwork:

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

Duplication:

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

Alternatives:

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

Federal standards:

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

Compliance schedule:

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

Regulatory Flexibility Analysis

This statement is being submitted pursuant to subdivision (3) of section 202-b of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's ("HESC") Emergency Rule Making, seeking to add a new section 2201.16 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

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

Rural Area Flexibility Analysis

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

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

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

Job Impact Statement

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

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

**EMERGENCY
RULE MAKING**

New York State Get on Your Feet Loan Forgiveness Program

I.D. No. ESC-31-16-00002-E

Filing No. 702

Filing Date: 2016-07-15

Effective Date: 2016-07-15

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

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

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

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

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

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

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

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

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

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

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

(1) *"Adjusted gross income" shall mean the income used by the U.S. Department of Education to qualify the applicant for the federal income-driven repayment plan.*

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

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

(4) *"Delinquent" shall mean the failure to pay a required scheduled payment on a federal student loan within thirty days of such payment's due date.*

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

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

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

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

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

(1) *have graduated from a high school located in the State or attended an approved State program for a State high school equivalency di-*

ploma and received such diploma. An applicant who received a high school diploma, or its equivalent, from another state is ineligible for a Program award;

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

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

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

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

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

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

(8) *work in the State, if employed. A member of the military who is on active duty and for whom New York is his or her legal state of residence shall be deemed to be employed in NYS;*

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

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

(c) *Administration.*

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

(2) *A recipient of an award shall:*

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

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

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

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

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

(d) *Amounts and duration.*

(1) *The amount of the award shall be equal to one hundred percent of the recipient's established monthly federal income-driven repayment plan payment whose payment amount is generally ten percent of discretionary income and whose payment is based on income rather than loan debt.*

(2) *In the event the established monthly federal income-driven repayment plan payment is zero or the applicant is otherwise not obligated to make a payment, the applicant shall not qualify for a Program award.*

(3) *Disbursements shall be made to the entity that collects payments on the federal student loan or loans on behalf of the recipient on a monthly basis.*

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

(e) *Disqualification. A recipient shall be disqualified from receiving further award payments under this program if he or she fails to satisfy any of the eligibility requirements, no longer qualifies for an award, or fails to respond to any request for information by the corporation.*

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

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

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

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

(3) *Repayment must be made within five years.*

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

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt this emergency rule as a permanent rule and will publish a notice of proposed rule making in the *State Register* at some future date. The emergency rule will expire October 12, 2016.

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

Regulatory Impact Statement

Statutory authority:

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

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

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

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

Legislative objectives:

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

Needs and benefits:

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

Although New York's public colleges and universities offer among the lowest tuition in the nation, currently the average New York student graduates from college with a four-year degree saddled with more than \$25,000 in student loans. Mounting student debt makes it difficult for recent graduates to deal with everyday costs of living, which often increases the amount of credit card and other debt they must take on in order to survive. To help mitigate the disparate growth in the cost of financing a postsecondary education, this Program offers financial aid relief to recent college graduates by providing up to twenty-four payments towards an eligible applicant's federal income-based student loan repayment plan commitment. Students who receive their undergraduate degree from a college or university located in New York State in December 2014 and thereafter, who continue to live in New York State upon graduation, earn less than

\$50,000 per year, participate in either the federal Pay as You Earn (PAYE) or applicable federal Income Based Repayment (IBR) program, and apply for this Program within two years after graduating from college are eligible for this Program.

Costs:

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

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

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

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

Local government mandates:

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

Paperwork:

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

Duplication:

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

Alternatives:

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

Federal standards:

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

Compliance schedule:

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

Regulatory Flexibility Analysis

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

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

Rural Area Flexibility Analysis

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

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

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

Job Impact Statement

This statement is being submitted pursuant to subdivision (2) of section 201-a of the State Administrative Procedure Act and in support of the

New York State Higher Education Services Corporation’s Emergency Rule Making seeking to add a new section 2201.15 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

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

Justice Center for the Protection of People with Special Needs

NOTICE OF EXPIRATION

The following notice has expired and cannot be reconsidered unless the Justice Center for the Protection of People With Special Needs publishes a new notice of proposed rule making in the NYS Register.

Protocols for Interviewing Service Recipients During Investigation of Abuse or Neglect

I.D. No.	Proposed	Expiration Date
JCP-28-15-00008-EP	July 15, 2015	July 14, 2016

Department of Motor Vehicles

NOTICE OF ADOPTION

Wyoming County Motor Vehicle Use Tax

I.D. No. MTV-22-16-00003-A

Filing No. 706

Filing Date: 2016-07-19

Effective Date: 2016-08-03

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

Action taken: Amendment of section 29.12(q) of Title 15 NYCRR.

Statutory authority: Vehicle and Traffic Law, sections 215(a) and 401(6)(d)(ii); Tax Law, sections 1201(e), 1202(a) and (c)

Subject: Wyoming County motor vehicle use tax.

Purpose: Raises the amount of the Wyoming County motor vehicle use tax.

Text or summary was published in the June 1, 2016 issue of the Register, I.D. No. MTV-22-16-00003-P.

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

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

Assessment of Public Comment

The agency received no public comment.

Public Service Commission

NOTICE OF ADOPTION

Recovery of Expenses

I.D. No. PSC-14-13-00005-A

Filing Date: 2016-07-15

Effective Date: 2016-07-15

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

Action taken: On 7/14/16, the PSC adopted the terms of a joint proposal that incorporates the resolution of St. Lawrence Gas Company, Inc.’s (St. Lawrence) petition to recover expenses related to In-Line Inspection.

Statutory authority: Public Service Law, sections 5, 65(1) and 66(12)

Subject: Recovery of expenses.

Purpose: To adopt a joint proposal providing for recovery of expenses related to In-Line Inspection.

Substance of final rule: The Commission, on July 14, 2016, adopted the terms of a joint proposal executed by St. Lawrence Gas Company, Inc. (St. Lawrence), Department of Public Service Trial Staff, and Multiple Intervenors, with a minor modification, resolving St. Lawrence’s petition to recover expenses related to In-Line Inspection, 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.

(13-G-0076SA2)

NOTICE OF ADOPTION

Cost Recovery and Incentive Mechanism for the NWA Project

I.D. No. PSC-32-15-00007-A

Filing Date: 2016-07-15

Effective Date: 2016-07-15

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

Action taken: On 7/14/16, the PSC adopted an order approving, with modification, Central Hudson Gas and Electric Corporation’s (Central Hudson) proposal for cost recovery and incentive mechanism for the Non-Wire Alternative (NWA) Project.

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

Subject: Cost recovery and incentive mechanism for the NWA Project.

Purpose: To approve Central Hudson’s proposal for cost recovery and incentive mechanism for the NWA Project.

Substance of final rule: The Commission, on July 14, 2016, adopted an order approving, with modification, Central Hudson Gas and Electric Corporation’s proposal for cost recovery and incentive mechanism for the Non-Wire Alternative Project, 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-0318SA3)

NOTICE OF ADOPTION

Revenue Increase

I.D. No. PSC-39-15-00010-A

Filing Date: 2016-07-15

Effective Date: 2016-07-15

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

Action taken: On 7/14/16, the PSC adopted the terms of a joint proposal that establishes a multi-year rate plan for St. Lawrence Gas Company, Inc.’s (St. Lawrence).

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

Subject: Revenue increase.

Purpose: To adopt a joint proposal for St. Lawrence to establish a multi-year rate plan.

Substance of final rule: The Commission, on July 14, 2016, adopted the terms of a joint proposal executed by St. Lawrence Gas Company, Inc. (St. Lawrence), Department of Public Service Trial Staff, and Multiple Intervenor, with a minor modification, establishing a multi-year rate plan for St. Lawrence, 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-G-0382SA1)

NOTICE OF ADOPTION

Moratorium on ESCO Enrollments of New Low-Income Assistance Program Customers

I.D. No. PSC-50-15-00007-A

Filing Date: 2016-07-15

Effective Date: 2016-07-15

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

Action taken: On 7/14/16, the PSC adopted an order directing a moratorium on energy service company (ESCO) enrollments of new low-income assistance program customers and on renewals of existing customers.

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

Subject: Moratorium on ESCO Enrollments of new low-income assistance program customers.

Purpose: To direct a moratorium on ESCO Enrollments.

Substance of final rule: The Commission, on July 14, 2016, adopted an order directing a moratorium on energy service company enrollments of new low-income assistance program customers and on renewals of existing 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.

(12-M-0476SA13)

NOTICE OF ADOPTION

Application of the ESM to a Partial Year Period

I.D. No. PSC-02-16-00007-A

Filing Date: 2016-07-18

Effective Date: 2016-07-18

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

Action taken: On 7/14/16, the PSC adopted an order approving Orange and Rockland Utilities, Inc.'s (O&R) petition for the application of the Earnings Sharing Mechanism (ESM) to a partial year period, with modifications.

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

Subject: Application of the ESM to a partial year period.

Purpose: To approve O&R's petition for the application of the ESM to a partial year period, with modifications.

Substance of final rule: The Commission, on July 14, 2016, adopted an order approving Orange and Rockland Utilities, Inc.'s petition for the application of the Earnings Sharing Mechanism to a partial year period, with modifications, 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.

(11-E-0408SA5)

NOTICE OF ADOPTION

Tariff Amendments

I.D. No. PSC-07-16-00019-A

Filing Date: 2016-07-18

Effective Date: 2016-07-18

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

Action taken: On 7/14/16, the PSC adopted an order approving Heritage Springs Water Works, Inc.'s (Heritage Springs) tariff amendments converting P.S.C. No. 1—Water to an electronic format, P.S.C. No. 2—Water, and adding provisions to Service Classification No. 1.

Statutory authority: Public Service Law, sections 4(1), 89-c(1) and (10)

Subject: Tariff amendments.

Purpose: To approve Heritage Springs' tariff amendments.

Substance of final rule: The Commission, on July 14, 2016, adopted an order approving Heritage Springs Water Works, Inc.'s tariff amendments converting P.S.C. No. 1 – Water to an electronic format, P.S.C. No. 2 – Water, and adding provisions to Service Classification No. 1, 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-0022SA1)

NOTICE OF ADOPTION

Petition to Receive Full Electric Service

I.D. No. PSC-08-16-00006-A

Filing Date: 2016-07-14

Effective Date: 2016-07-14

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

Action taken: On 7/14/16, the PSC adopted an order denying Fastrac Markets, LLC's (Fastrac) petition to receive full electric service from Rochester Gas and Electric Corporation (RG&E).

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

Subject: Petition to receive full electric service.

Purpose: To deny Fastrac's petition to receive full electric service from RG&E.

Substance of final rule: The Commission, on July 14, 2016, adopted an order denying Fastrac Markets, LLC's petition to receive full electric service from Rochester Gas and Electric Corporation, 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-0057SA1)

NOTICE OF ADOPTION

Transfer of Stock

I.D. No. PSC-09-16-00004-A

Filing Date: 2016-07-15

Effective Date: 2016-07-15

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

Action taken: On 7/14/16, the PSC adopted an order approving Bristol Water-Works Corporation (Bristol Water) and Bristol Harbour Resort Management LLC's (BHRM) petition to transfer 100 percent of Bristol Water's stock to BHRM.

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

Subject: Transfer of stock.

Purpose: To approve Bristol Water and BHRM's petition to transfer 100 percent of Bristol Water's stock to BHRM.

Substance of final rule: The Commission, on July 14, 2016, adopted an order approving Bristol Water-Works Corporation (Bristol Water) and Bristol Harbour Resort Management LLC's (BHRM) petition to transfer 100 percent of Bristol Water's stock to BHRM, 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-0074SA1)

NOTICE OF ADOPTION

Waiver of 16 NYCRR Section 602.10(b)

I.D. No. PSC-15-16-00013-A

Filing Date: 2016-07-15

Effective Date: 2016-07-15

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

Action taken: On 7/14/16, the PSC adopted an order approving Verizon New York Inc.'s (Verizon) petition for a waiver of 16 NYCRR Section 602.10(b) of the requirements relating to the distribution of telephone directories.

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

Subject: Waiver of 16 NYCRR Section 602.10(b).

Purpose: To approve Verizon's petition for a waiver of 16 NYCRR Section 602.10(b).

Substance of final rule: The Commission, on July 14, 2016, adopted an order approving Verizon New York Inc.'s petition for a waiver of 16 NYCRR Section 602.10(b) of the requirements relating to the distribution of telephone directories, 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-C-0186SA1)

NOTICE OF ADOPTION

Tariff Amendments

I.D. No. PSC-15-16-00014-A

Filing Date: 2016-07-14

Effective Date: 2016-07-14

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

Action taken: On 7/14/16, the PSC adopted an order approving Village of Westfield's (Westfield) tariff amendments to establish Service Classification (SC) No. 7 — Purchase of Renewable Energy from New Distributed Generators, contained in P.S.C. No. 1 — Electricity.

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

Subject: Tariff amendments.

Purpose: To approve Westfield's tariff amendments to establish SC No. 7, contained in P.S.C. No. 1 — Electricity.

Substance of final rule: The Commission, on July 14, 2016, adopted an order approving Village of Westfield's tariff amendments, with modifications, to establish Service Classification No. 7 — Purchase of Renewable Energy from New Distributed Generators, contained in P.S.C. No. 1 — Electricity, 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-0178SA1)

NOTICE OF ADOPTION

Waiver of 16 NYCRR Section 602.10(b)

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

Filing Date: 2016-07-15

Effective Date: 2016-07-15

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

Action taken: On 7/14/16, the PSC adopted an order approving Dex Media, Inc.'s (Dex) petition for a waiver of 16 NYCRR Section 602.10(b) of the requirements relating to the distribution of telephone directories.

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

Subject: Waiver of 16 NYCRR Section 602.10(b).

Purpose: To approve Dex's petition for a waiver of 16 NYCRR Section 602.10(b).

Substance of final rule: The Commission, on July 14, 2016, adopted an order approving Dex Media, Inc.'s petition for a waiver of 16 NYCRR Section 602.10(b) of the requirements relating to the distribution of telephone directories, 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-C-0190SA1)

NOTICE OF ADOPTION

Transfer of Streetlights

I.D. No. PSC-18-16-00011-A**Filing Date:** 2016-07-15**Effective Date:** 2016-07-15

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

Action taken: On 7/14/16, the PSC adopted an order approving Central Hudson Gas and Electric Corporation's (Central Hudson) petition to transfer certain streetlights to the City of Beacon.

Statutory authority: Public Service Law, sections 65, 66 and 70

Subject: Transfer of streetlights.

Purpose: To approve Central Hudson's petition to transfer certain streetlights to the City of Beacon.

Substance of final rule: The Commission, on July 14, 2016, adopted an order approving Central Hudson Gas and Electric Corporation's petition to transfer certain streetlights to the City of Beacon, 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-0173SA1)

NOTICE OF ADOPTION

Transfer of Streetlights

I.D. No. PSC-18-16-00017-A**Filing Date:** 2016-07-14**Effective Date:** 2016-07-14

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

Action taken: On 7/14/16, the PSC adopted an order approving Central Hudson Gas and Electric Corporation's (Central Hudson) petition to transfer certain streetlights to the City of Poughkeepsie.

Statutory authority: Public Service Law, sections 65, 66 and 70

Subject: Transfer of streetlights.

Purpose: To approve Central Hudson's petition to transfer certain streetlights to the City of Poughkeepsie.

Substance of final rule: The Commission, on July 14, 2016, adopted an order approving Central Hudson Gas and Electric Corporation's petition to transfer certain streetlights to the City of Poughkeepsie, 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-0174SA1)

NOTICE OF ADOPTION

Tariff Amendments

I.D. No. PSC-19-16-00009-A**Filing Date:** 2016-07-14**Effective Date:** 2016-07-14

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

Action taken: On 7/14/16, the PSC adopted an order approving Consolidated Edison Company of New York, Inc.'s (Con Ed) tariff amendments to Rider T - Commercial Demand Response Programs, contained in P.S.C. No. 10 — Electricity.

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

Subject: Tariff amendments.

Purpose: To approve Con Ed's tariff amendments to Rider T, contained in P.S.C. No. 10 - Electricity.

Substance of final rule: The Commission, on July 14, 2016, adopted an order approving Consolidated Edison Company of New York, Inc.'s tariff amendments to Rider T - Commercial Demand Response Programs, contained in P.S.C. No. 10 - Electricity, 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-0236SA1)

NOTICE OF ADOPTION

Transfer of Ownership Interests and Lightened Regulation

I.D. No. PSC-20-16-00014-A**Filing Date:** 2016-07-14**Effective Date:** 2016-07-14

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

Action taken: On 7/14/16, the PSC adopted an order approving Castleton Energy Center, LLC, et. al.'s (CEC) petition for a transfer of ownership interests and continuation of lightened regulation.

Statutory authority: Public Service Law, sections 4(1), 5(1) and 70

Subject: Transfer of ownership interests and lightened regulation.

Purpose: To approve CEC et. al.'s petition for a transfer of ownership interests and continuation of lightened regulation.

