
NEW YORK STATE
REGISTER

INSIDE THIS ISSUE:

- Community School Grants
- Chemical Bulk Storage (CBS)
- Requirements for Manufacturers and Distributors Regarding Controlled Substances

**Notice of Availability of State and Federal Funds
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 9, 2016
- the 45-day period expires on September 24, 2016
- the 30-day period expires on September 9, 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)

Rule Making Activities

Civil Service, Department of

1 / Notice of expiration

Education Department

1 / Community School Grants (EP)

Environmental Conservation, Department of

6 / Chemical Bulk Storage (CBS) (E)

Gaming Commission, New York State

12 / Thoroughbred Restricted Time Periods for Various Drugs (A)

12 / Simplifying How a Trainer May Alter the Use of Hopples (A)

12 / Decoupling of Harness Horses in Major Stakes Races (A)

12 / Voidable Claims Based on Race Day Samples (A)

13 / Criteria for the Licensing, Conduct and Operation of Independent Testing Laboratories (A)

13 / Licensing and Registration of Gaming Facility Employees and Vendors (P)

Health, Department of

14 / Requirements for Manufacturers and Distributors Regarding Controlled Substances (A)

Motor Vehicles, Department of

16 / Special and Reserved Series Plates (A)

Public Service Commission

17 / Submetering of Electricity (A)

17 / AMETEK JEMStar II Power Meter (A)

18 / Submetering of Electricity (A)

18 / CPCN and Request for Continued Lightened Regulation (A)

18 / Submetering of Electricity (A)

19 / Use of Voltage Transformers in New York State (A)

19 / Accounting Changes (A)

19 / Major Gas Rate Filing (P)

20 / Performance Assurance Plan Waiver for Certain Wholesale Service Quality Metrics (P)

20 / Notice of Intent to Submeter Electricity (P)

20 / Proposed Revisions for a New Daily Delivery Service and the Winter Bundled Sales Service (P)

21 / Utility DSIPs to Achieve the Commission's Reforming the Energy Vision (REV) Initiative (P)

21 / Proposed Revisions to Add and Clarify Provisions Related to Electric Generators Under SC No. 14 (P)

21 / Proposed Acquisition of 100% of the Assets of New Vernon and Whitlock Farms by NYAW (P)

22 / Notice of Intent to Submeter Electricity (P)

22 / Benefit-Cost Analysis Handbooks (P)

23 / Continued Deferral of \$300,000 in Property Taxes (P)

Hearings Schedule for Proposed Rule Makings / 24

Action Pending Index / 25

Advertisements for Bidders/Contractors

75 / Sealed Bids

Notice of Availability of State and Federal Funds

79 / New York Homes and Community Renewal

Miscellaneous Notices/Hearings

85 / Notice of Abandoned Property Received by the State Comptroller

85 / Notice of Public Hearing

85 / Public Notice

Executive Orders

91 / Executive Order No. 159: Establishing a Permanent Joint Task Force to Fight Worker Exploitation and Employee Misclassification.

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 Civil Service

NOTICE OF EXPIRATION

The following notices have expired and cannot be reconsidered unless the Department of Civil Service publishes new notices of proposed rule making in the *NYS Register*.

Jurisdictional Classification

| I.D. No. | Proposed | Expiration Date |
|-------------------|---------------|-----------------|
| CVS-29-15-00008-P | July 22, 2015 | July 21, 2016 |

Jurisdictional Classification

| I.D. No. | Proposed | Expiration Date |
|-------------------|---------------|-----------------|
| CVS-29-15-00010-P | July 22, 2015 | July 21, 2016 |

Education Department

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Community School Grants

I.D. No. EDU-32-16-00002-EP

Filing No. 734

Filing Date: 2016-07-26

Effective Date: 2016-07-26

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

Proposed Action: Amendment of section 100.19 of Title 8 NYCRR.

Statutory authority: Education Law, sections 207(not subdivided), 3015(1), (2), 211-f, 215(not subdivided), 308(not subdivided) and 309(not subdivided); L. 2016, ch. 53

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

Specific reasons underlying the finding of necessity: The purpose of the proposed amendment is to timely implement Chapter 53 of the Laws of 2016 to establish the requirements for eligible school districts with schools designated as struggling and persistently struggling by the Commissioner pursuant to Education Law section 211-f(1)(a) or (b) throughout the 2016-2017 school year that wish to apply for such grants in the 2016-2017 school year. The proposed amendment also revises the definition of the community schools to require programs in a community school to provide members of the community with access to services on school buildings and grounds consistent with all applicable laws and regulations including but not limited to Education Law section 414.

Since the Board of Regents meets at fixed intervals, the earliest the proposed rule can be presented for regular (non-emergency) adoption, after expiration of the required 45-day public comment period provided for in State Administrative Procedure Act (SAPA) section 202(4-a), would be the October 17-18, 2016 Regents meeting. Furthermore, pursuant to SAPA section 203(1), the earliest effective date of the proposed rule, if adopted at the September meeting, would be November 2, 2016, the date a Notice of Adoption would be published in the State Register.

Emergency action at the July 2016 Regents meeting is therefore necessary for the preservation of the general welfare in order to immediately establish the eligibility requirements for community school grants to implement Chapter 53 of the Laws of 2016 so that eligible school districts who have schools designated by the Commissioner as persistently struggling and struggling in the 2016-2017 school year can apply, and receive monies, to establish community schools.

Subject: Community school grants.

Purpose: To implement chapter 53 of the Laws of 2016 by establishing the criteria for community school grants.

Text of emergency/proposed rule: 1. A new subdivision (k) is added to section 100.19 of the Regulations of the Commissioner of Education, effective July 26, 2016, as follows:

(k) Community schools grants. Subject to the terms of an appropriation, community schools grant funds will be awarded by the Commissioner to eligible school districts with schools designated as struggling and persistently struggling by the Commissioner pursuant to Education Law section 211-f(1)(a) or (b) throughout the 2016-2017 school year (“designated schools”) pursuant to a plan developed by the Commissioner and approved by the director of the budget pursuant to this subdivision.

(1) *Application for funding.* Eligible school districts that seek a community schools grant fund award for a designated school or schools shall submit an application to the Commissioner on a form and pursuant to a timeline prescribed by the Commissioner and shall meet the requirements set forth in this subdivision. Applications must set forth the need for such funds, whether the school district is seeking operating funds and/or capital funds, how the funds would be used and the number of students that would be served with such funds. If an eligible school district seeks both operating and capital funds, such application shall include separate budgets for the use of operating and capital funds. Funds shall be awarded in accordance with a formula developed by the Commissioner and approved by the director of the budget which shall take into account factors that include but need not be limited to the number of designated schools in the district, the number of students enrolled in the designated schools, and the needs of such students for English language learner, special education and other enhanced services.

(i) Prior to submitting an application to the Commissioner, the eligible school district shall provide appropriate community partners and/or the community engagement team established pursuant to this section, as the school district deems appropriate, an opportunity to review and provide feedback on the application.

(ii) All applications for funding pursuant to this subdivision must include detailed plans and timelines for ensuring substantial parent, teacher, and community engagement in the planning, implementation and operations of the community school that shall include but need not be limited to the following:

(a) holding public meetings with parents, teachers and community members at least quarterly during the school year to provide information and solicit input regarding the planning, implementation and operations of the community school. Such meetings shall be held in accordance with the requirements of subparagraph (c)(1)(iii) of this section;

(b) providing written notices and communications regarding the planning, implementation and operations of the community school to parents, teachers, other school personnel and community members as often as practicable through means that shall include but need not be limited to email and posting on the district's internet website, if one exists. All such notices and communications shall be provided in English and translated, to the extent practicable, into the recipient's native language or mode of communication;

(c) ensuring that such meetings, notices and communications provide parents, teachers and community members with meaningful opportunities to provide input and feedback by providing a variety of widely accessible methods of communication such as email, telephone, and/or access to the community school site coordinator and/or the steering committee; and

(d) submitting quarterly written reports to the Commissioner in a form and format prescribed by the Commissioner containing specific information about the progress of the planning, implementation and operations of the community schools grant and the requirements of this subdivision.

(2) *Eligibility for services provided under this grant.* Each designated school that receives a grant to deliver co-located or school-linked services pursuant to this subdivision shall first provide such services to the students who are enrolled in such school and their families.

(i) If a designated school has additional unused capacity after making such services available to all enrolled students and their families (e.g., not all available times for health or dental screenings have been filled on a particular day after all students enrolled in the school have been given an opportunity for an appointment, or not all seats in a parenting workshop have been filled by parents of students who attend the school), the school may offer such services to students who attend feeder schools and their families so as to maximize effective and efficient use of available resources and/or students who are alumni of the school and their families in order to provide continuity of services.

(ii) For purposes of this subdivision, "feeder school" shall mean a school that receives Title I funds or is eligible for, but does not receive Title I funds, and from which at least 20 percent of the students in the designed school matriculated, provided that, for designated schools in which school choice, admissions lotteries, and/or open enrollment exist and in which feeder school patterns are therefore not consistent from year to year, the school district may request that a lesser percentage of students matriculating into the designed schools be considered or that up to three schools in the closest geographic proximity to the designated schools and from which students matriculate to such schools be feeder schools for purposes of this subdivision.

(3) *Use of grant funds.* Community schools grant funds shall be used to supplement and not supplant district expenditures and shall only be used for new expenditures on eligible operating and capital costs in accordance with this subdivision and subject to the terms of the appropriation. Community schools grant funds must be used to support

the operating and capital costs associated with the transformation of designated schools into community hubs to deliver co-located or school-linked academic, health, mental health, nutrition, counseling, legal and/or other services to students and their families, which may include but need not be limited to the following:

(i) providing a community school site coordinator at each struggling or persistently struggling school receiving a grant pursuant to this subdivision. The school district shall designate a full-time staff person to serve as the community school site coordinator at each such school who shall assist the school receiver in implementing the grant, including but not limited to managing the development of the community school strategy for that school, coordinating and integrating service delivery at the school, ensuring the maintenance and sustainability of the community school, and consulting and coordinating with any other community school site coordinators designated pursuant to this clause, if applicable. If there are circumstances that do not justify the assignment of a full-time staff person to serve as the community school coordinator for each school (e.g., the designated school is a small rural school and a full-time coordinator is not needed), or if the designation or one full-time site coordinator for multiple schools would be more effective (e.g., if the two schools designated in the district are small schools in close proximity and a full-time coordinator could serve both schools), the school district may apply to the Commissioner for a waiver from this requirement;

(ii) improving parent engagement, which may include but need not be limited to designating a family outreach coordinator, providing parents and families with information on and opportunities to participate in their child's education and school community, including participation on the school's community engagement team established pursuant to this section; in the process of local stakeholder consultation conducted pursuant to this section; in the community-wide needs assessment conducted pursuant to this section; on the steering committee established pursuant to subparagraph (vi) of this paragraph; and in family literacy programs, including early childhood education, interactive literacy activities between parents and their children, and training for parents regarding how to be the primary teacher for their children and full partners in the education of their children;

(iii) providing early childhood education programs;

(iv) offering professional development specific to the unique needs of students enrolled in a community school and their families. Such unique needs may be determined through measures including but not limited to surveys of students, families and teachers; focus group meetings with parents, students and teachers; and/or results of comprehensive school and community needs assessments, which may be the comprehensive school and community needs assessment conducted pursuant to subdivision (f)(8)(iii) of this section, if one has been conducted for the specific school. Such professional development shall include but not be limited to job-embedded professional development with an emphasis on strategies that involve teacher input and feedback as well as professional development for administrators at the school with an emphasis on strategies that develop leadership skill and use of principles of distributive leadership and instructional supervision;

(v) conducting community-wide needs assessments, provided that, if a comprehensive school and community needs assessment regarding the school has been conducted pursuant to subdivision (f)(8)(iii) of this section, such needs assessment may be used for this purpose;

(vi) creating a steering committee to provide feedback and guidance. Such steering committee shall be made up of various school and community stakeholders, which shall include but need not be limited to, the school principal, parents of or persons in parental relation to students attending the school, teachers and other school staff assigned to the school, and students attending the school; provided that, in the case of a designated school that does not serve students in grade seven or above, the steering committee need not include students; provided further that a community engagement team established pursuant to this section may also serve as the steering committee; and

(vii) constructing or renovating spaces within such school buildings to serve as health suites, adult education spaces, guidance suites, resource rooms, remedial rooms, parent/community rooms, and career and technical education classrooms, plus any other capital costs necessary to implement a community school.

2. Paragraph (8) of subdivision (a) of section 100.19 of the Regulations of the Commissioner of Education is amended, effective July 26, 2016, to read as follows:

(8) Community School shall mean a school that partners with one or more agencies with an integrated focus on rigorous academics and the fostering of a positive and supportive learning environment, and a range of school-based and school-linked programs and services that lead to improved student learning, stronger families, and healthier communities. At a minimum, programs must include, but are not limited to:

(i) addressing social service, health and mental health needs of

students in the school and their families in order to help students arrive and remain at school ready to learn;

(ii) providing access to services in the school community to promote a safe and secure learning environment;

(iii) encouraging family and community engagement to promote stronger home-school relationships and increase families' investment in the school community;

(iv) providing access to nutrition services, resources or programs to ensure students have access to healthy food and understand how to make smart food choices;

(v) providing access to early childhood education to ensure a continuum of learning that helps prepare students for success; [and]

(vi) offering *adult and/or community education opportunities, including but not limited to*, access to career and technical education as well as workforce development services to students in the school and their families in order to provide meaningful employment skills and opportunities; [and]

(vii) offering expanded learning opportunities that include afterschool, summer school, Science, Technology, Engineering, Arts, and Math programs (STEAM) and mentoring and other youth development programs; and

(viii) *providing members of the community with access to services on school buildings and grounds consistent with all applicable laws and regulations including but not limited to Education Law section 414.*

3. Subparagraph (ii) of paragraph (8) of subdivision (f) of section 100.19 of the Regulations of the Commissioner of Education is amended, effective July 26, 2016, to read as follows:

(ii) designate a full-time staff person who participates in school leadership and community engagement team meetings and reports to the school receiver and whose sole job responsibility is to manage the development of the community school strategy for that school and subsequently ensure the maintenance and sustainability of the community school. *If there are circumstances that do not justify the assignment of a full-time staff person to serve as the community school coordinator for each school (e.g., the designated school is a small rural school and a full-time coordinator is not needed), or if the designation or one full-time site coordinator for multiple schools would be more effective (e.g., if the two schools designated in the district are small schools in close proximity and a full-time coordinator could serve both schools), the school may apply to the Commissioner for a waiver from this requirement;*

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire October 23, 2016.

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

Data, views or arguments may be submitted to: Doreen Ryan, State Education Department, Office of Higher Education, State Education Building, Room 2M, 89 Washington Ave., Albany, NY 12234, (518) 474-5520, email: NYSEDP12@nysed.gov

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

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

Regulatory Impact Statement

1. STATUTORY AUTHORITY:

Education Law § 207 empowers Regents/Commissioner to adopt rules to carry out State education laws and functions/duties conferred by law.

Education Law § 305(1) and (2) provide Commissioner, as chief executive officer, with general supervision over schools and institutions subject to Education Law or education-related statutes, and responsibility for executing all Regents educational policies. § 305(20) provides Commissioner with additional powers/duties as charged by Regents.

Education Law § 211-f, as added by Part EE, Subpart H of Ch. 56, L.2015, provides for appointment of receivers to assist low-performing schools to make demonstrable improvement in student performance.

Education Law § 215 authorizes Commissioner to require schools/districts to submit reports containing information prescribed by Commissioner.

Education Law § 308 authorizes Commissioner to enforce/give effect to Education Law provisions or other general/special law pertaining to education.

Education Law § 309 charges Commissioner with general supervision of school boards.

Chapter 53 of the Laws of 2016 establishes an appropriation of \$75 million to be used for community school grants for persistently struggling and struggling schools and requires that the criteria for such grants to be established by the Commissioner in regulations.

2. LEGISLATIVE OBJECTIVES:

The proposed amendment implements Chapter 53 of the Laws of 2016, by establishing criteria for community school grants for persistently struggling and struggling schools.

3. NEEDS AND BENEFITS:

As part of the 2016-2017 budget appropriation bill (Chapter 53 of the Laws of 2016), the Legislature and Governor provided a \$75 million appropriation (\$50 million for operating costs and \$25 million for capital costs) to establish community school grants for eligible school districts with schools designated as struggling and persistently struggling by the Commissioner pursuant to Education Law section 211-f(1)(a) or (b) throughout the 2016-2017 school year ("designated schools"). The new law requires eligible school districts to apply to the Commissioner for such grants.

The proposed amendment implements these requirements and requires that all applications for funding pursuant to this subdivision include detailed plans and timelines for ensuring substantial parent, teacher, and community engagement in the planning, implementation and operations of the community school.

Each designated school that receives a grant to deliver co-located or school-linked services pursuant to this subdivision shall first provide such services to the students who are enrolled in such school and their families. If a designated school has additional unused capacity after making such services available to all enrolled students and their families (e.g., not all available times for health or dental screenings have been filled on a particular day after all students enrolled in the school have been given an opportunity for an appointment or not all seats in a parenting workshop have been filled by parents of students who attend the school), the school may offer such services to students who attend feeder schools and their families so as to maximize effective and efficient use of available resources and/or students who are alumni of the school and their families in order to provide continuity of services. The proposed amendment defines "feeder school" as a school that receives Title I funds or is eligible for, but does not receive Title I funds, and from which at least 20 percent of the students in the designated school matriculated, provided that, for designated schools in which school choice, admissions lotteries, and/or open enrollment exist and in which feeder school patterns are therefore not consistent from year to year, the school district may request that a lesser percentage of students matriculating into the designated schools be considered or that up to three schools in the closest geographic proximity to the designated schools and from which students matriculate to such schools be feeder schools for purposes of this subdivision.

Community schools grant funds shall be used to supplement and not supplant district expenditures and shall only be used for new expenditures on eligible operating and capital costs in accordance with this subdivision and subject to the terms of the appropriation. Community schools grant funds must be used to support the operating and capital costs associated with the transformation of designated schools into community hubs to deliver co-located or school-linked academic, health, mental health, nutrition, counseling, legal, and/or other services to students and their families.

The proposed amendment also revises the current definition of community schools to require offering adult and/or community education opportunities and programs in community schools to provide members of the community with access to services on school buildings and grounds consistent with all applicable laws and regulations including but not limited to Education Law section 414. These revisions allow for a greater integrated focus on offering a range of school-based and school-linked programs and services leading to stronger families and healthier communities.

4. COSTS:

(a) Costs to State government: There are no costs to State government beyond those imposed by the statute.

(b) Costs to local government: None, beyond those imposed by statute.

(c) Costs to private regulated parties: None, beyond those imposed by statute.

(d) Costs to regulating agency for implementation and continued administration of this rule: The proposed amendment does not impose any costs on SED, beyond those imposed by statute.

5. LOCAL GOVERNMENT MANDATES:

The rule is necessary to implement Chapter 53 of the Laws of 2016 by establishing criteria for community school grants. The major mandates of rule are statutorily imposed.

Eligible school districts that seek a community schools grant fund award for a designated school or schools shall submit an application to the Commissioner on a form and pursuant to a timeline prescribed by the Commissioner. Applications must set forth the need for such funds, whether the school district is seeking operating funds and/or capital funds, how the funds would be used and the number of students that would be served with such funds. If an eligible school district seeks both operating and capital funds, such application shall include separate budgets for the use of operating and capital funds. Funds shall be awarded in accordance

with a formula developed by the Commissioner and approved by the director of the budget which shall take into account factors that include but need not be limited to the number of designated schools in the district, the number of students enrolled in the designated schools, and the needs of such students for English language learner, special education and other enhanced services.

Prior to submitting an application to the Commissioner, the eligible school district shall provide appropriate community partners and/or the community engagement team established pursuant to this section, as the school district deems appropriate, an opportunity to review and provide feedback on the application.

All applications for funding must include detailed plans and timelines for ensuring substantial parent, teacher, and community engagement in the planning, implementation and operations of the community school that shall include but need not be limited to the following:

- o holding public meetings with parents, teachers and community members at least quarterly during the school year to provide information and solicit input regarding the planning, implementation and operations of the community school. Such meetings shall be held in accordance with the requirements of subparagraph (c)(1)(iii) of this section;

- o providing written notices and communications regarding the planning, implementation and operations of the community school to parents, teachers, other school personnel and community members as often as practicable through means that shall include but need not be limited to email and posting on the district's internet website, if one exists. All such notices and communications shall be provided in English and translated, to the extent practicable, into the recipient's native language or mode of communication;

- o ensuring that such meetings, notices and communications provide parents, teachers and community members with meaningful opportunities to provide input and feedback by providing a variety of widely accessible methods of communication such as email, telephone, and/or access to the community school site coordinator and/or the steering committee; and

- o submitting quarterly written reports to the Commissioner in a form and format prescribed by the Commissioner containing specific information about the progress of the planning, implementation and operations of the community schools grant and the requirements of this subdivision.

6. PAPERWORK:

See response to No. 5 above relating to local government mandates.

7. DUPLICATION:

The rule is necessary to implement Chapter 53 of the Laws of 2016 and does not duplicate, overlap or conflict with State or federal legal requirements.

8. ALTERNATIVES:

The rule is necessary to implement Chapter 56 of the Laws of 2016 by establishing criteria for community school grants. Consequently, the major provisions of the rule are statutorily imposed, and there are no significant alternatives and none were considered.

9. FEDERAL STANDARDS:

There are no applicable federal standards relating to criteria for these community school grants, appropriated by the State Legislature.

10. COMPLIANCE SCHEDULE:

The rule is necessary to implement Chapter 53 of the Laws of 2016 by establishing criteria for community school grants. Consequently, the major provisions of the proposed rule are statutorily imposed. It is anticipated that regulated parties can achieve compliance with the proposed rule by its effective date.

Regulatory Flexibility Analysis

Small Businesses:

The proposed rule is necessary to implement Chapter 53 of the Laws of 2016, by establishing criteria for struggling and persistently struggling schools to apply for community school grants and does not impose any adverse economic impact, reporting, record keeping or any other compliance requirement on small businesses. Because it is evident from the nature of the rule that it does not affect small businesses, no further measures were needed to ascertain that fact and none were taken. Accordingly, a regulatory flexibility analysis for small businesses is not required and one has not been prepared.

Local Government:

1. EFFECT OF RULE:

The proposed rule applies to those school districts that have: "Persistently Failing Schools" (identified in the regulation as a "Persistently Struggling Schools"), which are Priority Schools that have been in the most severe accountability status since the 2006-07 school year, and/or Failing Schools (identified in the regulation as "Struggling Schools"), which are schools that have been in Priority Schools status since the 2012-13 school year.

There are currently 17 school districts that have Persistently Struggling Schools and/or Struggling Schools.

2. COMPLIANCE REQUIREMENTS:

As part of the 2016-2017 budget appropriation bill (Chapter 53 of the Laws of 2016), the Legislature and Governor provided a \$75 million appropriation (\$50 million for operating costs and \$25 million for capital costs) to establish community school grants for eligible school districts with schools designated as struggling and persistently struggling by the Commissioner pursuant to Education Law section 211-f(1)(a) or (b) throughout the 2016-2017 school year ("designated schools"). The new law requires eligible school districts to apply to the Commissioner for such grants.

The proposed amendment implements these requirements and requires that all applications for funding pursuant to this subdivision include detailed plans and timelines for ensuring substantial parent, teacher, and community engagement in the planning, implementation and operations of the community school that shall include but need not be limited to the following:

- holding public meetings with parents, teachers and community members at least quarterly during the school year to provide information and solicit input regarding the planning, implementation and operations of the community school. Such meetings shall be held in accordance with the requirements of subparagraph (c)(1)(iii) of this section;

- providing written notices and communications regarding the planning, implementation and operations of the community school to parents, teachers, other school personnel, and community members as often as practicable through means that shall include but need not be limited to email and posting on the district's internet website, if one exists. All such notices and communications shall be provided in English and translated, to the extent practicable, into the recipient's native language or mode of communication;

- ensuring that such meetings, notices, and communications provide parents, teachers, and community members with meaningful opportunities to provide input and feedback by providing a variety of widely accessible methods of communication, such as email, telephone, and/or access to the community school site coordinator and/or the steering committee; and

- submitting quarterly written reports to the Commissioner in a form and format prescribed by the Commissioner containing specific information about the progress of the planning, implementation, and operations of the community schools grant and the requirements of this subdivision.

Each designated school that receives a grant to deliver co-located or school-linked services pursuant to this subdivision shall first provide such services to the students who are enrolled in such school and their families. If a designated school has additional unused capacity after making such services available to all enrolled students and their families (e.g., not all available times for health or dental screenings have been filled on a particular day after all students enrolled in the school have been given an opportunity for an appointment or not all seats in a parenting workshop have been filled by parents of students who attend the school), the school may offer such services to students who attend feeder schools and their families so as to maximize effective and efficient use of available resources and/or students who are alumni of the school and their families in order to provide continuity of services. The proposed amendment defines "feeder school" as a school that receives Title I funds or is eligible for, but does not receive Title I funds, and from which at least 20 percent of the students in the designated school matriculated, provided that, for designated schools in which school choice, admissions lotteries, and/or open enrollment exist and in which feeder school patterns are therefore not consistent from year to year, the school district may request that a lesser percentage of students matriculating into the designated schools be considered or that up to three schools in the closest geographic proximity to the designated schools and from which students matriculate to such schools be feeder schools for purposes of this subdivision.

Community schools grant funds shall be used to supplement and not supplant district expenditures and shall only be used for new expenditures on eligible operating and capital costs in accordance with this subdivision and subject to the terms of the appropriation. Community schools grant funds must be used to support the operating and capital costs associated with the transformation of designated schools into community hubs to deliver co-located or school-linked academic, health, mental health, nutrition, counseling, legal, and/or other services to students and their families, which may include but need not be limited to the following:

- providing a community school site coordinator at each struggling or persistently struggling school receiving a grant pursuant to this subdivision. The school district shall designate a full-time staff person to serve as the community school site coordinator at each such school who shall assist the school receiver in implementing the grant, including but not limited to managing the development of the community school strategy for that school, coordinating and integrating service delivery at the school, ensuring the maintenance and sustainability of the community school, and consulting and coordinating with any other community school site coordinators designated pursuant to this clause, if applicable. If there are circumstances that do not justify the assignment of a full-time staff

person to serve as the community school coordinator for each school (e.g., the designated school is a small rural school and a full-time coordinator is not needed), or if the designation of one full-time site coordinator for multiple schools would be more effective (e.g., if the two schools designated in the district are small schools in close proximity and a full-time coordinator could serve both schools), the school may apply to the Commissioner for a waiver from this requirement;

- improving parent engagement, which may include but need not be limited to designating a family outreach coordinator, providing parents and families with information on and opportunities to participate in their child's education and school community, including participation on the school's community engagement team established pursuant to this section; in the process of local stakeholder consultation conducted pursuant to this section; in the community-wide needs assessment conducted pursuant to this section; on the steering committee established by these regulations; and in family literacy programs, including early childhood education, interactive literacy activities between parents and their children, and training for parents regarding how to be the primary teacher for their children and full partners in the education of their children;

- providing early childhood education programs;
- offering professional development specific to the unique needs of students enrolled in a community school and their families. Such unique needs may be determined through measures including but not limited to surveys of students, families and teachers; focus group meetings with parents, students and teachers; and/or results of comprehensive school and community needs assessments, which may be the comprehensive school and community needs assessment conducted pursuant to these regulations, if one has been conducted for the specific school. Such professional development shall include but not be limited to job-embedded professional development with an emphasis on strategies that involve teacher input and feedback as well as professional development for administrators at the school with an emphasis on strategies that develop leadership skills, use of principles of distributive leadership, and instructional supervision;

- conducting community-wide needs assessments, provided that, if a comprehensive school and community needs assessment regarding the school has already been conducted, such needs assessment may be used for this purpose;

- creating a steering committee to provide feedback and guidance. Such steering committee shall be made up of various school and community stakeholders, which shall include but need not be limited to, the school principal, parents of or persons in parental relation to students attending the school, teachers and other school staff assigned to the school, and students attending the school; provided that, in the case of a designated school that does not serve students in grade seven or above, the steering committee need not include students; provided further that a community engagement team established pursuant to section 100.19 may also serve as the steering committee; and

- constructing or renovating spaces within such school buildings to serve as health suites, adult education spaces, guidance suites, resource rooms, remedial rooms, parent/community rooms, and career and technical education classrooms, plus any other capital costs necessary to implement a community school.

The proposed amendment also revises the current definition of community schools to require offering adult and/or community education opportunities and programs in community schools to provide members of the community with access to services on school buildings and grounds consistent with all applicable laws and regulations including but not limited to Education Law section 414. These revisions allow for a greater integrated focus on offering a range of school-based and school-linked programs and services leading to stronger families and healthier communities.

3. PROFESSIONAL SERVICES:

The proposed rule does not impose any additional professional services requirements beyond those inherent in the statute.

4. COMPLIANCE COSTS:

The proposed rule is necessary to implement Chapter 53 of the Laws of 2016 and, consequently, the major mandates of the proposed rule are statutorily imposed. The Department anticipates that because \$75 million has been appropriated to support the community schools grants, there will be no costs to local governments for implementing the proposed amendment.

5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY:

Economic feasibility is addressed in the Costs section above.

6. MINIMIZING ADVERSE IMPACT:

The rule is necessary to implement Chapter 53 of the Laws of 2016 by establishing criteria for community school grants. The major provisions of the rule are statutorily imposed and it is not feasible to establish differing compliance or reporting requirements, or to exempt school districts from coverage by the rule.

The Department intends to take steps to provide sufficient notice of the proposed rule to ensure that school districts are made aware of the rule's requirements so they may suitably prepare for and apply for these grants.

7. LOCAL GOVERNMENT PARTICIPATION:

Comments on the proposed rule were solicited from school districts through the offices of the district superintendents of each supervisory district in the State, from the chief school officers of the five big city school districts, which include school districts with persistently struggling and struggling schools.

8. INITIAL REVIEW OF RULE (SAPA § 207):

Pursuant to State Administrative Procedure Act section 207(1)(b), the State Education Department proposes that the initial review of this rule shall occur in the fifth calendar year after the year in which the rule is adopted, instead of in the third calendar year. The justification for a five year review period is that the proposed rule is necessary to implement Chapter 53 of the Laws of 2016, by establishing criteria for community school grants.

The Department invites public comment on the proposed five year review period for this rule. Comments should be sent to the agency contact listed in item number 10 of the Notice of Proposed Rule Making published herewith, and must be received within 45 days of the date the Notice is published in the State Register.

Rural Area Flexibility Analysis

1. TYPES AND ESTIMATED NUMBER OF RURAL AREAS:

The proposed rule applies to those school districts that have: "Persistently Failing Schools" (identified in the regulation as a "Persistently Struggling Schools"), which are Priority Schools that have been in the most severe accountability status since the 2006-07 school year, and/or Failing Schools (identified in the regulation as a "Struggling Schools"), which are schools that have been in Priority Schools status since the 2012-13 school year.

There is currently one school district that has one Struggling School located in a rural area (i.e. the 44 rural counties with less than 200,000 inhabitants and the 71 towns in urban counties with a population density of 150 per square mile or less).

