
NEW YORK STATE
REGISTER

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State agencies must specify in each notice which proposes a rule the last date on which they will accept public comment. Agencies must always accept public comment: for a minimum of 45 days following publication in the *Register* of a Notice of Proposed Rule Making, or a Notice of Emergency Adoption and Proposed Rule Making; and for 30 days after publication of a Notice of Revised Rule Making, or a Notice of Emergency Adoption and Revised Rule Making in the *Register*. When a public hearing is required by statute, the hearing cannot be held until 45 days after publication of the notice, and comments must be accepted for at least 5 days after the last required hearing. When the public comment period ends on a Saturday, Sunday or legal holiday, agencies must accept comment through the close of business on the next succeeding workday.

For notices published in this issue:

- the 45-day period expires on December 16, 2017
- the 30-day period expires on December 1, 2017

**ANDREW M. CUOMO
GOVERNOR**

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

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

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

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

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

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

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

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

Office of Alcoholism and Substance Abuse Services

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Repeal Part 14 NYCRR Part 830 (Acupuncture) and Add New Part 830 (Designated Services; Acupuncture and Telepractice)

I.D. No. ASA-44-17-00001-P

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

Proposed Action: Repeal of Part 830; addition of Part 830 to Title 14 NYCRR.

Statutory authority: Mental Hygiene Law, sections 19.07(e), 19.09(b) and 32.01; Education Law, art. 160

Subject: Repeal Part 14 NYCRR Part 830 (Acupuncture) and add new Part 830 (Designated Services; Acupuncture and Telepractice).

Purpose: Repeal obsolete regulations and incorporate provisions into a new Part with additional provisions.

Substance of proposed rule (Full text is posted at the following State website: <https://www.oasas.ny.gov/regs/index.cfm>): The Proposed Rule repeals Part 830 and adds certain provisions of that Part to a new Part 830 (Designated Services) which includes new provisions for “telepractice,” an optional technological means of delivering medical assessment, medication assisted treatment and monitoring from a practitioner located at a remote site from the certified program where the patient is admitted for treatment.

Section 830.1 sets forth the Applicability of this new Part.

§ 830.2 sets forth the legal basis for the provisions in this Part.

§ 830.3 defines terms applicable to this Part.

§ 830.4 consolidates certain provisions related to acupuncture in treatment programs from the previous Part 830.

§ 830.5 sets forth the requirements for Office approval for a certified provider to offer certain clinical services (assessment, medication assisted treatment and monitoring) via real-time audio-video systems referred to as “telepractice.”

§ 830.6 Standard severability clause.

Text of proposed rule and any required statements and analyses may be obtained from: Sara Osborne, Associate Attorney, NYS Office of Alcoholism and Substance Abuse Services, 1450 Western Ave., Albany, NY 12203-3526, (518) 485-2312, email: Sara.Osborne@oasas.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:

(a) Section 1.03(6) of the Mental Hygiene Law defines “facility” as any place in which services for the mentally disabled are provided.

(b) Section 19.07(e) of the Mental Hygiene Law authorizes the commissioner to adopt standards including necessary rules and regulations pertaining to chemical dependence services.

(c) Section 19.09(b) of the Mental Hygiene Law authorizes the commissioner to adopt regulations necessary and proper to implement any matter under his or her jurisdiction.

(d) Section 19.21(d) of the MHL requires the Office to establish reasonable performance standards for providers of services certified by the Office.

(e) Section 32.01 of the Mental Hygiene Law authorizes the commissioner to adopt any regulation reasonably necessary to implement and effectively exercise the powers and perform the duties conferred by Article 32 of the Mental Hygiene Law.

(f) Section 32.05(b) of the MHL provides that a controlled substance designated by the commissioner of the New York State Department of Health (DOH) as appropriate for such use may be used by a physician to treat a chemically dependent individual pursuant to section 32.09(b) of the MHL.

(g) Section 32.07(a) of the MHL authorizes the commissioner to adopt regulations to effectuate the provisions and purposes of Article 32 of the MHL.

(h) Section 32.09(b) of the MHL provides that the commissioner may, once a controlled substance is approved by the commissioner of DOH as appropriate for such use, authorize the use of such controlled substance in treating a chemically dependent individual.