Substance of final rule: The Commission, on July 14, 2016, adopted an order approving Castleton Energy Center, LLC (CEC), Castleton Power, LLC (Castleton Power) and Fortistar Castleton LLC's (Fortistar Castleton) petition for the transfer of ownership interests from Castleton Power and CEC to Fortistar Castleton and the continuation of lightened regulation, 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-0244SA1)

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

Proposed Acquisition of 100% of the Assets of WBA by NYAW and to Address Other Matters Related to the Acquisition

I.D. No. PSC-31-16-00004-P

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

Proposed Action: The Public Service Commission is considering a joint petition by New York American Water Company Inc. (NYAW) and West Branch Acres Inc. (WBA) for the acquisition of all of WBA's assets by NYAW and to address other matters related to the acquisition.

Statutory authority: Public Service Law, sections 4(1), 5(1), 89-c(1), (10) and 89-h(1)

Subject: Proposed acquisition of 100% of the assets of WBA by NYAW and to address other matters related to the acquisition.

Purpose: To consider the proposed acquisition of all assets of WBA by NYAW and other matters related to the acquisition.

Substance of proposed rule: The Public Service Commission is considering a joint petition filed on July 6, 2016 by West Branch Acres Inc. (WBA) and New York American Water Company Inc. (NYAW) for approval of an Agreement of Sale under which WBA will sell and NYAW will purchase 100 percent of the water supply assets of WBA. West Branch Acres provides metered water service to approximately 74 residential customers located within the Town of Carmel in Putnam County, New York. NYAW proposes, upon close of the transaction, the installation of Commission approved meters, implementation of a Supervisory Control and Data Acquisition (SCADA) system, an emergency back-up generator, and upgrades to the electrical and control systems on the company wells and chemical feed systems. These projects would be funded by the capital budget of NYAW. NYAW proposes that the current customers of WBA would eventually be transitioned to the Lynbrook District Tariff. In addition, NYAW requests authority to maintain the books and records of WBA outside the state, seeks recovery of certain environmental expenses related to the proposed acquisition, and requests waiver of certain requirements of 16 NYCRR § 31.1 related to information to be provided in the petition. The Commission may adopt, reject, or modify, in whole or in part, the joint petition and may resolve related matters.

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

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

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

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

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

(16-W-0394SP1)

Department of Transportation

NOTICE OF ADOPTION

Updates to Various Household Goods Provisions in Title 17 NYCRR

I.D. No. TRN-48-15-00005-A

Filing No. 707

Filing Date: 2016-07-19

Effective Date: 2016-08-03

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

Action taken: Repeal of Part 814; and addition of new Part 814 to Title 17 NYCRR.

Statutory authority: Transportation Law, sections 14(18), 191 and 196

Subject: Updates to various household goods provisions in Title 17 NYCRR.

Purpose: Update various household goods provisions in Title 17 NYCRR.

Substance of final rule: The proposed rule amendments provide for the following changes. Part 814.0 is amended to contain a definition of household goods; currently, there is no definition of the term. Subdivision 814.1(a) contains an outdated reference to the Public Service Commission, which was removed. Subdivision 814.1(e) allows for the provision of the Summary of Information booklet to shippers electronically. Subdivisions 814.2(a) and (c) now reference Transportation Law section 196 rather than section 172, reflecting statutory changes. A new Part 814.3 is added to allow for combination of a Non-Binding Estimate and Order for Service into one document, with the ability for electronic communication added. Part 814.4 is repealed. Part 814.5 is renumbered as 814.4, with the addition of e-mail addresses as a point of contact. Part 814.6 is renumbered as 814.5, with the removal of a requirement of the licensee to inform the Department in cases of reasonable dispatch, as defined. Part 814.7 is renumbered as 814.6, with the addition of all items of life sustenance to be delivered by licensee in instances of disputes as to charges. Part 814.8 is renumbered as 814.7. Part 814.9 is renumbered as 814.8, with the addition of electronic means of communication. The 120 day requirement for disposition of claims is reduced to 90 days. The 60 day requirement to satisfy a judgment is reduced to 30 days to harmonize with Civil Court requirements.

Final rule as compared with last published rule: Nonsubstantive changes were made in sections 814.3(b), (c), 814.4 and 814.8(b).

Text of rule and any required statements and analyses may be obtained from: David E. Winans, Associate Counsel, New York State Department of Transportation, 50 Wolf Road, 6th Floor, Albany, NY 12232, (518) 457-2411, email: david.winans@dot.ny.gov

Revised Job Impact Statement

1. Nature of impact: The proposed rule changes are being advanced for the purpose of adding a definition of the term 'household goods', specifying the information that must be provided to shippers via order for service documents, updating the related statutory authority, allowing for electronic communications, and to correct addresses which have changed. The rule changes are not expected to have any impact on jobs, because the associated New York State Department of Transportation (NYSDOT) enforcement activity will be consistent with past practice.

2. Categories and numbers affected: NYSDOT participates in motor carrier enforcement with police agencies, and on its own initiative, performs inspections of vehicles and drivers and motor carrier compliance reviews. These reviews and inspections are performed using the standards that are found in the CFR regulations historically incorporated by reference in 17 NYCRR. Neither the frequency of inspections nor the basis for NYSDOT enforcement action is expected to change in a way that could affect employment.

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

4. Minimizing adverse impact: The purpose of performing motor carrier enforcement activities is the advancement of public safety through verification of compliance with state and federal law and regulation pertaining to motor carrier safety; consequently, there are no adverse impacts.

Assessment of Public Comment

A comment was received on the proposal to repeal Part 814 as adopted in 1974 and adopt a new Part 814. The comment was submitted by Bill Whalen, Executive Director of the NYS Movers and Warehousemen's Association through their counsel, Amy Kellogg of Harter Secrest & Emory LLP. Mr. Whalen's comment was supportive of the Department's initiative updating Part 814, and assisted by identifying a few typographical and editorial errors that were present in text posted on the Department's public webpage. The errors required a few non-substantive changes to the text, and the corrected text file was sent to Mr. Whalen through his counsel for confirmation as corrected, the text was consistent with our mutual expectations of the finished product. He did so confirm and reiterated his full support of the adoption of the new Part 814.

Workers' Compensation Board

NOTICE OF ADOPTION

Administrative Appeals

I.D. No. WCB-45-15-00020-A

Filing No. 700

Filing Date: 2016-07-15

Effective Date: 2016-10-03

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

Action taken: Repeal of sections 300.13, 300.15 and 300.16; addition of new section 300.13 to Title 12 NYCRR.

Statutory authority: Workers' Compensation Law, sections 23, 117 and 141

Subject: Administrative Appeals.

Purpose: Update the process for requesting administrative review of decisions by a law judge.

Text of final rule: Sections 300.13, 300.15 and 300.16 of Title 12 of NYCRR are repealed and a 300.13 is added:

300.13 *Administrative Review, Full Board Review, and Applications for Board Reconsideration*

a. Definitions

(1) "Administrative Review" means an administrative appeal from a decision of a Compensation Claims Referee, under section twenty-three of the workers' compensation law, or an administrative appeal of a finalized administrative determination as set forth in part three-hundred twelve of this chapter.

(2) "Full Board Review" means an administrative appeal from a decision of the Board pursuant to section twenty three of the workers' compensation law. Such review is discretionary unless a board member dissents from the ruling regarding a finding other than the issue of whether to appoint an impartial medical specialist. Upon notice to the claimant, his or her legal representative, if any, the employer or carrier or Special Fund, the full board may review any case on its own motion.

(3) "Filing" means an application has been received by the Board at the designated point of receipt. Upon posting on the Board's website, the Chair may prescribe the format and method for filing and service including, among other methods, electronic, mail or fax service.

(4) "Necessary Parties of Interest" means, for the purposes of this section, claimants, self-insured employers, private insurance carriers, the state insurance fund, special funds, no-fault carriers per section one hundred forty-two of the workers' compensation law, or any surety, including but not limited to the uninsured employer's fund, and the liquidation bureau. Treating Medical Providers and Independent Medical Examiners are not parties of interest and may not make filings, oral arguments, or otherwise participate in the administrative review process. Attorneys and licensed hearing representatives are not necessary parties of interest under this rule, except that an attorney or representative is a necessary party in an appeal that concerns the amount of a fee payable to an attorney or representative or a penalty imposed against an attorney or licensed hearing representative. A claimant's attorney or licensed hearing representative, properly designated by the claimant as his or her representative, shall receive a copy of any applications or rebuttals filed under this section.

b. Requests for Administrative Review and Requests for Full Board Review filed pursuant to Workers' Compensation Law Section 23, and Requests for Reconsideration of a Board Panel decision pursuant to Section 300.14 of this Part.

(1) Application format. Unless submitted by an unrepresented claimant, an application to the Board for administrative review of a decision by a Workers' Compensation Law Judge shall be in the format as prescribed by the Chair. The application in the format prescribed by the Chair must be filled out completely by the appellant, except that the requirement to utilize the application format shall not be imposed upon a claimant who is unrepresented.

(i) Unless otherwise specified by the Chair, the appellant may attach a legal brief of up to eight pages in length, in 12-point font, with one inch margins, on 8.5 inch by 11 paper. A brief longer than eight pages will not be considered, unless the appellant specifies, in writing, why the legal argument could not have been made within eight pages. In no event shall a brief longer than fifteen pages be considered.

(ii) Documents that are present in the Board's electronic case folder at the time the administrative review is submitted shall not be, included with or attached to the application. The Board may reject applications for review by an appellant, or an attorney or licensed representative of the appellant, who attaches documents that are already in the case folder at the time of the application.

(iii) If the appellant seeks to introduce additional documentary evidence in the administrative appeal that was not presented before the Workers' Compensation Law Judge, the appellant must submit a sworn affidavit, setting forth the evidence, and explaining why it could not have been presented before the Workers' Compensation Law Judge. The Board has discretion to accept or deny such newly filed evidence. Newly filed evidence submitted without the affidavit will not be considered by the Board panel.

(2) The application for administrative review:

(i) shall specify the issues and grounds for the appeal;

(ii) shall specify the objection or exception that was interposed to the ruling, and when the objection or exception was interposed;

(iii) shall, when filed by an employer or carrier, specify which payments are continuing pending resolution of the administrative appeal, and which payments are stayed pursuant to section twenty-three of the Workers' Compensation Law;

(iv) shall include proof of service upon all necessary parties of interest, in the format prescribed by the Chair. Service upon a party who is not adverse to the interest of the appellant may not render the appeal defective as such party is not a necessary party of interest. Failure to properly serve a necessary party shall be deemed defective service and the application may be rejected by the Board.

(A) Proof of service in the format prescribed by the Chair shall specify the papers served, the person who was served, the date, and method of service including the actual address, email address or fax number where service was transmitted. An affidavit, affirmation, or other satisfactory proof of service as prescribed by the Chair, shall be submitted with the Application for Administrative Review to the Board. The affidavit, affirmation, or other proof of service must certify that all service was completed within thirty days from the filing of the decision that is the subject of the Application for Administrative Review.

(B) There is no requirement that each party be served in the same manner. Service is deemed timely if completed by the party of interest within thirty days of the filing of the decision by the Board.

(C) Unless the Chair directs service by electronic means, the appellant must certify in the affidavit or affirmation of service, that the party served provided explicit permission to receive service by fax, email, or other electronic means.

(D) When the administrative appeal is filed by the carrier, self-insured employer, or other payor or potential payor, service shall be upon the claimant, and claimant's attorney or representative, and other necessary parties in interest.

(E) Service upon a party who is not adverse to the interest of the appellant is optional, and failure to properly serve an optional party shall not be deemed to render the appeal defective.

(v) Shall include any additional fee request in the format prescribed by the Chair for fee requests. Failure to request an additional fee in the prescribed format shall result in waiver of such fee.

(3) Filing with the Board.

(i) The application shall be filed with the board within thirty days after the notice of the filing of the decision. All filings must be made using methods designated, permitted, and prescribed by the Chair. If more than one filing option is permitted by the Chair, the appellant shall choose one method for filing. Any duplicate filings may be deemed to be raising or continuing an issue without reasonable grounds, and may subject the appellant to assessments under 114-a(3) of the Workers' Compensation Law.

(ii) Method of filing the application

(A) By mail shall be sent to the Board's designated Centralized Mailing Address;

(B) By fax shall be sent to the Board's designated Centralized Fax Number;

(C) By email shall be sent to the Board's designated email address for claims documents;

(D) By electronic means shall be filed in the method and manner prescribed by the Chair. An application that is submitted by electronic means in accordance with this subparagraphs shall not be deemed filed with the Board until such submission is received and acknowledged by the Board.

(iii) The Chair may prescribe and require the format and the methods of filing of administrative appeals, including by electronic means, and may set the requirements to include various data fields, except that claimants who are unrepresented are exempt from the requirement to file electronically.

(4) Denial of review. The application for review may be denied under the following circumstances:

(i) By letter issued by the Chair or the Chair's designee when the appellant, other than a claimant who is not represented, does not comply with prescribed formatting, completion and service submission requirements;

(ii) By decision of the Board panel, when the appellant does not file the application within thirty days;

(iii) By decision of the Board panel, when the appellant does not properly file the application with the Board;

(iv) By decision of the Board panel, when the appellant does not provide proper proof of timely service upon a necessary party in interest other than a party who is not adverse to the appellant. When the appellant fails to supply proper proof of timely service upon a necessary party,

(A) When a rebuttal is submitted, the necessary party shall raise the issue of defective service in its rebuttal. Failure to raise the issue of defective service in the rebuttal shall constitute a waiver of the issue.

(B) When no rebuttal is filed, the Board may consider whether the application was defectively served, and if so, the Board may deny review without decision.

(v) By decision of the Board Panel, where the appellant did not interpose a specific objection or exception to a ruling or award by a workers' compensation law judge.

(A) Where a decision is made at a hearing, the appellant did not preserve a specific objection to the ruling or award at the hearing on the record.

(B) Where proceedings occur off-calendar, such as at a deposition, the appellant did not preserve objections on the record at the start of or conclusion of the proceeding as to qualifications of the deponent, or admissibility of any medical report or report of independent medical examination.

(C) No objection to findings made by reserved decision that have not been previously made at a hearing, need be interposed prior to filing of an application for review.

c. *Rebuttal.* A party adverse to the application for administrative review may file a rebuttal to such application for review. The rebuttal shall be in writing and, for parties other than an unrepresented claimant, shall be accompanied by a cover sheet in the format prescribed by the Chair. The rebuttal shall conform to the requirements for requests for administrative review set forth in subdivision (b) herein. Such rebuttal shall be served on the Board and all necessary parties within thirty days after service of the application for review together with proof of service upon all necessary parties in the form and format prescribed by the Chair.

d. The Board shall have the verbatim records of all hearings and proceedings placed in the case file it maintains in a readable, viewable or audible format where the issue or issues raised in the application for review were covered, and the case file shall only be considered by a Board Panel after the verbatim records covering the disputed issues are inserted in the case file.

e. *Stay of Payments.* There is no stay of any payment due to the claimant or the Board upon a filing of an application for full Board review.

f. When a claimant is not represented, the Board shall have discretion to waive the requirements contained in this section. An unrepresented claimant, who subsequently retains counsel, may have the procedural requirements of this section waived for the time when he or she was unrepresented.

Final rule as compared with last published rule: Nonsubstantive changes were made in section 300.13(b)(4).

Revised rule making(s) were previously published in the State Register on June 8, 2016.

Text of rule and any required statements and analyses may be obtained from: Heather MacMaster, Workers' Compensation Board, Office of General Counsel, 328 State Street, Schenectady, NY 12305-2318, (518) 486-9564, email: regulations@wcb.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 are not required because the changes made to the last published rule does not necessitate revisions to the previously published documents. The change to the rule clarifies that a decision of the Board Panel will be issued when review is denied due to a party's failure to raise an exception on the record.

Assessment of Public Comment

The agency received no public comment.

**HEARINGS SCHEDULED
FOR PROPOSED RULE MAKINGS**

Agency I.D. No.	Subject Matter	Location—Date—Time
Environmental Conservation, Department of		
ENV-25-16-00007-P	Low emission vehicle (LEV) III and zero emission vehicle (ZEV) emission standards	Department of Environmental Conservation, 625 Broadway, Public Assembly Rm. 129A/B, Albany, NY—Aug. 8, 2016, 1:00 p.m.
ENV-31-16-00003-P	Waste fuels	Department of Environmental Conservation, 625 Broadway, Public Assembly Rm. 129A/B, Albany, NY—Sept. 30, 2016, 1:00 p.m.
Public Service Commission		
PSC-22-16-00013-P	Disposition of tax refunds and other related matters	Department of Public Service, Three Empire State Plaza, 3rd Fl. Hearing Rm., Albany, NY—Aug. 3, 2016, 10:30 a.m., and continuing as needed (Evidentiary Hearing)* *On occasion there are requests to reschedule or postpone evidentiary hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 16-M-0231.
PSC-26-16-00019-P	Major water rate filing	Department of Public Service, Three Empire State Plaza, 19th Fl. Board Rm., Albany, NY—Aug. 16, 2016, 9:30 a.m., and continuing daily as needed (Evidentiary Hearing)* *On occasion, there are requests to reschedule or postpone evidentiary hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 16-W-0130.
PSC-28-16-00015-P	Major water rate filing	Department of Public Service, Three Empire State Plaza, 3rd Fl. Hearing Rm., Albany, NY—Oct. 13, 2016, 10:30 a.m., and continuing daily as needed. (Evidentiary Hearing)* *On occasion, there are requests to reschedule or postpone evidentiary hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 16-W-0259.