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

As part of the 2016-2017 budget appropriation bill (Chapter 53 of the Laws of 2016), the Legislature and Governor provided a \$75 million appropriation (\$50 million for operating costs and \$25 million for capital costs) to establish community school grants for eligible school districts with schools designated as struggling and persistently struggling by the Commissioner pursuant to Education Law section 211-f(1)(a) or (b) throughout the 2016-2017 school year ("designated schools"). The new law requires eligible school districts to apply to the Commissioner for such grants.

The proposed amendment implements these requirements and requires that all applications for funding pursuant to this subdivision include detailed plans and timelines for ensuring substantial parent, teacher, and community engagement in the planning, implementation and operations of the community school that shall include but need not be limited to the following:

- holding public meetings with parents, teachers and community members at least quarterly during the school year to provide information and solicit input regarding the planning, implementation and operations of the community school. Such meetings shall be held in accordance with the requirements of subparagraph (c)(1)(iii) of this section;

- providing written notices and communications regarding the planning, implementation and operations of the community school to parents, teachers, other school personnel, and community members as often as practicable through means that shall include but need not be limited to email and posting on the district's internet website, if one exists. All such notices and communications shall be provided in English and translated, to the extent practicable, into the recipient's native language or mode of communication;

- ensuring that such meetings, notices, and communications provide parents, teachers, and community members with meaningful opportunities to provide input and feedback by providing a variety of widely accessible methods of communication, such as email, telephone, and/or access to the community school site coordinator and/or the steering committee; and

- submitting quarterly written reports to the Commissioner in a form and format prescribed by the Commissioner containing specific information about the progress of the planning, implementation, and operations of the community schools grant and the requirements of this subdivision.

Each designated school that receives a grant to deliver co-located or school-linked services pursuant to this subdivision shall first provide such services to the students who are enrolled in such school and their families. If a designated school has additional unused capacity after making such services available to all enrolled students and their families (e.g., not all available times for health or dental screenings have been filled on a particular day after all students enrolled in the school have been given an opportunity for an appointment or not all seats in a parenting workshop have been filled by parents of students who attend the school), the school may

offer such services to students who attend feeder schools and their families so as to maximize effective and efficient use of available resources and/or students who are alumni of the school and their families in order to provide continuity of services. The proposed amendment defines “feeder school” as a school that receives Title I funds or is eligible for, but does not receive Title I funds, and from which at least 20 percent of the students in the designated school matriculated, provided that, for designated schools in which school choice, admissions lotteries, and/or open enrollment exist and in which feeder school patterns are therefore not consistent from year to year, the school district may request that a lesser percentage of students matriculating into the designated schools be considered or that up to three schools in the closest geographic proximity to the designated schools and from which students matriculate to such schools be feeder schools for purposes of this subdivision.

Community schools grant funds shall be used to supplement and not supplant district expenditures and shall only be used for new expenditures on eligible operating and capital costs in accordance with this subdivision and subject to the terms of the appropriation. Community schools grant funds must be used to support the operating and capital costs associated with the transformation of designated schools into community hubs to deliver co-located or school-linked academic, health, mental health, nutrition, counseling, legal, and/or other services to students and their families, which may include but need not be limited to the following:

- providing a community school site coordinator at each struggling or persistently struggling school receiving a grant pursuant to this subdivision. The school district shall designate a full-time staff person to serve as the community school site coordinator at each such school who shall assist the school receiver in implementing the grant, including but not limited to managing the development of the community school strategy for that school, coordinating and integrating service delivery at the school, ensuring the maintenance and sustainability of the community school, and consulting and coordinating with any other community school site coordinators designated pursuant to this clause, if applicable. If there are circumstances that do not justify the assignment of a full-time staff person to serve as the community school coordinator for each school (e.g., the designated school is a small rural school and a full-time coordinator is not needed), or if the designation of one full-time site coordinator for multiple schools would be more effective (e.g., if the two schools designated in the district are small schools in close proximity and a full-time coordinator could serve both schools), the school may apply to the Commissioner for a waiver from this requirement;

- improving parent engagement, which may include but need not be limited to designating a family outreach coordinator, providing parents and families with information on and opportunities to participate in their child’s education and school community, including participation on the school’s community engagement team established pursuant to this section; in the process of local stakeholder consultation conducted pursuant to this section; in the community-wide needs assessment conducted pursuant to this section; on the steering committee established by these regulations; and in family literacy programs, including early childhood education, interactive literacy activities between parents and their children, and training for parents regarding how to be the primary teacher for their children and full partners in the education of their children;

- providing early childhood education programs;
- offering professional development specific to the unique needs of students enrolled in a community school and their families. Such unique needs may be determined through measures including but not limited to surveys of students, families and teachers; focus group meetings with parents, students and teachers; and/or results of comprehensive school and community needs assessments, which may be the comprehensive school and community needs assessment conducted pursuant to these regulations, if one has been conducted for the specific school. Such professional development shall include but not be limited to job-embedded professional development with an emphasis on strategies that involve teacher input and feedback as well as professional development for administrators at the school with an emphasis on strategies that develop leadership skills, use of principles of distributive leadership, and instructional supervision;

- conducting community-wide needs assessments, provided that, if a comprehensive school and community needs assessment regarding the school has already been conducted, such needs assessment may be used for this purpose;

- creating a steering committee to provide feedback and guidance. Such steering committee shall be made up of various school and community stakeholders, which shall include but need not be limited to, the school principal, parents of or persons in parental relation to students attending the school, teachers and other school staff assigned to the school, and students attending the school; provided that, in the case of a designated school that does not serve students in grade seven or above, the steering committee need not include students; provided further that a community engagement team established pursuant to section 100.19 may also serve as the steering committee; and

- constructing or renovating spaces within such school buildings to serve as health suites, adult education spaces, guidance suites, resource rooms, remedial rooms, parent/community rooms, and career and technical education classrooms, plus any other capital costs necessary to implement a community school.

The proposed amendment also revises the current definition of community schools to require offering adult and/or community education opportunities and programs in community schools to provide members of the community with access to services on school buildings and grounds consistent with all applicable laws and regulations including but not limited to Education Law section 414. These revisions allow for a greater integrated focus on offering a range of school-based and school-linked programs and services leading to stronger families and healthier communities.

3. COMPLIANCE COSTS:

The rule is necessary to implement Chapter 53 of the Laws of 2016 and, consequently, the major mandates of the proposed rule are statutorily imposed. The Department anticipates that because \$75 million has been appropriated to support community schools grants, the grant money will be used to assist local governments and that no additional costs are imposed on local governments by the proposed amendment.

4. MINIMIZING ADVERSE IMPACT:

The rule is necessary to implement Chapter 53 of the Laws of 2016 by establishing criteria for community school grants. The major provisions of the rule are statutorily imposed and it is not feasible to establish differing compliance or reporting requirements, or to exempt school districts from coverage by the rule.

The Department intends to take steps to provide sufficient notice of the proposed rule to ensure that school districts, including those located in rural areas are made aware of the rule’s requirements so they may suitably prepare for and apply for these grants.

5. RURAL AREA PARTICIPATION:

Department staff will solicit comments on the proposed amendment from the Rural Advisory Committee, which has members who live and work in rural areas on the State.

Job Impact Statement

The purpose of the proposed amendment is to timely implement Chapter 53 of the Laws of 2016 to establish the requirements for eligible school districts with schools designated as struggling and persistently struggling by the Commissioner pursuant to Education Law section 211-f(1)(a) or (b) throughout the 2016-2017 school year that wish to apply for such grants in the 2016-2017 school year. The proposed amendment also revises the definition of the community schools to require programs in a community school to provide members of the community with access to services on school buildings and grounds consistent with all applicable laws and regulations including but not limited to Education Law section 414.

Furthermore, an apportionment of \$75 million in State funds will be available to Struggling and Persistently Struggling Schools for the implementation of community schools and a portion of those monies must be used on operating costs. Another portion of the funding is to be used for capital costs (i.e., construction and/or renovation). This will result in a net gain of jobs.

Department of Environmental Conservation

EMERGENCY RULE MAKING

Chemical Bulk Storage (CBS)

I.D. No. ENV-19-16-00006-E

Filing No. 709

Filing Date: 2016-07-21

Effective Date: 2016-07-21

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

Action taken: Amendment of Part 597 of Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 1-0101, 3-0301, 3-0303, 17-0301, 17-0303, 17-0501, 17-1743, 27-1301, 37-0101 through 37-0107 and 40-0101 through 40-0121

Finding of necessity for emergency rule: Preservation of public health.

Specific reasons underlying the finding of necessity: The New York

State Department of Health (NYSDOH) has requested that the New York State Department of Environmental Conservation (DEC) add perfluorooctanoic acid (PFOA-acid, Chemical Abstracts Service (CAS) No. 335-67-1), ammonium perfluorooctanoate (PFOA-salt, CAS No. 3825-26-1), perfluorooctane sulfonic acid (PFOS-acid, CAS No. 1763-23-1), and perfluorooctane sulfonate (PFOS-salt, CAS No. 2795-39-3) to 6 NYCRR Section 597.3, List of Hazardous Substances. DEC has concluded that these four substances meet the definition of a hazardous substance based upon the conclusion of the NYSDOH that prolonged exposure to significantly elevated levels of these compounds can affect health and, consequently, pose a threat to public health in New York State when improperly treated, stored, transported, disposed of or otherwise managed. NYSDOH scientists have concluded that it is essential to list these chemicals as hazardous substances. See the Regulatory Impact Statement for additional information, including NYSDOH's letter requesting that these chemicals be added to the List of Hazardous Substances (Section 597.3).

It is essential to immediately identify PFOA-acid, PFOA-salt, PFOS-acid, and PFOS-salt as hazardous substances pursuant to 6 NYCRR Section 597.3, thereby making them hazardous wastes pursuant to Environmental Conservation Law Section 27-1301, and enabling DEC to exert its enforcement authorities and to expend funds from the Hazardous Waste Remedial Fund to clean up the contaminant. The emergency rule will provide DEC with authority to take immediate action to protect public health. To the extent elevated levels of PFOA-related and PFOS-related substances are identified throughout the State, DEC needs the authority to act expeditiously.

Subject: Chemical Bulk Storage (CBS).

Purpose: To amend Part 597 of the CBS regulations.

Text of emergency rule: 6 NYCRR Part 597 is amended to read as follows:

Existing subdivision 597.1(a) through paragraph 597.1(b)(1) remain unchanged.

Existing paragraph 597.1(b)(2) is amended to read as follows:

(2) Chemical [a]Abstracts [s]Service number or CAS number is the unique identifier for a chemical substance assigned by the CAS division of the American Chemical Society.

Existing paragraph 597.1(b)(3) through section 597.2 remain unchanged.

Existing section 597.3 is amended to read as follows:

597.3 List of hazardous substances

Table 1 sets forth the list of hazardous substances in alphabetical order.

Table 2 sets forth the list of hazardous substances in Chemical Abstracts Service (CAS) number order.

Table 1 and Table 2 are amended to read as follows:

Table 1 – Alphabetical Order

| CASRN | Substance | RQ Air (pounds) | RQ Land/ Water (pounds) | Notes |
|-----------|----------------------------------|-----------------------|----------------------------------|-------|
| 3825-26-1 | Ammonium Perfluorooctanoate | 1 | 1 | |
| 2795-39-3 | Perfluorooctane Sulfonate | 1 | 1 | |
| 1763-23-1 | Perfluorooctane Sulfonic Acid | 1 | 1 | |
| 335-67-1 | Perfluorooctanoic Acid | 1 | 1 | |

Table 2 – CAS Number Order

| CASRN | Substance | RQ Air (pounds) | RQ Land/ Water (pounds) | Notes |
|-----------|----------------------------------|-----------------------|----------------------------------|-------|
| 335-67-1 | Perfluorooctanoic Acid | 1 | 1 | |
| 1763-23-1 | Perfluorooctane Sulfonic Acid | 1 | 1 | |
| 2795-39-3 | Perfluorooctane Sulfonate | 1 | 1 | |
| 3825-26-1 | Ammonium Perfluorooctanoate | 1 | 1 | |

Existing subdivision 597.4(a) is amended to read as follows:

(a) Prohibition of releases.

The release of a hazardous substance which is required to be reported pursuant to subdivision (b) of this section is prohibited unless:

(1) such release is authorized; [or]

(2) such release is continuous and stable in quantity and rate and has been reported pursuant to paragraph (b)(4) of this section[.]; or

(3) such release is of fire-fighting foam containing Perfluorooctanoic Acid (CAS No. 335-67-1), Ammonium Perfluorooctanoate (CAS No. 3825-26-1), Perfluorooctane Sulfonic Acid (CAS No. 1763-23-1), or Perfluorooctane Sulfonate (CAS No. 2795-39-3) used for fighting fires (but not for training purposes) and occurs on or before April 25, 2017. In the event there is a release of such foam that exceeds the reportable quantity of any hazardous substance, the release must be reported pursuant to subdivision (b) of this section.

Existing subdivision 597.4(b) remains unchanged.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. ENV-19-16-00006-EP, Issue of May 11, 2016. The emergency rule will expire September 18, 2016.

Text of rule and any required statements and analyses may be obtained from: Russ Brauksieck, NYS Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-7020, (518) 402-9553, email: derweb@dec.ny.gov

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

Summary of Regulatory Impact Statement

Full text of the Regulatory Impact Statement is available on the New York State Department of Environmental Conservation's website at <http://www.dec.ny.gov/regulations/104968.html>

1. STATUTORY AUTHORITY

The State law authority that empowers the New York State Department of Environmental Conservation (Department) to create a list of hazardous substances is found in Title one of Article 37 of the Environmental Conservation Law (ECL), sections 37-0101 through 37-0111, entitled "Substances Hazardous to the Environment" (Article 37). The Department is authorized to adopt regulations to implement ECL provisions (ECL sections 3-0301[2][a] and [m]) which includes listing "substances hazardous to the public health, safety or environment" which "because of their quantity, concentration, or physical, chemical or infectious characteristics cause physical injury or illness when improperly treated, stored, transported, disposed of, or otherwise managed" in 6 NYCRR Part 597.

2. LEGISLATIVE OBJECTIVES

The legislative objectives underlying Article 37 are directed toward establishing a list of hazardous substances which pose a threat to public health or the environment. The emergency rule adds perfluorooctanoic acid (PFOA-acid, Chemical Abstracts Service [CAS] No. 335-67-1), ammonium perfluorooctanoate (PFOA-salt, CAS No. 3825-26-1), perfluorooctane sulfonic acid (PFOS-acid, CAS No. 1763-23-1), and perfluorooctane sulfonate (PFOS-salt, CAS No. 2795-39-3) to the list of hazardous substances in 6 NYCRR Section 597.3 (Section 597.3). The proposed rule, upon adoption, makes the amendments permanent.

3. NEEDS AND BENEFITS

The purpose of the emergency rule and proposed rule is to:

1. Add PFOA-acid, PFOA-salt, PFOS-acid, and the PFOS-salt to Section 597.3;

2. Allow fire-fighting foam containing PFOA-acid, PFOA-salt, PFOS-acid, or PFOS-salt to be used to fight fires (but not for any other purposes) on or before April 25, 2017; and

3. Correct the list of hazardous substances by providing units for the reportable quantities (RQs).

Needs and Benefits of Adding PFOA-acid, PFOA-salt, PFOS-acid, and PFOS-salt to the List of Hazardous Substances

The Department promulgated an emergency rule on January 27, 2016 to add PFOA-acid to the list of hazardous substances in Section 597.3. Since then, the Department became aware of three additional substances that need to be added to the list of hazardous substances. These additional substances have physical, chemical, and toxicological properties similar to PFOA-acid. The Department decided to allow the January 27, 2016 emergency rule to expire and to undertake the emergency and proposed rule to include all four substances on the list of hazardous substances.

The Department has concluded that these four substances meet the definition of hazardous substance based upon the conclusion of the New York State Department of Health (NYSDOH) that the combined weight of evidence from human and experimental animal studies indicates that

prolonged exposure to significantly elevated levels of these compounds can affect health and, consequently, pose a threat to public health in New York State when improperly treated, stored, transported, disposed of or otherwise managed. NYSDOH scientists have concluded that it is essential to list these chemicals as hazardous substances. See the Regulatory Impact Statement for additional information, including NYSDOH's letter requesting that these chemicals be added to the List of Hazardous Substances (Section 597.3).

There are at least three benefits of listing these substances as hazardous substances in Part 597. First, if a mixture containing one of these substances in concentrations of 1% or more is stored in an aboveground tank of 185 gallons or more or any size underground tank, the tank would be subject to the requirements of the Chemical Bulk Storage (CBS) regulations (6 NYCRR Parts 596 – 599) with the purpose of preventing leaks and spills to protect public health and the environment. Second, releases to the environment are prohibited (subdivision 597.4[a]). Any release of one pound or more of these substances must be reported to the Department's spill hotline (subdivision 597.4[b]). Third, if one of these substances is released, the Department is authorized to pursue clean-up of the contamination under one of the Department's remedial programs (6 NYCRR Part 375) and may expend funds under the "State Superfund" if a responsible party is unwilling or unable to undertake the remediation.

Need and Benefit of Allowing Continued Use of Fire-Fighting Foam

These four substances have been used in Aqueous Film-Forming Foam (AFFF). While their use was restricted or reportedly removed from new products by December 2015, AFFF containing these substances are likely stored at some facilities since the reported shelf-life of AFFF is up to 25 years. In accordance with existing 6 NYCRR subdivision 597.4(a), the release of a hazardous substance is prohibited. This rule adds a provision allowing entities with fire-fighting foam time to determine if stored foam contains these hazardous substances. If so, the facility would be required to arrange for proper disposal of the foam by April 25, 2017. Replacement foam may not contain a hazardous substance at a concentration that would result in the release of more than the RQ (one pound) when used as a fire-fighting foam. Prior to April 25, 2017, entities storing this foam would be allowed to use the foam, as needed, to fight fires to protect public safety but not for any other purpose such as training. If the foam is used to fight a fire and there is a release of one pound or more of a hazardous substance, the release must be reported to the Department's spill hotline to allow the Department to determine if remediation of the release is appropriate.

Need for Correction of the List of Hazardous Substances

A correction is being made to the tables listing hazardous substances. It was determined that the units for RQs were left off the table causing some uncertainty regarding when a release would need to be reported. This rule adds units back to the column heading of the table.

4. COSTS

Costs to Regulated Parties

Because the use of these chemicals is limited by United States Environmental Protection Agency (USEPA) and the CBS tank system requirements for handling and storing these chemicals do not apply until April 25, 2018, the Department expects that compliance costs will be minimal. For example, if a facility is storing one of these substances in a 5,000 gallon aboveground storage tank, the two-year registration fee would be \$125. If the facility were to discontinue storage by April 25, 2018, when the storage and handling standards go into effect, there would be no substantive costs beyond payment of the registration fee. If the facility were to continue to store one of these substances, it would be subject to the costs of complying with the handling and storage requirements in Parts 598 and 599.

With one possible exception (entities with fire-fighting foam), the release prohibition should not present unusual compliance costs for persons who may be in possession of PFOA-containing or PFOS-containing substances. Since the Department recognizes the important societal interest of ensuring the availability of materials to control fires, persons have until April 25, 2017 to determine if foam contains hazardous substances and replace the foam if necessary. If fire-fighting foam contains a hazardous substance, it cannot be released to the environment after April 25, 2017. The Department anticipates that replacement foams would be purchased and that old foam containing a hazardous substance would be disposed of in accordance with applicable requirements. The cost to replace the foam ranges from \$16 to \$32 per gallon, depending on the amount and type of foam. Since use of these substances has been restricted or phased-out, the Department is uncertain how many regulated parties may be in possession of fire-fighting foams that contain one of these substances.

The costs of complying with the requirements of Part 375 to implement a remedial program where the four substances are primary contaminants will vary widely as costs depend upon many factors. Thus, it is not possible to meaningfully estimate potential remedial costs other than to note that remedial program costs for other hazardous substances range from the thousands to millions of dollars.

Costs to the Department, State, and Local Government

The Department will incur costs to administer the CBS program and to oversee of site remediation by responsible parties. In cases where a responsible party is unwilling or unable to undertake remediation, the costs of the remediation would be incurred by the Department (subject to efforts to recover the costs).

State and local governments will incur costs making determinations regarding whether products containing one of these substances are stored at their facilities.

5. LOCAL GOVERNMENT MANDATES

No additional recordkeeping, reporting, or other requirements not already created by statute or described above would be imposed on local governments. This is not a local government mandate.

6. PAPERWORK

The emergency rule and proposed rule contain no substantive changes to existing reporting and record keeping requirements, except for those newly subject to this regulation.

7. DUPLICATION

The listing of PFOA-acid, PFOA-salt, PFOS-acid, and PFOS-salt as hazardous substances in Part 597 causes no duplication, overlap or conflict with any other state or federal government programs or rules.

8. ALTERNATIVES

The only alternative to listing PFOA-acid, PFOA-salt, PFOS-acid, and PFOS-salt as hazardous substances considered by the Department, the no action alternative, was not taken. The Department declined to take no action because, as determined by NYSDOH, the combined weight of evidence from human and experimental animal studies indicates that prolonged exposure to significantly elevated levels of these compounds can affect health and, consequently, pose a threat to public health in New York State when improperly treated, stored, transported, disposed of, or otherwise managed.

9. FEDERAL STANDARDS

Listing PFOA-acid, PFOA-salt, PFOS-acid, and PFOS-salt as hazardous substances exceeds the current federal approach, as USEPA has not listed these substances as any of the substances defined as hazardous substances under the federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C Section 9601, et seq., or under the applicable regulation, 40 CFR Part 302 ("Designation, Reportable Quantities, and Notification"). Under the Toxic Substances Control Act, USEPA worked with industry to voluntarily phase out the use of PFOA-related substances by December 2015, and proposed a significant new use rule, completed in 2002, to limit production and importation of PFOA-related substances.

10. COMPLIANCE SCHEDULE

A facility that stores one of these substances that is subject to the CBS registration requirements is required to submit its registration application to the Department when it becomes subject to regulation. If a facility is already storing one of these substances and is subject to the registration requirements, the requirement became effective on April 25, 2016, the effective date of this emergency rule. If a facility begins storing one of these substances and is subject to the registration requirements, it must obtain a valid registration certificate prior to storing the material. Facilities with existing storage are not required to comply with the handling and storage requirements for hazardous substances until April 25, 2018 (6 NYCRR subdivision 598.1[h]). The Department expects that facilities that currently store one of these substances will phase out storage of the substance prior to April 25, 2018, and, therefore, will not have significant CBS compliance requirements beyond the registration requirement.

Existing Part 597 prohibits the release of a hazardous substance to the environment (subdivision 597.4[a]). This emergency rule and proposed rule allow entities storing fire-fighting foam to use the foam until April 25, 2017 while they determine if the foam contains one of these hazardous substances. If the foam does contain one of the substances, the foam must not be released to the environment after April 25, 2017. However, if the foam is used to fight a fire and there is a release of one pound or more of a hazardous substance, the release needs to be reported to the Department's spill hotline (subdivision 597.4[b]).

Listing these substances as hazardous substances results in sites contaminated with one of these substances being subject to the inactive hazardous waste disposal sites regulatory requirements of Part 375, which sets forth requirements for remediation. Remedial programs for a site tend to be complex, multi-phased, and take from a few to many years to complete.

Summary of Regulatory Flexibility Analysis

Full text of the Regulatory Flexibility Analysis for Small Businesses & Local Governments is available on the New York State Department of Environmental Conservation's website at <http://www.dec.ny.gov/regulations/104968.html>

1. EFFECT OF RULE

The purpose of the emergency rule and proposed rule is to:

1. Add perfluorooctanoic acid (PFOA-acid, Chemical Abstracts Service [CAS] No. 335-67-1), ammonium perfluorooctanoate (PFOA-salt, CAS No. 3825-26-1), perfluorooctane sulfonic acid (PFOS-acid, CAS No. 1763-23-1), and perfluorooctane sulfonate (PFOS-salt, CAS No. 2795-39-3) to 6 NYCRR Section 597.3;

2. Allow fire-fighting foam containing PFOA-acid, PFOA-salt, PFOS-acid, or PFOS-salt (all four substances) to be used to fight fires (but not for training or any other purposes) on or before April 25, 2017, a use which would not otherwise be allowed under the regulation since the release of a hazardous substance is prohibited; and

3. Correct the list of hazardous substances by providing units for reportable quantities (RQs).

The emergency rule and proposed rule apply statewide in all 62 counties of New York State (State). The listing of the hazardous substances has two effects. First, facilities storing all four substances are now (upon the effective date of the emergency rule) subject to registration requirements (6 NYCRR Part 596) with the New York State Department of Environmental Conservation (Department) under the Department's Chemical Bulk Storage (CBS) program. Facilities must comply with the applicable handling and storage requirements (6 NYCRR Parts 598-599).

Production of all four substances has already been restricted or reportedly phased out and replaced with alternative substances. Facilities storing products containing any of the four substances manufactured prior to the manufacturing phase-out will be subject to CBS registration requirements. Older stocks of fire-fighting foam containing any of the four substances will be subject to the CBS registration requirements. If the stored foam contains PFOA-acid, PFOA-salt, PFOS-acid, and PFOS-salt, the facility would be required to arrange for the proper disposal of the foam by April 25, 2017. Small businesses are not likely to store these foams in quantities (explained below). Large local government agencies (fire departments, fire districts) possibly maintain stocks of fire-fighting foam that could be subject to the registration requirement. The number of facilities that would be required to register as CBS facilities is expected to be small and go to zero as stocks of the four substances are eliminated.

Most facilities subject to the CBS regulations are municipal facilities, manufacturing facilities, and utilities. There are over 1,400 registered CBS facilities. The Department believes that the great majority of facility owners and operators are likely small businesses. Local governments have registered over 580 CBS facilities. The Department believes that the types of facilities registered by local governments are water and wastewater treatment facilities and are not expected to store any of the four substances.

The Department only collects information regarding the name, address, and contact information for the owner and operator of registered facilities. Hence, the Department cannot estimate the number of small businesses which are CBS regulated (6 NYCRR Parts 596 through 599) or will be regulated due to the emergency rule and proposed rule.

The second effect of the promulgation of this rule is the permanent prohibition of releases of any of the four substances to the environment. The prohibition takes effect on April 25, 2017 for fire-fighting foams. The release prohibition now applies to the four substances including any older stocks of fire-fighting foams and any material containing the four substances stored by small businesses or local governments. This will require local government and small businesses to dispose of materials containing the four substances. Releases of listed hazardous substances above the reportable quantity (RQ) given in Part 597 (one pound for the four substances) must be reported to the Department's Spill Hotline (subdivision 597.4[b]).

The number of sites that will become remedial sites because of the addition of these four substances to Part 597 is unknown. The Department has placed one site on the Registry of Inactive Hazardous Waste Disposal Sites (Registry) as a result of adding PFOA-acid to Part 597 (Site Registry ID No. 442046). The Department expects that other sites that used any of the four substances in commercial or industrial processes may have environmental contamination. Locations where disposal of the substances occurred or where the substances were components of materials released to the environment may become remedial sites subject to the requirements of Part 375.

The Department anticipates that remediation issues would be most significant for areas where the substances were either manufactured, used to make other products, released, or disposed of. Based upon currently available information, the four substances have not been manufactured in New York State, but have been used here to create other products. It is not known how many small businesses or local governments own properties that will be subject to the regulatory requirements of Part 375 because of contamination from these four substances.

2. COMPLIANCE REQUIREMENTS

This rule makes no changes to any substantive requirement for CBS facilities other than to place the four substances on the list of hazardous substances in Part 597.

Facilities that store the any of the four substances in amounts and in

tanks that make them subject to the registration requirements of 6 NYCRR Part 596 must include tank systems on facility registrations with the Department and pay the registration fee associated with the CBS program. The fees range from \$50 per tank for tanks with capacities less than 550 gallons to \$125 per tank for capacities greater than 1,100 gallons.

If a facility is already storing any of the four substances and is subject to the registration requirements, the registration requirement became effective on April 25, 2016, the effective date of this emergency rule. A facility planning to start storing PFOA-acid, PFOA-salt, PFOS-acid, or PFOS-salt must obtain a valid registration certificate prior to storage. Facilities with existing storage of these substances are not required to comply with the handling and storage requirements for hazardous substances until April 25, 2018 (6 NYCRR subdivision 598.1[h]). The Department anticipates that facilities that currently store any of the four substances will phase out their storage of the substance prior to April 25, 2018 and therefore would not have substantive CBS compliance requirements beyond the registration requirement.

Listing the four substances as hazardous results in sites otherwise meeting regulatory criteria to be subject to the inactive hazardous waste disposal sites regulatory requirements of Part 375 for the first time. In these cases, requirements for investigation and cleanup are established by Part 375 and by Department orders and agreements with regulated entities. Part 375 sets forth site investigation requirements which determine the nature and extent of environmental contamination, evaluate remedial alternatives, design and construct a remedy, complete the operation and maintenance activities required to achieve the site remedial action objectives, and maintain any institutional or engineering controls which make the remedy effective. Remedial programs for a site tend to be complex, multi-phased, and take from a few to many years to complete.

3. PROFESSIONAL SERVICES

No new or additional professional services will be needed for small businesses or local governments to comply with this rule. Facilities continuing to store the substances after April 25, 2018, when the storage and handling standards go into effect, may need professional services to meet hazardous substances handling and storage requirements.

A small business or local government which becomes a remedial party subject Part 375 remedial program requirements, will require consulting and contractual services, including professional engineers or qualified environmental professionals as defined in Part 375 and contractual services needed to undertake site investigation field work, analyses of environmental samples, or other specialized services.

4. COMPLIANCE COSTS

Production of the four substances has been phased out and the substantive CBS tank system requirements for their handling and storage will not apply until April 25, 2018. The Department expects that the compliance costs for meeting the CBS requirements will be minimal. If the facility discontinues storage by April 25, 2018, when the storage and handling standards go into effect, there will be no other substantive costs.

The release prohibition will not present significant compliance costs for small businesses and local governments.

Part 375 compliance costs for remedial program implementation where any of the four substances are the primary contaminants will vary widely. Costs are related to the following: quantity released to the environment, media contaminated (e.g., soil, groundwater, surface water, sediment, bedrock), the horizontal and vertical extent of contamination, the accessibility of contamination, whether there are human or environmental receptors to protect while a remedial program is undertaken, the difficulty of removing the substances from the contaminated environmental media, the anticipated future use of the area of contamination, and other factors. It is not possible to meaningfully estimate the potential costs to small businesses and local governments resulting from listing the substances as hazardous. Remedial program costs for other hazardous substances have ranged from the thousands to millions of dollars on a case-by-case basis.

5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY

The economic and technological feasibility for small businesses or local governments related to compliance with this rule depends upon which requirements apply. If small businesses or local governments are required to comply with CBS registration requirements only, no significant impediments will be faced. If a CBS facility decides to store the substances after April 25, 2018, when the storage and handling standards go into effect, costs would be incurred to comply with handling and storage requirements. Costs could include design, construction, and maintenance of tank systems to meet the technical requirements for release prevention, release detection, and containment of potential spills. No technological feasibility issues will exist, but costs would be incurred commensurate with storage amounts.

The economic and technical feasibility of complying with the requirements to remediate a site contaminated by the substances for a small business or local government is explained above in compliance costs.