(i) Article 160 of the Education Law provides for the licensure or certification of acupuncturists and limited practice of unlicensed persons in treatment of substance use disorder.

(j) Article 29-G of the Public Health Law relates to reimbursement for health care services delivered via “telehealth.”

(k) Section 3351 of the public health law authorizes the prescribing or dispensing of controlled substances for the purposes of substance use disorder treatment.

(l) Section 829 of Title 21 of the United States Code governs the law concerning internet prescribing of controlled substances.

2. Legislative Objectives: The legislature has authorized OASAS to establish standards and regulations governing the treatment of persons requiring substance use disorder services, which standards reflect best practices for treatment specific to the needs of the treatment programs certified, designated or otherwise approved by the Office. This rulemaking proposal was initially published in the December 28, 2016 State Register and was withdrawn in the June 21, 2017 State Register. This proposal reflects intra-agency discussions (DOH and OMH) regarding each agency’s use of this technology and reflects its unique application to the OASAS treatment system.

3. Needs and Benefits: The proposal consolidates provisions of an exist-

ing regulation (Acupuncture) into a new Part, which Part can be added to as new optional services are recognized as effective means for treatment of addiction disorders. The practice of medicine and behavioral health methods of effective treatment of substance use disorder, such as use of acupuncture, have evolved considerably in recent decades. To accommodate those changes, statutes have changed and such practices once considered experimental have become mainstream. This proposal repeals outdated provisions of a stand-alone regulation for acupuncture treatment, consolidates its language and retains provisions which can still be regulated by the Office.

The proposal also adds a new optional service of Telepractice which certified providers with adequate technology may choose to implement. Telepractice will make it possible for providers to offer medical assessments, medication assisted treatment (MAT) and monitoring in a means that is a more efficient and cost effective use of limited prescribing professionals. Telepractice can alleviate a challenge for providers in rural or under-served areas who have difficulty recruiting and maintaining MDs and other prescribing professionals. This will allow the population in under-served areas to receive services, particularly buprenorphine and other medication assisted treatment (MAT), for treatment of opioid dependence in the midst of the opioid addiction crisis statewide and will increase the availability of such treatment in all areas of the state.

4. Costs: No additional administrative costs to the agency are anticipated since review of applications for designated services is an existing function. No additional costs to programs/providers are anticipated if providers already have acupuncture staff or already have appropriate audio/video technology. If new technology is needed, adding technology for telepractice is more cost effective than hiring an on-site medical practitioner.

5. Paperwork: The proposed regulation will require an application process for designation to provide services requiring additional review by OASAS certification.

6. Local Government Mandates: There are no new local government mandates.

7. Duplications: This proposed rule does not duplicate, overlap, or conflict with any state or federal statute or rule.

8. Alternatives: Regarding acupuncture, continue with outdated regulations that are not consistent with current standards, or create a new stand-alone regulation. Acupuncture, once considered experimental, is now an accepted part of medical treatment for many physiological conditions. The regulated profession of acupuncture and its application has been integrated into OASAS treatment programs since 1990 such that the extent of specificity in regulation was no longer necessary to ensure continued quality treatment. The new rule does not reduce standards but consolidates language into a more concise regulation.

No rule exists for Telepractice; since it will be utilized only by certified providers who request authorization to use this as a designated service it was deemed that a stand-alone regulation for this service was not necessary. Consolidating and updating provisions which the Office will use to designate providers of optional services into one comprehensive regulation ensures clarity and consistency for the Office and providers.

9. Federal Standards: This regulation does not conflict with federal standards.

10. Compliance Schedule: This rulemaking will be effective upon publication of a Notice of Adoption in the State Register.

Regulatory Flexibility Analysis

OASAS has determined that the rule will not impose any adverse impact on small businesses or local governments because its subject matters are not mandatory. This rulemaking proposal was reviewed by the Behavioral Health Services Advisory Council (September 20, 2016) consisting of affected OASAS providers of all sizes from diverse municipalities, and including local governments. The proposal is supported by providers of all modalities because it consolidates acupuncture regulations and adds the option of "telepractice" allowing for more provider flexibility subject to an Office review and designation. This rulemaking proposal was initially published in the December 28, 2016 State Register and was withdrawn in the June 21, 2017 State Register. This proposal reflects intra-agency discussions (DOH and OMH) regarding each agency's use of this technology and reflects its unique application to the OASAS treatment system.