ACTION PENDING INDEX

The action pending index is a list of all proposed rules which are currently being considered for adoption. A proposed rule is added to the index when the notice of proposed rule making is first published in the *Register*. A proposed rule is removed from the index when any of the following occur: (1) the proposal is adopted as a permanent rule; (2) the proposal is rejected and withdrawn from consideration; or (3) the proposal's notice expires.

Most notices expire in approximately 12 months if the agency does not adopt or reject the proposal within that time. The expiration date is printed in the second column of the action pending index. Some notices, however, never expire. Those notices are identified by the word "exempt" in the second column. Actions pending for one year or more are preceded by an asterisk(*).

For additional information concerning any of the proposals listed

in the action pending index, use the identification number to locate the text of the original notice of proposed rule making. The identification number contains a code which identifies the agency, the issue of the *Register* in which the notice was printed, the year in which the notice was printed and the notice's serial number. The following diagram shows how to read identification number codes.

Agency code	Issue number	Year published	Serial number	Action Code
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
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ADIRONDACK PARK AGENCY

APA-09-16-00005-P 03/02/17	Access to Agency Records	To conform Adirondack Park Agency rules to the Public Officers Law and rules promulgated by the Committee on Open Government
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AGRICULTURE AND MARKETS, DEPARTMENT OF

AAM-23-16-00005-P 06/08/17	National Institute of Standards and Technology ("NIST") Handbook 44; receipts issued by taxicab operators, digital scales	To incorporate NIST Handbook 44 (2016 edition); to allow handwritten taxicab receipts; to liberalize scale requirements
AAM-25-16-00006-EP	..... 06/22/17	Species of ash trees, parts thereof and products and debris therefrom which are at risk for infestation by the emerald ash borer.	To expand and combine the 14 existing restricted zones where EAB infestations exist.

ATHLETIC COMMISSION, NEW YORK STATE

ATH-28-16-00018-P 07/13/17	Conduct and regulation of authorized combative sports	To implement the provisions of ch. 32 of the Laws of 2016, effective September 1, 2016, authorizing certain combative sports
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CHILDREN AND FAMILY SERVICES, OFFICE OF

CFS-49-15-00005-P 12/08/16	Youth development program funding and implementation	To implement changes in the Executive Law regarding youth development program funding and implementation
CFS-23-16-00004-EP	..... 06/08/17	Requirements regarding the cooperation of school districts with investigations of suspected child abuse or maltreatment	To clarify requirements for the cooperation of school districts with investigations of suspected child abuse or maltreatment
CFS-24-16-00001-P	..... 06/15/17	Child care for children experiencing homelessness.	To reduce barriers for children experiencing homelessness to receive child care assistance and to attend child care.
CFS-24-16-00005-EP	..... 06/15/17	New York State Child Care Market Rates	To establish payment rates for federally-funded child care subsidies to allow equal access to child care for eligible children.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CHILDREN AND FAMILY SERVICES, OFFICE OF			
CFS-30-16-00001-EP	07/27/17	Child Day Care Safety Enforcement and Administrative Hearing Regulations	Amends child day care safety regulations and administrative hearing regulations pertaining to child day care safety enforcement
CIVIL SERVICE, DEPARTMENT OF			
*CVS-29-15-00008-P	07/21/16	Jurisdictional Classification	To classify positions in the non-competitive class
*CVS-29-15-00010-P	07/21/16	Jurisdictional Classification	To delete positions from the exempt class
CVS-34-15-00007-P	08/25/16	Jurisdictional Classification	To classify a position in the exempt class and to classify a position in the non-competitive class
CVS-34-15-00009-P	08/25/16	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-34-15-00010-P	08/25/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-34-15-00012-P	08/25/16	Jurisdictional Classification	To delete positions from and classify positions in the exempt class
CVS-36-15-00001-P	09/08/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-36-15-00006-P	09/08/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-36-15-00007-P	09/08/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-36-15-00016-P	09/08/16	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-44-15-00006-P	11/03/16	Jurisdictional Classification	To classify positions in the exempt class
CVS-44-15-00008-P	11/03/16	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-44-15-00010-P	11/03/16	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-44-15-00011-P	11/03/16	Jurisdictional Classification	To delete a position from and classify positions in the exempt class
CVS-44-15-00012-P	11/03/16	Jurisdictional Classification	To classify a subheading and positions in the non-competitive class
CVS-44-15-00014-P	11/03/16	Jurisdictional Classification	To delete a position from and classify a position in the non-competitive class
CVS-44-15-00017-P	11/03/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-44-15-00018-P	11/03/16	Jurisdictional Classification	To classify positions in the exempt class and to classify a position from the non-competitive class
CVS-45-15-00003-P	11/09/16	Jurisdictional Classification	To classify positions in the exempt class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-45-15-00004-P	11/09/16	Jurisdictional Classification	To classify a position in the exempt class
CVS-45-15-00005-P	11/09/16	Jurisdictional Classification	To classify a position in the exempt class
CVS-45-15-00006-P	11/09/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-45-15-00007-P	11/09/16	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-51-15-00002-P	12/22/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-51-15-00003-P	12/22/16	Jurisdictional Classification	To classify a position in the exempt class
CVS-02-16-00003-P	01/12/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-02-16-00004-P	01/12/17	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-02-16-00005-P	01/12/17	Jurisdictional Classification	To delete a position from and classify a position in the non-competitive class
CVS-02-16-00006-P	01/12/17	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-07-16-00005-P	02/16/17	Jurisdictional Classification	To delete positions from and classify positions in the exempt class
CVS-07-16-00006-P	02/16/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-07-16-00007-P	02/16/17	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-07-16-00008-P	02/16/17	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-07-16-00009-P	02/16/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-07-16-00010-P	02/16/17	Jurisdictional Classification	To delete a position from and to classify a position in the non-competitive class
CVS-11-16-00001-P	03/16/17	Jurisdictional Classification	To delete positions from and classify positions in the exempt and non-competitive classes
CVS-11-16-00002-P	03/16/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-11-16-00003-P	03/16/17	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-14-16-00005-P	04/06/17	Supplemental military leave benefits	To extend the availability of supplemental military leave benefits for certain New York State employees until December 31, 2016
CVS-15-16-00004-P	04/13/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-15-16-00005-P	04/13/17	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class

Action Pending Index**NYS Register/August 3, 2016**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-15-16-00006-P	04/13/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-15-16-00007-P	04/13/17	Jurisdictional Classification	To delete positions from and classify positions in the exempt and non-competitive classes
CVS-15-16-00008-P	04/13/17	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-20-16-00005-P	05/18/17	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-20-16-00006-P	05/18/17	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-26-16-00003-P	06/29/17	Jurisdictional Classification	To classify positions in the exempt class and to delete positions from the non-competitive class
CVS-26-16-00004-P	06/29/17	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-26-16-00005-P	06/29/17	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-26-16-00006-P	06/29/17	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-26-16-00007-P	06/29/17	Jurisdictional Classification	To classify positions in the non-competitive classes
CVS-26-16-00008-P	06/29/17	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-26-16-00009-P	06/29/17	Jurisdictional Classification	To classify positions in the exempt class
CVS-26-16-00010-P	06/29/17	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-26-16-00011-P	06/29/17	Jurisdictional Classification	To classify positions in the non-competitive class
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
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
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
COMMISSIONER OF PILOTS, BOARD OF			
COP-31-16-00005-P	exempt	Supplementary fees--Hudson River	Assess supplementary fees for pilotage on the Hudson River
CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF			
CCS-35-15-00018-P	09/01/16	Applicability of Title and Definitions	Update the Department name and add new definitions
CCS-24-16-00006-P	06/15/17	Department Records	Update Department name and address, update who appoints records access officer, and adds Regional Directors as custodians.
CRIMINAL JUSTICE SERVICES, DIVISION OF			
CJS-09-16-00002-P	03/02/17	Central Registry of Police Officers and Peace Officers	To consolidate the police officer and peace officer registries; and to clarify the reporting requirements
CJS-25-16-00004-P	06/22/17	Handling of Ignition Interlock Cases Involving Certain Criminal Offenders.	To promote public/traffic safety, offender accountability and quality assurance through the establishment of minimum standards.
EDUCATION DEPARTMENT			
EDU-04-16-00004-RP	02/25/17	Procedures for State-level review of impartial hearing officer determinations regarding services for students with disabilities.	To revise the procedures for appealing impartial hearing officer decisions to a State review officer.

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
EDU-06-16-00004-P	02/09/17	School counseling, certification requirements for school counselors and the school counselor program registration requirements.	To implement policy enacted by the Board of Regents to enhance existing public school district guidance programs to require comprehensive developmental counseling programs for all students in grades prekindergarten through 12 by certified school counselors
EDU-10-16-00018-P	03/09/17	Dental Anesthesia Certification Requirements for Licensed Dentists	To conform regulations to the current practice of dental anesthesia administration
EDU-18-16-00004-P	05/04/17	To authorize NY Higher Education Institutions to participate in SARA and approve out-of-state institutions for distance learning	To set forth requirements for authorization of NYS higher education institutions to participate in State Authorization Reciprocity Agreement (SARA)
EDU-22-16-00006-EP	06/01/17	Teacher certification in career and technical education	Establishes a new pathway for Transitional A certificate
EDU-22-16-00008-EP	06/01/17	Licensure of Occupational Therapy Assistants (OTAs)	To define the practice of OTAs, establish requirements for licensure, and alter the composition of the State Board
EDU-26-16-00015-EP	06/29/17	Annual Professional Performance Reviews (APPR) of classroom teachers and building principals	Technical Amendments
EDU-26-16-00016-EP	06/29/17	Teacher certification in career and technical education	Establishes new pathways for Transitional A certificate
EDU-26-16-00017-P	06/29/17	Licensure of Perfusionists	To establish licensure requirements for perfusionists, including education, experience and examination
EDU-26-16-00018-P	06/29/17	Regulation of consent orders in disciplinary proceedings in the professions	To remove requirement that the State Board of Pharmacy Executive Secretary agree to consent orders for pharmacists/pharmacies
EDU-27-16-00002-EP	07/06/17	Superintendent determination as to academic proficiency for certain students with disabilities to graduate with a local diploma	To expand the safety net options for students with disabilities to graduate with local diplomas when certain conditions are met
EDU-27-16-00003-EP	07/06/17	Annual Professional Performance Reviews (APPR) of classroom teachers and building principals	To provide hardship Waiver from Independent Evaluator Requirement
EDU-27-16-00004-EP	07/06/17	Social Studies examination requirements for a high school diploma	To shift the requirement for students to take and pass the new Regents examination in Global History and Geography II for graduation for an additional year
EDU-27-16-00005-EP	07/06/17	District-wide school safety plans and building-level emergency response plans	The purpose of the proposed rule is to implement the provisions of Part B of Chapter 54 of the Laws of 2016
ELECTIONS, STATE BOARD OF			
SBE-17-16-00009-P	04/27/17	Routine testing of voting systems	To provide for testing of voting machines not less than once per year

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
ENV-34-15-00028-P	08/25/16	Qualifications for License Issuing Agents and Wildlife Rehabilitators	To remove regulatory requirements that exclude individuals with felonies from obtaining certain licenses and authorizations
ENV-45-15-00028-P	11/09/16	Science-based State sea-level rise projections	To establish a common source of sea-level rise projections for consideration in relevant programs and decision-making
ENV-51-15-00004-P	02/10/17	Distributed generation (DG) sources that feed the distribution grid or produce electricity for use at host facilities or both	Establish emission limits for distributed generation sources
ENV-51-15-00005-P	12/22/16	Big bore air rifles	To allow big bore air rifles as legal implements for hunting big game
ENV-52-15-00010-P	12/29/16	Procedures for modifying or extinguishing a conservation easement held by the NYS DEC	Establish standards for the DEC to follow when modifying or extinguishing a CE and provide for a formal public review process
ENV-11-16-00004-P	06/07/17	Solid Waste Management Regulations	Amend the rules that implement the solid waste program in New York State to incorporate changes in law and technology
ENV-19-16-00002-P	05/11/17	The management of menhaden	To add menhaden and the menhaden trip limit to Table B - Commercial Fishing of 6 NYCRR subdivision 40.1(i)
ENV-19-16-00006-EP	06/30/17	Chemical Bulk Storage (CBS)	To amend Part 597 of the CBS regulations
ENV-23-16-00001-EP	06/21/17	Peekamoose Valley Riparian Corridor	Protect public health, safety and general welfare, as well as the natural resources on the Peekamoose Valley Riparian Corridor
ENV-25-16-00007-P	08/08/17	Low emission vehicle (LEV) III and zero emission vehicle (ZEV) emission standards.	To incorporate revisions to California's LEV III and ZEV standards.
ENV-26-16-00002-P	06/29/17	To amend 6 NYCRR Part 40 pertaining to recreational party and charter boat regulations for striped bass	To allow filleting of striped bass aboard party and charter boats
ENV-26-16-00013-P	06/29/17	Rule making to implement ECL 17-0826-a	To implement the reporting, notification and record keeping requirements of ECL 17-0826-a
ENV-28-16-00002-EP	07/13/17	Regulations governing the recreational harvest of black sea bass	To reduce recreational black sea bass harvest in New York State
ENV-31-16-00003-P	09/30/17	Waste Fuels	Update permit references, rule citations, monitoring, record keeping, reporting requirements, and incorporate federal standards
FINANCIAL SERVICES, DEPARTMENT OF			
DFS-03-16-00003-ERP	01/19/17	Standard financial aid award information sheet for institutions of higher education	Provides guidance to institutions of higher education for the implementation of a financial aid award information sheet
DFS-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
FINANCIAL SERVICES, DEPARTMENT OF			
DFS-24-16-00004-P	06/15/17	Financial statement filings and accounting practices and procedures	To update citations in Part 83 to the Accounting Practices and Procedures Manual as of March 2014 (instead of 2013).
DFS-29-16-00020-EP	07/20/17	Workers' Compensation Safe Patient Handling Program	To implement Part A of Chapter 60 of the Laws of 2014
GAMING COMMISSION, NEW YORK STATE			
SGC-39-15-00005-RP	09/29/16	Thoroughbred restricted time periods for various drugs	To enhance the integrity and safety of thoroughbred horse racing
SGC-39-15-00006-P	09/29/16	Reimbursement of awards for capital improvement projects at video lottery gaming ("VLG") facilities	Clarify when VLG agent must reimburse State upon divestment of a capital improvement for which capital award was received
SGC-22-16-00004-P	06/01/17	Simplifying how a trainer may alter the use of hobbles	To preserve the integrity of pari-mutuel racing while generating reasonable revenue for the support of government
SGC-22-16-00005-P	06/01/17	Decoupling of harness horses in major stakes races	To preserve the integrity of pari-mutuel racing while generating reasonable revenue for the support of government
SGC-23-16-00006-P	06/08/17	Voidable claims based on race day samples	To enhance the safety and integrity of horse racing while generating a reasonable return for government
SGC-23-16-00014-P	06/08/17	Criteria for the licensing, conduct and operation of independent testing laboratories	To govern the licensing, conduct and operation, testing and reporting requirements of independent testing laboratories
SGC-24-16-00007-P	06/15/17	Repeal of obsolete thoroughbred rule giving extra weight allowance for apprentice jockey riding for "original contract employer"	To preserve the safety and integrity of pari-mutuel racing while generating reasonable revenue for the support of government.
SGC-28-16-00006-P	07/13/17	Criteria and procedures for patron exclusion at a gaming facility	To establish criteria and procedures for patron exclusion at a gaming facility
SGC-28-16-00007-P	07/13/17	Definitions of terms used throughout Subchapter B, Casino Gaming	To define terms applicable to Subchapter B, Casino Gaming
SGC-28-16-00008-P	07/13/17	The regulation of table game equipment	To set forth the physical characteristics, inspection, use, storage and destruction of table game equipment
SGC-28-16-00009-P	07/13/17	The licensing and registration of junkets and junket enterprises	To govern the licensing and registration of junkets and junket enterprises
SGC-28-16-00010-P	07/13/17	The registration of labor organizations	To govern the registration of labor organizations
SGC-28-16-00011-P	07/13/17	To set forth the practices and procedures for the conduct and operation of table games	To regulate the conduct and operation of gaming tables
SGC-28-16-00012-P	07/13/17	The registration of lobbyists	To govern the registration of lobbyists