6. MINIMIZING ADVERSE IMPACT

The Department is adopting this emergency rule and proceeding with this proposed rule based upon the conclusion of NYSDOH that the combined weight of evidence from human and experimental animal studies indicates that prolonged exposure to significantly elevated levels of these compounds can affect health and, consequently, pose a threat to public health in New York State when improperly treated, stored, transported, disposed of or otherwise managed. See the Regulatory Impact Statement for additional information, including NYSDOH's letter requesting that these chemicals be added to the List of Hazardous Substances (Section 597.3).

7. SMALL BUSINESS AND LOCAL GOVERNMENT PARTICIPATION

The Department will ensure public notice and input by issuing public notices in the State Register and newspapers, publication in the Department's Environmental Notice Bulletin, holding a comment period of at least 45 days, and holding public hearings. Interested parties, including small businesses and local governments, will have the opportunity to submit comments and participate in public hearings. The Department will post relevant rule making documents on the Department's website.

8. CURE PERIOD OR OTHER OPPORTUNITY FOR AMELIORATIVE ACTION

There can be no ameliorative actions or cure period regarding the prohibition against releasing the four substances to the environment because the prohibition is absolute and intended to prevent the harm that would come to public health. Prolonged exposure to significantly elevated levels of these compounds can affect health and, consequently, pose a threat to public health in New York State when improperly treated, stored, transported, disposed of or otherwise managed. The concept of a cure period does not apply in the case of a remedial program.

If a facility subject to the CBS facility registration requirement for the any of the four substances fails to register its facility in accordance with Part 596, the facility owner/operator will be subject to penalties that have been in place and exercised by the Department for all types of parties for decades, including small businesses and local governments. Therefore, no additional ameliorative actions or cure period established for this rule regarding CBS registration or handling and storage requirements.

9. INITIAL REVIEW OF THE RULE

DEC would conduct an initial review of the rule within three years of the promulgation of the final rule.

Rural Area Flexibility Analysis

1. TYPES AND ESTIMATED NUMBER OF RURAL AREAS

There are 44 counties in New York State (State) that have populations of less than 200,000 people and 71 towns in non-rural counties where the population density is less than 150 people per square mile. Since the emergency rule and proposed rule apply statewide, they apply to all rural as well as non-rural areas of the State. The emergency rule adds perfluorooctanoic acid (PFOA-acid, Chemical Abstracts Service [CAS] No. 335-67-1), ammonium perfluorooctanoate (PFOA-salt, CAS No. 3825-26-1), perfluorooctane sulfonic acid (PFOS-acid, CAS No. 1763-23-1), and perfluorooctane sulfonate (PFOS-salt, CAS No. 2795-39-3) to the list of hazardous substances in 6 NYCRR Section 597.3 (Section 597.3). This rule also provides time for facilities storing fire-fighting foam containing one or more of these newly listed hazardous substances to properly dispose of it, and makes a correction to the tables of hazardous substances in Part 597 by providing units for reportable quantities (RQs). There is no reason to believe that the actions under this rule will disproportionately impact rural areas.

2. REPORTING, RECORDKEEPING, OTHER COMPLIANCE REQUIREMENTS, AND NEED FOR PROFESSIONAL SERVICES

This emergency rule and proposed rule makes no changes to reporting, recordkeeping, or other compliance requirements for Chemical Bulk Storage (CBS) facilities other than to place PFOA-acid, PFOA-salt, PFOS-acid, and PFOS-salt on the list of hazardous substances in Section 597.3.

Facilities that store PFOA-acid, PFOA-salt, PFOS-acid, or PFOS-salt in specified quantities and use certain tanks that make them subject to the registration requirements of 6 NYCRR Part 596 must include these tank systems in their facility registration with the Department, and pay a registration fee associated with the CBS program. Facilities regulated under 6 NYCRR Parts 596-599 most commonly store hazardous substances in stationary aboveground tank systems with a capacity greater than 185 gallons.

A facility that stores PFOA-acid, PFOA-salt, PFOS-acid, or PFOS-salt that is subject to the CBS registration requirements, as explained above, must submit its registration application to the Department and pay the commensurate fee at the time it becomes subject to regulation. If the facility is already storing PFOA-acid, PFOA-salt, PFOS-acid, or PFOS-salt, and is subject to the registration requirements, the registration requirements became effective on April 25, 2016, the effective date of this emergency rule. If a facility plans to start storing PFOA-acid, PFOA-salt, PFOS-acid, or PFOS-salt, and is subject to the registration requirement, it

must obtain a valid registration certificate prior to storing the material. A facility with existing storage of PFOA-acid, PFOA-salt, PFOS-acid, or PFOS-salt is not required to comply with the handling and storage requirements for hazardous substances until April 25, 2018 (subdivision 598.1[h]). Since the Department anticipates that facilities that currently store PFOA-acid, PFOA-salt, PFOS-acid, or PFOS-salt will phase out storage of the substance prior to April 25, 2018, they will not have substantive CBS compliance requirements regarding these chemicals beyond the registration requirement.

Existing Part 597 prohibits the release of a hazardous substance to the environment unless a release is authorized or is continuous and stable and has been reported to the Department (subdivision 597.4[a]). This rule in addition allows entities with fire-fighting foam to use the foam to fight fires on or before April 25, 2017 while they determine if the foam contains PFOA-acid, PFOA-salt, PFOS-acid, or PFOS-salt. If the foam contains one of these hazardous substances, the foam must be disposed of in accordance with appropriate regulations by April 25, 2017. Replacement foam may not contain a hazardous substance at a concentration that would result in the release of more than the RQ (one pound) when used as a fire-fighting foam. However, if the foam is used to fight a fire and there is a release of a hazardous substance above the RQ stated in Part 597 for the substance (one pound for these hazardous substances), the release must be reported to the Department's spill hotline (subdivision 597.4[b]).

Listing PFOA-acid, PFOA-salt, PFOS-acid, and PFOS-salt as hazardous substances results in sites contaminated with PFOA-acid, PFOA-salt, PFOS-acid, or PFOS-salt being subject to the inactive hazardous waste disposal sites regulatory requirements of 6 NYCRR Part 375. In these cases, requirements for investigation and cleanup are established by Part 375 and by Department orders and agreements with regulated entities. Part 375 sets forth requirements for the investigation of site conditions to determine the nature and extent of environmental contamination, evaluate remedial alternatives, design and construct a remedy, complete the operation and maintenance activities required to achieve the remedial action objectives for the site, and maintain any institutional or engineering controls needed to maintain the effectiveness of the remedy. Remedial programs for a site tend to be complex, multi-phased, and take from a few to many years to complete.

No new or additional professional services are anticipated to be needed by facilities located in rural areas to comply with the emergency rule and proposed rule regarding the CBS requirements if they discontinue storing PFOA-acid, PFOA-salt, PFOS-acid, and PFOS-salt before the handling and storage requirements take effect on April 25, 2018. If facilities continue to store after April 25, 2018, when the storage and handling standards go into effect, facility owners/operators may need professional services to assist them in meeting the handling and storage requirements for hazardous substances.

If an owner/operator in a rural area becomes a remedial party subject to requirements to implement a remedial program under Part 375, it would likely require consulting and contractual services to assist in carrying out the remedial program. This could include professional engineers or qualified environmental professionals, as defined in Part 375, and contractual services needed to complete site investigation field work, analyses of environmental samples, or other specialized services.

3. COSTS

The Department does not anticipate a variation in compliance costs for different types of public and private entities in rural areas. Since PFOS-acid, PFOS-salt, and PFOS-related substances was restricted beginning in 2002 and, under the EPA's Stewardship Program addressing PFOA-related substances, eight companies voluntarily removed PFOA-acid, PFOA-salt, and PFOA-related substances from new products by December 2015, and because the substantive CBS tank system requirements for handling and storing PFOA-acid, PFOA-salt, PFOS-acid, and PFOS-salt will not apply until April 25, 2018, the Department expects that the compliance costs for meeting the CBS requirements will be minimal. Hazardous substances regulated under Parts 596-599 are most commonly stored in stationary aboveground tank systems with a capacity greater than 185 gallons. Registration fees apply to each regulated tank and depend upon the capacity of each tank. The fees range from \$50 per tank for tanks with capacities less than 550 gallons to \$125 per tank for capacities greater than 1,100 gallons. If a facility discontinues storage by April 25, 2018, when the storage and handling standards go into effect, there will be no other substantive costs.

The prohibition of releases of hazardous substances is not expected to present significant compliance costs for public or private entities in rural areas with the possible exception of entities in possession of fire-fighting foams (Aqueous Film Forming Foam - AFFF) that contain PFOA-related or PFOS-related substances. This emergency rule and proposed rule adds a provision to allow facilities with fire-fighting foam the time necessary to determine if stored foam contains one or more of these substances. If the stored foam contains one of these substances, the facility would be

required to arrange for the disposal of the foam by April 25, 2017. Replacement foam may not contain a hazardous substance. The older foams may be disposed of as solid waste in a permitted landfill since these substances do not meet the definition of Resource Conservation and Recovery wastes when disposed properly. The cost to replace the foam ranges from \$16 to \$32 per gallon, dependent on the amount and type of foam that is being stored. Prior to April 25, 2017, entities storing this foam will be allowed to use the foam, as needed, to fight fires to protect public safety. However, if the foam containing one or more of these hazardous substances is released to the environment in an amount that exceeds the RQ (one pound), the release must be reported to the spill hotline to allow the Department to determine if any remediation of the release is appropriate.

The costs of complying with the requirements of Part 375 to implement a remedial program where PFOA-acid, PFOA-salt, PFOS-acid, or PFOS-salt are the primary contaminants, will vary widely as the costs depend upon many factors. These include the quantity released to the environment, the media contaminated (e.g., soil, groundwater, surface water, sediment, bedrock), the horizontal and vertical extent of contamination for each medium, the accessibility of the contamination, whether there are human or environmental receptors that must be protected while a remedial program is being undertaken, the difficulty of removing PFOA-acid, PFOA-salt, PFOS-acid and PFOS-salt from the contaminated environmental media, the future anticipated use of the area of contamination, and other factors. Because of the wide variety of scenarios, it is not possible to meaningfully estimate the potential costs to persons managing PFOA-acid, PFOA-salt, PFOS-acid and PFOS-salt in rural areas resulting from the listing of PFOA-acid, PFOA-salt, PFOS-acid and PFOS-salt as hazardous substances other than to note that remedial program costs for other hazardous substances can range from the thousands to millions of dollars on a case-by-case basis.

4. MINIMIZING ADVERSE IMPACT

The Department is adopting this emergency rule and proceeding with this proposed rule based upon the conclusion of the New York State Department of Health (NYSDOH) that the combined weight of evidence from human and experimental animal studies indicates that prolonged exposure to significantly elevated levels of these compounds can affect health and, consequently, pose a threat to public health in New York State when improperly treated, stored, transported, disposed of or otherwise managed. NYSDOH scientists have concluded that it is essential to list these chemicals as hazardous substances. See the Regulatory Impact Statement for additional information, including NYSDOH's letter requesting that these chemicals be added to the List of Hazardous Substances (Section 597.3).

This action does not lend itself to the mitigating measures listed in State Administrative Procedure Act section 202-bb(2), but there are existing requirements established in the regulations that help to minimize adverse impacts. For example, the CBS regulations allow a two-year period after a new chemical is added to the list of hazardous substances before the handling and storage requirements of Part 598 apply to facilities with existing storage of the chemical (subdivision 598.1[h]). In addition, the Department has determined through other rule making actions that the remaining regulatory compliance provisions, including the storage, handling, release prohibition, and disposal provisions, appropriately apply to persons managing hazardous substances in rural areas.

5. RURAL AREA PARTICIPATION

The Department is providing statewide outreach to persons who are subject to this emergency and proposed rule, including those in rural areas. The Department will ensure public notice and input by issuing public notices in the State Register, newspapers, and the Department's Environmental Notice Bulletin; holding a comment period of at least 45 days; and holding public hearings. Interested parties will have the opportunity to submit written comments and participate in the public hearings. The Department will also post relevant rule making documents on the Department's website.

6. INITIAL REVIEW OF THE RULE

The Department will conduct an initial review of the rule within three years of the promulgation of the final rule.

Job Impact Statement

1. NATURE OF IMPACT

Through the emergency rule and proposed rule, the New York State Department of Environmental Conservation (Department):

1. Adds perfluorooctanoic acid (PFOA-acid, Chemical Abstracts Service No. 335-67-1), ammonium perfluorooctanoate (PFOA-salt, CAS No. 3825-26-1), perfluorooctane sulfonic acid (PFOS-acid, CAS No. 1763-23-1), and perfluorooctane sulfonate (PFOS-salt, CAS No. 2795-39-3) to the list of hazardous substances in 6 NYCRR Section 597.3 (Section 597.3);

2. Allows fire-fighting foam containing PFOA-acid, PFOA-salt, PFOS-acid, or PFOS-salt to be used to fight fires (but not for training or any other purposes) on or before April 25, 2017, a use which would not otherwise be allowed under the regulation since the release of a hazardous substance is prohibited; and

3. Corrects the list of hazardous substances by providing units for reportable quantities (RQs).

The substantive effects of listing of these substances in Section 597.3 is to (1) make the handling and storage of PFOA-acid, PFOA-salt, PFOS-acid, and PFOS-salt subject to the registration and other regulatory standards for Chemical Bulk Storage (CBS) facilities (6 NYCRR Parts 596-599); (2) prohibit the unauthorized release of PFOA-acid, PFOA-salt, PFOS-acid, and PFOS-salt to the environment (subdivision 597.4[a]) and require that any releases above the RQ (one pound) be reported to the Department (subdivision 597.4[b]); and (3) make the investigation and remediation of releases of PFOA-acid, PFOA-salt, PFOS-acid, and PFOS-salt to the environment subject to the Department's remedial program requirements (6 NYCRR Part 375).

The substantive effect of allowing fire-fighting foam to be used to fight fires (but not for training or any other purposes) on or before April 25, 2017 is to provide entities the time necessary to determine if stored foam contains one or more of these hazardous substances and replace any foams as necessary. If stored foam contains one of these substances, a facility would have to arrange for the proper disposal of the foam in accordance with all local, state, and federal requirements. Replacement foam may not contain a hazardous substance at a concentration that would result in the release of more than the RQ (one pound) when used as a fire-fighting foam. The older foams may be disposed of as solid waste in a permitted landfill since these substances are not Resource Conservation and Recovery Act wastes when disposed properly.

The effect of correcting the tables listing hazardous substances is to include the units for RQs to remove uncertainty regarding when a release must be reported.

Under the federal Toxic Substances Control Act, the United States Environmental Protection Agency (USEPA) has worked with industry to voluntarily phase out the use of PFOA-related substances by December 2015, and proposed a significant new use rule (SNUR) to limit the production and importation of PFOA-related substances in anticipation of the phase-out deadline (80 FR 2885; January 21, 2015). USEPA completed the SNUR to limit the production and importation of PFOS-related substances in 2002.

Since production of PFOA-related and PFOS-related substances has already been reportedly phased out or restricted, and alternative substances have been developed to take the place of these hazardous substances, the Department does not expect this rule to have a significant impact on jobs and employment either in terms of lost jobs or the creation of new jobs. Employment opportunities should remain the same or may increase somewhat due to remediation activities.

2. CATEGORIES AND NUMBERS AFFECTED

Since PFOA-acid, PFOA-salt, PFOS-acid, and PFOS-salt are reportedly no longer being produced in the United States, the CBS regulations would only apply to stored PFOA-containing or PFOS-containing materials produced before the phase-out. Since replacement materials are already in place and the number of facilities storing PFOA or PFOS in quantities large enough to be subject to the CBS regulations is expected to be small, the number of jobs affected is expected to be small. Existing employees may be required to arrange for the disposal of older stocks of PFOA-acid, PFOA-salt, PFOS-acid, and PFOS-salt containing materials, but this should not require the creation of new jobs or the loss of existing jobs.

Where PFOA-acid, PFOA-salt, PFOS-acid, and PFOS-salt has previously been released to the environment in ways that make the resulting contamination subject to a 6 NYCRR Part 375 remedial program, a limited number of jobs may be created in order to complete the necessary investigations and remediation of the sites. Job categories would include, for example, drilling contractors and other heavy equipment operators, field investigation technicians, hydrogeologists, engineers, analytical chemists and technicians, and others with training and experience related to site remediation.

The number of sites that may become remedial sites because of the addition of PFOA-acid, PFOA-salt, PFOS-acid, and PFOS-salt to Section 597.3 is unknown. The Department has placed one site on the Registry of Inactive Hazardous Waste Disposal Sites (Registry) as a result of adding PFOA-acid to Section 597.3 (Site Registry ID No. 442046). The Department expects that other sites that used PFOA-acid, PFOA-salt, PFOS-acid, or PFOS-salt in commercial or industrial processes may have PFOA-acid, PFOA-salt, PFOS-acid, or PFOS-salt environmental contamination. Locations where PFOA-acid, PFOA-salt, PFOS-acid, or PFOS-salt disposal occurred or where PFOA-acid, PFOA-salt, PFOS-acid, or PFOS-salt were components of materials released to the environment may become remedial sites subject to the requirements of Part 375. Nationally, research by the United States Department of Defense (DoD) found that approximately 600 DoD sites are categorized as fire/crash/training areas and thus have the potential for contamination with perfluoroalkyl compounds (including PFOA-related and PFOS-related substances) due to historical

use of aqueous film-forming foams (AFFF) [Strategic Environmental Research and Development Program (SERDP), FY 2014 Statement of Need (SON), Environmental Restoration (ER) Program Area, "In Situ Remediation of Perfluoroalkyl Contaminated Groundwater," SON Number: ERSON-14-02, October 25, 2012]. It is possible that the Department will list additional Registry sites. The work needed to investigate and remediate these sites may be accomplished by existing staff or new jobs may be added depending upon the number and complexity of sites.

3. REGIONS OF ADVERSE IMPACT

There are no regions of the State expected to be disproportionately impacted by the emergency rule and proposed rule as they apply statewide. There is no reason to expect that PFOA-acid, PFOA-salt, PFOS-acid, or PFOS-salt issues will be concentrated in one area over another to any significant degree.

4. MINIMIZING ADVERSE IMPACT

For the reasons described above, the emergency rule and proposed rule are not expected to have a significant adverse impact on jobs and employment.

5. SELF-EMPLOYMENT OPPORTUNITIES

The emergency rule and proposed rule are not expected to impact self-employment opportunities.

6. INITIAL REVIEW OF RULE

The Department will conduct an initial review of the rule within three years of the promulgation of the final rule.

New York State Gaming Commission

NOTICE OF ADOPTION

Thoroughbred Restricted Time Periods for Various Drugs

I.D. No. SGC-39-15-00005-A

Filing No. 735

Filing Date: 2016-07-26

Effective Date: 2016-08-10

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

Action taken: Amendment of section 4043.2(a) and (e) of Title 9 NYCRR.

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

Subject: Thoroughbred restricted time periods for various drugs.

Purpose: To enhance the integrity and safety of thoroughbred horse racing.

Text or summary was published in the September 30, 2015 issue of the Register, I.D. No. SGC-39-15-00005-RP.

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

Revised rule making(s) were previously published in the State Register on September 30, 2015.

Text of rule and any required statements and analyses may be obtained from: Kristen Buckley, New York State Gaming Commission, One Broadway Center, P.O. Box 7500, Schenectady, New York 12301, (518) 388-3407, email: gamingrules@gaming.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 agency received no public comment.

NOTICE OF ADOPTION

Simplifying How a Trainer May Alter the Use of Hopples

I.D. No. SGC-22-16-00004-A

Filing No. 736

Filing Date: 2016-07-26

Effective Date: 2016-08-10

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

Action taken: Amendment of sections 4113.5 and 4117.3 of Title 9 NYCRR.

Statutory authority: Racing, Pari-Mutuel Wagering and Breeding Law, sections 103(2), 104(1), (19) and 301(1)

Subject: Simplifying how a trainer may alter the use of hopples.

Purpose: To preserve the integrity of pari-mutuel racing while generating reasonable revenue for the support of government.

Text or summary was published in the June 1, 2016 issue of the Register, I.D. No. SGC-22-16-00004-P.

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

Text of rule and any required statements and analyses may be obtained from: Kristen Buckley, New York State Gaming Commission, One Broadway Center, P.O. Box 7500, Schenectady, New York 12301, (518) 388-3407, email: gamingrules@gaming.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 agency received no public comment.

NOTICE OF ADOPTION

Decoupling of Harness Horses in Major Stakes Races

I.D. No. SGC-22-16-00005-A

Filing No. 738

Filing Date: 2016-07-26

Effective Date: 2016-08-10

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

Action taken: Amendment of section 4111.15 of Title 9 NYCRR.

Statutory authority: Racing, Pari-Mutuel Wagering and Breeding Law, sections 103(2), 104(1), (19) and 301(1)

Subject: Decoupling of harness horses in major stakes races.

Purpose: To preserve the integrity of pari-mutuel racing while generating reasonable revenue for the support of government.

Text or summary was published in the June 1, 2016 issue of the Register, I.D. No. SGC-22-16-00005-P.

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

Text of rule and any required statements and analyses may be obtained from: Kristen Buckley, New York State Gaming Commission, One Broadway Center, P.O. Box 7500, Schenectady, New York 12301, (518) 388-3407, email: gamingrules@gaming.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 Gaming Commission received public comments from The Hambletonian Society and from management of Tioga Downs and Vernon Downs racetracks in support of adopting the proposed amendments.

NOTICE OF ADOPTION

Voidable Claims Based on Race Day Samples

I.D. No. SGC-23-16-00006-A

Filing No. 737

Filing Date: 2016-07-26

Effective Date: 2016-08-10

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

Action taken: Amendment of sections 4038.19(a) and 4109.7(a) of Title 9 NYCRR.

Statutory authority: Racing, Pari-Mutuel Wagering and Breeding Law, sections 103(2), 104(1), (19) and 301(1)

Subject: Voidable claims based on race day samples.

Purpose: To enhance the safety and integrity of horse racing while generating a reasonable return for government.

Text or summary was published in the June 8, 2016 issue of the Register, I.D. No. SGC-23-16-00006-P.

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

Text of rule and any required statements and analyses may be obtained from: Kristen Buckley, New York State Gaming Commission, One Broadway Center, P.O. Box 7500, Schenectady, New York 12301, (518) 388-3407, email: gamingrules@gaming.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 agency received no public comment.

NOTICE OF ADOPTION

Criteria for the Licensing, Conduct and Operation of Independent Testing Laboratories

I.D. No. SGC-23-16-00014-A

Filing No. 739

Filing Date: 2016-07-26

Effective Date: 2016-08-10

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

Action taken: Addition of Part 5318; and amendment of sections 5100.2 and 5118.6 of Title 9 NYCRR.

Statutory authority: Racing, Pari-Mutuel Wagering and Breeding Law, sections 104(19), 1307(1), 1303, 1326(1) and 1335(8); Tax Law, section 1617-a(c)

Subject: Criteria for the licensing, conduct and operation of independent testing laboratories.

Purpose: To govern the licensing, conduct and operation, testing and reporting requirements of independent testing laboratories.

Text or summary was published in the June 8, 2016 issue of the Register, I.D. No. SGC-23-16-00014-P.

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

Text of rule and any required statements and analyses may be obtained from: Kristen Buckley, Acting Secretary, New York State Gaming Commission, One Broadway Center, 6th Fl., Schenectady, NY 12305, (518) 388-3407, email: gamingrules@gaming.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 Gaming Commission received a comment from one entity, Allen & Desnoyers LLP on behalf of Gaming Laboratories International, LLC in regard to this proposed rulemaking. The Commission has considered the comment and decided that no changes are appropriate at this time. In particular:

1. Proposed Rule 5318.3. The commenter recommends that independent testing laboratories seeking licensure should be able to demonstrate, through clear and convincing evidence, its financial suitability, stability and viability to the Commission. The Commission believes there is no need to duplicate those requirements in the proposed rule. Pursuant to Racing, Pari-Mutuel Wagering and Breeding Law section 1326(1), independent testing laboratories are casino vendor enterprises. Casino vendor enterprises must qualify under the standards for qualification of a casino key employee under Racing, Pari-Mutuel Wagering and Breeding Law section 1326(4). Thus, the laboratories must establish by clear and convincing evidence the financial stability of the applicant under Racing, Pari-Mutuel Wagering and Breeding Law section 1323(2)(a). To do so, the laboratories must complete the vendor license application form that includes financial suitability information.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Licensing and Registration of Gaming Facility Employees and Vendors

I.D. No. SGC-32-16-00001-P

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

Proposed Action: Amendment of Parts 5303 through 5307 of Title 9 NYCRR.

Statutory authority: Racing, Pari-Mutuel Wagering and Breeding Law, sections 104(19), 1307(1), (2), 1322, 1323, 1324, 1325, 1326 and 1327

Subject: Licensing and registration of gaming facility employees and vendors.

Purpose: To govern the licensing and registration of gaming facility employees and vendors.

Substance of proposed rule (Full text is posted at the following State website:www.gaming.ny.gov): The proposed amendments to Parts 5303 through 5307 of Subtitle T of Title 9 NYCRR clarifies the licensing and registration process required by the New York Gaming Commission ("Commission") for gaming facility employees and vendors.

Section 5303.9 clarifies the Commission's expectations in regard to updating a submitted application. Section 5303.15 (renumbered as section 5303.14) specifies the process and circumstances under which an applicant who has been denied a license or registration, or a licensee or registrant whose license or registration has been revoked, may re-apply for a new license or registration. Section 5306.2(b) applies the statutory disqualification criteria to applicants for a non-gaming employee registration. Section 5306.4 sets the term for a non-gaming employee registration at five years, to match the statutory five-year duration for a casino key employee and gaming employee license. Section 5307.2 revises language to allow for more entities to be categorized as vendor registrants rather than ancillary casino vendor enterprises. Section 5307.3 designates groups of vendors who are not required to be licensed or registered. Section 5307.5 clarifies the forms required for licensing of casino vendor enterprises or ancillary casino vendor enterprises, the standards applicable to such licensing, the forms required for registration of employees of vendor registrants and the standards applicable to such employee registrants.

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

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

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

Regulatory Impact Statement

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

Racing Law section 1307(2) prescribes that the Commission regulate, among other things: the methods and forms of application and registration that any applicant or registrant shall follow and complete; the methods, procedures, and form for delivery of information concerning any person's family, habits, character, associates, criminal record, business activities and financial affairs; the procedures for the fingerprinting of an employee of a licensee, or registrant; the manner and method of collection of payments of fees; and the grounds and procedures for the revocation or suspension of licenses and registrations.

Racing Law section 1322 requires the Commission to regulate the form by which applicants, licensees and registrants provide information pertaining to their qualifications for licensure or registration.

Racing Law section 1323 requires the Commission to regulate the procedures for photographing and fingerprinting applicants, licensees and registrants for identification and investigation purposes.

Racing Law section 1324 requires the Commission to regulate the method and form of registration that a gaming employee shall follow and complete, and the form for delivery of information pertaining to a gaming employee's qualifications for registration.

Racing Law section 1325 requires the Commission to establish by regulation appropriate fees to be paid upon the filing of the required applications.

Racing Law section 1326 requires the Commission to establish by regulation the time period during which a casino vendor may conduct business transactions with a gaming facility applicant or licensee prior to the casino vendor receiving a license. Racing Law section 1326 also requires the Commission to regulate the method and form of vendor registration.

Racing Law section 1327 requires the Commission to establish by regulation appropriate fees to be imposed on vendor registrants.

2. LEGISLATIVE OBJECTIVES: The above referenced statutory provisions carry out the legislature's stated goal "to tightly and strictly" regulate casinos "to guarantee public confidence and trust in the credibility and integrity of all casino gambling in the state and to prevent

organized crime from any involvement in the casino industry” as set forth in Racing Law section 1300(10).

3. **NEEDS AND BENEFITS:** The proposed amendments implement the above listed statutory directives regarding the establishment of licensing and registration requirements for gaming facility employees and vendors. The proposed amendments provide specificity with respect to updating information contained in their applications, specifying the process of reapplication after a denial or revocation of a license or registration, clarifying the categories of vendor licensing and designating groups of vendors who are not required to be licensed.

4. **COSTS:**

(a) Costs to the regulated parties for the implementation of and continuing compliance with these rules: There are no new or additional costs associated with the proposed amendments. The amendments seek to clarify the existing licensing and registration process and, in certain circumstances, exempt specific vendors from the licensing or registration process, reducing overall costs to the gaming facilities and the vendors.

(b) Costs to the regulating agency, the State, and local governments for the implementation of and continued administration of these rules: There are no new or additional costs associated with the proposed amendments. The amendments seek to clarify the existing process and, in certain cases, exempt specific vendors from the licensing or registration process, reducing overall costs to the division of the state police and the Commission. The proposed amendments will not impose any additional costs on local governments.

(c) The information, including the source or sources of such information, and methodology upon which the cost estimate is based: These proposed amendments are clarifying the process of licensing and registration of gaming facility employees and vendors. They impose no additional costs; no methods were used to determine the costs to the regulated parties or the Commission and the state.

5. **LOCAL GOVERNMENT MANDATES:** These proposed amendments do not impose any mandatory program, service, duty, or responsibility upon local government because the licensing and registration of gaming facility employees and vendors is strictly a matter of State law.

6. **PAPERWORK:** These proposed amendments are not expected to impose any significant paperwork requirements for gaming facility employees and vendor applicants other than the paperwork already required by the existing rules.

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

8. **ALTERNATIVES:** The Commission consulted stakeholders and reviewed other gambling jurisdiction best practices and regulations. Alternatives were discussed and considered with stakeholders and compared to other jurisdiction regulations. These included the type of information required to be updated from an employee or vendor application; the appropriate vendors to be exempt from the licensing or registration process; and the types of vendors to be properly classified as ancillary vendor enterprises.

9. **FEDERAL STANDARDS:** There are no federal standards applicable to the licensing or registration of gaming employees and vendors in New York. It is purely a matter of New York State law.

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

Regulatory Flexibility Analysis

1. **EFFECT OF RULE:** These proposed amendments impact the licensure and registration of gaming facility employees and vendors. Small business vendors seeking to be licensed or registered will be impacted by these amendments. Local government will not be affected by these rules.

2. **COMPLIANCE REQUIREMENTS:** These proposed amendments require participating small business vendors to update their application with the Commission under specific circumstances.

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

4. **COMPLIANCE COSTS:** These amendments impose no new or additional compliance costs upon the small business vendors.

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

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

7. **SMALL BUSINESS AND LOCAL GOVERNMENT PARTICIPATION:** These proposed amendments are in response to comments received from industry stakeholders and affected parties. Small businesses and local governments will have an additional opportunity to submit comments regarding these amendments during the comment period of the rule making process.

8. **FOR RULES THAT EITHER ESTABLISH OR MODIFY A VIOLATION OR PENALTIES ASSOCIATED WITH A VIOLATION:** The

Commission has an administrative hearing process in place, which provides for notice and an opportunity to be heard, for those licensed vendors that violate the rules associated with horse racing, lottery, video lottery and charitable gaming. The Commission anticipates a similar process applying to those licensed vendors that violate Article 13 of the Racing, Pari-Mutuel Wagering and Breeding Law and the related rules.