The proposed rule will be posted on the agency website. Agency review process involves input from trade organizations representing providers in diverse geographic locations, local governments, and other behavioral health providers.

Rural Area Flexibility Analysis

OASAS has determined that the rule will not impose any adverse impact on rural areas or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas. This rulemaking proposal has been reviewed by the Behavioral Health Services Advisory Council (approved for advancement September 20, 2016) consisting of affected OASAS providers of all sizes from diverse municipalities, and including

local governments. The proposal is supported by providers of all modalities because it consolidates provisions of one existing regulation (acupuncture) into a shorter updated form, and adds a section with new requirements for "designation" of certified providers seeking authorization to utilize Telepractice as a means of service delivery. Having one regulation govern these optional services (and others as they may be recognized by the Office) will centralize oversight of these services and assist providers to evaluate their particular program offerings. This rulemaking proposal was initially published in the December 28, 2016 State Register and was withdrawn in the June 21, 2017 State Register. This proposal reflects intra-agency discussions (DOH and OMH) regarding each agency's use of this technology and reflects its unique application to the OASAS treatment system.

The proposed rule will be posted on the agency website. Agency review process involves input from trade organizations representing providers in diverse geographic locations and other behavioral health providers.

Job Impact Statement

No change in the number of jobs and employment opportunities is anticipated as a result of the proposed new regulation because the amendments either clarify or streamline provider actions which will not be eliminated or supplemented; the subject matter is not mandatory. Treatment providers already providing acupuncture will not need to hire additional staff or reduce staff size; providers seeking to utilize telepractice will do so at their option. The proposed changes will not adversely impact jobs outside of the agency; the proposed changes will not result in the loss of any jobs within New York State.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Children's Behavioral Health Services

I.D. No. ASA-44-17-00002-P

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

Proposed Action: Addition of Part 823 to Title 14 NYCRR.

Statutory authority: Mental Hygiene Law, sections 19.07(e), 19.09(b), 32.01; 42 USC section 1396d(r)(5), 18 NYCRR 505.38

Subject: Children's behavioral health services.

Purpose: Defines and implements children's behavioral health services pursuant to the EPSDT program in New York.

Substance of proposed rule (Full text is posted at the following State website: <https://www.oasas.ny.gov/regs/index.cfm>):

The Proposed Rule adds a new Part 823 (Children's Services) which authorizes new services for children/youth up to age 21 and their families through the federal Early Periodic Screening, Diagnostic and Treatment (EPSDT) program.

§ 823.1 Background and Intent. Sets forth the background and intent of EPSDT services.

§ 823.2 Applicability. Sets forth the Applicability in this Part.

§ 823.3 Legal base. Sets forth the legal basis for the provisions in this Part.

§ 823.4 Definitions. Defines terms applicable to this Part.

§ 823.5 General program standards. Sets forth the general standards applicable to providers of EPSDT services.

§ 823.6 Authorized services. Identifies the six EPSDT services authorized pursuant to this Part.

§ 823.7 Application process. Sets forth the process by which providers must apply to become designated or certified to provide EPSDT services.

§ 823.8 Standards pertaining to Medicaid reimbursement. Sets forth the standards pertaining to Medicaid reimbursement.

§ 823.9 Incorporation by Reference. Incorporates by reference the Children's Health and Behavioral Health Services Transformation Medicaid State Plan Provider Manual.

§ 823.10 Severability. Standard severability clause.

Text of proposed rule and any required statements and analyses may be obtained from: Carmelita Cruz, NYS OASAS, 1250 Western Avenue, Albany, NY 12203, (518) 485-2312, email: Carmelita.Cruz@oasas.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:

(a) Section 19.07(e) of the Mental Hygiene Law authorizes the Commissioner of the Office of Alcoholism and Substance Abuse Services

(Commissioner) to adopt standards including necessary rules and regulations pertaining to chemical dependence services.

(b) Section 19.09(b) of the Mental Hygiene Law authorizes the Commissioner to adopt regulations necessary and proper to implement any matter under his or her jurisdiction.

(c) Section 32.01 of the Mental Hygiene Law authorizes the Commissioner to adopt any regulation reasonably necessary to implement and effectively exercise the powers and perform the duties conferred by Article 32 of the Mental Hygiene Law.