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
GENERAL SERVICES, OFFICE OF			
GNS-07-16-00013-P	02/16/17	Outdoor lighting standards	To provide lighting standards that will help state agencies comply with Public Buildings Law section 143
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-30-15-00005-P	07/28/16	Practice of radiologic technology	To update regulations related to the practice of radiologic technology
HLT-39-15-00015-P	09/29/16	Women Infants and Children (WIC) Program Vendor Applicant Enrollment Criteria	To align NYS WIC Program operations with current federal requirements by amending the existing vendor enrollment criteria
HLT-46-15-00006-P	01/10/17	Early Intervention Program	To conform existing program regulations to federal regulations and state statute
HLT-06-16-00002-P	02/09/17	Perinatal Services	To update the Breastfeeding Mother's Bill of Rights to conform with recommended standards of care
HLT-06-16-00005-P	02/09/17	Hospice Operational Rules	To implement hospice expansion
HLT-15-16-00016-P	04/13/17	Zika Action Plan; Performance Standards.	To require local health departments to develop a Zika Action Plan as a condition of State Aid
HLT-16-16-00002-P	04/20/17	NYS Medical Indemnity Fund	To provide additional guidance and clarity to the Fund's requirements and operations
HLT-19-16-00008-P	05/11/17	Transgender Related Care and Services	To revise and clarify the criteria for Medicaid coverage of transgender related care and services
HLT-21-16-00003-P	05/25/17	New York State Newborn Screening Panel	To add adrenoleukodystrophy (ALD) and Pompe disease to the list of diseases and conditions on the newborn screening panel
HLT-23-16-00007-P	06/08/17	School Immunization Requirements	To update school immunization and NYSIIS regulations.
HLT-24-16-00002-P	06/15/17	Neurodegenerative Specialty Rate	To authorize Medicaid rate of payment for providing quality of care to the neurodegenerative population.
HLT-24-16-00003-P	06/15/17	Specialized Programs for Residents with Neurodegenerative Diseases	To establish nursing home specialty units for residents with Huntington's Disease (HD) & Amyotrophic Lateral Sclerosis (ALS).
HIGHER EDUCATION SERVICES CORPORATION			
ESC-26-16-00012-P	06/29/17	Tuition awards for part-time undergraduate students	The purpose of the rule is to conform the provision regarding income to a recent statutory change

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LABOR, DEPARTMENT OF			
*LAB-21-15-00009-RP	08/24/16	Methods of Payment of Wages	This regulation provides clarification and specification as to the permissible methods of payment, including payroll debit cards
LAB-03-16-00009-P	01/19/17	Employer Imposed Limitations on the Inquiry, Discussion, and Disclosure of Wages	This regulation sets forth standards for limitations on inquiry, discussion, or the disclosure of wages amongst employees
LAW, DEPARTMENT OF			
LAW-47-15-00007-ERP	11/24/16	Clarification of Protections for Senior and Disabled Tenants During Condominium or Cooperative Ownership Conversions	To clarify the Martin Act's non-purchasing tenant protections for eligible senior citizens and eligible disabled persons
LIQUOR AUTHORITY, STATE			
LQR-02-16-00002-P	01/12/17	Update outdated Freedom of Information Law procedures utilized by Authority	To update Authority procedures and ensure compliance with Freedom of information Law requirements under Pub. Off. Law., art. 6
LQR-17-16-00002-P	04/27/17	Updated price posting rules, license durations, and recordkeeping requirements, and rescinding of whiskey dividend rules	To update price posting rules, license durations, recordkeeping, and joint advertising rules for certain license types
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-19-16-00015-P	exempt	Customer requests for rehearings of LIPA's decisions on appeals and shared meter determinations	To transfer certain responsibilities regarding handling of customer petitions to DPS Long Island
LPA-20-16-00001-P	exempt	Proposed Feed-in Tariffs for new commercial solar and fuel cell generation	To authorize development of up to 20MW of new solar generation and 40MW of new fuel cell generation through feed-in tariffs
MENTAL HEALTH, OFFICE OF			
OMH-17-16-00010-P	04/27/17	Telepsychiatry Services	Establish basic standards to approve telepsychiatry in certain OMH-licensed programs; repeal unnecessary existing provisions
OMH-18-16-00003-P	05/04/17	Incident Management; Criminal History Record Checks; Operation of Psychiatric Inpatient Units General Hospitals, RTFs, and CPEPs	To update existing regulations and conform to non-discretionary statutory provisions
MOTOR VEHICLES, DEPARTMENT OF			
MTV-22-16-00007-P	06/01/17	Special and reserved series plates	Establish guidelines for the issuance of special and reserved series plates

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
MOTOR VEHICLES, DEPARTMENT OF			
MTV-25-16-00003-P	06/22/17	Points for railroad crossing violations.	Increases the points for railroad crossing violations from 3 to 5 points.
MTV-27-16-00001-P	07/06/17	Certified examiners	To clarify and strengthen guidelines regarding certified examiners
MTV-27-16-00008-P	07/06/17	Driving schools	Makes technical and clarifying amendments to improve consumer protection & increases Department efficiency
MTV-28-16-00003-P	07/13/17	Fees charged for the Impaired Driving Program course	To increase the fee for the Impaired Driving Program course, so that \$20 may be directed to curriculum development
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
PARKS, RECREATION AND HISTORIC PRESERVATION, OFFICE OF			
PKR-28-16-00004-P	07/13/17	Criteria enabling municipal law enforcement agencies to receive state aid for snowmobile enforcement duties	To promote local snowmobile enforcement by easing restrictions on state aid eligibility
PKR-30-16-00010-P	07/27/17	Updated list of facilities within the jurisdiction of the Office of Parks, Recreation and Historic Preservation	To keep accurate the list of facilities within the jurisdiction of the Office of Parks, Recreation and Historic Preservation
PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR			
PDD-48-15-00003-P	12/01/16	Agency Name Change and Terminology Updates	To update the agency name and other terminology in the Title 14 NYCRR Part 600 series
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-28-97-00032-P	exempt	General service by Central Hudson Gas & Electric Corporation	To limit certain special provisions
*PSC-34-97-00009-P	exempt	Collection agency fees by Consolidated Edison Company of New York, Inc.	To pass collection agency fees on to the customer
*PSC-04-98-00015-P	exempt	Interconnection service overcharges by Niagara Mohawk Power Corporation	To consider a complaint by Azure Mountain Power Co.

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-19-98-00008-P	..... exempt	Call forwarding by CPU Industries Inc./MKL Net, et al.	To rehear the petition
*PSC-02-99-00006-EP	..... exempt	Intralata freeze plan by New York Telephone Company	To approve the plan
*PSC-09-99-00012-P	..... exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	..... exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-50-99-00009-P	..... exempt	Retail access uniform business practices by The Brooklyn Union Gas Company and KeySpan Gas East Corporation d/b/a Brooklyn Union of Long Island	To approve a joint petition requesting a waiver extension of a requirement set forth in the commission's order
*PSC-52-99-00006-P	..... exempt	Wide area rate center calling	To implement number conservation measures
*PSC-12-00-00001-P	..... exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-14-00-00004-EP	..... exempt	NXX code in the 716 NPA by Broadview Networks	To assign an NXX code in Buffalo
*PSC-14-00-00026-P	..... exempt	Interconnection agreement between New York Telephone Company d/b/a Bell Atlantic-New York and Media Log, Inc.	To review the terms and conditions of the negotiated agreement
*PSC-14-00-00027-P	..... exempt	Interconnection agreement between New York Telephone Company d/b/a Bell Atlantic-New York and Pilgrim Telephone, Inc.	To review the terms and conditions of the negotiated agreement
*PSC-14-00-00029-P	..... exempt	Interconnection agreement between New York Telephone Company d/b/a Bell Atlantic-New York and CoreComm New York, Inc.	To review the terms and conditions of the negotiated agreement
*PSC-16-00-00012-P	..... exempt	Termination of local telecommunications traffic by Hyperion Communications of New York, Inc.	To determine appropriate compensation levels
*PSC-21-00-00007-P	..... exempt	Initial tariff schedule by Drew Road Association	To set forth the rates, charges, rules and regulations
*PSC-31-00-00026-P	..... exempt	Water service by Windover Water Works	To abandon the water system
*PSC-33-00-00010-P	..... exempt	Electric rate and restructuring plan by Rochester Gas and Electric Corporation	To evaluate possible modifications
*PSC-36-00-00039-P	..... exempt	Steam increase by Consolidated Edison Company of New York, Inc.	To provide for an annual increase in the first year of a proposed four-year rate plan
*PSC-37-00-00001-EP	..... exempt	Interruptible gas customers	To ensure customers have an adequate supply of alternative fuel available
*PSC-39-00-00004-P	..... exempt	Blockable central office codes by PaeTec Communications, Inc.	To review the commission's requirements for assignment of numbering resources
*PSC-44-00-00014-P	..... exempt	Recovery of costs through adjustment mechanisms by Consolidated Edison Company of New York, Inc.	To permit the recovery of certain costs

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-49-00-00007-P	..... exempt	Gas sales and purchases by Corning Natural Gas Corporation	To determine whether certain gas sales and purchases were in the public interest and whether customers should bear the resulting costs
*PSC-01-01-00023-P	..... exempt	Installation, maintenance and ownership of service laterals by Rochester Gas and Electric Corporation	To update and clarify the provisions
*PSC-06-01-00009-P	..... exempt	Uniform system of accounts by Rochester Gas and Electric Corporation	To defer an item of expense beyond the end of the year in which it was incurred
*PSC-13-01-00001-P	..... exempt	Request for accounting authorization by Rochester Gas and Electric Corporation	To defer an item of expense beyond the end of the year in which it was incurred
*PSC-13-01-00002-P	..... exempt	Request for accounting authorization by Rochester Gas and Electric Corporation	To defer an item of expense beyond the end of the year in which it was incurred
*PSC-13-01-00003-P	..... exempt	Request for accounting authorization by Rochester Gas and Electric Corporation	To defer an item of expense beyond the end of the year in which it was incurred
*PSC-15-01-00012-P	..... exempt	Transfer of a controlling leasehold interest by Huntley Power LLC	To approve the transfer
*PSC-22-01-00006-P	..... exempt	Con Edison's phase 4 plan for retail access by AES Energy, Inc.	To review the request for rehearing
*PSC-26-01-00012-P	..... exempt	Interconnection of networks between Sprint PCS and Verizon New York Inc.	To review the terms and conditions of the negotiated agreement
*PSC-36-01-00010-P	..... exempt	Competitive metering by eBidenergy.com	To clarify meter ownership rules and requirements
*PSC-44-01-00005-P	..... exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-01-02-00007-P	..... exempt	Accounting and rate treatment of proceeds by Consolidated Edison Company of New York, Inc.	To consider proceeds from sale of nuclear generating facilities
*PSC-05-02-00005-P	..... exempt	Uniform system of accounts by Consolidated Edison Company of New York, Inc.	To defer expenditures incurred in connection with emergency response services affected by the World Trade Center disaster
*PSC-06-02-00015-P	..... exempt	Network reliability performance mechanism by Consolidated Edison Company of New York, Inc.	To earn rewards for meeting the targets of the network reliability performance mechanism
*PSC-07-02-00032-P	..... exempt	Uniform business practices	To consider modification
*PSC-29-02-00014-P	..... exempt	Financing by Valley Energy, Inc.	To issue a note and allocate costs
*PSC-49-02-00021-P	..... exempt	Requests for lightened regulation by PSEG Power Bellport, LLC	To consider the company's request
*PSC-08-03-00009-P	..... exempt	Provision of gas service to World Kitchen Incorporated	To establish terms and conditions
*PSC-09-03-00012-P	..... exempt	Incremental service line installations by New York State Electric & Gas Corporation	To revise the current flat rate per foot charged

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-09-03-00014-P	..... exempt	Deferral accounting by Consolidated Edison Company of New York, Inc. and Orange and Rockland Utilities, Inc.	To defer expense items beyond the end of the year(s) in which they were incurred
*PSC-11-03-00012-P	..... exempt	Economic development plan by New York State Electric & Gas Corporation	To consider the plan
*PSC-18-03-00004-P	..... exempt	Lightened regulation by East Hampton Power and Light Corporation (EHPLC)	To provide for lightened regulation and grant financing approval
*PSC-22-03-00020-P	..... exempt	Inter-departmental gas pricing by Consolidated Edison Company of New York, Inc.	To revise the method used in steam and steam-electric generating stations
*PSC-32-03-00020-P	..... exempt	Issuance of debt and approval of surcharge by Rainbow Water Company	To approve necessary financing
*PSC-34-03-00019-P	..... exempt	Issuance of securities by KeySpan East Corporation d/b/a KeySpan Energy Delivery Long Island	To obtain authorization to issue securities
*PSC-35-03-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and MCIMetro Access Transmission Services LLC	To amend the agreement
*PSC-36-03-00010-P	..... exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-39-03-00013-P	..... exempt	Complaint by State University of New York (SUNY) regarding a NYSEG operating agreement	To consider the complaint
*PSC-40-03-00015-P	..... exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00008-P	..... exempt	Lightened regulation by Sterling Power Partners, L.P.	To consider granting lightened regulation
*PSC-41-03-00010-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-41-03-00011-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-42-03-00005-P	..... exempt	Interest rate by the Bath Electric, Gas, and Water Systems	To use an alternate interest rate
*PSC-43-03-00036-P	..... exempt	Merchant function backout credit and transition balancing account by KeySpan Gas East Corporation	To continue the credit and account until May 31, 2005
*PSC-43-03-00037-P	..... exempt	Merchant function backout credit and transition balancing account by The Brooklyn Union Gas Company	To continue the credit and account until May 31, 2005
*PSC-44-03-00009-P	..... exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates
*PSC-47-03-00024-P	..... exempt	Lightened regulation and financing approval by Medford Energy LLC	To consider the requests

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-02-04-00008-P	..... exempt	Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York	To rehear the Nov. 25, 2003 order
*PSC-06-04-00009-P	..... exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC
*PSC-10-04-00005-P	..... exempt	Temporary protective order	To consider adopting a protective order
*PSC-10-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement
*PSC-14-04-00008-P	..... exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway
*PSC-15-04-00022-P	..... exempt	Submetering of electricity by Glenn Gardens Associates, L.P.	To permit submetering at 175 W. 87th St., New York, NY
*PSC-21-04-00013-P	..... exempt	Verizon performance assurance plan by Metropolitan Telecommunications	To clarify the appropriate performance level
*PSC-22-04-00010-P	..... exempt	Approval of new types of electricity meters by Powell Power Electric Company	To permit the use of the PE-1250 electronic meter
*PSC-22-04-00013-P	..... exempt	Major gas rate increase by Consolidated Edison Company of New York, Inc.	To increase annual gas revenues
*PSC-22-04-00016-P	..... exempt	Master metering of water by South Liberty Corporation	To waive the requirement for installation of separate water meters
*PSC-25-04-00012-P	..... exempt	Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P.	To amend the agreement
*PSC-27-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-27-04-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*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 receivable by Rochester Gas and Electric Corporation	To include in its tariff provisions for the purchase of ESCO accounts receivable