Rural Area Flexibility Analysis

Several of the development zone regions authorized to host a licensed gaming facility, as contemplated by Racing, Pari-Mutuel Wagering and Breeding Law section 1310, are located within “rural areas” as that term is defined in Executive Law section 481(7). The decision to locate a licensed gaming facility in a rural area will not have an adverse economic impact. In addition, these proposed amendments will not have an adverse or disproportionate economic impact upon rural areas. Accordingly, a rural flexibility analysis is not required and one has not been prepared.

Job Impact Statement

1. **NATURE OF IMPACT:** The Commission has determined that the proposed amendments to these rules will not have a substantial adverse impact on jobs and employment opportunities. To the contrary, these rules are intended to create thousands of well-paying jobs. In addition, the amendments are intended to clarify the process for potential employees and vendors to obtain a license or registration from the Commission.

2. **CATEGORIES AND NUMBERS AFFECTED:** It is anticipated that up to 4 gaming facilities, as contemplated by Racing, Pari-Mutuel Wagering and Breeding Law Article 13, would employ more than 4,000 people. In addition, the construction of the gaming facilities will generate many new jobs.

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

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

Department of Health

NOTICE OF ADOPTION

Requirements for Manufacturers and Distributors Regarding Controlled Substances

I.D. No. HLT-30-15-00009-A

Filing No. 708

Filing Date: 2016-07-20

Effective Date: 2016-08-10

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

Action taken: Amendment of section 80.11 of Title 10 NYCRR.

Statutory authority: Public Health Law, section 3008(2)

Subject: Requirements for Manufacturers and Distributors Regarding Controlled Substances.

Purpose: To clarify and use language consistent with current terminology used by the State Board of Pharmacy.

Text of final rule: 80.11 Additional requirements for manufacturers and distributors. In addition to the requirements set forth in article 33 of the Public Health Law, holders of licenses shall comply with the following requirements:

(a) [Except as hereinafter provided, no person shall obtain a class 1 or 2 license for controlled substances unless he or she employs a full-time pharmacist and, except as hereinafter provided, no licensed activity shall be conducted by a holder of a class 1 or 2 license unless such activity is under the personal supervision of a chemist or pharmacist.] *A class 1 manufacturer who produces a final product that by its composition or combination with other ingredients is intended for human or animal consumption and presents a potential for abuse, must employ a full-time pharmacist and the licensed controlled substance activity must be under the personal supervision of a pharmacist or a chemist. The supervisor shall not be at the same time a supervisor of any other class 1 or class 2 establishment licensed by the New York State Department of Health. A chemist is a person who meets the following requirements:*

(1) *possess a bachelor of science or a bachelor of arts degree in chemistry, pharmacology or equivalent specialization and have had not less than four years of experience in the manufacture of drug products;*

(2) be a citizen of the United States or an alien lawfully admitted for permanent residence in the United States;

(3) be of the age of 21 years or older;

(4) be of good moral character and, if the person has been convicted of one or more criminal offenses, he or she must be found eligible after a balancing of the factors set out in Article 23-A of Correction Law. In accordance with that Article, no person shall be deemed not to be a chemist on account of having been previously convicted of one or more criminal offense unless (i) there is a direct relationship between one or more of the previous criminal offenses and the duties required of the position or (ii) deeming the person a chemist would involve an unreasonable risk to property or the safety or welfare of a specific individual or the general public. In addressing these questions, the Department shall evaluate all factors listed under New York State Correction Law Section 753; and

(5) not be, and not have been, a habitual user of narcotics or any other habit-forming drugs.

(b) [A manufacturer who produces a final product that by its composition or combination with other ingredients is not intended for human or animal consumption and does not present a potential for abuse, may employ either a full-time pharmacist or a person who meets the following requirements:

(1) possess a bachelor of science or a bachelor of arts degree in chemistry, pharmacology or equivalent specialization and have had not less than four years of experience in the manufacture of drug products;

(2) be a citizen of the United States or an alien lawfully admitted for permanent residence in the United States;

(3) be of the age of 21 years or over;

(4) be of good moral character as attested to by affidavits signed by either the sheriff of the county of residence, local police officials, or other such persons acceptable to the department;

(5) not have been convicted of a misdemeanor or felony by any court of the State of New York, or by any court of the United States or of any other state; and

(6) not be, and not have been, a habitual user of narcotics or any other habit-forming drugs.]

A class 1 manufacturer who produces a final product that by its composition or combination with other ingredients is not intended for human or animal consumption and does not present a potential for abuse, must employ either a full-time pharmacist or a full-time chemist and the licensed activity in which he or she is engaged must be under the supervision of either a pharmacist, or a chemist, as defined in subdivision (a) of this section. The supervisor shall not be at the same time a supervisor of any other class 1 or class 2 establishment licensed by the New York State Department of Health.

(c) [A distributor who does not bottle or rebottle, pack or repack, label or relabel, controlled substances may obtain a class 2 license, provided that the licensed activity in which he is engaged is conducted under the supervision of a pharmacist or person approved by the department. A person not a pharmacist shall meet the following requirements:] *An applicant for licensure who is a registered outsourcing facility pursuant to Title 8 of the Education Law and who compounds controlled substances not pursuant to a patient specific prescription shall be deemed as conducting manufacturing activities of controlled substances. Manufacturing activities shall be conducted under the personal supervision of a licensed pharmacist. An applicant for licensure who is a registered wholesaler pursuant to Title 8 of the Education Law who bottles or rebottles, packs or repacks, labels or relabels, controlled substances shall be deemed as conducting class 1 manufacturing activities of controlled substances and subject to the requirements of subdivision (a) of this section. An applicant for licensure who is a registered wholesaler pursuant to Title 8 of the Education Law who does not bottle or rebottle, pack or repack, label or relabel, controlled substances may obtain a class 2 distributor license, provided that the licensed activity in which he or she is engaged is conducted under the personal supervision of a pharmacist or a person approved by the department. The supervisor shall not be at the same time a supervisor of any other establishment registered by the New York State Board of Pharmacy. A person not a pharmacist shall meet the following requirements:*

(1) possess a high school diploma, or the equivalent thereof;

(2) be a citizen of the United States or an alien lawfully admitted for permanent residence in the United States;

(3) be of the age of 21 years or over;

(4) [be of good moral character as attested to by affidavits signed by either the sheriff of the county of residence, local police officials, or other such persons acceptable to the department;

(5) not have been convicted of a misdemeanor or felony by any court of the State of New York, or by any court of the United States or of any other state] *be of good moral character and if the person has been convicted of one or more criminal offenses, he or she must be found*

eligible after a balancing of the factors set out in Article 23-A of Correction Law. In accordance with that Article, no distributor license shall be denied by reason of the applicable employee having been previously convicted of one or more criminal offenses unless (i) there is a direct relationship between one or more of the previous criminal offenses and the duties required of the license or (ii) licensing the applicant would involve an unreasonable risk to property or the safety or welfare of a specific individual or the general public. In determining these questions, the agency will look at all factors listed under New York State Correction Law Section 753;

[(6)] (5) not be, and not have been, an habitual user of narcotics or other habit-forming drugs; and

[(7)] (6) have had not less than eight years of experience in the wholesaling of controlled substances, or such other experience determined by the department to be the equivalent thereof.

(d) Persons conducting manufacturing activities of controlled substances within the State of New York shall obtain a class 1 license from the department.

(e) Persons conducting manufacturing activities of controlled substances outside of the State of New York and doing business within the State of New York shall obtain a class 1a license from the department. *A class 1a license applicant shall meet the following requirements:*

(1) *the out-of-state manufacturer possesses a valid New York State Board of Pharmacy registration or exemption; and*

(2) *the out-of-state manufacturer possesses a valid U.S. Drug Enforcement Administration registration; and*

(3) *based on the application, the commissioner is satisfied that the out-of-state manufacturer will be able to maintain effective control against diversion of controlled substances.*

(f) Persons conducting distributing activities of controlled substances within the State of New York shall obtain a class 2 license from the department, except that;

(1) Except in an adult care facility subject to provisions of Title 18 NYCRR Parts 487, 488 and 490, a pharmacy may distribute a controlled substance to a practitioner in a Class 3a institutional dispenser limited solely for stocking in sealed emergency medication kits. Such distribution shall be pursuant only to a written request by the Class 3a facility indicating the name and address of the facility, the name and address of the pharmacy, the date of the request, the type and quantity of the drug requested and the signature of the authorized person making the request. With each distribution, the pharmacy shall provide the Class 3a facility with an itemized list indicating the name and address of the pharmacy, the name and address of the Class 3a facility, the date of the distribution, the type and quantity of the drug distributed, and the signature of the pharmacist.

(g) Out-of-State persons conducting distributing activities of controlled substance to persons within the State of New York shall obtain a class 2a license from the department. *A class 2a license applicant shall meet the following requirements:*

(1) *the out-of-state distributor possesses a valid New York State Board of Pharmacy registration or exemption; and*

(2) *the out-of-state distributor possesses a valid U.S. Drug Enforcement Administration registration; and*

(3) *based on the application, the commissioner is satisfied that the out-of-state distributor will be able to maintain effective control against diversion of controlled substances.*

(h) All persons authorized to manufacture or distribute controlled substances shall accept returns of such controlled substances manufactured or distributed by them, and either destroy them or provide for the return, disposition, and disposal of such controlled substances in a manner approved by the Department pursuant to section 80.51(c)(2).

(i) *An individual who is designated as the supervisor of controlled substance activity pursuant to subdivisions (a), (b) or (c) of this section shall be responsible for the following non-delegable tasks:*

(1) *maintaining all required records relating to the purchase and distribution of all controlled substances manufactured or repacked at that facility;*

(2) *providing for the proper storage of controlled substances in order to prevent loss or theft;*

(3) *assuring security and limiting access to all areas holding controlled substances;*

(4) *insuring against all unauthorized sales or distribution of controlled substances to establishments or professionals not authorized to receive such items;*

(5) *issuing verbal and written notice to each of his or her subordinates concerning the applicable state and federal laws, regulations and rules to ensure full compliance;*

(6) *for manufacturers, assuring that all Good Manufacturing Procedures as outlined by the FDA are followed; and*

(7) *for manufacturers engaged in compounding of controlled sub-*

stances, assuring that all controlled substances are compounded under the personal supervision of a licensed pharmacist.

Final rule as compared with last published rule: Nonsubstantive changes were made in section 80.11(a)(4), (b) and (c).

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

Revised Regulatory Impact Statement

Statutory Authority:

PHL 3308 authorizes the Commissioner to promulgate regulations which are necessary and proper to supplement the provisions of Article 33 to effectuate its purposes and intent.

Additionally, PHL 3390 authorizes the Commissioner to revoke a license or certificate issued under Article 33 in whole or in part upon a finding that the licensee or certificate holder has been convicted in any jurisdiction relating to a substance listed as a controlled substance in Article 33.

PHL 3312 contains the licensure requirements for manufacturers and distributors of controlled substances. It requires applicants to demonstrate that they are of good moral character and to report whether they have any convictions relating to or arising out of the manufacture or distribution of drugs.

Legislative Objectives:

The purpose of PHL Article 33 is to prevent the illegal use of and trade in controlled substances and to provide for the legitimate use of controlled substances in health care.

Needs and Benefits:

The current section 80.11 is amended to ensure consistency with Correction Law Article 23-A's balancing test that is used when reviewing application forms for applicants and existing providers who have criminal convictions.

The proposed regulations also clarify when a chemist and/or pharmacist is required to be employed, on-site, or in a supervisory position. Language is also updated to provide consistency with the State Education Department State Board of Pharmacy registration requirements.

Costs for the Implementation of and Continuing Compliance with these Regulations to the Regulated Entity:

The proposed rule does not impose any new costs on the regulated parties.

Cost to State and Local Government:

There will be no costs to the general public, state and local government.

Cost to the Department of Health:

The Department of Health will not incur any additional costs.

Local Government Mandates:

These provisions do not add any additional mandates to local governments.

Paperwork:

The regulation proposes no new reporting or filing requirements.

Duplication:

This measure does not duplicate, overlap or conflict with a State or federal statute or rule.

Alternative Approaches:

There are no other viable alternative approaches.

Federal Requirements:

This regulatory amendment does not exceed any minimum standards of the federal government for the same or similar subject areas.

Compliance Schedule:

This proposal will go into effect upon publication of a Notice of Adoption in the New York State Register.

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

Changes made to the last published rule do not necessitate revision to the previously published Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement.

Assessment of Public Comment

The agency received no public comment.

Department of Motor Vehicles

NOTICE OF ADOPTION

Special and Reserved Series Plates

I.D. No. MTV-22-16-00007-A

Filing No. 733

Filing Date: 2016-07-26

Effective Date: 2016-08-10

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

Action taken: Amendment of sections 16.1, 16.3 and 16.5 of Title 15 NYCRR.

Statutory authority: Vehicle and Traffic Law, sections 215(a), 404 and 411-a

Subject: Special and reserved series plates.

Purpose: Establish guidelines for the issuance of special and reserved series plates.

Text or summary was published in the June 1, 2016 issue of the Register, I.D. No. MTV-22-16-00007-P.

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

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

Comment: The Reverend Jason J. McGuire, Executive Director of New Yorkers for Constitutional Freedoms, wrote:

1. The proposed regulations fail to set forth a process to be used by the Commissioner in making decisions regarding the acceptability of applications for reserved series license plates;

2. The proposed regulations fail to require the Commissioner to state a reason for rejecting an application for reserved series license plates;

3. The proposed regulations fail to set forth any internal procedure for reconsidering or appealing denials of applications for reserved series license plates; and

4. The proposed regulations would give the Commissioner of the Department of Motor Vehicles unbridled discretion in accepting or rejecting applications for reserved series license plates. The recitation of a vague, non-exclusive list of "objectionable" characteristics does not provide an adequate safeguard against unchecked executive authority, or against potential viewpoint discrimination.

Response: The DMV appreciates the comments submitted by New Yorkers for Constitutional Freedoms. We respond to its concerns as follows:

1. The Department disagrees that the proposed regulations fail to set forth a process regarding the acceptability of applications for reserved series license plates. As the Regulatory Impact Statement explains, "The proposed regulation accords with the legislative objective of giving applicants for special plates notice about the DMV's standards and procedures relative to the issuance of such plates." In fact, the proposed regulation explains in far greater detail than the current regulation the criteria for plate issuance and denial and the process for revoking an objectionable personalized reserved series plate.

An agency is not required to set forth detailed procedures in a regulation. The Court of Appeals wrote, "[W]e have said that a 'rule or regulation' is 'a fixed, general principle to be applied by an administrative agency without regard to other facts and circumstances relevant to the regulatory scheme of the statute it administers'" *Cubas v. Martinez*, 8 NY3d 611 (2007). In *Cubas*, the Court determined that the DMV was not required to incorporate procedures and references to forms into regulations related to qualifications for a driver's license.

2. If the Department denies an application for a reserved series license plate, the Department will inform the applicant of its decision. However, the Department is not required, by statute or regulation, to offer a reason for a denial of an application for a reserved series plate.

3. The Department is not required by statute or regulation to offer a process to appeal the denial of an application for a reserved series plate. Such

a denial would be deemed a final determination of the agency and the applicant could pursue all remedies provided by law.

4. The Department disagrees with the statement that the “proposed regulations would give the Commissioner of the Department of Motor Vehicles unbridled discretion in accepting or rejecting applications for reserved series license plates.” The proposed rules give specific reasons for denying an application, in far greater detail than the current regulation. In *Children First Found., Inc. v. Fiala*, 790 F.3d 328, 790 F.3d 328(2015), the Second Circuit Court of Appeals held that New York’s regulation regarding custom license plates “did not impermissibly vest the DMV Commissioner with unbridled discretion in approving custom plate designs.” The proposed regulation, which more concretely guides an agency decision regarding the issuance of reserved series plates, would certainly pass Constitutional muster in light of the *Children First and Walker v. Tex. Div., Sons of Confederate Veterans, Inc.*, 135 S. Ct. 2239 (2015) decisions.

Public Service Commission

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-06-15-00003-A

Filing Date: 2016-07-21

Effective Date: 2016-07-21

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 City Point Residential LLC’s (City Point) petition to submeter electricity at 336 Flatbush Avenue Extension, Brooklyn, New York.

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

Subject: Submetering of electricity.

Purpose: To approve City Point’s petition to submeter electricity at 336 Flatbush Avenue Extension, Brooklyn, New York.

Substance of final rule: The Commission, on July 14, 2016, adopted an order approving City Point Residential LLC’s petition to submeter electricity at 336 Flatbush Avenue Extension, Brooklyn, New York, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(15-E-0005SA1)

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-42-15-00007-A

Filing Date: 2016-07-20

Effective Date: 2016-07-20

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 Sandy Clarkson LLC’s (Sandy Clarkson) petition to submeter electricity at 310 Clarkson Avenue, Brooklyn, New York.

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

Subject: Submetering of electricity.

Purpose: To approve Sandy Clarkson’s petition to submeter electricity at 310 Clarkson Avenue, Brooklyn, New York.

Substance of final rule: The Commission, on July 14, 2016, adopted an order approving Sandy Clarkson LLC’s petition to submeter electricity at 310 Clarkson Avenue, Brooklyn, New York, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(15-E-0553SA1)

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-45-15-00010-A

Filing Date: 2016-07-20

Effective Date: 2016-07-20

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 One Vandam Condominium’s (One Vandam) petition to submeter electricity at 180 Avenue of the Americas, New York, New York.

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

Subject: Submetering of electricity.

Purpose: To approve One Vandam’s petition to submeter electricity at 180 Avenue of the Americas, New York, New York.

Substance of final rule: The Commission, on July 14, 2016, adopted an order approving G-Z/10 UNP Realty, LLC’s petition to submeter electricity at 823 First Avenue, New York, New York, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(15-E-0594SA1)

NOTICE OF ADOPTION

AMETEK JEMStar II Power Meter

I.D. No. PSC-47-15-00010-A

Filing Date: 2016-07-21

Effective Date: 2016-07-21

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 AMETEK, Inc.’s (AMETEK) petition to use the AMETEK JEMStar II Power Meter for use in industrial electric meter applications in New York State.

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

Subject: AMETEK JEMStar II Power Meter.

Purpose: To approve AMETEK’s petition to use the AMETEK JEMStar II in New York State.

Substance of final rule: The Commission, on July 14, 2016, adopted an order approving AMETEK, Inc.’s petition to use the AMETEK JEMStar II Power Meter for use in industrial electric meter applications in New York State, 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 Commis-

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

Assessment of Public Comment

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

(15-E-0636SA1)

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-52-15-00016-A

Filing Date: 2016-07-20

Effective Date: 2016-07-20

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 G-Z/10 UNP Realty, LLC's (G-Z/10 UNP) petition to submeter electricity at 823 First Avenue, New York, New York.

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

Subject: Submetering of electricity.

Purpose: To approve G-Z/10 UNP's petition to submeter electricity at 823 First Avenue, New York, New York.

Substance of final rule: The Commission, on July 14, 2016, adopted an order approving G-Z/10 UNP Realty, LLC's petition to submeter electricity at 823 First Avenue, New York, New York, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(15-E-0705SA1)

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-01-16-00004-A

Filing Date: 2016-07-21

Effective Date: 2016-07-21

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 10 Madison Square West's (10 Madison Square) petition to submeter electricity at 10 Madison Square West, New York, New York.

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

Subject: Submetering of electricity.

Purpose: To approve 10 Madison Square's petition to submeter electricity at 10 Madison Square West, New York, New York.

Substance of final rule: The Commission, on July 14, 2016, adopted an order approving 10 Madison Square West's petition to submeter electricity at 10 Madison Square West, New York, New York, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(15-E-0707SA1)

NOTICE OF ADOPTION

CPCN and Request for Continued Lightened Regulation

I.D. No. PSC-06-16-00011-A

Filing Date: 2016-07-20

Effective Date: 2016-07-20

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 AG-Energy, L.P.'s (AG-Energy) petition for a Certificate of Public Convenience and Necessity (CPCN) and request for continued lightened regulation.

Statutory authority: Public Service Law, sections 2(13), 5(1)(b), 68(1) and 70

Subject: CPCN and request for continued lightened regulation.

Purpose: To approve AG-Energy's petition for a CPCN and request for continued lightened regulation.

Substance of final rule: The Commission, on July 14, 2016, adopted an order approving AG-Energy, L.P.'s petition for a Certificate of Public Convenience and Necessity and request for continued 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-0033SA1)

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-07-16-00015-A

Filing Date: 2016-07-21

Effective Date: 2016-07-21

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 20 Lafayette LLC's (20 Lafayette) petition to submeter electricity at 286 Ashland Place, Brooklyn, New York.

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

Subject: Submetering of electricity.

Purpose: To approve 20 Lafayette's petition to submeter electricity at 286 Ashland Place, Brooklyn, New York.

Substance of final rule: The Commission, on July 14, 2016, adopted an order approving 20 Lafayette LLC's petition to submeter electricity at 286 Ashland Place, Brooklyn, New York, 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-0016SA1)

NOTICE OF ADOPTION

Use of Voltage Transformers in New York State

I.D. No. PSC-12-16-00006-A

Filing Date: 2016-07-20

Effective Date: 2016-07-20

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 Artech USA Corporation's (Artech) petition to use the UCE-17, URL-17 and VCE-17 voltage transformers for commercial and industrial applications in New York State.

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

Subject: Use of voltage transformers in New York State.

Purpose: To approve Artech's petition to use the UCE-17, URL-17 and VCE-17 voltage transformers in New York State.

Substance of final rule: The Commission, on July 14, 2016, adopted an order approving Artech USA Corporation's petition to use the UCE-17, URL-17 and VCE-17 voltage transformers for commercial and industrial applications in New York State, 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-0119SA1)

NOTICE OF ADOPTION

Accounting Changes

I.D. No. PSC-20-16-00012-A

Filing Date: 2016-07-20

Effective Date: 2016-07-20

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, with modifications, to change its accounting for electric operations.

Statutory authority: Public Service Law, section 66

Subject: Accounting changes.

Purpose: To approve Central Hudson's accounting changes for electric operations.

Substance of final rule: The Commission, on July 14, 2016, adopted an order approving Central Hudson Gas and Electric Corporation's petition, with modifications, to change its accounting for unbilled revenues for financial accounting and regulatory purposes, for electric operations, 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-0318SA5)

NOTICE OF ADOPTION

Accounting Changes

I.D. No. PSC-20-16-00013-A

Filing Date: 2016-07-20

Effective Date: 2016-07-20

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, with modifications, to change its accounting for gas operations.

Statutory authority: Public Service Law, section 66

Subject: Accounting changes.

Purpose: To approve Central Hudson's accounting changes for gas operations.

Substance of final rule: The Commission, on July 14, 2016, adopted an order approving Central Hudson Gas and Electric Corporation's petition, with modifications, to change its accounting for unbilled revenues for financial accounting and regulatory purposes, for gas operations, 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-G-0319SA2)

PROPOSED RULE MAKING
HEARING(S) SCHEDULED

Major Gas Rate Filing

I.D. No. PSC-32-16-00005-P

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

Proposed Action: The Commission is considering a proposal filed by National Fuel Gas Distribution Corporation (National Fuel) to make various changes in the rates, charges, rules and regulations contained in its Schedule P.S.C. No. 9 — Gas.

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

Subject: Major gas rate filing.

Purpose: To consider an increase in National Fuel's gas delivery revenues of approximately \$41.7 million or 15.27%.

Public hearing(s) will be held at: 10:00 a.m., Oct. 5, 2016 and daily on succeeding business days as needed*, at Department of Public Service, Agency Bldg. 3, 3rd Fl. Hearing Rm., Albany, NY.

*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-G-0257.

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

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

Substance of proposed rule: The Commission is considering a proposal filed by National Fuel Gas Distribution Corporation (National Fuel) to increase its gas delivery revenues for the rate year ending March 31, 2018, by approximately \$41.7 million (or 15.27%). National Fuel's requested increase in gas delivery revenues results in a total annual bill increase of about \$69 (7.16% on the total bill) for an average residential heating customer. National Fuel also proposes to establish a new tariff schedule, P.S.C. No. 9 – Gas, which would supersede its current tariff schedule, P.S.C. No. 8 – Gas. The initial suspension period for the proposed filing

runs through and including September 27, 2016. The Commission may adopt, reject or modify, in whole or in part, the relief proposed and may resolve related matters.

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

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

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

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

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

(16-G-0257SP1)

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

Performance Assurance Plan Waiver for Certain Wholesale Service Quality Metrics

I.D. No. PSC-32-16-00003-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 Verizon New York Inc.'s (Verizon) petition to waive certain April and May 2016 service quality metrics measured under the Performance Assurance Plan.

Statutory authority: Public Service Law, section 91(1)

Subject: Performance Assurance Plan waiver for certain wholesale service quality metrics.

Purpose: To consider Verizon's waiver petition concerning certain wholesale service quality results.

Substance of proposed rule: The Commission is considering Verizon New York Inc.'s petition to waive certain April and May 2016 wholesale service quality results measured under the Performance Assurance Plan. The Commission may adopt, reject or modify, in whole or in part, the relief proposed and may resolve related matters.

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

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

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

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

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

(99-C-0949SP15)

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

Notice of Intent to Submeter Electricity

I.D. No. PSC-32-16-00004-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 the Notice of Intent, filed by 58 Corner LLC, to submeter electricity at 600 W. 58th Street, New York, New York, and the request for a waiver of 16 NYCRR § 96.5(k)(3), requiring an energy audit.

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

Subject: Notice of Intent to submeter electricity.

Purpose: To consider the Notice of Intent of 58 Corner LLC to submeter electricity at 600 W. 58th Street, New York, New York.

Substance of proposed rule: The Commission is considering the Notice of Intent, filed by 58 Corner LLC on June 16, 2016, to submeter electricity at 600 W. 58th Street, New York, New York, located in the service territory of Consolidated Edison Company of New York, Inc. The Commission is also considering Petitioner's request for a waiver of 16 NYCRR § 96.5(k)(3), which requires proof that an energy audit has been conducted when 20 percent or more of the residents receive income-based housing assistance. The Commission may adopt, reject or modify, in whole or in part, the relief proposed and may resolve related matters.

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

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

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

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

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

(16-E-0367SP1)

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

Proposed Revisions for a New Daily Delivery Service and the Winter Bundled Sales Service

I.D. No. PSC-32-16-00006-P

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

Proposed Action: The Commission is considering a proposal filed by Consolidated Edison Company of New York, Inc. to revise its gas tariff schedule, P.S.C. No. 9, in regard to Daily Delivery Service and Winter Bundled Sales Service.

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

Subject: Proposed revisions for a new Daily Delivery Service and the Winter Bundled Sales Service.

Purpose: To consider a new Daily Delivery Service and a modified Winter Bundled Sales Service.

Substance of proposed rule: The Public Service Commission (Commission) is considering a proposal filed by Consolidated Edison Company of New York, Inc. (Con Edison or the Company) to revise its gas tariff schedule, P.S.C. No. 9, in regard to Daily Delivery Service (DDS) and Winter Bundled Sales Service (WBSS). Con Edison proposes to establish a new DDS Program, under Service Classification No. 20 – Gas Marketers, to replace the Company's existing Firm Balancing Programs (Load Following Service and Managed Supply Service). The Company's proposal will provide Gas Marketers or their agents with daily delivery quantity requirements to meet the forecasted gas consumption of their respective aggregated customers. Con Edison also proposes to continue a modified WBSS for the period from December 1, 2016 through March 1, 2017, and to terminate WBSS on March 1, 2017. WBSS will provide Gas Marketers with a tool to address a potential operating condition on one of the Company's upstream pipelines this upcoming winter season. Under the proposed modified WBSS program, Gas Marketers will be responsible for the reservation costs to provide WBSS, regardless of whether they elect the baseload amount prior to each month. The proposed amendments have an effective date of November 1, 2016. The Commission may adopt, reject, or modify, in whole or in part, the relief proposed and may resolve related matters.

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

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

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

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

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

(16-G-0406SP1)

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

Utility DSIPs to Achieve the Commission’s Reforming the Energy Vision (REV) Initiative

I.D. No. PSC-32-16-00007-P

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

Proposed Action: The Commission is considering the Initial Distributed System Implementation Plans (DSIPs) filed by the utilities in response to the Commission’s Order Adopting DSIP Guidance, issued on April 20, 2016 in Case 14-M-0101.

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

Subject: Utility DSIPs to achieve the Commission’s Reforming the Energy Vision (REV) initiative.

Purpose: Development of utility DSIPs for improving utility planning and operations functions under REV.

Substance of proposed rule: The Public Service Commission (Commission) is considering the Initial Distributed System Implementation Plans (DSIPs) filed by the utilities in response to the Commission’s Order Adopting DSIP Guidance, issued on April 20, 2016 in Case 14-M-0101. Initial DSIP filings required utilities to identify immediate changes that could be made to their own systems to effectuate state energy goals and objectives. DSIPs are intended to promote utility/stakeholder relations, allow third-parties to provide cost-effective market solutions to identified energy needs, expand the use of distributed energy resources (DER), and increase energy efficient measures. The DSIP filings are the first steps toward establishing a grid that can support increasing levels of DERs into the future and ultimately, achieving Reforming the Energy Vision (REV) goals and objectives. The Commission may adopt, reject, or modify, in whole or in part, the proposed DSIPs, and may resolve other 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-M-0411SP1)

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

Proposed Revisions to Add and Clarify Provisions Related to Electric Generators Under SC No. 14

I.D. No. PSC-32-16-00008-P

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

Proposed Action: The Commission is considering a proposal by Niagara Mohawk Power Corporation d/b/a National Grid to revise provisions to electric generators under SC No. 14—Gas Transportation Services for Dual Fuel Electric Generators in P.S.C. No. 219—Gas.

Statutory authority: Public Service Law, section 66

Subject: Proposed revisions to add and clarify provisions related to electric generators under SC No. 14.

Purpose: To consider revisions to SC No. 14 - Daily Balancing Service.

Substance of proposed rule: The Public Service Commission is considering modifications proposed by Niagara Mohawk Power Corporation d/b/a National Grid (NMPC) to Service Classification (SC) No. 14 - Gas Transportation Services for Dual Fuel Electric Generators contained in its gas tariff schedule, P.S.C. No. 219 - Gas. On December 29, 2015, NMPC proposed revisions SC No. 14 related to electric generators that take transportation service under this service classification. On July 21, 2016, NMPC filed further revisions proposing to clarify the definitions of Daily Gas Purchase Price and Daily Gas Sales Price. NMPC also proposes adding language stating customers that choose Daily Balancing Service must be a Direct Customer and that any customer taking balancing service from a gas balancing agent must either be a Direct Customer or in a marketing pool of a balancing agent. The proposed amendments have an effective date of November 1, 2016. The Commission may adopt, modify, or reject, in whole or in part, the relief proposed and may resolve other 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.

(15-G-0759SP2)

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

Proposed Acquisition of 100% of the Assets of New Vernon and Whitlock Farms by NYAW

I.D. No. PSC-32-16-00009-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 filed by New York American Water Company (NYAW) Inc. and the Estate of Edwin Silvers for the acquisition of all assets of both New Vernon Water Company and Whitlock Farms Water Company.

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

Subject: Proposed acquisition of 100% of the assets of New Vernon and Whitlock Farms by NYAW.

Purpose: To consider the proposed acquisition of assets of New Vernon and Whitlock Farms by NYAW.