(d) 42 U.S.C. § 1396d(r)(5) defines EPSDT services available under Medicaid to correct or ameliorate physical and mental illnesses and conditions that are detected in Medicaid-eligible children/youth.

(e) 18 NYCRR 505.38 promotes the expansion of children's health and behavioral health services.

2. **Legislative Objectives:** The legislature has authorized OASAS to establish standards and regulations governing the provision of addiction treatment services and the certification of providers. In accordance with New York's State Plan Amendment, and in furtherance of the State's goal of reforming the Medicaid system and increasing access to health and behavioral health services, Early Periodic Screening, Diagnostic and Treatment (EPSDT) services are made available to children/youth, up to age 21, and their families.

3. **Needs and Benefits:** This rule promotes the expansion of children's health and behavioral health services for children/youth under age 21. The implementation of these services, combined with the transitioning of children's services to Medicaid Managed Care, will fill existing gaps in services and produce better long term outcomes for children/youth and their families. The new services will be available to any Medicaid-eligible child/youth who meets medical necessity criteria.

This rule describes the nature of the services, the qualifications of the providers eligible to participate and the designation/certification process for providers to provide these services. These services will allow for earlier access to necessary addiction treatment and support services and the services will reduce the need for emergency room visits, inpatient hospitalizations and other costly treatment modalities.

4. **Costs:** No additional administrative costs to the agency are anticipated since review of applications for certification or designation are previously existing functions; no additional costs to programs/providers are anticipated as providers may elect to provide these services but are not required to do so. Any added costs to the Medicaid system will be outweighed by savings in emergency department visits and inpatient hospitalizations.

5. **Paperwork:** The proposed regulation will require an application process for designation and certification, similar to the existing designation and certification application processes.

6. **Local Government Mandates:** There are no new local government mandates.

7. **Duplications:** This proposed rule does not duplicate, overlap, or conflict with any State or federal statute or rule.

8. **Alternatives:** The alternative is to not provide a framework for the designation and certification of providers to offer this array of EPSDT services to children/youth and their families in the OASAS system.

9. **Federal Standards:** This regulation does not conflict with federal standards.

10. **Compliance Schedule:** This rulemaking will be effective upon publication of a Notice of Adoption in the State Register.

Regulatory Flexibility Analysis

OASAS has determined that the rule will not impose any adverse economic impact or reporting, recordkeeping or other compliance requirements on small businesses or local governments. This rulemaking proposal has been reviewed and approved (July 12, 2017) by the Behavioral Health Services Advisory Council consisting of affected OASAS providers of all sizes from diverse municipalities, and including local governments. The proposal is supported by providers because it identifies the process for designation and certification to provide authorized children's behavioral health services pursuant to the Early Periodic Screening, Diagnostic and Treatment (EPSDT) program.

Rural Area Flexibility Analysis

OASAS has determined that the rule will not impose any adverse impact on rural areas or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas. This rulemaking proposal has been reviewed and approved (July 12, 2017) by the Behavioral Health Services Advisory Council consisting of affected OASAS providers of all sizes from diverse municipalities, and including local governments. The proposal is supported by providers because it identifies the process for designation and certification to provide authorized children's behavioral health services pursuant to the Early Periodic Screening, Diagnostic and Treatment (EPSDT) program.

Job Impact Statement

OASAS is not submitting a Job Impact Statement for this rulemaking. OASAS does not anticipate a substantial adverse impact on jobs and

employment opportunities because the requirements for this service are already met by certain staff operating in existing programs.

Office of Children and Family Services

EMERGENCY RULE MAKING

Mandated Reporter Requirements for Employees of Residential Domestic Violence Programs

I.D. No. CFS-32-17-00001-E

Filing No. 900

Filing Date: 2017-10-17

Effective Date: 2017-10-18

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

Action taken: Amendment of sections 452.9 and 452.11 of Title 18 NYCRR.