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-46-04-00012-P	..... exempt	Service application form by Consolidated Edison Company of New York, Inc.	To revise the form and make housekeeping changes
*PSC-46-04-00013-P	..... exempt	Rules and guidelines governing installation of metering equipment	To establish uniform statewide business practices
*PSC-02-05-00006-P	..... exempt	Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc.	To consider imposing remedial actions against the company and its owners, officers and directors
*PSC-09-05-00009-P	..... exempt	Submetering of natural gas service by Hamlet on Olde Oyster Bay	To consider submetering of natural gas to a commercial customer
*PSC-14-05-00006-P	..... exempt	Request for deferred accounting authorization by Freeport Electric Inc.	To defer expenses beyond the end of the fiscal year
*PSC-18-05-00009-P	..... exempt	Marketer Assignment Program by Consolidated Edison Company of New York, Inc.	To implement the program
*PSC-20-05-00028-P	..... exempt	Delivery point aggregation fee by Allied Frozen Storage, Inc.	To review the calculation of the fee
*PSC-25-05-00011-P	..... exempt	Metering, balancing and cashout provisions by Central Hudson Gas & Electric Corporation	To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11
*PSC-27-05-00018-P	..... exempt	Annual reconciliation of gas costs by New York State Electric & Gas Corporation	To consider the manner in which the gas cost incentive mechanism has been applied
*PSC-41-05-00013-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities	To consider the filings
*PSC-45-05-00011-P	..... exempt	Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation	To defer certain costs
*PSC-46-05-00015-P	..... exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale
*PSC-47-05-00009-P	..... exempt	Transferral of gas supplies by Corning Natural Gas Corporation	To approve the transfer
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-22-06-00020-P	..... exempt	Hourly pricing by New York State Electric & Gas Corporation	To assess the impacts
*PSC-22-06-00021-P	..... exempt	Hourly pricing by Rochester Gas & Electric Corporation	To assess the impacts
*PSC-22-06-00022-P	..... exempt	Hourly pricing by Consolidated Edison Company of New York, Inc.	To assess the impacts
*PSC-22-06-00023-P	..... exempt	Hourly pricing by Orange and Rockland Utilities, Inc.	To assess the impacts
*PSC-24-06-00005-EP	..... exempt	Supplemental home energy assistance benefits	To extend the deadline to Central Hudson's low-income customers
*PSC-25-06-00017-P	..... exempt	Purchased power adjustment by Massena Electric Department	To revise the method of calculating the purchased power adjustment and update the factor of adjustment
*PSC-34-06-00009-P	..... exempt	Inter-carrier telephone service quality standards and metrics by the Carrier Working Group	To incorporate appropriate modifications
*PSC-37-06-00015-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-37-06-00017-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-39-06-00018-P	..... exempt	Order establishing rate plan by Central Hudson Gas & Electric Corporation and the Consumer Protection Board	To consider the petitions for rehearing
*PSC-39-06-00019-P	..... exempt	Investigation of Richard M. Osborne by Corning Natural Gas Corporation	To determine the interests, plans and commitments that will be in place if he is successful in blocking the merger of Corning Gas and C&T Enterprises
*PSC-39-06-00022-P	..... exempt	Uniform business practices and related matters by U.S. Energy Savings Corporation	To establish a contest period
*PSC-40-06-00005-P	..... exempt	Orion Integral automatic meter reading transmitter by New York State Electric and Gas Corporation	To permit gas utilities in NYS to use the Badger Meter Incorporated Orion Integral transmitters
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-04-07-00012-P	..... exempt	Petition for rehearing by Orange and Rockland Utilities, Inc.	To clarify the order
*PSC-06-07-00015-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for electric service
*PSC-06-07-00020-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for gas service
*PSC-11-07-00010-P	..... exempt	Investigation of the electric power outages by the Consolidated Edison Company of New York, Inc.	To implement the recommendations in the staff's investigation
*PSC-11-07-00011-P	..... exempt	Storm-related power outages by Consolidated Edison Company of New York, Inc.	To modify the company's response to power outages, the timing for any such changes and other related matters
*PSC-17-07-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc.	To amend the agreement
*PSC-18-07-00010-P	..... exempt	Existing electric generating stations by Independent Power Producers of New York, Inc.	To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation
*PSC-20-07-00016-P	..... exempt	Tariff revisions and making rates permanent by New York State Electric & Gas Corporation	To seek rehearing
*PSC-21-07-00007-P	..... exempt	Natural Gas Supply and Acquisition Plan by Corning Natural Gas Corporation	To revise the rates, charges, rules and regulations for gas service
*PSC-22-07-00015-P	..... exempt	Demand Side Management Program by Consolidated Edison Company of New York, Inc.	To recover incremental program costs and lost revenue
*PSC-23-07-00022-P	..... exempt	Supplier, transportation, balancing and aggregation service by National Fuel Gas Distribution Corporation	To explicitly state in the company's tariff that the threshold level of elective upstream transmission capacity is a maximum of 112,600 Dth/day of marketer-provided upstream capacity
*PSC-24-07-00012-P	..... exempt	Gas Efficiency Program by the City of New York	To consider rehearing a decision establishing a Gas Efficiency Program
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-03-08-00006-P	..... exempt	Rehearing of the accounting determinations	To grant or deny a petition for rehearing of the accounting determinations
*PSC-04-08-00010-P	..... exempt	Granting of easement rights on utility property by Central Hudson Gas & Electric Corporation	To grant easement rights to Millennium Pipeline Company, L.L.C.
*PSC-04-08-00012-P	..... exempt	Marketing practices of energy service companies by the Consumer Protection Board and New York City Department of Consumer Affairs	To consider modifying the commission's regulation over marketing practices of energy service companies
*PSC-08-08-00016-P	..... exempt	Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al.	To consider the transfer
*PSC-12-08-00019-P	..... exempt	Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-12-08-00021-P	..... exempt	Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-13-08-00011-P	..... exempt	Waiver of commission policy and NYSEG tariff by Turner Engineering, PC	To grant or deny Turner's petition
*PSC-13-08-00012-P	..... exempt	Voltage drops by New York State Electric & Gas Corporation	To grant or deny the petition
*PSC-23-08-00008-P	..... exempt	Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project	To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project
*PSC-23-08-00009-P	..... exempt	The transfer of certain real property with an original cost under \$100,000 in the Town of Throop	To consider the filing for the transfer of certain real property in the Town of Throop
*PSC-25-08-00007-P	..... exempt	Policies and procedures regarding the selection of regulatory proposals to meet reliability needs	To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs
*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

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PUBLIC SERVICE COMMISSION			
*PSC-39-08-00010-P exempt	RG&E's economic development plan and tariffs	Consideration of the approval of RG&E's economic development plan and tariffs
*PSC-40-08-00010-P	..... exempt	Loans from regulated company to its parent	To determine if the cash management program resulting in loans to the parent should be approved
*PSC-41-08-00009-P	..... exempt	Transfer of control of cable TV franchise	To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved
*PSC-43-08-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-46-08-00008-P	..... exempt	Property transfer in the Village of Avon, New York	To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York
*PSC-46-08-00010-P	..... exempt	A transfer of indirect ownership interests in nuclear generation facilities	Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities
*PSC-46-08-00014-P	..... exempt	The attachment of cellular antennae to an electric transmission tower	To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower
*PSC-48-08-00005-P	..... exempt	A National Grid high efficiency gas heating equipment rebate program	To expand eligibility to customers converting from oil to natural gas
*PSC-48-08-00008-P	..... exempt	Petition for the master metering and submetering of electricity	To consider the request of Bay City Metering, to master meter & submeter electricity at 345 E. 81st St., New York, New York
*PSC-48-08-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of PCV/ST to submeter electricity at Peter Cooper Village & Stuyvesant Town, New York, New York
*PSC-50-08-00018-P	..... exempt	Market Supply Charge	A study on the implementation of a revised Market Supply Charge
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-02-09-00010-P	..... exempt	Competitive classification of independent local exchange company, and regulatory relief appropriate thereto	To determine if Chazy & Westport Telephone Corporation more appropriately belongs in scenario 1 rather than scenario 2
*PSC-05-09-00008-P	..... exempt	Revenue allocation, rate design, performance metrics, and other non-revenue requirement issues	To consider any remaining non-revenue requirement issues related to the Company's May 9, 2008 tariff filing
*PSC-05-09-00009-P	..... exempt	Numerous decisions involving the steam system including cost allocation, energy efficiency and capital projects	To consider the long term impacts on steam rates and on public policy of various options concerning the steam system
*PSC-06-09-00007-P	..... exempt	Interconnection of the networks between Frontier Comm. and WVT Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier Comm. and WVT Comm.
*PSC-07-09-00015-P	..... exempt	Transfer certain utility assets located in the Town of Montgomery from plant held for future use to non-utility property	To consider the request to transfer certain utility assets located in the Town of Montgomery to non-utility assets
*PSC-07-09-00017-P	..... exempt	Request for authorization to defer the incremental costs incurred in the restoration work resulting from the ice storm	To allow the company to defer the incremental costs incurred in the restoration work resulting from the ice storm
*PSC-07-09-00018-P	..... exempt	Whether to permit the submetering of natural gas service to an industrial and commercial customer at Cooper Union, New York, NY	To consider the request of Cooper Union, to submeter natural gas at 41 Cooper Square, New York, New York
*PSC-12-09-00010-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-12-09-00012-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-13-09-00008-P	..... exempt	Options for making additional central office codes available in the 718/347 numbering plan area	To consider options for making additional central office codes available in the 718/347 numbering plan area
*PSC-14-09-00014-P	..... exempt	The regulation of revenue requirements for municipal utilities by the Public Service Commission	To determine whether the regulation of revenue requirements for municipal utilities should be modified
*PSC-16-09-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of AMPS on behalf of Park Imperial to submeter electricity at 230 W. 56th Street, in New York, New York
*PSC-16-09-00020-P	..... exempt	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity
*PSC-17-09-00010-P	..... exempt	Whether to permit the use of Elster REX2 solid state electric meter for use in residential and commercial accounts	To permit electric utilities in New York State to use the Elster REX2
*PSC-17-09-00011-P	..... exempt	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes
*PSC-17-09-00012-P exempt	Petition for the submetering of gas at commercial property	To consider the request of Turner Construction, to submeter natural gas at 550 Short Ave., & 10 South St., Governors Island, NY

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PUBLIC SERVICE COMMISSION			
*PSC-17-09-00014-P exempt	Benefit-cost framework for evaluating AMI programs prepared by the DPS Staff	To consider a benefit-cost framework for evaluating AMI programs prepared by the DPS Staff
*PSC-17-09-00015-P	..... exempt	The construction of a tower for wireless antennas on land owned by National Grid	To approve, reject or modify the petition to build a tower for wireless antennas in the Town of Onondaga
*PSC-18-09-00012-P	..... exempt	Petition for rehearing of Order approving the submetering of electricity	To consider the request of Frank Signore to rehear petition to submeter electricity at One City Place in White Plains, New York
*PSC-18-09-00013-P	..... exempt	Petition for the submetering of electricity	To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York
*PSC-18-09-00017-P	..... exempt	Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers	To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower
*PSC-20-09-00016-P	..... exempt	The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc	To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with it's AMI pilots etc
*PSC-20-09-00017-P	..... exempt	The recovery of, and accounting for, costs associated with CHG&E's AMI pilot program	To consider a filing of CHG&E as to the recovery of, and accounting for, costs associated with it's AMI pilot program
*PSC-22-09-00011-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-25-09-00005-P	..... exempt	Whether to grant, deny, or modify, in whole or in part, the petition	Whether to grant, deny, or modify, in whole or in part, the petition
*PSC-25-09-00006-P	..... exempt	Electric utility implementation plans for proposed web based SIR application process and project status database	To determine if the proposed web based SIR systems are adequate and meet requirements needed for implementation
*PSC-25-09-00007-P	..... exempt	Electric rates for Consolidated Edison Company of New York, Inc	Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc
*PSC-27-09-00011-P	..... exempt	Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access.	To review the terms and conditions of the negotiated agreement between Vernon and tw telecom of new york l.p.
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-34-09-00017-P	..... exempt	To consider the transfer of control of Plattsburgh Cablevision, Inc. d/b/a Charter Communications to CH Communications, LLC	To allow the Plattsburgh Cablevision, Inc. to distribute its equity interest in CH Communications, LLC
*PSC-36-09-00008-P	..... exempt	The increase in the non-bypassable charge implemented by RG&E on June 1, 2009	Considering exemptions from the increase in the non-bypassable charge implemented by RG&E on June 1, 2009
*PSC-37-09-00015-P	..... exempt	Sale of customer-generated steam to the Con Edison steam system	To establish a mechanism for sale of customer-generated steam to the Con Edison steam system
*PSC-37-09-00016-P	..... exempt	Applicability of electronic signatures to Deferred Payment Agreements	To determine whether electronic signatures can be accepted for Deferred Payment Agreements
*PSC-39-09-00015-P	..... exempt	Modifications to the \$5 Bill Credit Program	Consideration of petition of National Grid to modify the Low Income \$5 Bill Credit Program
*PSC-39-09-00018-P	..... exempt	The offset of deferral balances with Positive Benefit Adjustments	To consider a petition to offset deferral balances with Positive Benefit Adjustments
*PSC-40-09-00013-P	..... exempt	Uniform System of Accounts - request for deferral and amortization of costs	To consider a petition to defer and amortize costs
*PSC-51-09-00029-P	..... exempt	Rules and guidelines for the exchange of retail access data between jurisdictional utilities and eligible ESCOs	To revise the uniform Electronic Data Interchange Standards and business practices to incorporate a contest period
*PSC-51-09-00030-P	..... exempt	Waiver or modification of Capital Expenditure condition of merger	To allow the companies to expend less funds for capital improvement than required by the merger
*PSC-52-09-00006-P	..... exempt	ACE's petition for rehearing for an order regarding generator-specific energy deliverability study methodology	To consider whether to change the Order Prescribing Study Methodology
*PSC-52-09-00008-P	..... exempt	Approval for the New York Independent System Operator, Inc. to incur indebtedness and borrow up to \$50,000,000	To finance the renovation and construction of the New York Independent System Operator, Inc.'s power control center facilities
*PSC-05-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-12-10-00015-P	..... exempt	Recommendations made by Staff intended to enhance the safety of Con Edison's gas operations	To require that Con Edison implement the Staff recommendations intended to enhance the safety of Con Edison's gas operations
*PSC-14-10-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of 61 Jane Street Owners Corporation to submeter Electricity at 61 Jane Street, Manhattan, NY
*PSC-16-10-00005-P	..... exempt	To consider adopting and expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-16-10-00007-P	..... exempt	Interconnection of the networks between TDS Telecom and PAETEC Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between TDS Telecom and PAETEC Communications
*PSC-16-10-00015-P	..... exempt	Interconnection of the networks between Frontier and Choice One Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier and Choice One Communications
*PSC-18-10-00009-P	..... exempt	Electric utility transmission right-of-way management practices	To consider electric utility transmission right-of-way management practices
*PSC-19-10-00022-P	..... exempt	Whether National Grid should be permitted to transfer a parcel of property located at 1 Eddy Street, Fort Edward, New York	To decide whether to approve National Grid's request to transfer a parcel of vacant property in Fort Edward, New York
*PSC-22-10-00006-P	..... exempt	Requirement that Noble demonstrate that its affiliated electric corporations operating in New York are providing safe service	Consider requiring that Noble demonstrate that its affiliated electric corporations in New York are providing safe service
*PSC-22-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of 48-52 Franklin Street to submeter electricity at 50 Franklin Street, New York, New York
*PSC-24-10-00009-P	..... exempt	Verizon New York Inc. tariff regulations relating to voice messaging service	To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff
*PSC-25-10-00012-P	..... exempt	Reassignment of the 2-1-1 abbreviated dialing code	Consideration of petition to reassign the 2-1-1 abbreviated dialing code
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-34-10-00006-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-36-10-00010-P	..... exempt	Central Hudson's procedures, terms and conditions for an economic development plan	Consideration of Central Hudson's procedures, terms and conditions for an economic development plan
*PSC-40-10-00014-P	..... exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by National Grid
*PSC-40-10-00021-P	..... exempt	Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall	To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall
*PSC-41-10-00018-P	..... exempt	Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter	Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers
*PSC-41-10-00022-P	..... exempt	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY
*PSC-42-10-00011-P	..... exempt	Petition for the submetering of electricity	To consider the request of 4858 Group, LLC to submeter electricity at 456 Main Street, Buffalo, New York
*PSC-43-10-00016-P	..... exempt	Utility Access to Ducts, Conduit Facilities and Utility Poles	To review the complaint from Optical Communications Group
*PSC-44-10-00003-P	..... exempt	Third and fourth stage gas rate increase by Corning Natural Gas Corporation	To consider Corning Natural Gas Corporation's request for a third and fourth stage gas rate increase
*PSC-51-10-00018-P	..... exempt	Commission proceeding concerning three-phase electric service by all major electric utilities	Investigate the consistency of the tariff provisions for three-phase electric service for all major electric utilities
*PSC-11-11-00003-P	..... exempt	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service
*PSC-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-20-11-00012-P	..... exempt	Petition for the submetering of electricity	To consider the request of KMW Group LLC to submeter electricity at 122 West Street, Brooklyn, New York
*PSC-20-11-00013-P	..... exempt	Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges	To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable
*PSC-22-11-00004-P	..... exempt	Whether to permit the use of the Sensus accWAVE for use in residential gas meter applications	To permit gas utilities in New York State to use the Sensus accWAVE diaphragm gas meter
*PSC-23-11-00018-P	..... exempt	NYSERDA's energy efficiency program for low-income customers	To promote energy conservation in New York State
*PSC-26-11-00007-P	..... exempt	Water rates and charges	To approve an increase in annual revenues by about \$25,266 or 50%
*PSC-26-11-00009-P	..... exempt	Petition for the submetering of electricity at commercial property	To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York
*PSC-26-11-00012-P	..... exempt	Waiver of generation retirement notice requirements	Consideration of waiver of generation retirement notice requirements
*PSC-29-11-00011-P	..... exempt	Petition requesting the Commission reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order.	To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing.
*PSC-35-11-00011-P	..... exempt	Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8	Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters
*PSC-36-11-00006-P	..... exempt	To consider expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-38-11-00002-P	..... exempt	Operation and maintenance procedures pertaining to steam trap caps	Adopt modified steam operation and maintenance procedures
*PSC-38-11-00003-P	..... exempt	Waiver of certain provisions of the electric service tariffs of Con Edison	Consideration of waiver of certain provisions of the electric service tariffs of Con Edison
*PSC-40-11-00010-P	..... exempt	Participation of regulated local exchange carriers in the New York Data Exchange, Inc. (NYDE)	Whether to partially modify its order requiring regulated local exchange carriers' participation NYDE
*PSC-40-11-00012-P	..... exempt	Granting of transfer of plant in-service to a regulatory asset	To approve transfer and recovery of unamortized plant investment
*PSC-42-11-00018-P	..... exempt	Availability of telecommunications services in New York State at just and reasonable rates	Providing funding support to help ensure availability of affordable telecommunications service throughout New York
*PSC-43-11-00012-P	..... exempt	Transfer of outstanding shares of stock	Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC
*PSC-47-11-00007-P	..... exempt	Remedying miscalculations of delivered gas as between two customer classes	Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-48-11-00007-P	..... exempt	Transfer of controlling interests in generation facilities from Dynegy to PSEG	Consideration of the transfer of controlling interests in electric generation facilities from Dynegy to PSEG
*PSC-48-11-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York
*PSC-51-11-00010-P	..... exempt	The Total Resource Cost (TRC) test, used to analyze measures in the Energy Efficiency Portfolio Standard program	Petitioners request that the TRC test and/or its application to measures should be revised
*PSC-52-11-00017-P	..... exempt	Reparations and refunds	Reparations and refunds
*PSC-01-12-00007-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-01-12-00008-P	..... exempt	Transfer of real property and easements from NMPNS to NMP3	Consideration of the transfer of real property and easements from NMPNS to NMP3
*PSC-01-12-00009-P	..... exempt	Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove	To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered
*PSC-11-12-00002-P	..... exempt	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff
*PSC-11-12-00005-P	..... exempt	Transfer of land and water supply assets	Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman
*PSC-13-12-00005-P	..... exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-17-12-00007-P	..... exempt	Whether a proposed agreement for the provision of water service by Saratoga Water Services, Inc. is in the public interest	Whether the Commission should issue an order approving the proposed provision of water service
*PSC-17-12-00008-P	..... exempt	Whether a proposed agreement for the provision of water service by Saratoga Water Services, Inc. is in the public interest	Whether the Commission should issue an order approving the proposed provision of water service
*PSC-17-12-00009-P	..... exempt	Whether a proposed agreement for the provision of water service by Saratoga Water Services, Inc. is in the public interest	Whether the Commission should issue an order approving the proposed provision of water service
*PSC-19-12-00019-P	..... exempt	EEPS programs administered by New York State Electric & Gas Corporation and Rochester Gas and Electric Corporation	To modify the C&I sector by combining multiple approved C&I programs into a single C&I program for each PA
*PSC-19-12-00022-P	..... exempt	Approval of a combined heat and power performance program funding plan administered by NYSERDA	Modify NYSERDA's EEPS programs budget and targets to fund the CHP program
*PSC-19-12-00023-P	..... exempt	Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than \$100,000	To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc.