Substance of proposed rule: The Public Service Commission is considering a joint petition filed on July 18, 2016 by the Estate of Edwin D. Silvers (Phyllis Silvers, Executrix) (the Seller) and New York American Water Company Inc. (NYAW) for approval of an Agreement of Sale under which seller will sell and NYAW will purchase 100 percent of the water supply assets of New Vernon Water Company (New Vernon) along with all stock and 100 percent of water supply assets of Whitlock Farms Water Company (Whitlock Farms) (collectively known as the Companies). New Vernon provides flat rate water service to approximately 72 customers in the Town of Mount Hope in Orange County and the Town of Mamakating in Sullivan County. Whitlock Farms provides flat rate water service to approximately 32 customers in Mount Hope, Orange County. NYAW proposes, upon the close of the transaction, the installation of commission approved meters at all customer connections, the implementation of a Supervisory Control and Data Acquisition (SCADA) system at each facility, the construction of a treatment plant to address Department of Health concerns at the Whitlock facility, replacement of the building which houses the chemical injection systems of New Vernon while upgrading the equipment within including the Hydro-pneumatic tank and pumps.

NYAW would also update the electrical systems of New Vernon and install a back-up generator to continue service during outages. All these projects would be funded by the capital budget of NYAW. NYAW proposes that the current customers of New Vernon and Whitlock Farms would eventually be transitioned to the Lynbrook District Tariff. Additionally, NYAW requests the authority to maintain the books and records of New Vernon and Whitlock Farms outside the state, seeks recovery of certain environmental expenses related to the 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-0402SP1)

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

Notice of Intent to Submeter Electricity

I.D. No. PSC-32-16-00010-P

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

Proposed Action: The Public Service Commission is considering the Notice of Intent, filed by The Residential Board of Managers of 30 Park Place Condominium, to submeter electricity at 30 Park Place, New York, New York.

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

Subject: Notice of Intent to submeter electricity.

Purpose: To consider the Notice of Intent to submeter electricity at 30 Park Place, New York, New York.

Substance of proposed rule: The Commission is considering the Notice of Intent, filed by The Residential Board of Managers of 30 Park Place Condominium on June 29, 2016, to submeter electricity at 30 Park Place, New York, New York, located in the service territory of Consolidated Edison Company of New York, Inc. The Commission may adopt, reject or modify, in whole or in part, the relief proposed and may resolve related matters.

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

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

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

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

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

(16-E-0391SP1)

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

Notice of Intent to Submeter Electricity

I.D. No. PSC-32-16-00011-P

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

Proposed Action: The Public Service Commission is considering the Notice of Intent, filed by Flushing Commons Property Owner, LLC, to submeter electricity at 138-35 39th Avenue, Flushing, New York.

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

Subject: Notice of Intent to submeter electricity.

Purpose: To consider the Notice of Intent to submeter electricity at 138-35 39th Avenue, Flushing, New York.

Substance of proposed rule: The Commission is considering the Notice of Intent, filed by Flushing Commons Property Owner, LLC on June 28, 2016, to submeter electricity at 138-35 39th Avenue, Flushing, New York, located in the service territory of Consolidated Edison Company of New York, Inc. The Commission may adopt, reject or modify, in whole or in part, the relief proposed and may resolve related matters.

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

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

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

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

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

(16-E-0387SP1)

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

Benefit-Cost Analysis Handbooks

I.D. No. PSC-32-16-00012-P

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

Proposed Action: The Commission is considering Benefit-Cost Analysis Handbooks filed on June 30, 2016 by investor-owned electric utilities.

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

Subject: Benefit-Cost Analysis Handbooks.

Purpose: To evaluate proposed methodologies of benefit-cost evaluation.

Substance of proposed rule: The Public Service Commission (Commission) is considering Benefit-Cost Analysis Handbooks filed the State's investor-owned electric utilities owning transmission and distribution facilities (Utilities) on June 30, 2016. The Utilities filed the Handbooks in compliance with the Commission's January 21, 2016 Order Establishing the Benefit-Cost Analysis Framework in Case 14-M-0101. The Commission may adopt, reject, or modify, in whole or in part, the relief proposed and may resolve related matters.

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

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

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

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

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

(16-M-0412SP1)

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

Continued Deferral of \$300,000 in Property Taxes

I.D. No. PSC-32-16-00021-P

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

Proposed Action: The Commission is considering a petition of New York American Water Company, Inc. to reduce its property tax reconciliation surcharge by further continuing to defer \$300,000 of the company's outstanding balance.

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

Subject: Continued deferral of \$300,000 in property taxes.

Purpose: To consider the continued deferral of \$300,000 in property taxes.

Substance of proposed rule: The Commission is considering a petition filed by New York American Water Company, Inc. (the Company) on June 1, 2016 regarding its annual Revenue and Property Tax Reconciliation Mechanism (RPCRC) for the rate year ending March 1, 2016. Due to the significant size of the property tax component (\$375.88 per customer), the Company proposed using an earning sharing refund for its Sea Cliff District to reduce the size of the surcharge by \$7.84 per customer. On July 25, 2016, the Company proposed to further reduce the surcharge by continuing to defer \$300,000 of its property tax reconciliation balance, reducing the surcharge amount by \$70.08 to \$279.96 per customer. The Commission may adopt, reject, or modify, in whole or in part, the relief proposed and may resolve related matters.

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

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

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

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

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

(16-W-0410SP1)

**HEARINGS SCHEDULED
FOR PROPOSED RULE MAKINGS**

| Agency I.D. No. | Subject Matter | Location—Date—Time |
|--|-------------------------|---|
| Environmental Conservation, Department of | | |
| 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-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 avail- able 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 continu- ing 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 avail- able at the DPS website (www.dps.ny.gov) under Case 16-W-0259. |
| PSC-32-16-00005-P | Major gas rate filing | Department of Public Service, Agency Bldg. 3, 3rd Fl. Hearing Rm., Albany, NY—Oct. 5, 2016, 10:00 a.m., and daily on succeeding business days 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 avail- able at the DPS website (www.dps.ny.gov) under Case 16-G-0257. |

ACTION PENDING INDEX

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

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

For additional information concerning any of the proposals listed

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

| Agency code | Issue number | Year published | Serial number | Action Code |
|-------------|--------------|----------------|---------------|-------------|
| AAM | 01 | 12 | 00001 | P |

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

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|-----------------|---------|----------------|-------------------|
|-----------------|---------|----------------|-------------------|

ADIRONDACK PARK AGENCY

| | | | |
|-------------------|----------------|--------------------------|--|
| APA-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 |
|-------------------|----------------|--------------------------|--|

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 |
|-------------------|----------------|---|--|

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. |

Action Pending Index**NYS Register/August 10, 2016**

| 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 10, 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. |

Action Pending Index

NYS Register/August 10, 2016

| 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 |
| EDU-32-16-00002-EP | 08/10/17 | Community school grants | To implement Chapter 53 of the Laws of 2016 by establishing the criteria for community school grants |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|--|----------|---|---|
| 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 |
| 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 |

Action Pending Index

NYS Register/August 10, 2016

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|--|----------------|--|---|
| FINANCIAL SERVICES, DEPARTMENT OF | | | |
| DFS-17-16-00003-P | exempt | Plan of Conversion by Commercial Travelers Mutual Insurance Company | To convert a mutual accident and health insurance company to a stock accident and health insurance company |
| DFS-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-39-15-00006-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-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-28-16-00012-P | 07/13/17 | The registration of lobbyists | To govern the registration of lobbyists |
| SGC-32-16-00001-P | 08/10/17 | The licensing and registration of gaming facility employees and vendors | To govern the licensing and registration of gaming facility employees and vendors |
| 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 |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|--|----------|--|--|
| HEALTH, DEPARTMENT OF | | | |
| HLT-46-15-00006-P | 01/10/17 | Early Intervention Program | To conform existing program regulations to federal regulations and state statute |
| HLT-06-16-00002-P | 02/09/17 | Perinatal Services | To update the Breastfeeding Mother's Bill of Rights to conform with recommended standards of care |
| HLT-06-16-00005-P | 02/09/17 | Hospice Operational Rules | To implement hospice expansion |
| HLT-15-16-00016-P | 04/13/17 | Zika Action Plan; Performance Standards. | To require local health departments to develop a Zika Action Plan as a condition of State Aid |
| HLT-16-16-00002-P | 04/20/17 | NYS Medical Indemnity Fund | To provide additional guidance and clarity to the Fund's requirements and operations |
| HLT-19-16-00008-P | 05/11/17 | Transgender Related Care and Services | To revise and clarify the criteria for Medicaid coverage of transgender related care and services |
| HLT-21-16-00003-P | 05/25/17 | New York State Newborn Screening Panel | To add adrenoleukodystrophy (ALD) and Pompe disease to the list of diseases and conditions on the newborn screening panel |
| HLT-23-16-00007-P | 06/08/17 | School Immunization Requirements | To update school immunization and NYSIS regulations. |
| HLT-24-16-00002-P | 06/15/17 | Neurodegenerative Specialty Rate | To authorize Medicaid rate of payment for providing quality of care to the neurodegenerative population. |
| HLT-24-16-00003-P | 06/15/17 | Specialized Programs for Residents with Neurodegenerative Diseases | To establish nursing home specialty units for residents with Huntington's Disease (HD) & Amyotrophic Lateral Sclerosis (ALS). |
| 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 |
| 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 |

Action Pending Index**NYS Register/August 10, 2016**

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|--------------------------------------|----------|--|--|
| 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-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 |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|---|----------------|---|---|
| NIAGARA FALLS WATER BOARD | | | |
| *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. |
| *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 |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|---|--|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-14-00-00004-EP | exempt | NXX code in the 716 NPA by Broadview Networks | To assign an NXX code in Buffalo |
| *PSC-14-00-00026-P | exempt | Interconnection agreement between New York Telephone Company d/b/a Bell Atlantic-New York and Media Log, Inc. | To review the terms and conditions of the negotiated agreement |
| *PSC-14-00-00027-P | exempt | Interconnection agreement between New York Telephone Company d/b/a Bell Atlantic-New York and Pilgrim Telephone, Inc. | To review the terms and conditions of the negotiated agreement |
| *PSC-14-00-00029-P | exempt | Interconnection agreement between New York Telephone Company d/b/a Bell Atlantic-New York and CoreComm New York, Inc. | To review the terms and conditions of the negotiated agreement |
| *PSC-16-00-00012-P | exempt | Termination of local telecommunications traffic by Hyperion Communications of New York, Inc. | To determine appropriate compensation levels |
| *PSC-21-00-00007-P | exempt | Initial tariff schedule by Drew Road Association | To set forth the rates, charges, rules and regulations |
| *PSC-31-00-00026-P | exempt | Water service by Windover Water Works | To abandon the water system |
| *PSC-33-00-00010-P | exempt | Electric rate and restructuring plan by Rochester Gas and Electric Corporation | To evaluate possible modifications |
| *PSC-36-00-00039-P | exempt | Steam increase by Consolidated Edison Company of New York, Inc. | To provide for an annual increase in the first year of a proposed four-year rate plan |
| *PSC-37-00-00001-EP | exempt | Interruptible gas customers | To ensure customers have an adequate supply of alternative fuel available |
| *PSC-39-00-00004-P | exempt | Blockable central office codes by PaeTec Communications, Inc. | To review the commission's requirements for assignment of numbering resources |
| *PSC-44-00-00014-P | exempt | Recovery of costs through adjustment mechanisms by Consolidated Edison Company of New York, Inc. | To permit the recovery of certain costs |
| *PSC-49-00-00007-P | exempt | Gas sales and purchases by Corning Natural Gas Corporation | To determine whether certain gas sales and purchases were in the public interest and whether customers should bear the resulting costs |
| *PSC-01-01-00023-P | exempt | Installation, maintenance and ownership of service laterals by Rochester Gas and Electric Corporation | To update and clarify the provisions |
| *PSC-06-01-00009-P | exempt | Uniform system of accounts by Rochester Gas and Electric Corporation | To defer an item of expense beyond the end of the year in which it was incurred |
| *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 |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|--|---|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-15-01-00012-P | exempt | Transfer of a controlling leasehold interest by Huntley Power LLC | To approve the transfer |
| *PSC-22-01-00006-P | exempt | Con Edison's phase 4 plan for retail access by AES Energy, Inc. | To review the request for rehearing |
| *PSC-26-01-00012-P | exempt | Interconnection of networks between Sprint PCS and Verizon New York Inc. | To review the terms and conditions of the negotiated agreement |
| *PSC-36-01-00010-P | exempt | Competitive metering by eBidenergy.com | To clarify meter ownership rules and requirements |
| *PSC-44-01-00005-P | exempt | Annual reconciliation of gas costs by Corning Natural Gas Corporation | To authorize the company to include certain gas costs |
| *PSC-01-02-00007-P | exempt | Accounting and rate treatment of proceeds by Consolidated Edison Company of New York, Inc. | To consider proceeds from sale of nuclear generating facilities |
| *PSC-05-02-00005-P | exempt | Uniform system of accounts by Consolidated Edison Company of New York, Inc. | To defer expenditures incurred in connection with emergency response services affected by the World Trade Center disaster |
| *PSC-06-02-00015-P | exempt | Network reliability performance mechanism by Consolidated Edison Company of New York, Inc. | To earn rewards for meeting the targets of the network reliability performance mechanism |
| *PSC-07-02-00032-P | exempt | Uniform business practices | To consider modification |
| *PSC-29-02-00014-P | exempt | Financing by Valley Energy, Inc. | To issue a note and allocate costs |
| *PSC-49-02-00021-P | exempt | Requests for lightened regulation by PSEG Power Bellport, LLC | To consider the company's request |
| *PSC-08-03-00009-P | exempt | Provision of gas service to World Kitchen Incorporated | To establish terms and conditions |
| *PSC-09-03-00012-P | exempt | Incremental service line installations by New York State Electric & Gas Corporation | To revise the current flat rate per foot charged |
| *PSC-09-03-00014-P | exempt | Deferral accounting by Consolidated Edison Company of New York, Inc. and Orange and Rockland Utilities, Inc. | To defer expense items beyond the end of the year(s) in which they were incurred |
| *PSC-11-03-00012-P | exempt | Economic development plan by New York State Electric & Gas Corporation | To consider the plan |
| *PSC-18-03-00004-P | exempt | Lightened regulation by East Hampton Power and Light Corporation (EHPLC) | To provide for lightened regulation and grant financing approval |
| *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 |

Action Pending Index

NYS Register/August 10, 2016

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|---|--|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-35-03-00009-P | exempt | Interconnection agreement between Verizon New York Inc. and MCIMetro Access Transmission Services LLC | To amend the agreement |
| *PSC-36-03-00010-P | exempt | Performance assurance plan by Verizon New York | To consider changes |
| *PSC-39-03-00013-P | exempt | Complaint by State University of New York (SUNY) regarding a NYSEG operating agreement | To consider the complaint |
| *PSC-40-03-00015-P | exempt | Receipt of payment of bills by St. Lawrence Gas Company | To revise the process |
| *PSC-41-03-00008-P | exempt | Lightened regulation by Sterling Power Partners, L.P. | To consider granting lightened regulation |
| *PSC-41-03-00010-P | exempt | Annual reconciliation of gas expenses and gas cost recoveries | To consider filings of various LDCs and municipalities |
| *PSC-41-03-00011-P | exempt | Annual reconciliation of gas expenses and gas cost recoveries | To consider filings of various LDCs and municipalities |
| *PSC-42-03-00005-P | exempt | Interest rate by the Bath Electric, Gas, and Water Systems | To use an alternate interest rate |
| *PSC-43-03-00036-P | exempt | Merchant function backout credit and transition balancing account by KeySpan Gas East Corporation | To continue the credit and account until May 31, 2005 |
| *PSC-43-03-00037-P | exempt | Merchant function backout credit and transition balancing account by The Brooklyn Union Gas Company | To continue the credit and account until May 31, 2005 |
| *PSC-44-03-00009-P | exempt | Retail access data between jurisdictional utilities | To accommodate changes in retail access market structure or commission mandates |
| *PSC-47-03-00024-P | exempt | Lightened regulation and financing approval by Medford Energy LLC | To consider the requests |
| *PSC-02-04-00008-P | exempt | Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York | To rehear the Nov. 25, 2003 order |
| *PSC-06-04-00009-P | exempt | Transfer of ownership interest by SCS Energy LLC and AE Investors LLC | To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC |
| *PSC-10-04-00005-P | exempt | Temporary protective order | To consider adopting a protective order |
| *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 |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|---|--|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-21-04-00013-P | exempt | Verizon performance assurance plan by Metropolitan Telecommunications | To clarify the appropriate performance level |
| *PSC-22-04-00010-P | exempt | Approval of new types of electricity meters by Powell Power Electric Company | To permit the use of the PE-1250 electronic meter |
| *PSC-22-04-00013-P | exempt | Major gas rate increase by Consolidated Edison Company of New York, Inc. | To increase annual gas revenues |
| *PSC-22-04-00016-P | exempt | Master metering of water by South Liberty Corporation | To waive the requirement for installation of separate water meters |
| *PSC-25-04-00012-P | exempt | Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P. | To amend the agreement |
| *PSC-27-04-00008-P | exempt | Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates | To amend the agreement |
| *PSC-27-04-00009-P | exempt | Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates | To amend the agreement |
| *PSC-28-04-00006-P | exempt | Approval of loans by Dunkirk & Fredonia Telephone Company and Cassadaga Telephone Corporation | To authorize participation in the parent corporation's line of credit |
| *PSC-31-04-00023-P | exempt | Distributed generation service by Consolidated Edison Company of New York, Inc. | To provide an application form |
| *PSC-34-04-00031-P | exempt | Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc. | To set appropriate level of permanent rates |
| *PSC-35-04-00017-P | exempt | Application form for distributed generation by Orange and Rockland Utilities, Inc. | To establish a new supplementary application form for customers |
| *PSC-43-04-00016-P | exempt | Accounts recievable by Rochester Gas and Electric Corporation | To include in its tariff provisions for the purchase of ESCO accounts recievable |
| *PSC-46-04-00012-P | exempt | Service application form by Consolidated Edison Company of New York, Inc. | To revise the form and make housekeeping changes |
| *PSC-46-04-00013-P | exempt | Rules and guidelines governing installation of metering equipment | To establish uniform statewide business practices |
| *PSC-02-05-00006-P | exempt | Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc. | To consider imposing remedial actions against the company and its owners, officers and directors |
| *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 |

Action Pending Index

NYS Register/August 10, 2016

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|--|---|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-25-05-00011-P | exempt | Metering, balancing and cashout provisions by Central Hudson Gas & Electric Corporation | To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11 |
| *PSC-27-05-00018-P | exempt | Annual reconciliation of gas costs by New York State Electric & Gas Corporation | To consider the manner in which the gas cost incentive mechanism has been applied |
| *PSC-41-05-00013-P | exempt | Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities | To consider the filings |
| *PSC-45-05-00011-P | exempt | Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation | To defer certain costs |
| *PSC-46-05-00015-P | exempt | Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC | To consider the sale |
| *PSC-47-05-00009-P | exempt | Transferral of gas supplies by Corning Natural Gas Corporation | To approve the transfer |
| *PSC-50-05-00008-P | exempt | Long-term debt by Saratoga Glen Hollow Water Supply Corp. | To obtain long-term debt |
| *PSC-04-06-00024-P | exempt | Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc. | To approve of the transfer |
| *PSC-06-06-00015-P | exempt | Gas curtailment policies and procedures | To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established |
| *PSC-07-06-00009-P | exempt | Modification of the current Environmental Disclosure Program | To include an attributes accounting system |
| *PSC-22-06-00019-P | exempt | Hourly pricing by National Grid | To assess the impacts |
| *PSC-22-06-00020-P | exempt | Hourly pricing by New York State Electric & Gas Corporation | To assess the impacts |
| *PSC-22-06-00021-P | exempt | Hourly pricing by Rochester Gas & Electric Corporation | To assess the impacts |
| *PSC-22-06-00022-P | exempt | Hourly pricing by Consolidated Edison Company of New York, Inc. | To assess the impacts |
| *PSC-22-06-00023-P | exempt | Hourly pricing by Orange and Rockland Utilities, Inc. | To assess the impacts |
| *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 |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|---|---|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-37-06-00015-P | exempt | Procedures for estimation of customer bills by Rochester Gas and Electric Corporation | To consider estimation procedures |
| *PSC-37-06-00017-P | exempt | Procedures for estimation of customer bills by Rochester Gas and Electric Corporation | To consider estimation procedures |
| *PSC-39-06-00018-P | exempt | Order establishing rate plan by Central Hudson Gas & Electric Corporation and the Consumer Protection Board | To consider the petitions for rehearing |
| *PSC-39-06-00019-P | exempt | Investigation of Richard M. Osborne by Corning Natural Gas Corporation | To determine the interests, plans and commitments that will be in place if he is successful in blocking the merger of Corning Gas and C&T Enterprises |
| *PSC-39-06-00022-P | exempt | Uniform business practices and related matters by U.S. Energy Savings Corporation | To establish a contest period |
| *PSC-40-06-00005-P | exempt | Orion Integral automatic meter reading transmitter by New York State Electric and Gas Corporation | To permit gas utilities in NYS to use the Badger Meter Incorporated Orion Integral transmitters |
| *PSC-42-06-00011-P | exempt | Submetering of electricity by 225 5th LLC | To submeter electricity at 255 Fifth Ave., New York, NY |
| *PSC-43-06-00014-P | exempt | Electric delivery services by Strategic Power Management, Inc. | To determine the proper mechanism for the rate-recovery of costs |
| *PSC-44-06-00014-P | exempt | Electric power outages in Northwest Queens by Consolidated Edison Company of New York, Inc. | To review the terms and conditions of the agreement |
| *PSC-45-06-00007-P | exempt | Alleged failure to provide electricity by Robert Andrews | To assess validity of allegations and appropriateness of fines |
| *PSC-01-07-00031-P | exempt | Enforcement mechanisms by National Fuel Gas Distribution Corporation | To modify enforcement mechanisms |
| *PSC-04-07-00012-P | exempt | Petition for rehearing by Orange and Rockland Utilities, Inc. | To clarify the order |
| *PSC-06-07-00015-P | exempt | Meter reading and billing practices by Central Hudson Gas & Electric Corporation | To continue current meter reading and billing practices for electric service |
| *PSC-06-07-00020-P | exempt | Meter reading and billing practices by Central Hudson Gas & Electric Corporation | To continue current meter reading and billing practices for gas service |
| *PSC-11-07-00010-P | exempt | Investigation of the electric power outages by the Consolidated Edison Company of New York, Inc. | To implement the recommendations in the staff's investigation |
| *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 |

Action Pending Index

NYS Register/August 10, 2016

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|---|--|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-18-07-00010-P | exempt | Existing electric generating stations by Independent Power Producers of New York, Inc. | To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation |
| *PSC-20-07-00016-P | exempt | Tariff revisions and making rates permanent by New York State Electric & Gas Corporation | To seek rehearing |
| *PSC-21-07-00007-P | exempt | Natural Gas Supply and Acquisition Plan by Corning Natural Gas Corporation | To revise the rates, charges, rules and regulations for gas service |
| *PSC-22-07-00015-P | exempt | Demand Side Management Program by Consolidated Edison Company of New York, Inc. | To recover incremental program costs and lost revenue |
| *PSC-23-07-00022-P | exempt | Supplier, transportation, balancing and aggregation service by National Fuel Gas Distribution Corporation | To explicitly state in the company's tariff that the threshold level of elective upstream transmission capacity is a maximum of 112,600 Dth/day of marketer-provided upstream capacity |
| *PSC-24-07-00012-P | exempt | Gas Efficiency Program by the City of New York | To consider rehearing a decision establishing a Gas Efficiency Program |
| *PSC-39-07-00017-P | exempt | Gas bill issuance charge by New York State Electric & Gas Corporation | To create a gas bill issuance charge unbundled from delivery rates |
| *PSC-41-07-00009-P | exempt | Submetering of electricity rehearing | To seek reversal |
| *PSC-42-07-00012-P | exempt | Energy efficiency program by Orange and Rockland Utilities, Inc. | To consider any energy efficiency program for Orange and Rockland Utilities, Inc.'s electric service |
| *PSC-42-07-00013-P | exempt | Revenue decoupling by Orange and Rockland Utilities, Inc. | To consider a revenue decoupling mechanism for Orange and Rockland Utilities, Inc. |
| *PSC-45-07-00005-P | exempt | Customer incentive programs by Orange and Rockland Utilities, Inc. | To establish a tariff provision |
| *PSC-02-08-00006-P | exempt | Additional central office codes in the 315 area code region | To consider options for making additional codes |
| *PSC-03-08-00006-P | exempt | Rehearing of the accounting determinations | To grant or deny a petition for rehearing of the accounting determinations |
| *PSC-04-08-00010-P | exempt | Granting of easement rights on utility property by Central Hudson Gas & Electric Corporation | To grant easement rights to Millennium Pipeline Company, L.L.C. |
| *PSC-04-08-00012-P | exempt | Marketing practices of energy service companies by the Consumer Protection Board and New York City Department of Consumer Affairs | To consider modifying the commission's regulation over marketing practices of energy service companies |
| *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 |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|---|---|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-12-08-00021-P | exempt | Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation | To consider the request |
| *PSC-13-08-00011-P | exempt | Waiver of commission policy and NYSEG tariff by Turner Engineering, PC | To grant or deny Turner's petition |
| *PSC-13-08-00012-P | exempt | Voltage drops by New York State Electric & Gas Corporation | To grant or deny the petition |
| *PSC-23-08-00008-P | exempt | Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project | To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project |
| *PSC-23-08-00009-P | exempt | The transfer of certain real property with an original cost under \$100,000 in the Town of Throop | To consider the filing for the transfer of certain real property in the Town of Throop |
| *PSC-25-08-00007-P | exempt | Policies and procedures regarding the selection of regulatory proposals to meet reliability needs | To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs |
| *PSC-25-08-00008-P | exempt | Report on Callable Load Opportunities | Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years |
| *PSC-28-08-00004-P | exempt | Con Edison's procedure for providing customers access to their account information | To consider Con Edison's implementation plan and timetable for providing customers access to their account information |
| *PSC-31-08-00025-P | exempt | Recovery of reasonable DRS costs from the cost mitigation reserve (CMR) | To authorize recovery of the DRS costs from the CMR |
| *PSC-32-08-00009-P | exempt | The ESCO referral program for KEDNY to be implemented by October 1, 2008 | To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program |
| *PSC-33-08-00008-P | exempt | Noble Allegany's request for lightened regulation | To consider Noble Allegany's request for lightened regulation as an electric corporation |
| *PSC-36-08-00019-P | exempt | Land Transfer in the Borough of Manhattan, New York | To consider petition for transfer of real property to NYPH |
| *PSC-39-08-00010-P | exempt | RG&E's economic development plan and tariffs | Consideration of the approval of RG&E's economic development plan and tariffs |
| *PSC-40-08-00010-P | exempt | Loans from regulated company to its parent | To determine if the cash management program resulting in loans to the parent should be approved |
| *PSC-41-08-00009-P | exempt | Transfer of control of cable TV franchise | To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved |
| *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 |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|---|---|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-46-08-00008-P | exempt | Property transfer in the Village of Avon, New York | To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York |
| *PSC-46-08-00010-P | exempt | A transfer of indirect ownership interests in nuclear generation facilities | Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities |
| *PSC-46-08-00014-P | exempt | The attachment of cellular antennae to an electric transmission tower | To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower |
| *PSC-48-08-00005-P | exempt | A National Grid high efficiency gas heating equipment rebate program | To expand eligibility to customers converting from oil to natural gas |
| *PSC-48-08-00008-P | exempt | Petition for the master metering and submetering of electricity | To consider the request of Bay City Metering, to master meter & submeter electricity at 345 E. 81st St., New York, New York |
| *PSC-48-08-00009-P | exempt | Petition for the submetering of electricity | To consider the request of PCV/ST to submeter electricity at Peter Cooper Village & Stuyvesant Town, New York, New York |
| *PSC-50-08-00018-P | exempt | Market Supply Charge | A study on the implementation of a revised Market Supply Charge |
| *PSC-51-08-00006-P | exempt | Commission's October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458 | To consider a Petition for rehearing of the Commission's October 27, 2008 Order in Case 07-M-0458 |
| *PSC-51-08-00007-P | exempt | Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078 | To consider Petitions for rehearing of the Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078 |
| *PSC-53-08-00011-P | exempt | Use of deferred Rural Telephone Bank funds | To determine if the purchase of a softswitch by Hancock is an appropriate use of deferred Rural Telephone Bank funds |
| *PSC-53-08-00012-P | exempt | Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY | Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY |
| *PSC-53-08-00013-P | exempt | To transfer common stock and ownership | To consider transfer of common stock and ownership |
| *PSC-01-09-00015-P | exempt | FCC decision to redefine service area of Citizens/Frontier | Review and consider FCC proposed redefinition of Citizens/Frontier service area |
| *PSC-02-09-00010-P | exempt | Competitive classification of independent local exchange company, and regulatory relief appropriate thereto | To determine if Chazy & Westport Telephone Corporation more appropriately belongs in scenario 1 rather than scenario 2 |
| *PSC-05-09-00008-P | exempt | Revenue allocation, rate design, performance metrics, and other non-revenue requirement issues | To consider any remaining non-revenue requirement issues related to the Company's May 9, 2008 tariff filing |
| *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 |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|---|---|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-06-09-00007-P | exempt | Interconnection of the networks between Frontier Comm. and WVT Communications for local exchange service and exchange access | To review the terms and conditions of the negotiated agreement between Frontier Comm. and WVT Comm. |
| *PSC-07-09-00015-P | exempt | Transfer certain utility assets located in the Town of Montgomery from plant held for future use to non-utility property | To consider the request to transfer certain utility assets located in the Town of Montgomery to non-utility assets |
| *PSC-07-09-00017-P | exempt | Request for authorization to defer the incremental costs incurred in the restoration work resulting from the ice storm | To allow the company to defer the incremental costs incurred in the restoration work resulting from the ice storm |
| *PSC-07-09-00018-P | exempt | Whether to permit the submetering of natural gas service to an industrial and commercial customer at Cooper Union, New York, NY | To consider the request of Cooper Union, to submeter natural gas at 41 Cooper Square, New York, New York |
| *PSC-12-09-00010-P | exempt | Charges for commodity | To charge customers for commodity costs |
| *PSC-12-09-00012-P | exempt | Charges for commodity | To charge customers for commodity costs |
| *PSC-13-09-00008-P | exempt | Options for making additional central office codes available in the 718/347 numbering plan area | To consider options for making additional central office codes available in the 718/347 numbering plan area |
| *PSC-14-09-00014-P | exempt | The regulation of revenue requirements for municipal utilities by the Public Service Commission | To determine whether the regulation of revenue requirements for municipal utilities should be modified |
| *PSC-16-09-00010-P | exempt | Petition for the submetering of electricity | To consider the request of AMPS on behalf of Park Imperial to submeter electricity at 230 W. 56th Street, in New York, New York |
| *PSC-16-09-00020-P | exempt | Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity | Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity |
| *PSC-17-09-00010-P | exempt | Whether to permit the use of Elster REX2 solid state electric meter for use in residential and commercial accounts | To permit electric utilities in New York State to use the Elster REX2 |
| *PSC-17-09-00011-P | exempt | Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes | Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes |
| *PSC-17-09-00012-P | exempt | Petition for the submetering of gas at commercial property | To consider the request of Turner Construction, to submeter natural gas at 550 Short Ave., & 10 South St., Governors Island, NY |
| *PSC-17-09-00014-P | exempt | Benefit-cost framework for evaluating AMI programs prepared by the DPS Staff | To consider a benefit-cost framework for evaluating AMI programs prepared by the DPS Staff |
| *PSC-17-09-00015-P | exempt | The construction of a tower for wireless antennas on land owned by National Grid | To approve, reject or modify the petition to build a tower for wireless antennas in the Town of Onondaga |
| *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 |