Statutory authority: Social Services Law, sections 20(3)(d), 34(3)(f), 412(9), 413(1)(a), 424-a(3) and 460-h

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

Specific reasons underlying the finding of necessity: These regulations are necessary to protect the health, safety, and welfare of children residing in residential programs for victims of domestic violence. In Part Q of Chapter 56 of the Laws of 2017, provisions were added to the Social Services Law (SSL) to add a definition of publicly funded emergency shelters for families with children. Further, Chapter 56 of the Laws of 2017 added employees of publicly funded emergency shelters to the list of mandated reporters. It also added provisions requiring checks of the Statewide Central Register of Child Abuse and Maltreatment (SCR), the Register of Category One Cases of Abuse and Neglect (SEL) and criminal history information for certain persons functioning in qualifying roles in publicly-funded emergency shelters for families with children and who have the potential for regular and substantial contact with children at the publicly funded emergency shelter. These requirements are effective as of July 19, 2017.

In response to the legislation, OCFS has developed regulations for residential programs for victims of domestic violence, since these fall under the definition of publicly funded emergency shelters. The regulations clarify the responsibility of employees of residential programs for victims of domestic violence as mandated reporters and their obligation to report any suspected incidents of abuse or maltreatment of a child.

The regulations also clarify and specify the specific background checks that are required as a result of the legislation. Residential programs for victims of domestic violence must inquire of the SEL maintained by the Justice Center for the Protection of Persons with Special Needs about whether a prospective employee, contractor, consultant or volunteer who will have regular and substantial contact with children is the subject of a category one case as per Section 495 of SSL. They must also inquire of the New York State Office of Children and Family Services' SCR about whether a prospective employee, contractor, consultant or volunteer that will have regular and substantial contact with children is the subject of an indicated child abuse and maltreatment report. Lastly, they must inquire about criminal history for all prospective employees, volunteers and consultants that will have regular and substantial contact with children in the residential facility.

The regulations clarify that residential programs for victims of domestic violence may inquire from the SCR whether any current employee is the subject of an indicated report of child abuse or neglect, but not more than once in any six month period.

Emergency regulations are necessary to provide immediate protections for children by clarifying the requirements of Chapter 56 of the Laws of 2017, which provided that the rule may be promulgated on an emergency basis.

These regulations have been developed in consultation with the New York State Office of Temporary and Disability Assistance and the Division of Criminal Justice.

Subject: Mandated reporter requirements for employees of residential domestic violence programs.

Purpose: To implement mandated reporter requirements for employees of residential domestic violence programs.

Substance of emergency rule (Full text is posted at the following State website: <http://ocfs.ny.gov/main/legal/Regulatory/>): Subdivision 452.9(e) is repealed, and existing subdivisions (c) and (d) are re-lettered subdivisions (b) and (c).

A new subdivision 18 NYCRR § 452.9(d) is adopted to specify that employees of residential programs for victims of domestic violence are mandated to report any incident of suspected child abuse or maltreatment to the statewide central register (SCR). Paragraphs (i) and (ii) specify how employees of residential programs for victims of domestic violence report instances of suspected child abuse or maltreatment to the SCR.

A new Section 452.11 of Title 18 is adopted.

Subdivision 452.11(a)(1) is added to provide requirements of residential programs for victims of domestic violence to evaluate the backgrounds of prospective employees, volunteers, consultants and contractors. Paragraph (2) is added to provide the requirement that all prospective employees, volunteers and individuals hired as a consultant that will have regular and substantial contact with children must complete checks with Justice Center staff exclusion list (SEL), SCR, and criminal history. Paragraph (3) provides the requirement that programs that have contractors that will have regular and substantial contact with children must complete checks of the SEL and SCR. Paragraph (4) is added to indicate programs are permitted to do a SCR check on current employees that have regular and substantial contact with children. Paragraph (5) is added to provide a definition for "regular and substantial contact with a service recipient."

Subdivision 452.11(b) is added to provide the requirements for checking the Justice Center staff exclusion list (SEL) and what measures to take if a prospective employee, volunteer, consultant or contractor is listed on the SEL.

Subdivision 452.11(c) is added to provide the specific actions required for conducting a check of the SCR to see if any potential employee, volunteer, consultant or contractor is the subject of an indicated report of child abuse or maltreatment.

Subdivision 452.11(d) is added to address that programs must maintain written justification as to why the program decided hire or retain any employee, volunteer or consultant with an indicated report of child abuse or maltreatment or when such person is listed on the SEL.