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-24-13-00009-P	..... exempt	Repowering options for the Cayuga generating station located in Lansing, New York, and alternatives	To establish whether utility plans should include repowering options for the Cayuga generating station, or other alternatives
*PSC-24-13-00010-P	..... exempt	Repowering options for the Dunkirk generating station located in Dunkirk, New York, and alternatives	To establish whether utility plans should include repowering options for the Dunkirk generating station, or other alternatives
*PSC-25-13-00008-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-25-13-00009-P	..... exempt	Provision by utilities of natural gas main and service lines.	To help ensure efficient and economic expansion of the natural gas system as appropriate.
*PSC-25-13-00012-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-27-13-00014-P	..... exempt	Columbia Gas Transmission Corporation Cost Refund	For approval for temporary waiver of tariff provisions regarding its Columbia Gas Transmission Corporation cost refund.
*PSC-28-13-00014-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-28-13-00016-P	..... exempt	The request of NGT for lightened regulation as a gas corporation.	To consider whether to approve, reject, or modify the request of Niagara gas transport of Lockport, NY LLC.
*PSC-28-13-00017-P	..... exempt	The request by TE for waiver of regulations requiring that natural gas be odorized in certain gathering line segments	Consider the request by TE for waiver of regulations that gas be odorized in certain lines
*PSC-32-13-00009-P	..... exempt	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices
*PSC-32-13-00010-P	..... exempt	Permission to write off and eliminate record keeping for regulatory reserves for Pensions and Other Post Retirement Benefits	To allow write off and eliminate record keeping of Pension and Other Post Retirement Benefits Reserves
*PSC-32-13-00012-P	..... exempt	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion
*PSC-33-13-00027-P	..... exempt	Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines.	Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines.
*PSC-33-13-00029-P	..... exempt	Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy.	To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy.
*PSC-34-13-00004-P	..... exempt	Escrow account and surcharge to fund extraordinary repairs	To approve the establishment of an escrow account and surcharge
*PSC-37-13-00007-P	..... exempt	Dissolution of Garrow Water Works Company, Inc..	To allow for the dissolution of Garrow Water Works Company, Inc.

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-01-14-00017-P	..... exempt	Residential Time-of-Use Rates	To establish residential optional time of use delivery and commodity rates
*PSC-03-14-00009-P	..... exempt	disposition of tax refunds and other related matters	to determine the disposition of tax refunds and other related matters
*PSC-04-14-00005-P	..... exempt	National Fuel Gas Corporation's Conservation Incentive Programs.	To modify National Fuel Gas Corporation's Non-Residential Conservation Incentive Program.
*PSC-05-14-00010-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-07-14-00008-P	..... exempt	Petition for submetering of electricity	To consider the request of Greater Centennial Homes HDFC, Inc. to submeter electricity at 102, 103 and 106 W 5th Street, et al.
*PSC-07-14-00012-P	..... exempt	Water rates and charges	Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project
*PSC-08-14-00015-P	..... exempt	Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities	To improve Verizon New York Inc.'s service quality and the Customer Trouble Report Rate levels at certain central office entities
*PSC-10-14-00006-P	..... exempt	Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance	To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance
*PSC-11-14-00003-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-16-14-00014-P	..... exempt	Whether to order NYSEG to provide gas service to customers when an expanded CPCN is approved and impose PSL 25-a penalties.	To order gas service to customers in the Town of Plattsburgh after approval of a town wide CPCN and to impose penalties.
*PSC-16-14-00015-P	..... exempt	Whether Central Hudson should be permitted to defer obligations of the Order issued on October 18, 2013 in Case 13-G-0336.	Consideration of the petition by Central Hudson to defer reporting obligations of the October 18, 2013 Order in Case 13-G-0336
*PSC-16-14-00016-P	..... exempt	Waiver of Commission regulations governing termination of service.	Consider United Water New York Inc.'s proposal to expand termination of service provisions.
*PSC-17-14-00003-P	..... exempt	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism
*PSC-17-14-00004-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00007-P	..... exempt	To consider petitions for rehearing, reconsideration and/or clarification	To consider petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00008-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-19-14-00014-P	..... exempt	Market Supply Charge	To make tariff revisions to the Market Supply Charge for capacity related costs

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-32-14-00009-P	..... exempt	Refueling options for the Dunkirk generating station located in Dunkirk, New York, and alternatives	To address the joint petition for rehearing of the Commission's Order related to refueling the Dunkirk generating station
*PSC-32-14-00012-P	..... exempt	Whether to grant or deny, in whole or in part, the Connect New York Coalition's petition	To consider the Connect New York Coalition's petition seeking a formal investigation and hearings
*PSC-34-14-00009-P	..... exempt	Whether to approve the Quadlogic S10N residential submeter.	Approval of the Quadlogic S10N Smart Meter for use in residential electric submetering is required by 16 NYCRR Parts 93 and 96.
*PSC-35-14-00004-P	..... exempt	Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY	To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY
*PSC-35-14-00005-P	..... exempt	Whether to permit the use of the Sensus iConA electric meter	Pursuant to 16 NYCRR Parts 92 and 93, Commission approval is necessary to permit the use of the Sensus iConA electric meter
*PSC-36-14-00009-P	..... exempt	Modification to the Commission's Electric Safety Standards.	To consider revisions to the Commission's Electric Safety Standards.
*PSC-36-14-00010-P	..... exempt	The procurement of Main Tier renewable resources will become the responsibility of the State's electric utilities.	To ensure the development of large-scale renewables in New York State to promote fuel diversity and reduce carbon emissions.
*PSC-36-14-00011-P	..... exempt	To defer pension settlement losses associated with retirements in the year ended March 31, 2014.	To resolve the ratemaking of the pension settlement loss.
*PSC-38-14-00003-P	..... exempt	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.
*PSC-38-14-00004-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00005-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-38-14-00007-P	..... exempt	Whether to expand Con Edison's low income program to include Medicaid recipients.	Whether to expand Con Edison's low income program to include Medicaid recipients.
*PSC-38-14-00008-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00010-P	..... exempt	Inter-carrier telephone service quality standard and metrics and administrative changes.	To review recommendations from the Carrier Working Group and incorporate appropriate modifications to the existing Guidelines.
*PSC-38-14-00012-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-38-14-00018-P	..... exempt	New electric utility demand response tariffs may be adopted.	To develop mature DER markets by enabling the development and use of DR as an economic system resource.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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..
*PSC-01-15-00014-P	..... exempt	State Universal Service Fund Disbursements	To consider Edwards Telephone Company's request for State Universal Service Fund disbursements
*PSC-01-15-00017-P	..... exempt	Reimbursement of costs for construction under 16 NYCRR 230	To determine proper reimbursement for costs related to trenching and construction
*PSC-03-15-00002-P	..... exempt	Waiver of tariff provisions related to SC 14 Non-Core Transportation Services for Electric Generation	To determine whether a waiver is warranted
*PSC-04-15-00008-P	..... exempt	Re-billing SC No. 2 customers from March 2008 through March 2014.	To determine whether re-billing SC No. 2 customers by the Companies' proposed methodology customers is appropriate.
*PSC-04-15-00010-P	..... exempt	To modify the retail access program under SC No. 19 - Seller Transportation Aggregation Service.	To modify the retail access program to implement Tier 2A - Storage Capacity Release and make other tariff changes.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-04-15-00011-P	..... exempt	To modify the retail access program under SC No. 8 - Seller Services.	To modify the retail access program to implement Tier 2A - Storage Capacity Release and make other tariff changes.
*PSC-04-15-00012-P	..... exempt	Disposition of tax refunds and other related matters.	To determine the disposition of tax refunds and other related matters.
*PSC-07-15-00006-P	..... exempt	Whether to order a remand regarding payphone rates	Whether to order a remand regarding payphone rates and award refunds
*PSC-08-15-00009-P	..... exempt	Approval of a surcharge.	To allow or disallow Emerald Green Lake Louise Marie Water Company, Inc. for a surcharge.
*PSC-08-15-00010-P	..... exempt	Request pertaining to the lawfulness of National Grid USA continuing its summary billing program.	To grant, deny, or modify URAC Rate Consultants' request that National Grid cease its summary billing program.
*PSC-10-15-00007-P	..... exempt	Notification concerning tax refunds	To consider Verizon New York Inc.'s partial rehearing or reconsideration request regarding retention of property tax refunds
*PSC-10-15-00008-P	..... exempt	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes
*PSC-10-15-00009-P	..... exempt	Contingency Tariffs regarding demand response issues	To consider Contingency Tariffs regarding demand response issues
*PSC-12-15-00007-P	..... exempt	The Annual Reconciliation of Gas Expenses and Gas Cost Recoveries codified at Title 16 NYCRR Section 720.6.5	Examine the Annual Reconciliation of Gas Expenses and Gas Cost Recoveries mechanism
*PSC-13-15-00024-P	..... exempt	Whether Leatherstocking should be permitted to recover a shortfall in earnings	To decide whether to approve Leatherstocking's request to recover a shortfall in earnings
*PSC-13-15-00026-P	..... exempt	Whether to permit the use of the Sensus Smart Point Gas AMR/AMI product	To permit the use of the Sensus Smart Point Gas AMR/AMI product
*PSC-13-15-00027-P	..... exempt	Whether to permit the use of the Measurlogic DTS 310 electric submeter	To permit the use of the Measurlogic DTS 310 submeter
*PSC-13-15-00028-P	..... exempt	Whether to permit the use of the SATEC EM920 electric meter	To permit necessary to permit the use of the SATEC EM920 electric meter
*PSC-13-15-00029-P	..... exempt	Whether to permit the use the Triacta Power Technologies 6103, 6112, 6303, and 6312 electric submeters	To permit the use of the Triacta submeters
*PSC-17-15-00004-P	..... exempt	Rehearing of the Commission's Order Adopting Regulatory Policy Framework and Implementation Plan	Consideration of a petition for rehearing
*PSC-17-15-00007-P	..... exempt	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million
*PSC-18-15-00004-P	..... exempt	National Grid's electric Economic Development Programs	To revise the economic development assistance to qualified businesses

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-18-15-00005-P	..... exempt	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism
*PSC-18-15-00007-P	..... exempt	National Grid's Economic Development Programs	To authorize a new economic development program for National Grid's natural gas service territory
*PSC-19-15-00011-P	..... exempt	Gas Safety Performance Measures and associated negative revenue adjustments	To update the performance measures applicable to KeySpan Gas East Corporation d/b/a National Grid
*PSC-20-15-00006-P	..... exempt	Implementation of the proposed Microgrid Business Model as a reliability and demand management resource	Consider implementation of the proposed Microgrid Business Model as a reliability and demand management resource
*PSC-22-15-00015-P	..... exempt	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)
*PSC-23-15-00005-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-23-15-00006-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-25-15-00008-P	..... exempt	Notice of Intent to Submeter electricity.	To consider the request of 165 E 66 Residences, LLC to submeter electricity at 165 East 66th Street, New York, New York.
*PSC-26-15-00014-P	..... exempt	To consider the request for partial waiver of the energy audit requirements in 16 NYCRR Section 96.5(k)	To consider the request for partial waiver of the energy audit requirements in 16 NYCRR Section 96.5(k)
*PSC-26-15-00016-P	..... exempt	Petition to Submeter electricity	To consider the request of 39 Plaza Housing Corporation to submeter electricity at 39 Plaza Street West, Brooklyn, New York
*PSC-27-15-00014-P	..... exempt	Authorization for NYAW to accrue interest on internal reserve debit balances	To allow NYAW to accrue interest on internal reserve debit balances
*PSC-28-15-00006-P	..... exempt	The minor electric rate filing of Mohawk Municipal Commission	Whether to increase Mohawk Municipal Commission's annual electric revenues by approximately \$113,119 or 13.74%
*PSC-29-15-00018-P	..... exempt	Approval of ratemaking related to amendment a certificate of public convenience and necessity	To approve or reject the ratemaking aspects of SLG's petition to amend its certificate of public convenience and necessity
*PSC-29-15-00025-P	..... exempt	Joint Petition for authority to transfer real property located at 624 West 132nd Street, New York, NY	Whether to authorize the proposed transfer of real property located at 624 West 132nd Street, New York, NY
PSC-31-15-00007-P	..... exempt	Plan to convert petroleum pipeline into a natural gas pipeline	Whether to approve the proposed conversion plan submitted by NIC Holding Corp
PSC-32-15-00005-P	..... exempt	Petition for rehearing of the Order Adopting Dynamic Load Management Filings with Modifications	To consider a petition for rehearing of the Order Adopting Dynamic Load Management Filings with Modifications
PSC-32-15-00006-P	..... exempt	Development of a Community Solar Demonstration Project.	To approve the development of a Community Solar Demonstration Project.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-32-15-00012-P	..... exempt	Proposed standards for Commission oversight of Distributed Energy Resource suppliers.	To consider proposed standards for Commission oversight of Distributed Energy Resource suppliers.
PSC-33-15-00009-P	..... exempt	Remote net metering of a demonstration community net metering program.	To consider approval of remote net metering of a demonstration community net metering program.
PSC-33-15-00012-P	..... exempt	Remote net metering of a Community Solar Demonstration Project.	To consider approval of remote net metering of a Community Solar Demonstration Project.
PSC-34-15-00021-P	..... exempt	Petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs	To consider the petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs
PSC-35-15-00010-P	..... exempt	Notice of Intent to Submeter Electricity	To consider the request of 605 West 42nd Owner LLC to submeter electricity at 605 West 42nd Street, New York, New York
PSC-35-15-00011-P	..... exempt	Demand based Standby Service Charges levied upon Offset Tariff customers accounts	To consider a revision to demand based Standby Service Charges levied upon Offset Tariff customers accounts
PSC-35-15-00014-P	..... exempt	Consideration of consequences against Light Power & Gas, LLC for violations of the UBP	To consider consequences against Light Power & Gas, LLC for violations of the UBP
PSC-37-15-00007-P	..... exempt	Submetered electricity	To consider the request of 89 Murray Street Ass. LLC, for clarification of the submetering order issued December 20, 2007
PSC-38-15-00008-P	..... exempt	Notice of Intent to submeter electricity	To consider the request of Community Counseling and Mediation to submeter electricity at 226 Linden Blvd., Brooklyn, New York
PSC-39-15-00012-P	..... exempt	Petition to submeter electricity	To consider the request of 47 East 34th Street (NY), L.P., to submeter electricity at 49 East 34th Street New York, New York
PSC-40-15-00012-P	..... exempt	Establishment of the regulatory regime applicable to an approximately 106 MW electric generating facility	Consideration of approval of a lightened regulatory regime for an approximately 106 MW electric generating facility
PSC-40-15-00014-P	..... exempt	Whether to permit the use of the Open Way 3.5 with cellular communications	To consider the use of the Open Way 3.5 electric meter, pursuant to 16 NYCRR Parts 92 and 93
PSC-41-15-00005-P	..... exempt	Intergrow disputes National Grid's revenue assurance calculations	To consider whether the revenue assurance National Grid is requiring of Intergrow for the new interconnection is appropriate
PSC-41-15-00007-P	..... exempt	The allocation of costs for the extension of electric service	Whether to grant the complaint of Glenwyck Development, LLC
PSC-41-15-00009-P	..... exempt	Main Tier of the Renewable Portfolio Standard program	To consider allocating funding from the Main Tier to an eligible hydroelectric facility
PSC-41-15-00011-P	..... exempt	Deferral of incremental costs incurred in 2014 associated with increased gas leak response and repair activities	To consider a petition by Con Edison to defer certain incremental costs associated with gas leak response and repair activities