Action Pending Index

NYS Register/August 10, 2016

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|---|---|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-18-09-00013-P | exempt | Petition for the submetering of electricity | To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York |
| *PSC-18-09-00017-P | exempt | Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers | To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower |
| *PSC-20-09-00016-P | exempt | The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc | To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with it's AMI pilots etc |
| *PSC-20-09-00017-P | exempt | The recovery of, and accounting for, costs associated with CHG&E's AMI pilot program | To consider a filing of CHG&E as to the recovery of, and accounting for, costs associated with it's AMI pilot program |
| *PSC-22-09-00011-P | exempt | Cost allocation for Consolidated Edison's East River Repowering Project | To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project |
| *PSC-25-09-00005-P | exempt | Whether to grant, deny, or modify, in whole or in part, the petition | Whether to grant, deny, or modify, in whole or in part, the petition |
| *PSC-25-09-00006-P | exempt | Electric utility implementation plans for proposed web based SIR application process and project status database | To determine if the proposed web based SIR systems are adequate and meet requirements needed for implementation |
| *PSC-25-09-00007-P | exempt | Electric rates for Consolidated Edison Company of New York, Inc | Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc |
| *PSC-27-09-00011-P | exempt | Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access. | To review the terms and conditions of the negotiated agreement between Vernon and tw telecom of new york l.p. |
| *PSC-27-09-00014-P | exempt | Billing and payment for energy efficiency measures through utility bill | To promote energy conservation |
| *PSC-27-09-00015-P | exempt | Interconnection of the networks between Oriskany and tw telecom of new york l.p. for local exchange service and exchange access | To review the terms and conditions of the negotiated agreement between Oriskany and tw telecom of new york l.p |
| *PSC-29-09-00011-P | exempt | Consideration of utility compliance filings | Consideration of utility compliance filings |
| *PSC-32-09-00009-P | exempt | Cost allocation for Consolidated Edison's East River Repowering Project | To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project |
| *PSC-34-09-00016-P | exempt | Recommendations made in the Management Audit Final Report | To consider whether to take action or recommendations contained in the Management Audit Final Report |
| *PSC-34-09-00017-P | exempt | To consider the transfer of control of Plattsburgh Cablevision, Inc. d/b/a Charter Communications to CH Communications, LLC | To allow the Plattsburgh Cablevision, Inc. to distribute its equity interest in CH Communications, LLC |
| *PSC-36-09-00008-P | exempt | The increase in the non-bypassable charge implemented by RG&E on June 1, 2009 | Considering exemptions from the increase in the non-bypassable charge implemented by RG&E on June 1, 2009 |
| *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 |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|---|--|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-37-09-00016-P | exempt | Applicability of electronic signatures to Deferred Payment Agreements | To determine whether electronic signatures can be accepted for Deferred Payment Agreements |
| *PSC-39-09-00015-P | exempt | Modifications to the \$5 Bill Credit Program | Consideration of petition of National Grid to modify the Low Income \$5 Bill Credit Program |
| *PSC-39-09-00018-P | exempt | The offset of deferral balances with Positive Benefit Adjustments | To consider a petition to offset deferral balances with Positive Benefit Adjustments |
| *PSC-40-09-00013-P | exempt | Uniform System of Accounts - request for deferral and amortization of costs | To consider a petition to defer and amortize costs |
| *PSC-51-09-00029-P | exempt | Rules and guidelines for the exchange of retail access data between jurisdictional utilities and eligible ESCOs | To revise the uniform Electronic Data Interchange Standards and business practices to incorporate a contest period |
| *PSC-51-09-00030-P | exempt | Waiver or modification of Capital Expenditure condition of merger | To allow the companies to expend less funds for capital improvement than required by the merger |
| *PSC-52-09-00006-P | exempt | ACE's petition for rehearing for an order regarding generator-specific energy deliverability study methodology | To consider whether to change the Order Prescribing Study Methodology |
| *PSC-52-09-00008-P | exempt | Approval for the New York Independent System Operator, Inc. to incur indebtedness and borrow up to \$50,000,000 | To finance the renovation and construction of the New York Independent System Operator, Inc.'s power control center facilities |
| *PSC-05-10-00008-P | exempt | Petition for the submetering of electricity | To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY |
| *PSC-05-10-00015-P | exempt | Petition for the submetering of electricity | To consider the request of 243 West End Avenue Owners Corp. to submeter electricity at 243 West End Avenue, New York, NY |
| *PSC-06-10-00022-P | exempt | The Commission's Order of December 17, 2009 related to redevelopment of Consolidated Edison's Hudson Avenue generating facility | To reconsider the Commission's Order of December 17, 2009 related to redevelopment of the Hudson Avenue generating facility |
| *PSC-07-10-00009-P | exempt | Petition to revise the Uniform Business Practices | To consider the RESA petition to allow rescission of a customer request to return to full utility service |
| *PSC-08-10-00007-P | exempt | Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847 | Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847 |
| *PSC-08-10-00009-P | exempt | Consolidated Edison of New York, Inc. energy efficiency programs | To modify approved energy efficiency programs |
| *PSC-12-10-00015-P | exempt | Recommendations made by Staff intended to enhance the safety of Con Edison's gas operations | To require that Con Edison implement the Staff recommendations intended to enhance the safety of Con Edison's gas operations |
| *PSC-14-10-00010-P | exempt | Petition for the submetering of electricity | To consider the request of 61 Jane Street Owners Corporation to submeter Electricity at 61 Jane Street, Manhattan, NY |
| *PSC-16-10-00005-P | exempt | To consider adopting and expanding mobile stray voltage testing requirements | Adopt additional mobile stray voltage testing requirements |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-16-10-00007-P | exempt | Interconnection of the networks between TDS Telecom and PAETEC Communications for local exchange service and exchange access | To review the terms and conditions of the negotiated agreement between TDS Telecom and PAETEC Communications |
| *PSC-16-10-00015-P | exempt | Interconnection of the networks between Frontier and Choice One Communications for local exchange service and exchange access | To review the terms and conditions of the negotiated agreement between Frontier and Choice One Communications |
| *PSC-18-10-00009-P | exempt | Electric utility transmission right-of-way management practices | To consider electric utility transmission right-of-way management practices |
| *PSC-19-10-00022-P | exempt | Whether National Grid should be permitted to transfer a parcel of property located at 1 Eddy Street, Fort Edward, New York | To decide whether to approve National Grid's request to transfer a parcel of vacant property in Fort Edward, New York |
| *PSC-22-10-00006-P | exempt | Requirement that Noble demonstrate that its affiliated electric corporations operating in New York are providing safe service | Consider requiring that Noble demonstrate that its affiliated electric corporations in New York are providing safe service |
| *PSC-22-10-00008-P | exempt | Petition for the submetering of electricity | To consider the request of 48-52 Franklin Street to submeter electricity at 50 Franklin Street, New York, New York |
| *PSC-24-10-00009-P | exempt | Verizon New York Inc. tariff regulations relating to voice messaging service | To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff |
| *PSC-25-10-00012-P | exempt | Reassignment of the 2-1-1 abbreviated dialing code | Consideration of petition to reassign the 2-1-1 abbreviated dialing code |
| *PSC-25-10-00015-P | exempt | To allow NYWC to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2009 | Consideration of NYWC's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2009 |
| *PSC-27-10-00016-P | exempt | Petition for the submetering of electricity | To consider the request of 9271 Group, LLC to submeter electricity at 960 Busti Avenue, Buffalo, New York |
| *PSC-31-10-00007-P | exempt | Waiver of the Attachment 23 requirement in 2001 Rate Order that NMPC Board of Directors consist of "outside directors" | To consider the waiver of the requirement that a majority of NMPC Board of directors consist of "outside directors" |
| *PSC-34-10-00003-P | exempt | The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program | The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program |
| *PSC-34-10-00005-P | exempt | Approval of a contract for \$250,000 in tank repairs that may be a financing | To decide whether to approve a contract between the parties that may be a financing of \$250,000 for tank repairs |
| *PSC-34-10-00006-P | exempt | The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program | The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program |
| *PSC-36-10-00010-P | exempt | Central Hudson's procedures, terms and conditions for an economic development plan | Consideration of Central Hudson's procedures, terms and conditions for an economic development plan |
| *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 |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-40-10-00021-P | exempt | Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall | To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall |
| *PSC-41-10-00018-P | exempt | Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter | Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers |
| *PSC-41-10-00022-P | exempt | Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY | Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY |
| *PSC-42-10-00011-P | exempt | Petition for the submetering of electricity | To consider the request of 4858 Group, LLC to submeter electricity at 456 Main Street, Buffalo, New York |
| *PSC-43-10-00016-P | exempt | Utility Access to Ducts, Conduit Facilities and Utility Poles | To review the complaint from Optical Communications Group |
| *PSC-44-10-00003-P | exempt | Third and fourth stage gas rate increase by Corning Natural Gas Corporation | To consider Corning Natural Gas Corporation's request for a third and fourth stage gas rate increase |
| *PSC-51-10-00018-P | exempt | Commission proceeding concerning three-phase electric service by all major electric utilities | Investigate the consistency of the tariff provisions for three-phase electric service for all major electric utilities |
| *PSC-11-11-00003-P | exempt | The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service | The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service |
| *PSC-12-11-00008-P | exempt | To allow NYWC to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2010 | Consideration of NYWC's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2010 |
| *PSC-13-11-00005-P | exempt | Exclude the minimum monthly bill component from the earnings test calculation | Exclude the minimum monthly bill component from the earnings test calculation |
| *PSC-13-11-00007-P | exempt | Budget allocations and use of System Benefits Charge funds to pay State Cost Recovery Fee | To encourage cost effective gas and electric energy conservation in the State |
| *PSC-14-11-00009-P | exempt | Petition for the submetering of electricity | To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York |
| *PSC-16-11-00011-P | exempt | The Energy Efficiency Portfolio Standard | To promote gas and electricity energy conservation programs in New York |
| *PSC-19-11-00007-P | exempt | Utility price reporting requirements related to the Commission's "Power to Choose" website | Modify the Commission's utility electric commodity price reporting requirements related to the "Power to Choose" website |
| *PSC-20-11-00012-P | exempt | Petition for the submetering of electricity | To consider the request of KMW Group LLC to submeter electricity at 122 West Street, Brooklyn, New York |
| *PSC-20-11-00013-P | exempt | Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges | To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| *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 | NYSEERDA's energy efficiency program for low-income customers | To promote energy conservation in New York State |
| *PSC-26-11-00007-P | exempt | Water rates and charges | To approve an increase in annual revenues by about \$25,266 or 50% |
| *PSC-26-11-00009-P | exempt | Petition for the submetering of electricity at commercial property | To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York |
| *PSC-26-11-00012-P | exempt | Waiver of generation retirement notice requirements | Consideration of waiver of generation retirement notice requirements |
| *PSC-29-11-00011-P | exempt | Petition requesting the Commission reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order. | To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing. |
| *PSC-35-11-00011-P | exempt | Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8 | Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters |
| *PSC-36-11-00006-P | exempt | To consider expanding mobile stray voltage testing requirements | Adopt additional mobile stray voltage testing requirements |
| *PSC-38-11-00002-P | exempt | Operation and maintenance procedures pertaining to steam trap caps | Adopt modified steam operation and maintenance procedures |
| *PSC-38-11-00003-P | exempt | Waiver of certain provisions of the electric service tariffs of Con Edison | Consideration of waiver of certain provisions of the electric service tariffs of Con Edison |
| *PSC-40-11-00010-P | exempt | Participation of regulated local exchange carriers in the New York Data Exchange, Inc. (NYDE) | Whether to partially modify its order requiring regulated local exchange carriers' participation NYDE |
| *PSC-40-11-00012-P | exempt | Granting of transfer of plant in-service to a regulatory asset | To approve transfer and recovery of unamortized plant investment |
| *PSC-42-11-00018-P | exempt | Availability of telecommunications services in New York State at just and reasonable rates | Providing funding support to help ensure availability of affordable telecommunications service throughout New York |
| *PSC-43-11-00012-P | exempt | Transfer of outstanding shares of stock | Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC |
| *PSC-47-11-00007-P | exempt | Remedying miscalculations of delivered gas as between two customer classes | Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations |
| *PSC-48-11-00007-P | exempt | Transfer of controlling interests in generation facilities from Dynegy to PSEG | Consideration of the transfer of controlling interests in electric generation facilities from Dynegy to PSEG |
| *PSC-48-11-00008-P | exempt | Petition for the submetering of electricity | To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|--|---|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-51-11-00010-P | exempt | The Total Resource Cost (TRC) test, used to analyze measures in the Energy Efficiency Portfolio Standard program | Petitioners request that the TRC test and/or its application to measures should be revised |
| *PSC-52-11-00017-P | exempt | Reparations and refunds | Reparations and refunds |
| *PSC-01-12-00007-P | exempt | The New York State Reliability Council's revisions to its rules and measurements | To adopt revisions to various rules and measurements of the New York State Reliability Council |
| *PSC-01-12-00008-P | exempt | Transfer of real property and easements from NMPNS to NMP3 | Consideration of the transfer of real property and easements from NMPNS to NMP3 |
| *PSC-01-12-00009-P | exempt | Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove | To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered |
| *PSC-11-12-00002-P | exempt | Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff | Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff |
| *PSC-11-12-00005-P | exempt | Transfer of land and water supply assets | Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman |
| *PSC-13-12-00005-P | exempt | Authorization to transfer certain real property | To decide whether to approve the transfer of certain real property |
| *PSC-17-12-00007-P | exempt | Whether a proposed agreement for the provision of water service by Saratoga Water Services, Inc. is in the public interest | Whether the Commission should issue an order approving the proposed provision of water service |
| *PSC-17-12-00008-P | exempt | Whether a proposed agreement for the provision of water service by Saratoga Water Services, Inc. is in the public interest | Whether the Commission should issue an order approving the proposed provision of water service |
| *PSC-17-12-00009-P | exempt | Whether a proposed agreement for the provision of water service by Saratoga Water Services, Inc. is in the public interest | Whether the Commission should issue an order approving the proposed provision of water service |
| *PSC-19-12-00019-P | exempt | EEPS programs administered by New York State Electric & Gas Corporation and Rochester Gas and Electric Corporation | To modify the C&I sector by combining multiple approved C&I programs into a single C&I program for each PA |
| *PSC-19-12-00022-P | exempt | Approval of a combined heat and power performance program funding plan administered by NYSERDA | Modify NYSERDA's EEPS programs budget and targets to fund the CHP program |
| *PSC-19-12-00023-P | exempt | Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than \$100,000 | To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc. |
| *PSC-21-12-00006-P | exempt | Tariff filing requirements and refunds | To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted |
| *PSC-21-12-00011-P | exempt | Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47 | Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47 |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-23-12-00005-P | exempt | EEPS multifamily programs administered by Consolidated Edison Company of New York, Inc. | To redesign the multifamily electric and gas programs and modify the budgets and targets |
| *PSC-23-12-00007-P | exempt | The approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility | To consider the approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility |
| *PSC-23-12-00009-P | exempt | Over earnings sharing between rate payers and shareholders | To establish an Earnings Sharing Mechanism to be applied following the conclusion of Corning's rate plan |
| *PSC-27-12-00012-P | exempt | Implementation of recommendations made in a Management Audit Report | To consider implementation of recommendations made in a Management Audit Report |
| *PSC-28-12-00013-P | exempt | Exemption of reliability reporting statistics for the purpose of the 2012 Reliability Performance Mechanism | Consideration of Orange and Rockland Utilities request for exemption of the 2012 reliability reporting statistics |
| *PSC-29-12-00019-P | exempt | Waiver of 16 NYCRR 894.1 through 894.4 | To allow the Town of Hamden to waive certain preliminary franchising procedures to expedite the franchising process. |
| *PSC-30-12-00010-P | exempt | Waiver of 16 NYCRR 894.1 through 894.4 | To allow the Town of Andes to waive certain preliminary franchising procedures to expedite the franchising process |
| *PSC-33-12-00009-P | exempt | Telecommunications companies ability to attach to utility company poles | Consideration of Tech Valley's ability to attach to Central Hudson poles |
| *PSC-35-12-00014-P | exempt | To implement an abandonment of White Knight's water system | To approve the implementation of abandonment of White Knight's water system |
| *PSC-37-12-00009-P | exempt | Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers | Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers |
| *PSC-42-12-00009-P | exempt | Regulation of Gipsy Trail Club, Inc.'s long-term financing agreements | To exempt Gipsy Trail Club, Inc. from Commission regulation of its financing agreements |
| *PSC-45-12-00008-P | exempt | Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff | Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff |
| *PSC-45-12-00010-P | exempt | Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District | Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District |
| *PSC-50-12-00003-P | exempt | Affiliate standards for Corning Natural Gas Corporation | To resolve issues raised by Corning Natural Gas Corporation in its petition for rehearing |
| *PSC-04-13-00006-P | exempt | Expansion of mandatory day ahead hourly pricing for customers of Orange and Rockland Utilities with demands above 100 kW | To consider the expansion of mandatory day ahead hourly pricing for customers with demands above 100 kW |
| *PSC-04-13-00007-P | exempt | Authorization to transfer certain real property. | To decide whether to approve the transfer of certain real property. |
| *PSC-06-13-00008-P | exempt | Verizon New York Inc.'s retail service quality | To investigate Verizon New York Inc.'s retail service quality |

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

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-25-13-00009-P | exempt | Provision by utilities of natural gas main and service lines. | To help ensure efficient and economic expansion of the natural gas system as appropriate. |
| *PSC-25-13-00012-P | exempt | To deny, grant or modify, in whole or in part, Central Hudson's rehearing request. | To deny, grant or modify, in whole or in part, Central Hudson's rehearing request. |
| *PSC-27-13-00014-P | exempt | Columbia Gas Transmission Corporation Cost Refund | For approval for temporary waiver of tariff provisions regarding its Columbia Gas Transmission Corporation cost refund. |
| *PSC-28-13-00014-P | exempt | Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces | To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces |
| *PSC-28-13-00016-P | exempt | The request of NGT for lightened regulation as a gas corporation. | To consider whether to approve, reject, or modify the request of Niagara gas transport of Lockport, NY LLC. |
| *PSC-28-13-00017-P | exempt | The request by TE for waiver of regulations requiring that natural gas be odorized in certain gathering line segments | Consider the request by TE for waiver of regulations that gas be odorized in certain lines |
| *PSC-32-13-00009-P | exempt | To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices | To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices |
| *PSC-32-13-00010-P | exempt | Permission to write off and eliminate record keeping for regulatory reserves for Pensions and Other Post Retirement Benefits | To allow write off and eliminate record keeping of Pension and Other Post Retirement Benefits Reserves |
| *PSC-32-13-00012-P | exempt | To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion | To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion |
| *PSC-33-13-00027-P | exempt | Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines. | Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines. |
| *PSC-33-13-00029-P | exempt | Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy. | To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy. |
| *PSC-34-13-00004-P | exempt | Escrow account and surcharge to fund extraordinary repairs | To approve the establishment of an escrow account and surcharge |
| *PSC-37-13-00007-P | exempt | Dissolution of Garrow Water Works Company, Inc.. | To allow for the dissolution of Garrow Water Works Company, Inc. |
| *PSC-39-13-00010-P | exempt | NY-Sun initiative within the Customer-Sited Tier of the RPS Program. | To increase the statewide adoption of customer sited photovoltaic solar generation through the NY-Sun Initiative. |
| *PSC-42-13-00013-P | exempt | Failure to Provide Escrow Information | The closure of the Escrow Account |
| *PSC-42-13-00015-P | exempt | Failure to Provide Escrow Information | The closure of the Escrow Account |
| *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. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-45-13-00021-P | exempt | Investigation into effect of bifurcation of gas and electric utility service on Long Island. | To consider a Petition for an investigation into effect of bifurcation of gas and electric utility service on Long Island. |
| *PSC-45-13-00022-P | exempt | Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4) | To consider a waiver of certain regulations relating to the content of an application for transmission line siting |
| *PSC-45-13-00023-P | exempt | Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4). | To consider a waiver of certain regulations relating to the content of an application for transmission line siting |
| *PSC-45-13-00024-P | exempt | Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4); waiver of filing deadlines. | To consider a waiver of certain regulations relating to the content of an application for transmission line siting |
| *PSC-45-13-00025-P | exempt | Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4). | To consider a waiver of certain regulations relating to the content of an application for transmission line siting |
| *PSC-47-13-00009-P | exempt | Petition for submetering of electricity. | To consider the request of Hegeman Avenue Housing L.P. to submeter electricity at 39 Hegeman Avenue, Brooklyn, N.Y. |
| *PSC-47-13-00012-P | exempt | Conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates. | Consideration of conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates. |
| *PSC-49-13-00008-P | exempt | Authorization to transfer all of Crystal Water Supply Company, Inc. stocks to Essel Infra West Inc. | To allow Crystal Water Supply Company, Inc to transfer all of its issued and outstanding stocks to Essel Infra West Inc. |
| *PSC-51-13-00009-P | exempt | Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing. | To ensure there is a reasonable basis for data submitted in support of a request for a change in rates. |
| *PSC-51-13-00010-P | exempt | Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing. | To ensure there is a reasonable basis for data submitted in support of a request for a change in rates. |
| *PSC-51-13-00011-P | exempt | Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing. | To ensure there is a reasonable basis for data submitted in support of a request for a change in rates. |
| *PSC-52-13-00012-P | exempt | The development of reliability contingency plan(s) to address the potential retirement of Indian Point Energy Center (IPEC). | To address the petition for rehearing and reconsideration/motion for clarification of the IPEC reliability contingency plan(s). |
| *PSC-52-13-00015-P | exempt | To enter into a loan agreement with the banks for up to an amount of \$94,000. | To consider allowing Knolls Water Company to enter into a long-term loan agreement. |
| *PSC-01-14-00017-P | exempt | Residential Time-of-Use Rates | To establish residential optional time of use delivery and commodity rates |
| *PSC-03-14-00009-P | exempt | disposition of tax refunds and other related matters | to determine the disposition of tax refunds and other related matters |
| *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. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-05-14-00010-P | exempt | The New York State Reliability Council's revisions to its rules and measurements | To adopt revisions to various rules and measurements of the New York State Reliability Council |
| *PSC-07-14-00008-P | exempt | Petition for submetering of electricity | To consider the request of Greater Centennial Homes HDFC, Inc. to submeter electricity at 102, 103 and 106 W 5th Street, et al. |
| *PSC-07-14-00012-P | exempt | Water rates and charges | Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project |
| *PSC-08-14-00015-P | exempt | Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities | To improve Verizon New York Inc.'s service quality and the Customer Trouble Report Rate levels at certain central office entities |
| *PSC-10-14-00006-P | exempt | Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance | To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance |
| *PSC-11-14-00003-P | exempt | Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces | To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces |
| *PSC-16-14-00014-P | exempt | Whether to order NYSEG to provide gas service to customers when an expanded CPCN is approved and impose PSL 25-a penalties. | To order gas service to customers in the Town of Plattsburgh after approval of a town wide CPCN and to impose penalties. |
| *PSC-16-14-00015-P | exempt | Whether Central Hudson should be permitted to defer obligations of the Order issued on October 18, 2013 in Case 13-G-0336. | Consideration of the petition by Central Hudson to defer reporting obligations of the October 18, 2013 Order in Case 13-G-0336 |
| *PSC-16-14-00016-P | exempt | Waiver of Commission regulations governing termination of service. | Consider United Water New York Inc.'s proposal to expand termination of service provisions. |
| *PSC-17-14-00003-P | exempt | Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism | Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism |
| *PSC-17-14-00004-P | exempt | To consider certain portions of petitions for rehearing, reconsideration and/or clarification | To consider certain portions of petitions for rehearing, reconsideration and/or clarification |
| *PSC-17-14-00007-P | exempt | To consider petitions for rehearing, reconsideration and/or clarification | To consider petitions for rehearing, reconsideration and/or clarification |
| *PSC-17-14-00008-P | exempt | To consider certain portions of petitions for rehearing, reconsideration and/or clarification | To consider certain portions of petitions for rehearing, reconsideration and/or clarification |
| *PSC-19-14-00014-P | exempt | Market Supply Charge | To make tariff revisions to the Market Supply Charge for capacity related costs |
| *PSC-19-14-00015-P | exempt | Whether to permit the use of the Sensus accuWAVE for use in residential and commercial gas meter applications | To permit gas utilities in New York State to use the Sensus accuWAVE 415TC gas meter |
| *PSC-19-14-00018-P | exempt | Uniform System of Accounts, deferral of an expense item | Authorization of a deferral for an expense item beyond the end of the year in which it was incurred |
| *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. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|--|---|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-23-14-00010-P | exempt | Whether to permit the use of the GE Dresser Series B3-HPC 11M-1480 rotary gas met for use in industrial gas meter applications | To permit gas utilities in New York State to use the GE Dresser Series B3-HPC 11M-1480 rotary gas meter |
| *PSC-23-14-00014-P | exempt | Waiver of the negative revenue adjustment associated with KEDLI's 2013 Customer Satisfaction Performance Metric | Consideration of KEDLI's waiver request pertaining to its 2013 performance under its Customer Satisfaction Metric |
| *PSC-24-14-00005-P | exempt | To examine LDC's performance and performance measures. | To improve gas safety performance. |
| *PSC-26-14-00010-P | exempt | Petitioner requests an order authorizing its participation in the next Main Tier solicitation offered under the RPS Program. | To enable continued operation of a 21 MW biomass fueled electric generating facility in Chateaugay, New York. |
| *PSC-26-14-00013-P | exempt | Waiver of RG&E's tariffed definition of emergency generator. | To consider waiver of RG&E's tariffed definition of emergency generator. |
| *PSC-26-14-00017-P | exempt | Existing ratemaking and rate design practices will be revised with a focus on outcomes and incentives. | To use the Commission's ratemaking authority to foster a DER-intensive system. |
| *PSC-26-14-00020-P | exempt | New electric utility backup service tariffs and standards for interconnection may be adopted. | To encourage development of microgrids that enhance the efficiency, safety, reliability and resiliency of the electric grid. |
| *PSC-26-14-00021-P | exempt | Consumer protections, standards and protocols pertaining to access to customer data may be established. | To balance the need for the information necessary to support a robust market with customer privacy concerns. |
| *PSC-28-14-00014-P | exempt | Petition to transfer systems, franchises and assets. | To consider the Comcast and Charter transfer of systems, franchise and assets. |
| *PSC-30-14-00023-P | exempt | Whether to permit the use of the Sensus iPERL Fire Flow Meter. | Pursuant to 16 NYCRR Part 500.3 , it is necessary to permit the use of the Sensus iPERL Fire Flow Meter. |
| *PSC-30-14-00025-P | exempt | Allocation of uncommitted Technology and Market Development Funds to the Combined Heat & Power Performance Program. | To consider allocation of uncommitted Technology & Market Development Funds to the Combined Heat & Power Performance Program. |
| *PSC-30-14-00026-P | exempt | Petition for a waiver to master meter electricity. | Considering the request of Renaissance Corporation of to master meter electricity at 100 Union Drive,Albany, NY. |
| *PSC-31-14-00004-P | exempt | To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross | To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross |
| *PSC-32-14-00009-P | exempt | Refueling options for the Dunkirk generating station located in Dunkirk, New York, and alternatives | To address the joint petition for rehearing of the Commission's Order related to refueling the Dunkirk generating station |
| *PSC-32-14-00012-P | exempt | Whether to grant or deny, in whole or in part, the Connect New York Coalition's petition | To consider the Connect New York Coalition's petition seeking a formal investigation and hearings |
| *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. |

Action Pending Index

NYS Register/August 10, 2016

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|--|--|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-35-14-00004-P | exempt | Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY | To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY |
| *PSC-35-14-00005-P | exempt | Whether to permit the use of the Sensus iConA electric meter | Pursuant to 16 NYCRR Parts 92 and 93, Commission approval is necessary to permit the use of the Sensus iConA electric meter |
| *PSC-36-14-00009-P | exempt | Modification to the Commission's Electric Safety Standards. | To consider revisions to the Commission's Electric Safety Standards. |
| *PSC-36-14-00010-P | exempt | The procurement of Main Tier renewable resources will become the responsibility of the State's electric utilities. | To ensure the development of large-scale renewables in New York State to promote fuel diversity and reduce carbon emissions. |
| *PSC-36-14-00011-P | exempt | To defer pension settlement losses associated with retirements in the year ended March 31, 2014. | To resolve the ratemaking of the pension settlement loss. |
| *PSC-38-14-00003-P | exempt | Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program. | Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program. |
| *PSC-38-14-00004-P | exempt | The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn. | The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn. |
| *PSC-38-14-00005-P | exempt | Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2. | Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2. |
| *PSC-38-14-00007-P | exempt | Whether to expand Con Edison's low income program to include Medicaid recipients. | Whether to expand Con Edison's low income program to include Medicaid recipients. |
| *PSC-38-14-00008-P | exempt | The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn. | The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn. |
| *PSC-38-14-00010-P | exempt | Inter-carrier telephone service quality standard and metrics and administrative changes. | To review recommendations from the Carrier Working Group and incorporate appropriate modifications to the existing Guidelines. |
| *PSC-38-14-00012-P | exempt | Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2. | Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2. |
| *PSC-38-14-00018-P | exempt | New electric utility demand response tariffs may be adopted. | To develop mature DER markets by enabling the development and use of DR as an economic system resource. |
| *PSC-39-14-00020-P | exempt | Whether to permit the use of the Mueller Systems 400 Series and 500 Series of water meters | Pursuant to 16 NYCRR section 500.3, whether to permit the use of the Mueller Systems 400, and 500 Series of water meters |
| *PSC-40-14-00008-P | exempt | To consider granting authorization for Buy Energy Direct to resume marketing to residential customers. | To consider granting authorization for Buy Energy Direct to resume marketing to residential customers. |
| *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. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|---|--|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-40-14-00011-P | exempt | Late Payment Charge. | To modify Section 7.6 - Late Payment Charge to designate a specific time for when a late payment charge is due. |
| *PSC-40-14-00013-P | exempt | Regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY. | To consider regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY. |
| *PSC-40-14-00014-P | exempt | Waiver of 16 NYCRR Sections 894.1 through 894.4(b)(2) | To allow the Town of Goshen, NY, to waive certain preliminary franchising procedures to expedite the franchising process. |
| *PSC-40-14-00015-P | exempt | Late Payment Charge. | To modify Section 6.6 - Late Payment Charge to designate a specific time for when a late payment charge is due. |
| *PSC-42-14-00003-P | exempt | Annual Reconciliation of Gas Expenses and Gas Cost Recoveries | The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries |
| *PSC-42-14-00004-P | exempt | Winter Bundled Sales Service Option | To modify SC-11 to remove language relating to fixed storage charges in the determination of the Winter Bundled Sales charge |
| *PSC-48-14-00014-P | exempt | Considering the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line. | To consider the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line. |
| *PSC-52-14-00019-P | exempt | Petition for a waiver to master meter electricity. | Considering the request of 614 South Crouse Avenue, LLC to master meter electricity at 614 South Crouse Avenue, Syracuse, NY.. |
| *PSC-01-15-00014-P | exempt | State Universal Service Fund Disbursements | To consider Edwards Telephone Company's request for State Universal Service Fund disbursements |
| *PSC-01-15-00017-P | exempt | Reimbursement of costs for construction under 16 NYCRR 230 | To determine proper reimbursement for costs related to trenching and construction |
| *PSC-03-15-00002-P | exempt | Waiver of tariff provisions related to SC 14 Non-Core Transportation Services for Electric Generation | To determine whether a waiver is warranted |
| *PSC-04-15-00008-P | exempt | Re-billing SC No. 2 customers from March 2008 through March 2014. | To determine whether re-billing SC No. 2 customers by the Companies' proposed methodology customers is appropriate. |
| *PSC-04-15-00010-P | exempt | To modify the retail access program under SC No. 19 - Seller Transportation Aggregation Service. | To modify the retail access program to implement Tier 2A - Storage Capacity Release and make other tariff changes. |
| *PSC-04-15-00011-P | exempt | To modify the retail access program under SC No. 8 - Seller Services. | To modify the retail access program to implement Tier 2A - Storage Capacity Release and make other tariff changes. |
| *PSC-04-15-00012-P | exempt | Disposition of tax refunds and other related matters. | To determine the disposition of tax refunds and other related matters. |
| *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 |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|--|--|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-08-15-00009-P | exempt | Approval of a surcharge. | To allow or disallow Emerald Green Lake Louise Marie Water Company, Inc. for a surcharge. |
| *PSC-08-15-00010-P | exempt | Request pertaining to the lawfulness of National Grid USA continuing its summary billing program. | To grant, deny, or modify URAC Rate Consultants' request that National Grid cease its summary billing program. |
| *PSC-10-15-00007-P | exempt | Notification concerning tax refunds | To consider Verizon New York Inc.'s partial rehearing or reconsideration request regarding retention of property tax refunds |
| *PSC-10-15-00008-P | exempt | Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes | Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes |
| *PSC-10-15-00009-P | exempt | Contingency Tariffs regarding demand response issues | To consider Contingency Tariffs regarding demand response issues |
| *PSC-12-15-00007-P | exempt | The Annual Reconciliation of Gas Expenses and Gas Cost Recoveries codified at Title 16 NYCRR Section 720.6.5 | Examine the Annual Reconciliation of Gas Expenses and Gas Cost Recoveries mechanism |
| *PSC-13-15-00024-P | exempt | Whether Leatherstocking should be permitted to recover a shortfall in earnings | To decide whether to approve Leatherstocking's request to recover a shortfall in earnings |
| *PSC-13-15-00026-P | exempt | Whether to permit the use of the Sensus Smart Point Gas AMR/AMI product | To permit the use of the Sensus Smart Point Gas AMR/AMI product |
| *PSC-13-15-00027-P | exempt | Whether to permit the use of the Measurlogic DTS 310 electric submeter | To permit the use of the Measurlogic DTS 310 submeter |
| *PSC-13-15-00028-P | exempt | Whether to permit the use of the SATEC EM920 electric meter | To permit necessary to permit the use of the SATEC EM920 electric meter |
| *PSC-13-15-00029-P | exempt | Whether to permit the use the Triacta Power Technologies 6103, 6112, 6303, and 6312 electric submeters | To permit the use of the Triacta submeters |
| *PSC-17-15-00004-P | exempt | Rehearing of the Commission's Order Adopting Regulatory Policy Framework and Implementation Plan | Consideration of a petition for rehearing |
| *PSC-17-15-00007-P | exempt | To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million | To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million |
| *PSC-18-15-00004-P | exempt | National Grid's electric Economic Development Programs | To revise the economic development assistance to qualified businesses |
| *PSC-18-15-00005-P | exempt | Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism | Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism |
| *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 |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|---|---|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-20-15-00006-P | exempt | Implementation of the proposed Microgrid Business Model as a reliability and demand management resource | Consider implementation of the proposed Microgrid Business Model as a reliability and demand management resource |
| *PSC-22-15-00015-P | exempt | To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a) | To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a) |
| *PSC-23-15-00005-P | exempt | The modification of New York American Water's current rate plan | Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff |
| *PSC-23-15-00006-P | exempt | The modification of New York American Water's current rate plan | Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff |
| *PSC-25-15-00008-P | exempt | Notice of Intent to Submeter electricity. | To consider the request of 165 E 66 Residences, LLC to submeter electricity at 165 East 66th Street, New York, New York. |
| *PSC-26-15-00014-P | exempt | To consider the request for partial waiver of the energy audit requirements in 16 NYCRR Section 96.5(k) | To consider the request for partial waiver of the energy audit requirements in 16 NYCRR Section 96.5(k) |
| *PSC-26-15-00016-P | exempt | Petition to Submeter electricity | To consider the request of 39 Plaza Housing Corporation to submeter electricity at 39 Plaza Street West, Brooklyn, New York |
| *PSC-27-15-00014-P | exempt | Authorization for NYAW to accrue interest on internal reserve debit balances | To allow NYAW to accrue interest on internal reserve debit balances |
| *PSC-28-15-00006-P | exempt | The minor electric rate filing of Mohawk Municipal Commission | Whether to increase Mohawk Municipal Commission's annual electric revenues by approximately \$113,119 or 13.74% |
| *PSC-29-15-00018-P | exempt | Approval of ratemaking related to amendment a certificate of public convenience and necessity | To approve or reject the ratemaking aspects of SLG's petition to amend its certificate of public convenience and necessity |
| *PSC-29-15-00025-P | exempt | Joint Petition for authority to transfer real property located at 624 West 132nd Street, New York, NY | Whether to authorize the proposed transfer of real property located at 624 West 132nd Street, New York, NY |
| *PSC-31-15-00007-P | exempt | Plan to convert petroleum pipeline into a natural gas pipeline | Whether to approve the proposed conversion plan submitted by NIC Holding Corp |
| PSC-32-15-00005-P | exempt | Petition for rehearing of the Order Adopting Dynamic Load Management Filings with Modifications | To consider a petition for rehearing of the Order Adopting Dynamic Load Management Filings with Modifications |
| PSC-32-15-00006-P | exempt | Development of a Community Solar Demonstration Project. | To approve the development of a Community Solar Demonstration Project. |
| PSC-32-15-00012-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. |

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

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

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

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|--|--|
| PUBLIC SERVICE COMMISSION | | | |
| 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 |
| 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% |

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

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

Action Pending Index

NYS Register/August 10, 2016

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|---|--|
| PUBLIC SERVICE COMMISSION | | | |
| 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. |
| 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% |

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

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

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|--|--|
| PUBLIC SERVICE COMMISSION | | | |
| 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 |
| 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. |
| PSC-32-16-00003-P | exempt | Performance Assurance Plan waiver for certain wholesale service quality metrics. | To consider Verizon's waiver petition concerning certain wholesale service quality results. |
| PSC-32-16-00004-P | exempt | Notice of Intent to submeter electricity. | To consider the Notice of Intent of 58 Corner LLC to submeter electricity at 600 W. 58th Street, New York, New York. |

Action Pending Index

NYS Register/August 10, 2016

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|--|----------------|--|--|
| PUBLIC SERVICE COMMISSION | | | |
| PSC-32-16-00005-P | exempt | Major gas rate filing. | To consider an increase in National Fuel's gas delivery revenues of approximately \$41.7 million or 15.27%. |
| PSC-32-16-00006-P | exempt | Proposed revisions for a new Daily Delivery Service and the Winter Bundled Sales Service. | To consider a new Daily Delivery Service and a modified Winter Bundled Sales Service. |
| PSC-32-16-00007-P | exempt | Utility DSIPs to achieve the Commission's Reforming the Energy Vision (REV) initiative. | Development of utility DSIPs for improving utility planning and operations functions under REV. |
| PSC-32-16-00008-P | exempt | Proposed revisions to add and clarify provisions related to electric generators under SC No. 14. | To consider revisions to SC No. 14 - Daily Balancing Service. |
| PSC-32-16-00009-P | exempt | Proposed acquisition of 100% of the assets of New Vernon and Whitlock Farms by NYAW. | To consider the proposed acquisition of assets of New Vernon and Whitlock Farms by NYAW. |
| PSC-32-16-00010-P | exempt | Notice of Intent to submeter electricity. | To consider the Notice of Intent to submeter electricity at 30 Park Place, New York, New York. |
| PSC-32-16-00011-P | exempt | Notice of Intent to submeter electricity. | To consider the Notice of Intent to submeter electricity at 138-35 39th Avenue, Flushing, New York. |
| PSC-32-16-00012-P | exempt | Benefit-Cost Analysis Handbooks. | To evaluate proposed methodologies of benefit-cost evaluation. |
| PSC-32-16-00021-P | exempt | The continued deferral of \$300,000 in property taxes. | To consider the continued deferral of \$300,000 in property taxes. |
| 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 |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|---|----------------|---|---|
| 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 |
| 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
TOWER LOGGIAS
Mid-Hudson Psychiatric Center
New Hampton, Orange County

Sealed bids for Project No. M3073-C, for Construction Work, Rehabilitate Tower Loggias Building 5, Mid-Hudson Psychiatric Center, Route 17M, New Hampton (Orange 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 Office of Mental Health, 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 \$12,100 for C.

The value of the Contract is estimated to be between \$100,000 and \$250,000.

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>.

As a condition of award, within 48 hours of receipt of the proposed Contract Agreement from the State, the low bidder shall return the Contract Agreement to the State, properly executed, along with the Bonds if required by said Agreement. Low bidders who cannot meet these provisions may be subject to disqualification and forfeiture of the bid security.

The State intends to expedite award of this Contract and the Contractor shall be prepared to proceed with the Work accordingly. Bidders are warned that time is of the essence of the Contract and completion of the Work must be within 132 days after the Agreement is approved by the Comptroller. Due to the tightness of the construction schedule, bidders should consider the necessity for an increased work force and shift operations.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 11:00 a.m. on July 28, 2016 at Mid-Hudson Psychiatric Center, Route 17M, Building 6, New Hampton, NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

For assistance pertaining to the site visit only, please phone Robin Griffiths (845) 365-0730 Ext. 101.

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). 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>.

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

RENOVATE
MEDICAL CLINIC
Brookwood Secure Center
Claverack, Columbia County

Sealed bids for Project Nos. 44810-C, 44810-H, 44810-P, 44810-E, comprising separate contracts for Construction Work, HVAC Work, Plumbing Work, and Electrical Work, Renovate Medical Clinic, Brookwood Secure Center, Route 29, Claverack (Columbia 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 Office of Children and Family Services, 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 \$23,000 for C, \$13,900 for H, \$7,300 for P, and \$9,200 for E.

All successful bidders on a multiple trade project or the successful bidder with a bid over \$200,000 on a single trade project, will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$250,000 and \$500,000 for C, between \$100,000 and \$250,000 for H, between \$50,000 and \$150,000 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 250 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on August 4, 2016 at Brookwood Secure Center, Route 29, Maintenance Building, Claverack, NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

For assistance pertaining to the site visit only, please phone Karen Disonell (518) 731-8290.

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 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>.

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

REPLACE
SALT STORAGE STRUCTURE
Department of Transportation Region 9
Cobleskill, Schoharie County

Sealed bids for Project No. 45456-C, for Construction Work, Replace Salt Storage Structure, DOT Region 9, 310 Mineral Springs Road, Cobleskill (Schoharie 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 Transportation, until 2:00 p.m. on Wednesday, August 3, 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 \$22,200 for C.

Further, Wicks Exempt Projects require a completed BDC 59 be filled out and submitted (included in a separate, sealed envelope) in accordance with Document 002220, Supplemental Instructions to Bidders – Wicks Exempt. Failure to submit this form correctly will result in a disqualification of the bid.

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

As a condition of award, within 48 hours of receipt of the proposed Contract Agreement from the State, the low bidder shall return the Contract Agreement to the State, properly executed, along with the Bonds if required by said Agreement. Low bidders who cannot meet these provisions may be subject to disqualification and forfeiture of the bid security.

The State intends to expedite award of this Contract and the

Contractor shall be prepared to proceed with the Work accordingly. Bidders are warned that time is of the essence of the Contract and completion of the Work must be completed by November 15, 2016, after the Agreement is approved by the Comptroller. Due to the tightness of the construction schedule, bidders should consider the necessity for an increased work force and shift operations.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on July 29, 2016 at DOT Region 9, Schoharie County, 310 Mineral Springs Road, Cobleskill, NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

For assistance pertaining to the site visit only, please phone Karen Disonell (518) 731-8290.

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). The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Contractors and other interested parties can order CD’s on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link for ordering and payment instructions: <http://www.ogs.ny.gov/bu/dc/esb/acquirebid.asp>.

For questions about purchase of bid documents, please send an e-mail to 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>.

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

NOTICE OF AVAILABILITY OF STATE AND FEDERAL FUNDS

New York Homes and Community Renewal
Division of Housing and Community Renewal
Hampton Plaza
38-40 State St.
Albany, NY 12207

PERSONS/FIRMS SPONSORING THE CONSTRUCTION AND/OR REHABILITATION OF RENTAL HOUSING FOR LOW- AND MODERATE-INCOME HOUSEHOLDS/PERSONS **Low-Income Housing Tax Credit Program (SLIHC)**

DESCRIPTION:

New York State Homes and Community Renewal (HCR) announces the availability of tax credit under the New York State Low-Income Housing Tax Credit Program (SLIHC), administered by the New York State Division of Housing and Community Renewal (DHCR), which is authorized under Article 2-A of the Public Housing Law.

A Request for Proposals (RFP) for Unified Funding (UF) 2016 site-specific multi-family project applications (Capital Applications) seeking funding under the SLIHC Program is expected to be available on or about August 15, 2016.

These applications will be submitted using the Community Development Online (CDOL) Application System, located on HCR's website at: <http://www.nyshcr.org/Apps/CDOnline/>.

Printable instructions and screen shots of the CDOL Exhibits for the UF 2016 CDOL application will be available on the HCR Website at: <http://www.nyshcr.org/Funding/UnifiedFundingMaterials/2016/>.

APPLICATION DEADLINES & FEES:

There are three UF 2016 application deadlines. The first deadline will be for Early Award Projects (EA), which meet criteria that will be set forth in the RFP and described, in part, below. The second deadline will be for Early Round Empire State Supportive Housing Projects which meet criteria that will be set forth in the RFP and described, in part, below. The third deadline will be for all other Capital Applications described in the upcoming RFP.

Applications for Early Award Projects must be completed and submitted by 5:00 PM on Thursday, October 6, 2016. Applications for Early Round Empire State Supportive Housing Projects must be completed and submitted no later than 5:00 PM on Tuesday, November 8, 2016. All other UF 2016 Capital Applications must be completed and submitted by 5:00 PM on Wednesday, December 7, 2016.

A \$3,000 application fee is required for each SLIHC Application with the following exception: not-for-profit applicants (or their wholly-owned subsidiaries) which will be sole general partner of the partnership/project owner or sole managing member of the limited liability company/project owner may request a deferral of payment until the time of credit allocation.

UF 2016 SLIHC AVAILABLE:

DHCR expects to have approximately \$4,000,000 available for SLIHC reservations.

EARLY AWARD APPLICATIONS:

A. General Information

HCR seeks to encourage high quality, high readiness projects that advance specific New York State housing goals by providing an accelerated application and review process as part of UF 2016. In addition

to meeting the general application requirements described in the upcoming RFP, EA applications must satisfy additional conditions and requirements not required of UF 2016 applications generally, including an earlier application submission deadline and a mandatory pre-application conference with HCR staff.

Applications satisfying the conditions and requirements for Early Awards will be provided an accelerated review and will be rated and ranked compared only to other EA applications that advance the same policy goal, subject to the other funding considerations described in the UF 2016 RFP. In the event an application does not receive an early funding award, the application may be considered for an award pursuant to later funding round decisions.

In addition to satisfying the conditions and requirements generally applicable to all UF 2016 applications, EA applicants must also:

1. Submit a complete application by 5:00 PM, October 6, 2016 or by 5:00 PM, November 8, 2016 for Empire State Supportive Housing Projects;

2. Demonstrate the project will be able to proceed to construction within 120 calendar days of award, or within 180 days of award, if located in the City of New York. In evaluating a project's readiness to proceed to construction, HCR will consider the development team's past performance in the delivery of units on time and on-budget in addition to project-specific indicators such as status of local approvals, complexity of the proposed transaction, including whether a project must comply with National Environmental Policy Act (NEPA) requirements, and status of financing commitments; and

3. Provide documentation demonstrating the application proposes a project which clearly advances at least one State housing goal described below in Section B. Applications that advance more than one housing goal will be given preference.

B. Early Award State Housing Goals

In order to be eligible, EA applications must advance at least one of the following State housing goals:

1. Revitalization and Economic Development Goals

- a. Priority Projects Identified in Regional Economic Development Plans

These applications will propose affordable housing projects that have been specifically endorsed in Regional Economic Development Council Strategic Plans and for which significant financial assistance has been made available as part of such plans.

b. Mixed-Income/Mixed-Use Revitalization

These applications will propose mixed-income projects in mixed-use neighborhoods involving:

- the use or adaptive reuse of existing underutilized buildings;
- infill new construction; and/or
- the demolition/replacement of buildings with a blighting impact on a community, for which rehabilitation is impracticable.

Applications must clearly demonstrate the project is part of a neighborhood-specific revitalization effort developed with significant community and local government involvement.

Applications must clearly demonstrate community support for the proposed project, as evidenced by commitment of local resources and local actions that have, or will, be taken in support of the project. To be considered mixed-income, applications must target households at incomes above federal LIHC limits.

Preference under this State housing goal will be given to applications that:

- demonstrate site control of land acquired through Land Banks, established pursuant to Article 16 of the NYS Not-for-Profit Corporation Law, in neighborhoods that have experienced a high incidence of abandoned, “zombie” properties;
- propose a retail/community service component that will address an unmet community need identified in a neighborhood-specific revitalization plan;
- propose a project resulting in the cleanup/redevelopment of property that has been determined to be eligible to participate in the NYS Brownfield Cleanup Program (BCP). To be eligible for this preference, applications must propose a financing plan fully utilizing all BCP tax credits generated from the cleanup/redevelopment of the property;
- propose a project that is part of a neighborhood specific revitalization plan that also includes the development of new affordable homeownership units and/or the rehabilitation of existing owner-occupied housing; and/or
- propose a project located in a community participating in Governor Cuomo’s Community, Opportunity, Reinvestment (CORE) Initiative, which aligns State support with local needs while supporting successful community-based efforts, so the State can more effectively allocate resources to make measurable and sustained progress in improving high-need communities.

2. Supportive Housing Goals

a. Empire State Supportive Housing Projects

These applications will propose Supportive Housing Projects that have received Conditional Award Notifications through the Empire State Supportive Housing Initiative, Inter-agency Service and Operating Funding Opportunity RFP.

b. New York/New York Projects

Applicants must demonstrate they have secured a commitment of NY/NY III or NY/NY IV service and operating subsidy for at least 25% of the project’s total units.

3. Workforce Opportunity Goals

a. Housing Opportunity Projects

These applications will propose workforce family housing in areas experiencing economic growth that are served by high performing school districts. Projects must be located in areas that have stable/growing tax bases, and must be in close proximity to public transportation, child care and employment opportunities. Proposed projects must include a significant percentage of two, three, or more than three bedroom units. Applications that clearly advance this goal may be eligible for a 130% SLIHC basis boost authorized by the Housing and Economic Recovery Act.

b. Transit Oriented Development (TOD)

These applications will propose workforce housing projects in close proximity to Metropolitan Transit Authority (MTA) rail stations outside the City of New York, or within a quarter-mile walk of an MTA subway station within the City of New York; or, which are in communities that have completed and are implementing TOD plans clearly linking the proposed project to expanded transportation choices for tenants; or, which are in close proximity to multi-modal transportation centers contributing to the development of vibrant, mixed-use, high-density neighborhoods through the adaptive reuse of non-residential buildings or through infill development.

4. Affordable Housing Preservation Goals

a. Mitchell Lama Portfolio Projects

Applications that propose the redevelopment/preservation of Mitchell Lama housing units transferred from NYS Empire State Development Corporation (ESDC) to NYS, as part of Governor Cuomo’s \$1 billion House NY Program. Applications must demonstrate the refinancing and preservation of the units would be infeasible as part of a plan of finance that relies on 4% LIHC/tax exempt bonds without additional HCR subsidies in excess of typical HCR amounts made in connection with such financing. Applicants under this goal must demonstrate successful prior experience in the management of affordable

housing properties (with preference for Mitchell Lama properties) and must maximize the use of all non-HCR resources available for the redevelopment and preservation of this housing portfolio.

b. Rural Preservation Projects

These applications must propose the rehabilitation of projects currently receiving Rural Rental Assistance Program (RRAP) funds. Applications must propose a scope of work extending the expected useful life of the project by no less than 20 years and which satisfies heightened energy efficiency standards specified by HCR in the UF 2016 RFP. Successful applications must demonstrate the rehabilitation will be undertaken as part of a financing plan that will result in ongoing reductions of RRAP funding, and that at least 90% of the proposed total development costs will be directly related to physical improvements that will extend the useful life and improve the habitability and energy efficiency of the project. The only source of funding that may be requested under this goal is Community Investment Fund (CIF). Requests are limited to \$2,000,000 in CIF funds, and \$40,000 per unit, and must satisfy all CIF program requirements described in the UF 2016 RFP.

c. Public Housing Redevelopment Projects

These applications must propose the gut rehabilitation and/or demolition and replacement of substandard public housing outside the City of New York.

APPLICATION WORKSHOPS:

UF 2016 Capital Application Workshops will include a presentation and discussion of project application requirements and the Unified Funding process. UF 2016 Capital Application Workshops will be conducted at the following times and locations:

ALBANY:

Thursday, September 8, 2016 at 10:00 a.m.

Hampton Plaza Ballroom

38-40 State St.

Albany, NY

NEW YORK CITY:

Friday, September 9, 2016 at 10:00 a.m.

5th Fl. Hearing Rm.

25 Beaver St.

New York, NY

ROCHESTER:

Tuesday, September 13, 2016 at 10:00 a.m.

Rochester City Council Chambers

City Hall – Rm. 302

30 Church St.

Rochester, NY

New York Homes and Community Renewal

Division of Housing and Community Renewal

Hampton Plaza

38-40 State St.

Albany, NY 12207

PERSONS/FIRMS SPONSORING THE CONSTRUCTION AND/OR REHABILITATION OF RENTAL HOUSING FOR LOW- AND MODERATE-INCOME PERSONS/HOUSEHOLDS

Low-Income Housing Credit Program (LIHC)

DESCRIPTION:

New York State Homes and Community Renewal (HCR) announces the availability of tax credit under the Low-Income Housing Credit Program (LIHC), administered by the New York State Division of Housing and Community Renewal (DHCR), which is authorized under Section 42 of the Internal Revenue Code.

A Request for Proposals (RFP) for Unified Funding (UF) 2016 site-specific multi-family project applications (Capital Applications) seek-

ing funding under the LIHC Program is expected to be available on or about August 15, 2016.

These applications will be submitted using the Community Development Online (CDOL) Application System, located on HCR’s website at: <http://www.nyshcr.org/Apps/CDOnline/>.

Printable instructions and screen shots of the CDOL Exhibits for the UF 2016 CDOL application will be available on the HCR Website at: <http://www.nyshcr.org/Funding/UnifiedFundingMaterials/2016/>.

APPLICATION DEADLINES & FEES:

There are three UF 2016 application deadlines. The first deadline will be for Early Award Projects (EA), which meet criteria that will be set forth in the RFP and described, in part, below. The second deadline will be for Early Round Empire State Supportive Housing Projects which meet criteria that will be set forth in the RFP and described, in part, below. The third deadline will be for all other Capital Applications described in the upcoming RFP.

Applications for EA Projects must be completed and submitted by 5:00 PM on Thursday, October 6, 2016. Applications for Early Round Empire State Supportive Housing Projects must be completed and submitted no later than 5:00 PM on Tuesday, November 8, 2016. All other UF 2016 Capital Applications must be completed and submitted by 5:00 PM on Wednesday, December 7, 2016.

A \$3,000 application fee is required for each LIHC Capital Application with the following exception: not-for-profit applicants (or their wholly-owned subsidiaries) which will be sole general partner of the partnership/project owner or sole managing member of the limited liability company/project owner may request a deferral of payment until the time of credit allocation.

UF 2016 LIHC AVAILABLE:

DHCR expects to have approximately \$28,000,000 available for LIHC reservations.

EARLY AWARD APPLICATIONS:

A. General Information

HCR seeks to encourage high quality, high readiness projects that advance specific New York State housing goals by providing an accelerated application and review process as part of UF 2016. In addition to meeting the general application requirements described in the upcoming RFP, EA applications must satisfy additional conditions and requirements not required of UF 2016 applications generally, including an earlier application submission deadline and a mandatory pre-application conference with HCR staff.

Applications satisfying the conditions and requirements for Early Awards will be provided an accelerated review and will be rated and ranked compared only to other EA applications that advance the same policy goal, subject to the other funding considerations described in the UF 2016 RFP. In the event an application does not receive an early funding award, the application may be considered for an award pursuant to later funding round decisions.

In addition to satisfying the conditions and requirements generally applicable to all UF 2016 applications, EA applicants must also:

1. Submit a complete application by 5:00 PM, October 6, 2016 or by 5:00 PM, November 8, 2016 for Empire State Supportive Housing Projects;
2. Demonstrate the project will be able to proceed to construction within 120 calendar days of award, or within 180 days of award, if located in the City of New York. In evaluating a project’s readiness to proceed to construction, HCR will consider the development team’s past performance in the delivery of units on time and on-budget in addition to project-specific indicators such as status of local approvals, complexity of the proposed transaction, including whether a project must comply with National Environmental Policy Act (NEPA) requirements, and status of financing commitments; and
3. Provide documentation demonstrating the application proposes a project which clearly advances at least one State housing goal described below in Section B. Applications that advance more than one housing goal will be given preference.

B. Early Award State Housing Goals

In order to be eligible, EA applications must advance at least one of the following State housing goals:

1. Revitalization and Economic Development Goals
 - a. Priority Projects Identified in Regional Economic Development Plans

These applications will propose affordable housing projects that have been specifically endorsed in Regional Economic Development Council Strategic Plans and for which significant financial assistance has been made available as part of such plans.

- b. Mixed-Income/Mixed-Use Revitalization
- These applications will propose mixed-income projects in mixed-use neighborhoods involving:

- the use or adaptive reuse of existing underutilized buildings;
- infill new construction; and/or
- the demolition/replacement of buildings with a blighting impact on a community, for which rehabilitation is impracticable.

Applications must clearly demonstrate the project is part of a neighborhood-specific revitalization effort developed with significant community and local government involvement.

Applications must clearly demonstrate community support for the proposed project, as evidenced by commitment of local resources and local actions that have, or will, be taken in support of the project. To be considered mixed-income, applications must target households at incomes above federal LIHC limits.

Preference under this State housing goal will be given to applications that:

- demonstrate site control of land acquired through Land Banks established, pursuant to Article 16 of the NYS Not-for-Profit Corporation Law, in neighborhoods that have experienced a high incidence of abandoned, “zombie” properties;
- propose a retail/community service component that will address an unmet community need identified in a neighborhood-specific revitalization plan;
- propose a project resulting in the cleanup/redevelopment of property that has been determined to be eligible to participate in the NYS Brownfield Cleanup Program (BCP). To be eligible for this preference, applications must propose a financing plan fully utilizing all BCP tax credits generated from the cleanup/redevelopment of the property;
- propose a project that is part of a neighborhood specific revitalization plan that also includes the development of new affordable homeownership units and/or the rehabilitation of existing owner-occupied housing; and/or
- propose a project located in a community participating in Governor Cuomo’s Community, Opportunity, Reinvestment (CORE) Initiative, which aligns State support with local needs while supporting successful community-based efforts, so the State can more effectively allocate resources to make measurable and sustained progress in improving high-need communities.

2. Supportive Housing Goals
 - a. Empire State Supportive Housing Projects

These applications will propose Supportive Housing Projects that have received Conditional Award Notifications through the Empire State Supportive Housing Initiative, Inter-agency Service and Operating Funding Opportunity RFP.

- b. New York/New York Projects

Applicants must demonstrate they have secured a commitment of NY/NY III or NY/NY IV service and operating subsidy for at least 25% of the project’s total units.

3. Workforce Opportunity Goals
 - a. Housing Opportunity Projects

These applications will propose workforce family housing in areas experiencing economic growth that are served by high performing school districts. Projects must be located in areas that have stable/growing tax bases, and must be in close proximity to public transportation, child care and employment opportunities. Proposed projects must include a significant percentage of two, three, or more than three bedroom units. Applications that clearly advance this goal may be eligible for a 130% LIHC basis boost authorized by the Housing and Economic Recovery Act.

b. Transit Oriented Development (TOD)

These applications will propose workforce housing projects in close proximity to Metropolitan Transit Authority (MTA) rail stations outside the City of New York, or within a quarter-mile walk of an MTA subway station within the City of New York; or, which are in communities that have completed and are implementing TOD plans clearly linking the proposed project to expanded transportation choices for tenants; or, which are in close proximity to multi-modal transportation centers contributing to the development of vibrant, mixed-use, high-density neighborhoods through the adaptive reuse of non-residential buildings or through infill development.

4. Affordable Housing Preservation Goals

a. Mitchell Lama Portfolio Projects

Applications that propose the redevelopment/preservation of Mitchell Lama housing units transferred from NYS Empire State Development Corporation (ESDC) to NYS, as part of Governor Cuomo's \$1 billion House NY Program. Applications must demonstrate the refinancing and preservation of the units would be infeasible as part of a plan of finance that relies on 4% LIHC/tax exempt bonds without additional HCR subsidies in excess of typical HCR amounts made in connection with such financing. Applicants under this goal must demonstrate successful prior experience in the management of affordable housing properties (with preference for Mitchell Lama properties) and must maximize the use of all non-HCR resources available for the redevelopment and preservation of this housing portfolio.

b. Rural Preservation Projects

These applications must propose the rehabilitation of projects currently receiving Rural Rental Assistance Program (RRAP) funds. Applications must propose a scope of work extending the expected useful life of the project by no less than 20 years and which satisfies heightened energy efficiency standards specified by HCR in the UF 2016 RFP. Successful applications must demonstrate the rehabilitation will be undertaken as part of a financing plan that will result in ongoing reductions of RRAP funding, and that at least 90% of the proposed total development costs will be directly related to physical improvements that will extend the useful life and improve the habitability and energy efficiency of the project. The only source of funding that may be requested under this goal is Community Investment Fund (CIF). Requests are limited to \$2,000,000 in CIF funds, and \$40,000 per unit, and must satisfy all CIF program requirements described in the UF 2016 RFP.

c. Public Housing Redevelopment Projects

These applications must propose the gut rehabilitation and/or demolition and replacement of substandard public housing outside the City of New York.