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-42-15-00006-P	..... exempt	Deferral of incremental expenses associated with NERC's new Bulk Electric System (BES) compliance requirements approved by FERC.	Consideration of Central Hudson's request to defer incremental expenses associated with new BES compliance requirements.
PSC-42-15-00010-P	..... exempt	Petition for modification of Con Edison's S.C. No. 4 (Back-up/Supplementary) Steam Service.	To consider modifications to S.C. No. 4 of Con Edison's Schedule for Steam Service.
PSC-42-15-00012-P	..... exempt	Establishment of the regulatory regime applicable to a proposed natural gas pipeline facility.	Consideration of a lightened regulatory regime for a proposed natural gas pipeline facility.
PSC-42-15-00013-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.
PSC-44-15-00028-P	..... exempt	Deferral of incremental expenses associated with new compliance requirements	Consideration of Central Hudson's request to defer incremental expenses associated with new compliance requirements
PSC-44-15-00030-P	..... exempt	System Improvement Plan mechanism	To consider Bath's petition to implement a SIP mechanism
PSC-47-15-00012-P	..... exempt	Reimbursement of costs for construction under 16 NYCRR 230	To determine proper reimbursement for costs related to trenching and construction
PSC-47-15-00013-P	..... exempt	Whitepaper on Implementing Lightened Ratemaking Regulation.	Consider Whitepaper on Implementing Lightened Ratemaking Regulation.
PSC-48-15-00010-P	..... exempt	Lightened and incidental regulation of a 55 MW electric and steam generating facility.	Consider the lightened and incidental regulation of a 55 MW electric and steam generating facility.
PSC-48-15-00011-P	..... exempt	Proposal to retire Huntley Units 67 and 68 on March 1, 2016.	Consider the proposed retirement of Huntley Units 67 and 68.
PSC-49-15-00009-P	..... exempt	Petition for rehearing of the Order Establishing Interim Ceilings on the Interconnection of Net Metered Generation	To consider a Petition for rehearing of the Order Establishing Interim Ceilings on the Interconnection of Net Metered Generation
PSC-50-15-00006-P	..... exempt	The reduction of rates.	To consider the reduction of rates charged by Independent Water Works, Inc.
PSC-50-15-00008-P	..... exempt	The transfer of 1,064 utility poles.	To consider the transfer of 1,064 utility poles from Orange and Rockland Utilities, Inc. to Frontier Communications Corp.
PSC-50-15-00009-P	..... exempt	Notice of Intent to submeter electricity.	To consider the request to submeter electricity at 31-33 Lincoln Road and 510 Flatbush Avenue, Brooklyn, New York.
PSC-51-15-00010-P	..... exempt	Modification of the EDP	To consider modifying the EDP
PSC-51-15-00011-P	..... exempt	National Grid's electric Economic Development Programs	To consider modifications to the economic development assistance to qualified businesses
PSC-52-15-00015-P	..... exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP).	To consider whether to impose consequences on Astral for its apparent non-compliance with Commission requirements.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-01-16-00002-P	..... exempt	Revenue assurance calculations	To consider whether the revenue assurance National Grid is requiring of Tiashoke for the upgraded service is appropriate
PSC-01-16-00003-P	..... exempt	Deferral of expenses	To consider a petition for the deferral of expenses
PSC-01-16-00005-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-03-16-00008-P	..... exempt	Petition to submeter electricity	To consider the request of 910 Fifth Avenue Corporation to submeter electricity at 910 Fifth Avenue, New York, New York
PSC-04-16-00007-P	..... exempt	Whether Hamilton Municipal Utilities should be permitted to construct and operate a municipal gas distribution facility.	Consideration of the petition by Hamilton Municipal Utilities to construct and operate a municipal gas distribution facility.
PSC-04-16-00008-P	..... exempt	Clean Energy Standard	To consider funding for renewable and other non-emitting electric generation facilities
PSC-04-16-00010-P	..... exempt	Proposed revisions to add and clarify provisions related to electric generators under SC No. 14.	To consider revisions to SC No. 14 and align the electric generator provisions with its downstate companies, KEDLI and KEDNY.
PSC-04-16-00011-P	..... exempt	Investigation that certain practices of Central Hudson Gas and Electric Corporation resulted in violations of HEFPA.	To consider the Petition of Nobody Leaves Mid-Hudson to investigate Central Hudson for claims of HEFPA violations.
PSC-04-16-00012-P	..... exempt	Proposal to mothball three gas turbines located at the Astoria Gas Turbine Generating Station.	Consider the proposed mothball of three gas turbines located at the Astoria Gas Turbine Generating Station.
PSC-04-16-00013-P	..... exempt	Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.	Consider whether three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.
PSC-06-16-00007-P	..... exempt	Transfer of water supply assets.	To consider the sale of water supply assets of Northeast Water Services to Suez Water Owego-Nichols, Inc.
PSC-06-16-00008-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of 31 Lincoln Road Development LLC to submeter electricity at 31-33 Lincoln Road, Brooklyn, NY.
PSC-06-16-00010-P	..... exempt	Lakewood disputes National Grid's revenue assurance calculations, specifically the duration used.	To consider whether the revenue assurance National Grid is requiring of Lakewood for the new interconnection is appropriate.
PSC-06-16-00012-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-06-16-00015-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of 31 Lincoln Road Development LLC to submeter electricity at 510 Flatbush Ave., Brooklyn, NY.
PSC-07-16-00016-P	..... exempt	Use of the Electro Industries Shark 200 electric submeter in residential applications	To consider the use of the Electro Industries Shark 200 submeter
PSC-07-16-00017-P	..... exempt	To modify the retail access program under SC No. 8 - Seller Services	To consider changes to the retail access program to implement Tier 2A - Storage Capacity Release and other tariff revisions
PSC-07-16-00018-P	..... exempt	The use of the Open Way Centron 3.5 commercial meter, with 4G LTE cellular or modem communications for electric metering	To consider the use of the Itron Open Way Centron 3.5 meter
PSC-07-16-00020-P	..... exempt	To modify the retail access program under SC No. 19 - Seller Transportation Aggregation Service	To consider changes to the retail access program to implement Tier 2A - Storage Capacity Release and other tariff revisions
PSC-07-16-00021-P	..... exempt	NYSEG's request to collect funding for natural gas Energy Efficiency Portfolio Standard programs	To consider NYSEG's request to collect funding for natural gas Energy Efficiency Portfolio Standard programs
PSC-08-16-00007-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of BOP MW Residential Market LLC and BOP MW Residential Affordable LLC to submeter electricity.
PSC-10-16-00010-P	..... exempt	Stock Acquisition	To consider the acquisition of the stock of Whistle Tree Development Corporation by Scribners Catskill Lodge, LLC.
PSC-11-16-00008-P	..... exempt	Proposed zero-emissions credits purchase program regarding certain nuclear power plants	To avoid adverse air emissions from fossil-fueled generation that would replace nuclear generation
PSC-11-16-00010-P	..... exempt	To establish a process to facilitate the transfer of complete systems of street lighting equipment	To consider the establishment of a process to facilitate the transfer of complete systems of street lighting equipment
PSC-11-16-00011-P	..... exempt	To establish a process to facilitate the transfer of complete systems of street lighting equipment	To consider the establishment of a process to facilitate the transfer of complete systems of street lighting equipment
PSC-11-16-00012-P	..... exempt	To establish a process to facilitate the transfer of complete systems of street lighting equipment	To consider the establishment of a process to facilitate the transfer of complete systems of street lighting equipment
PSC-11-16-00013-P	..... exempt	Leakage survey and corrosion inspection requirements	To establish protocols and timeframes for completing leakage surveys and corrosion inspections on gas service lines
PSC-11-16-00014-P	..... exempt	To establish a process to facilitate the transfer of complete systems of street lighting equipment	To consider the establishment of a process to facilitate the transfer of complete systems of street lighting equipment
PSC-11-16-00015-P	..... exempt	To establish a process to facilitate the transfer of complete systems of street lighting equipment	To consider the establishment of a process to facilitate the transfer of complete systems of street lighting equipment

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-11-16-00016-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent of 504 Myrtle Residential Owner LLC to submeter electricity at 504 Myrtle Avenue, Brooklyn, NY
PSC-11-16-00017-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent of 140 West Street Condominium to submeter electricity at 100 Barclay Street, New York, NY
PSC-11-16-00018-P	..... exempt	Rolling Meadows Water Corporation's rates for the provision of water	To consider an increase in Rolling Meadows Water Corporation's annual water revenues by approximately \$169,841 or 34.05%
PSC-12-16-00003-P	..... exempt	The use of the GE Energy low voltage transformers	To consider the use of the GE Energy low voltage transformers
PSC-12-16-00004-P	..... exempt	The option to opt out of using an AMR device, and substitute an electro-mechanical meter, at no additional charge	To consider the option to opt out of using an AMR device, and substitute an electro-mechanical meter, at no additional charge
PSC-12-16-00005-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent of 3475 Third Avenue Owner Realty LLC to submeter electricity at 3475 Third Avenue, Bronx, NY
PSC-12-16-00007-P	..... exempt	Deferral of incremental costs incurred in 2015 associated with increased gas leak response and repair activities	To consider a petition by Con Edison to defer certain incremental costs associated with gas leak response and repair activities
PSC-12-16-00008-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of Promenade Global LLC to submeter electricity at 150 West 225th Street, Bronx, New York.
PSC-13-16-00007-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent to submeter electricity at 131-05, 131-03 and 131-01 40th Road, Flushing, New York
PSC-13-16-00008-P	..... exempt	Standby rate exemption for Offset Tariff customers	Consideration of the standby rate exemption for Offset Tariff customers
PSC-13-16-00009-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent of Franklin Place Condominium to submeter electricity at 5 Franklin Place, New York, New York
PSC-13-16-00011-P	..... exempt	Transfer of stock	To consider the sale of all outstanding Crystal Water Corp. stock to Bruce McNab
PSC-14-16-00006-P	..... exempt	Revisions to S.C. No. 4 Back-Up/ Supplementary Service related to contract demand.	To consider revisions to S.C. No. 4 Back-Up/ Supplementary Service related to contract demand.
PSC-14-16-00007-P	..... exempt	Regulation of customer name changes on pending interconnection applications for grandfathered projects.	To consider regulation of customer name changes on pending interconnection applications for grandfathered projects.
PSC-14-16-00008-P	..... exempt	Resetting retail markets for ESCO mass market customers.	To ensure consumer protections with respect to residential and small non-residential ESCO customers.
PSC-15-16-00010-P	..... exempt	Proposed financial incentives for projects undertaken through the Targeted Demand Management program	To consider financial incentives for projects undertaken through the Targeted Demand Management program

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-15-16-00012-P	..... exempt	Adequate service of Verizon New York, Inc.	To consider the adequacy of Verizon New York Inc.'s service quality
PSC-15-16-00015-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent of IGI-GGP Renwick LLC to submeter electricity at 15 Renwick Street, New York, New York
PSC-16-16-00004-P	..... exempt	Utility Codes of Conduct for affiliate interactions.	To update and/or modify utility codes of conduct in anticipation of changes related to evolving Commission policies.
PSC-16-16-00005-P	..... exempt	A Clean Energy Standard - Tier 3.	To avoid adverse air emissions related to fossil fuel fired electricity generation and support upstate nuclear facilities.
PSC-16-16-00006-P	..... exempt	A Clean Energy Standard - Tier 1 and Tier 2.	To avoid adverse air emissions related to fossil fuel fired electricity generation and promote renewable sources of electricity.
PSC-17-16-00004-P	..... exempt	Major electric rate filing	To consider an increase in Con Edison's electric delivery revenues of approximately \$482 million or 9.5%
PSC-17-16-00005-P	..... exempt	Major gas rate filing	To consider an increase in KEDNY's gas delivery revenues by approximately \$290 million or 32%
PSC-17-16-00006-P	..... exempt	Proposal to revise General Rule 20 Standby Service	To consider proposed tariff revisions related to standby service multi-party offset under General Rule 20
PSC-17-16-00007-P	..... exempt	Major gas rate filing	To consider an increase in Con Edison's gas delivery revenues of approximately \$154 million or 13.4%
PSC-17-16-00008-P	..... exempt	Major gas rate filing	To consider an increase in KEDLI's gas delivery revenues by approximately \$175 million or 27%
PSC-18-16-00012-P	..... exempt	Petition for additional stock acquisition.	To consider the petition for additional stock acquisition.
PSC-18-16-00013-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
PSC-18-16-00014-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
PSC-18-16-00015-P	..... exempt	Petitions for rehearing of the Order Resetting Retail Energy Markets and Establishing Further Process.	To ensure consumer protections for ESCO customers.
PSC-18-16-00016-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
PSC-18-16-00018-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
PSC-19-16-00010-P	..... 05/11/17	Technical Amendments of State regulations	To align State regulations with their corollary Federal regulations