APPLICATION WORKSHOPS:

UF 2016 Capital Application Workshops will include a presentation and discussion of project application requirements and the Unified Funding process. UF 2016 Capital Application Workshops will be conducted at the following times and locations:

ALBANY:

Thursday, September 8, 2016 at 10:00 a.m.
Hampton Plaza Ballroom
38-40 State St.
Albany, NY

NEW YORK CITY:

Friday, September 9, 2016 at 10:00 a.m.
5th Fl. Hearing Rm.
25 Beaver St.
New York, NY

ROCHESTER:

Tuesday, September 13, 2016 at 10:00 a.m.
Rochester City Council Chambers
City Hall – Rm. 302
30 Church St.
Rochester, NY

New York Homes and Community Renewal

Housing Trust Fund Corporation

Hampton Plaza

38-40 State St.

Albany, NY 12207

PERSONS/FIRMS SPONSORING THE CONSTRUCTION AND/OR REHABILITATION OF HOUSING FOR LOW, MODERATE, AND MIDDLE-INCOME PERSONS/HOUSEHOLDS

Low-Income Housing Trust Fund Program (HTF); New York State HOME Program (NYS HOME); Rural Area Revitalization Projects Program (RARP); Community Investment Fund (CIF); Mitchell-Lama Program (ML); Supportive Housing Opportunity Program (SHOP); and Middle Income Housing Program (MIHP)

DESCRIPTION:

New York State Homes and Community Renewal (HCR) announces the availability of Low-Income Housing Trust Fund Program (HTF), New York State HOME Program (NYS HOME), Rural Area Revitalization Projects Program (RARP), Community Investment Fund (CIF), Mitchell-Lama Program (ML), Supportive Housing Opportunity Program (SHOP), and Middle Income Housing Program (MIHP). A Request for Proposals (RFP) for Unified Funding (UF) 2016 site-specific multi-family project applications (Capital Applications) seeking funding under these programs is expected to be available on August 15, 2016

NYS HOME Program applicants are advised this NOFA is applicable to site-specific capital projects only. Funding for HOME Local Program Administrator applications is offered under a separate NOFA.

These applications will be submitted using the Community Development Online (CDOL) Application System, located on HCR's website at: <http://www.nyshcr.org/Apps/CDOnline/>.

Printable instructions for the UF 2016 CDOL application will be available on the HCR Website at: <http://www.nyshcr.org/Funding/UnifiedFundingMaterials/2016/>.

APPLICATION DEADLINES:

There are three UF 2016 application deadlines. The first deadline will be for Early Award Projects (EA), which meet criteria set forth in the RFP and described, in part, below. The second deadline will be for Early Round Empire State Supportive Housing Projects which meet criteria that will be set forth in the RFP and described, in part, below. The third deadline will be for all other capital applications described in the upcoming RFP.

Applications for EA Projects must be completed and submitted by 5:00 PM on Thursday, October 6, 2016. Applications for Early Round Empire State Supportive Housing Projects must be completed and submitted no later than 5:00 PM on Tuesday, November 8, 2016. All other UF 2016 Capital Applications must be completed and submitted by 5:00 PM on Wednesday, December 7, 2016.

UF 2016 FUNDS AVAILABLE:

Approximately \$40,000,000 in HTF funds; \$7,000,000 in NYS HOME Program funds; \$450,000 in RARP funds; \$31,250,000 in CIF funds; \$10,000,000 in ML funds; \$150,000,000 in SHOP; and \$10,000,000 in MIHP funds are available, subject to availability of appropriations. A minimum of 15% of NYS HOME funds must be reserved for Community Housing Development Organization projects. In addition, a minimum of 80% of these funds must be allocated to projects located in non-participating jurisdictions.

Approximately 100 Project based Section 8 Vouchers may be available for UF 2016 Capital Applications. Such applications will be considered within overall review of project funding requests. Applications requesting only Section 8 assistance will not be considered.

EARLY AWARD APPLICATIONS:

A. General Information

HCR seeks to encourage high quality, high readiness projects that advance specific New York State housing goals by providing an accelerated application and review process as part of UF 2016. In addition to meeting the general application requirements described in the

upcoming RFP, EA applications must satisfy additional conditions and requirements not required of UF 2016 applications generally, including an earlier application submission deadline and a mandatory pre-application conference with HCR staff.

Applications satisfying the conditions and requirements for Early Awards will be provided an accelerated review and will be rated and ranked compared only to other EA applications that advance the same policy goal, subject to the other funding considerations described in the UF 2016 RFP. In the event an application does not receive an early funding award, the application may be considered for an award pursuant to later funding round decisions.

In addition to satisfying the conditions and requirements generally applicable to all UF 2016 applications, EA applicants must also:

1. Submit a complete application by 5:00 PM, October 6, 2016 or by 5:00 PM, November 8, 2016 for Empire State Supportive Housing Projects;

2. Demonstrate the project will be able to proceed to construction within 120 calendar days of award, or within 180 days of award, if located in the City of New York. In evaluating project readiness to proceed to construction, HCR will consider development team past performance in the delivery of units on time and on-budget in addition to project-specific indicators such as status of local approvals, complexity of the proposed transaction, including whether a project must comply with National Environmental Policy Act (NEPA) requirements, and status of financing commitments; and

3. Provide documentation demonstrating the application proposes a project which clearly advances at least one State housing goal described below in Section B. Applications that advance more than one housing goal will be given preference.

B. Early Award State Housing Goals

In order to be eligible, EA applications must advance at least one of the following State housing goals:

1. Revitalization and Economic Development Goals

a. Priority Projects Identified in Regional Economic Development Plans

These applications will propose affordable housing projects that have been specifically endorsed in Regional Economic Development Council Strategic Plans and for which significant financial assistance has been made available as part of such plans.

b. Mixed-Income/Mixed-Use Revitalization

These applications will propose mixed-income projects in mixed-use neighborhoods involving:

- the use/adaptive reuse of existing underutilized buildings;
- infill new construction; and/or
- the demolition/replacement of buildings with a blighting impact on a community, for which rehabilitation is impracticable.

Applications must clearly demonstrate the project is part of a neighborhood-specific revitalization effort developed with significant community and local government involvement. Applications must clearly demonstrate community support for the proposed project, as evidenced by commitment of local resources and local actions that have, or will, be taken in support of the project. To be considered mixed-income, applications must target households at incomes above federal LIHC limits.

Preference under this State housing goal will be given to applications that:

- demonstrate site control of land acquired through Land Banks, established pursuant to Article 16 of NYS Not-for-Profit Corporation Law, in neighborhoods that have experienced a high incidence of abandoned, “zombie” properties;
- propose a retail/community service component that will address an unmet community need identified in a neighborhood-specific revitalization plan;
- propose a project resulting in the cleanup/redevelopment of property that has been determined to be eligible to participate in the NYS Brownfield Cleanup Program (BCP). To be eligible for this preference, applications must propose a financing plan fully utilizing all

BCP tax credits generated from the cleanup/redevelopment of the property;

- propose a project that is part of a neighborhood specific revitalization plan that also includes the development of new affordable homeownership units and/or the rehabilitation of existing owner-occupied housing; and/or

- propose a project located in a community participating in Governor Cuomo’s Community, Opportunity, Reinvestment (CORE) Initiative, which aligns State support with local needs while supporting successful community-based efforts, so the State can more effectively allocate resources to make measureable and sustained progress in improving high-need communities.

2. Supportive Housing Goals

a. Empire State Supportive Housing Projects

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b. New York/New York Projects

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that will extend the useful life and improve the habitability and energy efficiency of the project. The only source of funding that may be requested under this goal is CIF. Requests are limited to \$2,000,000 in CIF funds, and \$40,000 per unit, and must satisfy all CIF program requirements described in the UF 2016 RFP.

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Friday, September 9, 2016 at 10:00 a.m.

5th Fl. Hearing Rm.

25 Beaver St.

New York, NY

ROCHESTER:

Tuesday, September 13, 2016 at 10:00 a.m.

Rochester City Council Chambers

City Hall – Rm. 302

30 Church St.

Rochester, NY

MISCELLANEOUS NOTICES/HEARINGS

Notice of Abandoned Property Received by the State Comptroller

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

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

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

NOTICE OF PUBLIC HEARING Hudson River Park Trust Public Review and Comment Period

Pursuant to the Hudson River Park Act, the Hudson River Park Trust ("Trust") hereby gives notice of a public hearing and public comment period regarding the following significant action under the Hudson River Park Act: the proposed transfer by sale of 200,000 sf of unused development rights from Pier 40 and associated actions.

Date and Time: August 24, 2016
To be held concurrently with the New York City Planning Commission's public hearing on the Special Hudson River Park District and 550 Washington Street. The City Planning Commission public meeting begins at 10:00 a.m. The public hearing on this matter is expected to begin at approximately 11:00 a.m.

Place: Spector Hall
22 Reade St.
New York, NY

Purpose: To allow the public an opportunity to review and comment on a proposed significant action within the Park pursuant to the Hudson River Park Act.

Pursuant to the Hudson River Park Act, Chapter 592 of the Laws of 1998 of the State of New York, as amended (the "Act"), the Trust is responsible for the planning, design, development, construction, operation and maintenance of the Hudson River Park and the improvements therein (collectively, the "Park"), which is located along West Street in the Borough of Manhattan, City and State of New York and includes Pier 40.

Pursuant to a 2013 amendment to the Act, the Trust is authorized:

"to transfer by sale any unused development rights as may be available for transfer to properties located up to one block east of the boundaries of the [P]ark along the west side of Manhattan, if and to the extent designated and permitted under local zoning ordinances provided however that revenues derived from the transfer of air rights from [P]ier 40 must be used in the first instance for the repair of [P]ier 40 infrastructure including piles and roof, after which any excess revenues may be used by the [T]rust for other uses permitted by this [A]ct."

Several land use actions related to a proposed private development at 550 Washington Street in the Borough of Manhattan, City and State of New York and having a tax lot designation as Block 596, Lot 1 (the "SJC Property") are currently being reviewed through New York City's Uniform Land Use Review Procedure ("ULURP") and the City Environmental Quality Review process. Among these is a Special Permit application that would allow the Trust to transfer 200,000 square feet of floor area from Pier 40 to 550 Washington Street if also approved subsequently by the Trust's Board of Directors (the "Transfer").

In connection with the Special Permit application, the Trust submitted a statement to the New York City Department of City Planning ("DCP") identifying infrastructure improvements to be made to the Park at Pier 40, and confirming the sufficiency of funding to complete such identified improvements as required by the Act. In addition, the Trust has also (1) negotiated a draft Purchase and Sale Agreement (the "PSA") with developer of the SJC Property for the Transfer pursuant to which the developer would pay the Trust \$100,000,000, and (2) retained an independent appraiser to conduct an appraisal of the 200,000 square feet of unused development rights.

Copies of the proposed PSA, the Trust's statement to DCP regarding the identification of Pier 40 infrastructure improvements, and the appraisal can be found on the Trust's website at www.hudsonriverpark.org.

DCP, on behalf of the City Planning Commission as lead agency, has issued a Notice of Completion for a Draft Environmental Impact Statement ("DEIS") for the 550 Washington Street/Special Hudson River Park District Proposal. A copy of that document is available at www1.nyc.gov/site/planning/applicants/env-review/550-washington-street-hudson-river-park.page.

In addition to the public hearing, the public will have an opportunity to provide written comments to the Trust. Written and verbal comments will be accorded the same weight. The public comment period extends from July 20, 2016 to September 21, 2016. Comments may be sent by regular mail to Amy Jedlicka, Esq., Hudson River Park Trust, Pier 40, 2nd Floor, 353 West Street, New York, N.Y. 10014 or by email to Pier40Comments@hrpt.ny.gov. The public hearing is being held in compliance with the requirements of the Hudson River Park Act regarding significant actions.

PUBLIC NOTICE Department of Health

Pursuant to 42 CFR Section 447.205, the Department of Health hereby gives public notice of the following:

The Department of Health proposes to amend the Title XIX (Medicaid) State Plan for institutional services to clarify current provisions. The following changes are proposed:

Institutional Services

The following is a clarification to the Temporary Rate Adjustment provisions for an acute rate adjustment for mergers and acquisitions and will be effective on or after September 1, 2016. The Temporary Rate Adjustment provisions will apply as follows:

- A full asset merger or acquisition is required.
- The temporary rate adjustment is for the operating components of the acute rate only.
- The “higher of” operating rates of all hospitals merged or acquired in the full asset merger will be paid to all hospitals merged or acquired. This “higher of” is determined on an aggregate acute rate basis and not on an acute operating rate component basis.
- Facilities seeking a temporary rate adjustment will submit an appeal and demonstrate that the additional resources provided by a temporary rate adjustment will achieve one or more of the following: 1) protect or enhance access to care; 2) protect or enhance quality of care; 3) improve the cost effectiveness of the delivery of health care services; and/or 4) otherwise protect or enhance the health care delivery system, as determined by the commissioner.
- The temporary rate adjustment will be effective as of the date the full asset merger or acquisition transaction is completed and will be in effect for three years from that date.
- At the expiration of the temporary rate adjustment period, the entity will receive a combined cost-based rate for the operating components of the acute rate of all the facilities in the merged entity based on applicable rate methodologies for mergers and acquisitions.

There is no additional estimated annual change to gross Medicaid expenditures as a result of the clarifying proposed amendments.

The public is invited to review and comment on this proposed State Plan Amendment (SPA). Copies of which will be available for public review on the Department’s website at www.health.ny.gov/regulations/state_plans/status. In addition, approved SPA’s beginning in 2011, are also available for viewing on this website.

Copies of the proposed State Plan Amendments will be on file in each local (county) social services district and available for public review.

For the New York City district, copies will be available at the following places:

New York County
250 Church Street
New York, New York 10018

Queens County, Queens Center
3220 Northern Boulevard
Long Island City, New York 11101

Kings County, Fulton Center
114 Willoughby Street
Brooklyn, New York 11201

Bronx County, Tremont Center
1916 Monterey Avenue
Bronx, New York 10457

Richmond County, Richmond Center
95 Central Avenue, St. George
Staten Island, New York 10301

For further information and to review and comment, please contact:
Department of Health, Division of Finance and Rate Setting, 99 Washington Ave. – One Commerce Plaza, Suite 1460, Albany, NY 12210, spa_inquiries@health.ny.gov

PUBLIC NOTICE

Office of Parks, Recreation and Historic Preservation

Pursuant to Title 3, Article 49 of the Environmental Conservation Law, the Office of Parks, Recreation and Historic Preservation hereby gives public notice of the following:

Notice is hereby given, pursuant to Section 49-0305(9) of the Environmental Conservation Law, of the Office of Parks, Recreation and Historic Preservation’s intent to acquire a Conservation Easement from The Scenic Hudson Land Trust, Inc. over certain lands located at Mott Farm Road, Town of Stony Point, in the County of Rockland and the State of New York.

For further information contact: Sandra Burnell, Real Estate Specialist 2, Real Property Bureau, Office of Parks, Recreation and Historic Preservation, Albany, NY 12238, (518) 408-1964, Sandra.Burnell@parks.ny.gov

PUBLIC NOTICE

New York State and Local Retirement System

Pursuant to Retirement and Social Security Law, the New York State and Local Employees’ Retirement System hereby gives public notice of the following:

The persons whose names and last known addresses are set forth below appear from records of the above named Retirement System to be entitled to accumulated contributions held by said retirement system whose membership terminated pursuant to Section 517-a of the Retirement and Social Security Law on or before June 30, 2016. This notice is published pursuant to Section 109 of the Retirement and Social Security Law of the State of New York. A list of the names contained in this notice is on file and open to public inspection at the office of the New York State and Local Retirement System located at the 110 State St, in the City of Albany, New York. At the expiration of six months from the date of the publication of this notice. The accumulated contributions of the persons so listed shall be deemed abandoned and shall be placed in the pension accumulation fund to be used for the purpose of said fund. Any accumulated contributions so deemed abandoned and transferred to the pension accumulation fund may be claimed by the persons who made such accumulated contributions or, in the event of his death, by his estate or such person as he shall have nominated to receive such accumulated contributions, by filing a claim with the State Comptroller in such form and in such a manner as may be prescribed by him, seeking the return of such abandoned contributions. In the event such claim is properly made the State Comptroller shall pay over to the person or persons or estate making the claim such amount of such accumulated contributions without interest.

Acevedo, Marilyn - Sleepy Hollow, NY

Baker, Lisa L - Plattsburgh, NY

Carr, Leilian K - Bronx, NY

Foster, Bruce J - Buffalo, NY

Frazer, Andrew R - Elmira, NY

Gorman, Timothy E - Syracuse, NY

Hallett, Dwayne L - Bemus Point, NY

Maples, Sean M - Little Genesee, NY

Newlove, Bryan - West Seneca, NY

Orlando, Tracey L - Hamburg, NY

Regan, Joseph G - Springville, NY

Rezabek, William J - Buffalo, NY

Simpson, Zachary K - La Fargeville, NY

Singleton, James A - Middletown, NY

Spooner, Cory D - Worcester, NY

Symonds, Rockwood E - Gansevoort, NY

Wilson, Arthur G - Ogdensburg, NY

PUBLIC NOTICE

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Abbott, Brian L - Mexico, NY
 Abt, Steven M - Oswego, NY
 Ahearn, Alison M - Greenwood, NY
 Alexander, Debbie J - Rochester, NY
 Anderson, Jerry L - Crestview, FL
 Bains, Rafael A - Freeport, NY
 Bellafiore, Thomas M - Brooklyn, NY
 Biggs, Cathy M - Schaghticoke, NY
 Boscana, Katherine - Ocala, FL
 Brewka, Damian - Latham, NY
 Brownell, Amy L - Central Square, NY
 Calvano, Therese - Franklin, TN
 Caza, Bette L - Elbridge, NY
 Cheeks, Charles H - Syracuse, NY
 Clermont, Christiane L - Clifton Park, NY
 Considine, Jennifer E - Jessup, PA
 Corwin, Syndi M - Lafayette, LA
 Coward, Lashonda - Wyandanch, NY
 De Celle, Stephanie A - Stillwater, NY
 Decker, Robert A - North Babylon, NY
 Delaney, Denise A - Smithtown, NY
 Denny, Mary J - Heuvelton, NY
 Dolan, Denise F - Saint James, NY
 Erkan, Rachel E - Indianapolis, IN
 Eshbach, Melinda A - West Haverstraw, NY
 Evans, Daniel - Chesapeake Beach, MD
 Feiner, Joady B - Sea Cliff, NY
 Figueroa, Carlos R - Central Islip, NY
 Fitch, Thomas W - Troy, NY
 Fleischmann, James C - Huntington, NY
 Flis, Ann M - Saint Paul, MN
 Foley, Stephanie - Swan Lake, NY
 Free, Philip A - Chillicothe, OH
 Fusco, Audra R - Bath, NY
 Gannon, Robert B - Schenectady, NY

Geib, Amy E - Boonville, IN
 George, Christopher - Albany, NY
 Goff, Ashley L - Cicero, NY
 Hanwacker, Anthony C - Staten Island, NY
 Harper, Charles - Brooklyn, NY
 Haus, Katharine A - Binghamton, NY
 Hemans Brantley, Laura C - Maplewood, NJ
 Heyward, Nicole S - Brooklyn, NY
 Hobbs, Damon - Brooklyn, NY
 Hudson, Gloria P - Brooklyn, NY
 Huften, Timothy D - Endicott, NY
 Hunt, Daniel P - Lockport, NY
 Jansen, Karen J - Eastchester, NY
 Kaiser, Michelle H - West Palm Beach, FL
 Kemp, Gervonni B - St Albans, NY
 Kephart, William J - Garden City, NY
 Kerr, Eric W - Star Lake, NY
 Kirton, Darren L - Brooklyn, NY
 Kohout, Debra A - Broadalbin, NY
 Kollar, Christine M - Kissimmee, FL
 Koroma, Joseph - Bronx, NY
 Kovacs, Brian R - Bloomingburg, NY
 Kronheim, Emily B - Pleasant Valley, NY
 Lampman, Emily W - Southbridge, MA
 Lawson, Patrick J - San Antonio, TX
 Learn, Craig S - West Sayville, NY
 Libertucci, Jason K - Lakewood, WA
 Machado, Dina M - Brentwood, NY
 Madigan, Michael A - Ovid, NY
 Masarek, Karyl E - Cincinnati, OH
 Max, Rose M - Palmdale, CA
 Mc Kethan, James - Atlantic City, NJ
 Medina, Juliana B - Richmond, VA
 Migdol, Bessie - Smithtown, NY
 Mitchell, Christine F - Kingston, NY
 Napolitano, John - Farmingdale, NY
 Oommen, Lali J - Congers, NY
 Osteen, Christopher L - Chenango Bridge, NY
 Parker, Sharon E - Bronx, NY
 Pywar, Richard W - Tampa, FL
 Rodriguez, Adriano J - Garfield, NJ
 Rombough, Dynette L - Fredericksburg, VA
 Sabb-Bridges, Patricia D - Brooklyn, NY
 Saia, Joanna M - Albany, NY
 Scalera, Gerard F - Stony Point, NY
 Scarantino, Dee L - Brooklyn, NY
 Sherrod, Tommy G - Wyandanch, NY
 Shields, Barbara A - Loxahatchee, FL
 Skinner, Anthony W - Schenectady, NY
 Sloniker, Kelly J - Poughkeepsie, NY
 Smith, Joy L - Arverne, NY
 Stabinsky, Richard J - Auburn, NY
 Stone, Jolene M - West Winfield, NY
 Strub, Sharon M - Bay Shore, NY
 Thompson, Joan M - Poughkeepsie, NY
 Thompson, Troy W - Albany, NY
 Toro, Lucinda M - Skaneateles, NY
 Tripi, Joseph M - Amherst, NY
 Tusa, Joseph P - Brooklyn, NY

Wallis, Theresa A - Syracuse, NY
 Warren, Grant A - Sunbury, OH
 Watterson, Robert J - Poughkeepsie, NY
 Weber, James C - Deland, FL
 White, Rochelle K - Hudson, NY
 Wikane, Richard T - Cortlandt Manor, NY
 Williams, Anthony - Brooklyn, NY
 Williams, Jodi R - Woodstock, GA
 Woodson, Bianca A - Brooklyn, NY
 Zinkovitch, Orselina - Syracuse, NY

For further information contact: Marriane Miller, New York State Retirement Systems, 110 State St., Albany, NY 12244, (518) 474-3502

PUBLIC NOTICE

Department of State
 F-2016-0244

Date of Issuance – August 10, 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. 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-2016-0244, New York State Marine Highway Transportation Co., is proposing to install a new commercial mooring point in Jamaica Bay. The purpose of the proposed is to facilitate shuttling of barges transporting crushed granite (approximately 1500 tons per barge). The mooring point will consist of a single 58 inch diameter steel mooring buoy, a 10,000 lbs navy stockless anchor, and associated hardware. Each barge would measure 195 feet by 35 feet. The proposed is located in Jamaica Bay, City of New York, Kings County.

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 25, 2016.

Comments should be addressed to the Consistency Review Unit, Department of State, Office of Planning and Development, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231. (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

Department of State
 F-2016-0253

Date of Issuance – August 10, 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. 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-2016-0253, Edward Brady, is requesting an after the fact au-

thorization to retain seasonal installation of 280 feet of floating docks in the Hudson River between mid-April and late October. The floating dock facility will consist of twenty four 20' L x 6' W docks (in a U shape), one 16' L x 10' W deck, and 11 concrete anchors. The proposed is located in the Hudson River, Village of Athens, Greene County.

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 25, 2016.

Comments should be addressed to the Consistency Review Unit, Department of State, Office of Planning and Development, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231. (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

Department of State
 F-2016-0273

Date of Issuance – August 10, 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. 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-2016-0273, Rochelle Vella, is proposing to reface 125 ft of seawall with concrete; reconstruct an over water deck and an 18.5 sq ft concrete footing; reconstruct an over water deck with a new crib; reconstruct an over water deck and its 10'x10' crib; reconstruct a fixed pier; and install additional 6'x25' floating dock and four 5'x12' floating docks. The proposed is located in the Hudson River, City of Piermont, Rockland County.

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 25, 2016.

Comments should be addressed to the Consistency Review Unit, Department of State, Office of Planning and Development, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231. (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

Department of State
 F-2016-0638 (DA)

Date of Issuance – August 10, 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 United States Environmental Protection Agency (EPA) has determined that the proposed activity will be undertaken in a manner consistent to the maximum extent practicable with the enforceable policies of the New York State Coastal Management Program.

The applicant's consistency determination and accompanying supporting 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. You can also download a copy at: [www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2016-0638\(DA\)ConsistencyDetermination.pdf](http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2016-0638(DA)ConsistencyDetermination.pdf)

On Wednesday, July 20, 2016, the EPA submitted a consistency determination for the Proposed Designation of an Eastern Long Island Sound Dredged Material Disposal Site (to be named the ELDS). The EPA has published a proposed rulemaking for this action, as well as published a Draft Supplemental Environmental Impact Statement (DSEIS), which is a supplement to the Central and Western LIS designation EIS. Please utilize the following link for all relevant EPA information pertaining to this proposed action: www.epa.gov/ocean-dumping/dredged-material-management-long-island-sound

DOS will be accepting comments on the EPA's consistency determination for the proposed open-water disposal site designation in eastern Long Island Sound. Any interested parties and/or agencies desiring to express their views concerning the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or by Friday, September 9, 2016.

Comments should be addressed to the Consistency Review Unit, Department of State, Office of Planning and Development, One Commerce Plaza, 99 Washington Ave., Suite, 1010, Albany, NY 12231. (518) 474-6000; Fax (518) 474-6572. Electronic submissions can be made by email at: CR@dos.ny.gov. Please reference File No. F-2016-0638 (DA) in your submission.

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

PUBLIC NOTICE

Department of State
F-2016-0639

Date of Issuance – August 10, 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. 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-2016-0639, the Brewer Deep River Marina, 50 River Lane, Deep River, Connecticut River, Middlesex County, CT; The applicant is proposing to perform maintenance dredging of the existing Marina and access channel to remove approximately 11,000 cy of material, with subsequent confined open-water disposal of the dredged material at the Central Long Island Sound Disposal Site (CLIS/CLDS). The volume of cap material required is not available at this time.

The applicant's consistency certification and supporting information are available at: www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2016-0639BrewerDeepRiverMarinaConsistencyCert.pdf

Any interested parties and/or agencies desiring to express their views concerning the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or, by September 9, 2016.

Comments should be addressed to the Department of State, ATTN: Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231. (518) 474-6000; Fax (518) 473-2464. Comments can also be submitted electronically via e-mail at: CR@dos.ny.gov. Please reference file no. F-2016-0639 in your submission.

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

EXECUTIVE ORDERS

Executive Order No. 159: Establishing a Permanent Joint Task Force to Fight Worker Exploitation and Employee Misclassification.

WHEREAS, millions of New York workers are exploited through unfair labor practices including wage theft, retaliation, unsafe or unsanitary working conditions, unstable or unscheduled hours, and illegal deductions for supplies, training, or uniforms; and

WHEREAS, an increasing number of employers in New York improperly classify individuals they hire as “independent contractors,” even when those workers should be legally classified as “employees” (hereinafter referred to as “employee misclassification”); and

WHEREAS, worker exploitation and employee misclassification deprive vulnerable workers of protections and benefits to which they are legally entitled, and negatively affect the health and well-being of workers and their families by diminishing their ability to afford housing, food, and other basic necessities; and

WHEREAS, worker exploitation and employee misclassification give scofflaw employers an improper competitive advantage over law-abiding ones, and also deprive the State of substantial revenues while increasing the demand for payment of social services; and

WHEREAS, it is the policy of this State to promote fairness, combat discrimination, and protect the welfare of all New Yorkers; and

WHEREAS, New York State has a long history of combatting wage theft and unfair labor practices that deprive workers of hard-earned wages and deny them fundamental protections provided by law; and

WHEREAS, on September 5, 2007, Executive Order No. 17 established a Joint Enforcement Task Force (hereinafter referred to as “JETF”) to develop strategies for systemically investigating employee misclassification, and to facilitate the prosecution of scofflaw employers; and

WHEREAS, in May 2015, I launched a multi-agency Nail Salon Industry Enforcement Task Force to prevent unlawful practices and unsafe working conditions in nail salons, recover unpaid wages, shut down unlicensed businesses and businesses out of compliance with state law, and to enforce New York’s health and safety regulations; and

WHEREAS, in July 2015, I established the Exploited Workers’ Task Force to identify and halt illegal practices in additional industries across the State, leading to a surge in wage recoveries; and

WHEREAS, efforts to address worker exploitation and employee misclassification require all State agencies to work collaboratively to assist exploited workers, prosecute abusive employers, and end unfair labor practices; and

WHEREAS, the creation of joint task forces has proven to be an effective mechanism for coordinating agency efforts to end worker exploitation and ensure employers comply with all applicable laws, rules, and regulations;

NOW, THEREFORE, I, ANDREW M. CUOMO, Governor of the State of New York, by virtue of the power and authority vested in me by the Constitution and laws of the State of New York, do hereby order as follows:

1. There is hereby established the Joint Task Force on Employee Misclassification and Worker Exploitation (hereinafter referred to as the “Joint Task Force”).

2. The missions and vested powers and duties of the JETF, the Nail

Salon Task Force, and the Exploited Workers’ Task Force shall be merged into the Joint Task Force.

3. The Joint Task Force shall consist of the Department of Agriculture and Markets, the Department of Health, the Department of Labor, the Department of State, the Department of Taxation and Finance, the Office of Children and Family Services, the Division of Criminal Justice Services, the Office of Faith-Based Community Development Services, the Division of Human Rights, the Office of Temporary and Disability Assistance, the State Liquor Authority, the State Police, the Workers’ Compensation Board, and any other agencies and authorities that are necessary or appropriate to further the mission of the Joint Task Force (collectively, the “Joint Task Force members”).

4. The Joint Task Force shall be established as a permanent body vested with the power and duty to:

a. facilitate the sharing of information between Joint Task Force members, relating to suspected employee misclassification and worker exploitation violations, in a timely manner;

b. establish protocols for inter-agency referrals, and establish procedures for referring cases to prosecuting authorities, as appropriate;

c. work cooperatively with labor and community organizations, businesses and business coalitions, and other advocacy groups to: (1) seek and develop new methods of prevention, detection, and deterrence of employee misclassification and worker exploitation, (2) enhance or modify mechanisms for identifying and reporting instances of alleged employee misclassification and worker exploitation, and (3) receive input on educational needs or compliance opportunities;

d. assess and improve existing methods of investigating and taking enforcement action, including developing strategies for systemically investigating industries in which employee misclassification and worker exploitation are most common;

e. facilitate identification of potential violators and filing of complaints, including soliciting referrals and other relevant information from the public through different methods, including but not limited to a telephone hotline, text messaging mechanism, and a Joint Task Force website;

f. increase public awareness about the illegality and harm inflicted by employee misclassification and worker exploitation through educational campaign efforts;

g. work cooperatively with federal, state, and local social services agencies to provide timely assistance to vulnerable populations that have been misclassified and exploited; and

h. identify potential regulatory, statutory, budgetary, administrative, or other actions that would strengthen enforcement and education efforts, including clarifying any existing legal or procedural ambiguities or inconsistencies.

5. The Joint Task Force may host statewide fact-finding sessions to learn more about workplace challenges faced by workers and business representatives in various industries.

6. Every agency, department, office, division, or public authority of the State shall cooperate with the Joint Task Force and furnish such information and assistance as the Joint Task Force determines is reasonably necessary to accomplish its purposes.

(L.S.)

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

BY THE GOVERNOR
/S/ Andrew M. Cuomo
/s/ William J. Mulrow
Secretary to the Governor