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-19-16-00011-P	..... exempt	Public Street Lighting - LED Options	To consider the addition of LED options to O&R's SC No. 4 - Public Street Lighting
PSC-19-16-00012-P	..... exempt	Proposed corporate reorganization and transfer of ownership interests between members in Cricket Valley Energy Center, LLC	To consider corporate reorganization and transfer of ownership interests between members in Cricket Valley Energy Center, LLC
PSC-20-16-00007-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of BAM GO Developers, LLC to submeter electricity at 250 Ashland Place, Brooklyn, New York.
PSC-20-16-00008-P	..... exempt	Consideration of consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).	To consider consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).
PSC-20-16-00009-P	..... exempt	Standards for affiliate relationships.	To consider whether to permit the expansion of employees who are permitted to perform services on behalf of affiliates.
PSC-20-16-00010-P	..... exempt	Deferral and recovery of incremental expense.	To consider deferring costs of conducting leak survey and repairs for subsequent recovery.
PSC-20-16-00011-P	..... exempt	Enetics LD-1120 Non-Intrusive Load Monitoring Device in the Statewide Residential Appliance Metering Study.	To consider the use of the Enetics LD-1120 Non-Intrusive Load Monitoring Device.
PSC-21-16-00006-P	..... exempt	Petition to submeter electricity	To consider the petition of HV Housing, LLC to submeter electricity at 45 Vanderburgh Avenue, Troy, New York
PSC-21-16-00007-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent to submeter electricity at 206 Outer Main Street, Building #67, Potsdam, New York
PSC-21-16-00008-P	..... exempt	GE I-210+c with Silver Spring Network Interface Card (NIC) 510	To consider the use of the GE I-210+c with Silver Spring Networks Interface Card (NIC) 510
PSC-21-16-00009-P	..... exempt	Establishment of compensation for nuclear facilities relative to a Zero-Emissions Credit program	To preserve zero-emissions attributes of generation facilities serving New York electric customers
PSC-22-16-00010-P	..... exempt	Notice of Intent to submeter electricity and waiver of 16 NYCRR § 96.5(k)(3).	To consider the Notice of Intent to submeter electricity and waiver of 16 NYCRR § 96.5(k)(3).
PSC-22-16-00011-P	..... exempt	Petition for rehearing of the Order Modifying Standardized Interconnection Requirements and alternative enforcement mechanisms.	To ensure compliance with the Standardized Interconnection Requirements.
PSC-22-16-00012-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of 20 West 53rd Street, L.L.C. to submeter electricity at 20 West 53 Street, New York, NY.
PSC-22-16-00013-P	..... exempt	Disposition of tax refunds and other related matters.	To consider the disposition of tax refunds and other related matters.
PSC-22-16-00014-P	..... exempt	Request for waiver of 16 NYCRR § 96.5(k)(3) and § 96.6(b).	To consider the request for waiver of 16 NYCRR § 96.5(k)(3) and 16 NYCRR § 96.6(b)
PSC-22-16-00015-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 100 Willoughby Street and 210 Duffield Street, Brooklyn, New York.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-23-16-00008-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent to submeter electricity at 135 West 52nd Street, New York, New York
PSC-23-16-00009-P	..... exempt	Transfer of assets and dissolution of Birch Hill Water Company Inc.	To consider the transfer of assets and dissolution of the Birch Hill Water Company Inc.
PSC-23-16-00010-P	..... exempt	Minor water rate filing	To consider an increase in Pheasant Hill Water Corporation's annual water revenues by approximately \$66,325 or 126%
PSC-23-16-00011-P	..... exempt	Notification concerning tax refunds	To consider Verizon New York Inc.'s request to retain a portion of a property tax refund
PSC-23-16-00012-P	..... exempt	Area Code Overlay	To consider an area code overlay in the current 518 area code
PSC-23-16-00013-P	..... exempt	Acquisition of all of the assets of Beaver Dam Lake Water Corporation	To consider the acquisition of all assets of Beaver Dam Lake Water Corporation by New York American Water Company Inc.
PSC-24-16-00008-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 220 Central Park South, New York, New York.
PSC-24-16-00009-P	..... exempt	Petition to submeter gas service.	To consider the Petition of New York City Economic Development Corp. to submeter gas at Pier 17, 89 South Street, New York, NY.
PSC-24-16-00010-P	..... exempt	Establishment of reliability contingency plan(s) to address the potential closure of Indian Point Energy Center.	To address reliability needs associated with the potential closure of the Indian Point Energy Center.
PSC-25-16-00008-P	..... exempt	Consideration of the Avangrid Implementation Plan and audit recommendations.	To consider Avangrid's Implementation Plan.
PSC-25-16-00009-P	..... exempt	To delay Companies' third-party assessments of customer personally identifiable information until 2018.	To extend the time period between the Companies' third-party assessments of customer personally identifiable information.
PSC-25-16-00010-P	..... exempt	Consideration of Consolidated Edison Company of New York, Inc.'s Implementation Plan and audit recommendations.	To consider Consolidated Edison Company of New York, Inc.'s Implementation Plan.
PSC-25-16-00011-P	..... exempt	A petition for rehearing of the Order Authorizing Framework for Community Choice Aggregation Opt-out Program.	To determine appropriate rules for Community Choice Aggregation Programs.
PSC-25-16-00012-P	..... exempt	Consideration of NYISO's Western New York PPTN Viability and Sufficiency Assessment.	To identify whether NYISO should proceed to further evaluate solutions to a Western New York PPTN.
PSC-25-16-00013-P	..... exempt	Petition for reconsideration of the Order Authorizing Framework for Community Choice Aggregation Opt-out Program	To determine appropriate rules for Community Choice Aggregation Programs
PSC-25-16-00014-P	..... exempt	Consideration of the National Grid companies' Implementation Plan and audit recommendations.	To consider the National Grid companies' Implementation Plan.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-25-16-00015-P	..... exempt	Consideration of the National Fuel Gas Distribution Corporation Implementation Plan and audit recommendations.	To consider National Fuel Gas Distribution Corporation's Implementation Plan.
PSC-25-16-00016-P	..... exempt	Consideration of the Orange and Rockland Utilities, Inc. Implementation Plan and audit recommendations.	To consider Orange and Rockland Utilities, Inc.'s Implementation Plan.
PSC-25-16-00017-P	..... exempt	Consideration of the Central Hudson Gas & Electric Corporation Implementation Plan and audit recommendations.	To consider Central Hudson Gas & Electric Corporation 's Implementation Plan.
PSC-25-16-00018-P	..... exempt	Proposed Community Choice Aggregation Data Security Agreement.	To ensure appropriate consumer protections in Community Choice Aggregation programs.
PSC-25-16-00019-P	..... exempt	Revision of customer service metrics.	To consider revisions to customer service metrics previously approved by the Commission.
PSC-25-16-00020-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of Gemini Residential, LLC to submeter electricity at 225 East 39th Street, New York, New York.
PSC-25-16-00021-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of 28th Highline Associates, LLC to submeter electricity at 520 West 28th Street, New York, NY.
PSC-25-16-00022-P	..... exempt	Transfer of ownership interests in Crestwood Pipeline East LLC.	Consideration of transfer of ownership interests in Crestwood Pipeline East LLC.
PSC-25-16-00023-P	..... exempt	Use of the Elster Solutions Energy Axis transponder.	To consider the use of the Elster Solutions Energy Axis transponder.
PSC-25-16-00024-P	..... exempt	Pole Attachment Rules.	To determine that the Commission's existing pole attachment rules apply to wireless providers.
PSC-25-16-00025-P	..... exempt	Acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.	To consider acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.
PSC-25-16-00026-P	..... exempt	Use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter, in residential fire service applications.	To consider the use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter in fire service applications.
PSC-25-16-00027-P	..... exempt	Use of the Badger Meter HR E LCD High Resolution E Series Encoder Register.	To consider the use of the Badger Meter HR E LCD High Resolution E Series Encoder Register.
PSC-25-16-00028-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of 421 Kent Development LLC to submeter electricity at 60 South 8th Street, Brooklyn, New York.
PSC-25-16-00029-P	..... exempt	Use of the Orion Water Endpoints meter reading system.	To consider the use of the Orion Water Endpoints.
PSC-26-16-00019-P	..... exempt	Major water rate filing.	To consider a proposal to increase annual base rates by approximately \$11.6 million or 13.7%.
PSC-26-16-00020-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 23-01 42nd Street, Long Island City, New York.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-26-16-00021-P	..... exempt	To extend the implementation date for its retail access program cash-out process.	To consider an extension for the implementation of the retail access program cash-out process.
PSC-27-16-00006-P	..... exempt	Continuation of the State Universal Service Fund.	To consider a proposal to continue the SUSF for an additional four years, through 12/31/20.
PSC-27-16-00007-P	..... exempt	The waiver of a Commission policy on test years in rate cases.	To consider the waiver of the Commission's 150 day requirement.
PSC-28-16-00013-P	..... exempt	Initial Tariff Schedule which includes rates, charges, rules and regulations for water service.	To consider the proposed Initial Tariff Schedule and initial rate for water service.
PSC-28-16-00014-P	..... exempt	Consideration of CECONY and O&R's Implementation Plan for 36 audit recommendations.	To consider CECONY and O&R's Implementation Plan.
PSC-28-16-00015-P	..... exempt	Major water rate filing.	To consider a proposal to increase revenues by approximately \$8.49 million or 8.3% and consolidate tariffs and rates.
PSC-28-16-00016-P	..... exempt	A petition for reconsideration of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework.	To determine appropriate rules for and calculation of the distributed generation reliability credit.
PSC-28-16-00017-P	..... exempt	A petition for rehearing of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework.	To determine appropriate rules for and calculation of the distributed generation reliability credit.
PSC-29-16-00019-EP	..... exempt	Appointment of a temporary operator.	To ensure safe water supply through appointment of a temporary operator.
PSC-29-16-00021-P	..... exempt	Use of the Silver Spring Network Commercial Gas Interface Management Unit - IMU 200.	To consider the use of the Silver Spring Network Commercial Gas Interface Management Unit - IMU 200.
PSC-29-16-00022-P	..... exempt	Petitions for Rehearing of the Commission's Order Adopting Low Income Program Modifications and Directing Utility Filings.	To establish rates, terms, and conditions for low income utility programs.
PSC-29-16-00023-P	..... exempt	Use of the Silver Spring Network Residential Gas Interface Management Unit - IMU 300 and IMU 300A.	To consider the use of the Silver Spring Network Residential Gas Interface Management Unit - IMU 300 and IMU 300A.
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-30-16-00002-EP	..... exempt	Resuming billing of six gas customers on Sullivan Rd., Alden, NY.	To allow Reserve Gas Company to resume billing its six Sullivan Rd. customers.
PSC-30-16-00005-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent of 616 First Avenue LLC to submeter electricity at 626 First Avenue, New York, New York
PSC-30-16-00006-P	..... exempt	The application of NYSEG's tariff to a remote net metering host account owned by Cornell University	To determine the appropriate tariff treatment for the Cornell account

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-30-16-00007-P	..... exempt	The Municipal Electric and Gas Alliance's Community Choice Aggregation Implementation Plan	To ensure appropriate consumer protections
PSC-31-16-00004-P	..... exempt	Proposed acquisition of 100% of the assets of WBA by NYAW and to address other matters related to the acquisition.	To consider the proposed acquisition of all assets of WBA by NYAW and other matters related to the acquisition.
ROCHESTER-GENESEE REGIONAL TRANSPORTATION AUTHORITY			
RGT-04-16-00002-P	..... 01/26/17	Identifies prohibited conduct, consequences of prohibited conduct, and the available appeals process	To provide rules governing prohibited conduct to enhance the safety of the public using RGRTA's transportation services
STATE, DEPARTMENT OF			
*DOS-22-15-00017-RP	..... 08/31/16	Facility requirements for businesses which offer appearance enhancement services	Increase ventilation standards for businesses which offer appearance enhancement services
STATE UNIVERSITY OF NEW YORK			
SUN-28-16-00005-P	..... 07/13/17	State University of New York's Patents and Inventions Policy	Model best practices in the areas of innovation & technology transfer & comply with federal law re: intellectual property rights
SUN-30-16-00003-EP	..... 07/27/17	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-30-16-00004-EP	..... 07/27/17	College tuition and fees and Definition of a nonresident student	To provide flexibility in establishing community college tuition rates for students from outside the state
SUN-30-16-00009-P	..... 07/27/17	State basic financial assistance for 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 2016-17 Budget Bill
TAXATION AND FINANCE, DEPARTMENT OF			
TAF-23-16-00003-P	..... exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith	To set the sales tax component and the composite rate per gallon for the period July 1, 2016 through September 30, 2016
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
*TDA-22-15-00005-RP	..... 08/31/16	Supplemental Nutrition Assistance Program	Update regulations for the Transitional Benefits Alternative program
TDA-46-15-00005-P	..... 11/17/16	Storage of furniture and personal belongings	Provide clarification regarding allowances for the storage of furniture and personal belongings
TDA-06-16-00016-ERP	..... 02/09/17	Emergency shelters	Emergency measures concerning shelters
TDA-19-16-00007-P	..... 05/11/17	Supplemental Nutrition Assistance Program (SNAP)	Update State regulations concerning household cooperation with SNAP quality control reviews to reflect federal changes

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
TDA-21-16-00005-P	05/25/17	Income withholding of child or combined child and spousal support	Update State regulations to conform to federally-mandated changes to CPLR §§ 5241 and 5242 and SSL § 111-b
TDA-25-16-00002-EP	06/22/17	Emergency shelters	To address security measures and incident reporting in shelters for the homeless
TRANSPORTATION, DEPARTMENT OF			
TRN-47-15-00002-P	11/24/16	Various regulations addressing accident reporting, record retention, insurance, vehicle inspection and equipment identification	Updates to regulations addressing accident reporting, record retention, insurance, vehicle inspection, equipment identification
TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY			
TBA-08-16-00005-P	02/23/17	Proposal to strengthen toll violation enforcement on TBTA bridges and tunnels	To deter toll evasion
WORKERS' COMPENSATION BOARD			
WCB-45-15-00019-P	11/09/16	Stipulations	To streamline the process for parties to enter into stipulations in workers' compensation proceedings
WCB-45-15-00025-P	11/09/16	Medical Treatment Guideline variances	Permit the Chair to require submission of variance requests via an electronic medical portal
WCB-45-15-00026-P	11/09/16	Medical Authorizations	Permit the Chair to require submission of medical authorization requests via an electronic medical portal
WCB-45-15-00027-P	11/09/16	Medical Treatment Guideline optional prior approval	Change the time to respond from business days to calendar days

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

REHABILITATE SHOWERS

Wyoming Correctional Facility
Attica, Wyoming County

Sealed bids for Project Nos. 45184-C, 45184-H, 45184-P, 45184-E, comprising separate contracts for Construction Work, HVAC Work, Plumbing Work, and Electrical Work, Rehabilitate Showers, Dorm Buildings 3-7, 17, 18, Wyoming Correctional Facility, 3203 Dunbar Road, Attica (Wyoming County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Corrections and Community Supervision, until 2:00 p.m. on Wednesday, August 17, 2016, 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 \$46,100 for C, \$23,400 for H, \$45,200 for P, and \$15,100 for E.

All successful bidders on a multiple trade project or the successful bidder with a bid over \$200,000 on a single trade project, will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$1,000,000 and \$2,000,000 for C, between \$250,000 and \$500,000 for H, between \$1,000,000 and \$2,000,000 for P, and between \$100,000 and \$250,000 for E. The requirement for Labor and Material and Performance Bonds may be waived on a bid under \$200,000 on a single trade project.

Pursuant to State Finance Law § 139-j and § 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest notice of intent to solicit offers through final award and approval of the Procurement Contract by OGS D&C and Office of the State Comptroller ("restricted period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Frank Peris and Carl Ruppert in the 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 4 year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the new Legislative and State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://ogs.ny.gov/aboutogs/regulations/defaultAdvisoryCouncil.asp>.

The substantial completion date for this project is 940 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 9:00 a.m. on August 11, 2016 at Attica Field Office, 30 Hunt Blvd., Attica, 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 Kristina Green, (585) 591-0356 a minimum of 72 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

It is the policy of the State and the Office of General Services to encourage meaningful minority- and women-owned business enterprise participation in this project by contractors, subcontractors and suppliers under the Contract, and 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) for Construction, HVAC, Plumbing and Electrical. 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 D&C.Plans@ogs.ny.gov, or call 1-877-647-7526.

For additional information on this project, please use the link below and then click on the project number: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>.

By *John D. Lewyckyj, Deputy Director*
OGS - Design & Construction Group

MISCELLANEOUS NOTICES/HEARINGS

Notice of Abandoned Property Received by the State Comptroller

Pursuant to provisions of the Abandoned Property Law and related laws, the Office of the State Comptroller receives unclaimed monies and other property deemed abandoned. A list of the names and last known addresses of the entitled owners of this abandoned property is maintained by the office in accordance with Section 1401 of the Abandoned Property Law. Interested parties may inquire if they appear on the Abandoned Property Listing by contacting the Office of Unclaimed Funds, Monday through Friday from 8:00 a.m. to 4:30 p.m., at:

1-800-221-9311
or visit our web site at:
www.osc.state.ny.us

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

PUBLIC NOTICE Education Department

The State Education Department hereby gives notice of the following:

The Notice of Proposed Rule Making for proposed amendments of 8 NYCRR § 100.5(a)(5) (Social Studies Regents Examination; EDU-27-16-00004-EP), which was published in the State Register on July 6, 2016, included an incorrect subject and purpose.

The correct subject is as follows: Social Studies examination requirements for a high school diploma.

The correct purpose is as follows: In effort to provide flexibility to districts during the transition period to the new Social Studies Regents examination, the proposed amendment shifts the requirement for students to take and pass the new Regents Examination in Global History & Geography II examination for graduation (instead of the prior Regents examination in global history and geography) for an additional year- so that it applies to students first entering grade nine on or after September 2017; and provides districts with flexibility during the transition period to the new Social Studies Regents examination.

As a result of this publication error, the Department is extending the public comment period on this regulation until September 19, 2016.

PUBLIC NOTICE Department of Health Division of Long Term Care

The Department of Health (DOH) is submitting an amended Home and Community-Based Services (HCBS) Statewide Transition Plan (STP) as required by the Centers for Medicare and Medicaid Services' (CMS) HCBS Final Rule.

To read the full plan, please go to: https://www.health.ny.gov/health_care/medicaid/redesign/home_community_based_settings.htm

This document follows our initial STP and provides more specific-

ity about both systemic and site compliance with the requirements of the rule, details our assessment process and remediation plans, and identifies categories of sites that will require heightened scrutiny.

We welcome public comment on this plan.

The deadline for comments is August 19, 2016 by close of business. Please email comments to HCBSrule@health.ny.gov, or send written comments to: Department of Health, Office of Health Insurance Program, Division of Long Term Care, Attn: Deborah Rhatigan, One Commerce Plaza, 99 Washington Ave., Suite 1620, Albany, NY 12210

PUBLIC NOTICE Department of State

The public comment period for revised proposed rulemaking pertaining to Facility Requirements for Businesses Which Offer Appearance Enhancement Services, published in the State Register on June 22, 2016 (I.D. No. DOS-22-15-00017-RP), is extended until August 10, 2016.

PUBLIC NOTICE Department of State F-2016-0233; F-2016-0235 Date of Issuance –August 03, 2016

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

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program (NYSCMP). The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2016-0233 and F-2016-0235, or "Newtown Creek Wetland Research Demonstration Project, Dutch Kills" and "Newtown Creek Wetland Research Demonstration Project, Dutch Kills, Hunter's Point Bridge", the New York City Department of Environmental Protection (DEP) is proposing to construct functional, vegetated, tidal fringe wetlands within the environmentally degraded "dead end basin" – Dutch Kills basin, which serves as a tributary to the Newtown Creek. The main purpose of the projects is to help improve water quality through establishment of healthy tidal wetland – improving dissolved oxygen levels and locally filtering contaminants. The projects will also provide an aesthetic benefit to the area which is primarily used for industry and transport. The projects will entail placement of clean fill (respectively, 935 cubic yards within 0.19 acres and 3,524 cubic yards within 0.69 acres along Dutch Kills) in order to establish proper elevations to support the growth and survival of smooth cordgrass (*Spartina alterniflora*). As a demonstration project, it is anticipated that the results may help to inform other potential wetland restoration projects that could potentially take place within the Newtown Creek system, providing further water quality improvement as well as ecological and aesthetic benefits.

The proposed activities would be undertaken within the Waterfront

Revitalization Program (WRP) planning area for the City of New York and activities must be consistent with the unique policies of this Program as well as with the policies of the NYSCMP. Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice or August 18, 2016.

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

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

PUBLIC NOTICE

Uniform Code Regional Boards of Review

Pursuant to 19 NYCRR 1205, the petitions below have been received by the Department of State for action by the Uniform Code Regional Boards of Review. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen, Building Standards And Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2016-0177 Matter of Roger P. Smith, R.A., 244 East Main Street, Patchogue, NY 11772, for a variance concerning a required automatic fire sprinkler system for a three story, one family dwelling.

Involved are additions and alterations to an existing one family dwelling, two stories in height, approximately 3,669 square feet in area and of type VB construction, located at 75 Aeon Walk, Cherry Grove, Town of Brookhaven, Suffolk County, New York 11782.

EXECUTIVE ORDERS

Executive Order No. 147.5: A Special Prosecutor to Investigate and Prosecute Matters Relating to the Deaths of Civilians Caused by Law Enforcement Officers.

In view of the request of Attorney General Eric T. Schneiderman, my order and requirement, embodied in Executive Order Number one hundred and forty seven, dated July 8, 2015, is hereby amended to include an additional paragraph to the penultimate paragraph as amended by Executive Order Numbers 147.1-147.4, to read as follows:

FURTHER, the requirement imposed on the Special Prosecutor by this Executive Order shall include the investigation, and if warranted, prosecution:

(e) of any and all unlawful acts or omissions or alleged unlawful acts or omissions by any law enforcement officer, as listed in subdivision 34 of section 1.20 of the Criminal Procedure Law, arising out of, relating to or in any way connected with the death of Delrawn Small on July 4, 2016, in Kings County.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany this eleventh day of July in the year two thousand sixteen.

BY THE GOVERNOR

/S/ Andrew M. Cuomo

/s/ William J. Mulrow

Secretary to the Governor