Subdivision 452.11(e) is added to provide the specific actions required to obtain criminal history information on prospective employees, assistants, volunteers or consultants and what measures to take should the individual have a criminal conviction.

Subdivision 452.11(f) is added to address personnel policies and practices, as well as recordkeeping requirements.

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. CFS-32-17-00001-EP, Issue of August 9, 2017. The emergency rule will expire December 15, 2017.

Text of rule and any required statements and analyses may be obtained from: Senior Attorney Leslie Robinson, New York State Office of Children and Family Services, 52 Washington Street, Rensselaer, New York 12144, (518) 474-3333, email: Regcomments@ocfs.ny.gov

Regulatory Impact Statement

1. Statutory authority:

Section 20(3)(d) of the Social Services Law (SSL) authorizes the Office of Children and Family Services (OCFS) to establish rules and regulations to carry out its powers and duties pursuant to the provisions of the SSL.

Section 412(9) of SSL establishes a definition for publicly funded emergency shelter for families with children. Residential programs for victims of domestic violence fall under the definition of publicly funded emergency shelters for families with children since they are facilities with overnight sleeping accommodations that are used to house recipients of temporary assistance.

Section 413(1)(a) of SSL adds employees of publicly funded emergency shelters to the list of mandated reporters. SSL Section 424-a(3) establishes that publicly funded emergency shelters are added to the list of provider agencies that must inquire of the Register of Substantiated Category One Cases of Abuse or Neglect (Staff Exclusion List [SEL]) maintained by the Justice Center for the Protection of Persons with Special Needs about whether a prospective employee, contractor, consultant or volunteer is the subject of a category one case as per Section 495 of SSL, and of the New York State Office of Children and Family Services' (OCFS) Statewide Central Register of Child Abuse and Maltreatment (SCR) about whether a prospective employee, contractor, consultant or volunteer is the subject of an indicated child abuse and maltreatment report. Section 460-h of SSL establishes the requirement to receive criminal history information on any prospective employee, consultant, assistant or volunteer through the Division of Criminal Justice Services (DCJS).

Part Q of Chapter 56 of the Laws of 2017 provides that rules and regulations necessary to implement the provisions of the law concerning the mandated reporting requirements and the required SCR checks, the SEL checks, and the criminal history background checks may be promulgated on an emergency basis.

2. Legislative objectives:

The proposed changes to the regulations are necessary to further the legislative objective in Part Q of Chapter 56 of the Laws of 2017 that children be protected from abuse and maltreatment.

3. Needs and benefits:

The regulatory language clarifies the expectation that employees of residential programs for victims of domestic violence are required to report suspected cases of child abuse or maltreatment to the SCR. The benefit of this regulation is to create consistent safeguards for children housed in publicly funded emergency shelters for families and children.

The regulatory language provides clarity that statutory requirements for publicly funded emergency shelters for families with children to conduct checks on certain persons functioning in qualifying roles and who have the potential for regular and substantial contact with children apply to residential programs for victims of domestic violence. These checks include inquiring of the SEL whether a prospective employee, contractor, consultant or volunteer is the subject of a category one case. In addition, an inquiry to the SCR is required to ascertain if the prospective employee, contractor, consultant or volunteer has been a subject in an indicated report of child abuse or neglect. Lastly, a criminal history review is required for prospective employees, consultants, assistants and volunteers.

4. Costs:

Residential programs for victims of domestic violence may experience a slight increase in administrative costs associated with the screening process and the additional steps that are required by the rule before hiring a prospective employee, contractor, consultant or volunteer. Residential programs for victims of domestic violence will incur the costs associated with the actual checks, which, in the cases of the SCR and criminal background checks, cost \$25 and \$87 each, respectively; there are no costs associated with the SEL check. Any additional costs to OCFS are anticipated to be minimal.

5. Local government mandates:

The proposed regulations will only impose additional mandates on social services districts that operate residential programs for victims of domestic violence. Presently, there is only one social services district that operates residential programs for victims of domestic violence.

6. Paperwork:

The regulations are necessary to comply with Chapter 56 of the Laws of 2017, which requires employees of residential programs for victims of domestic violence to report suspected cases of child abuse or maltreatment to the New York Statewide Central Register of Child Abuse and Maltreatment (SCR). These requirements include completing and maintaining documents on forms as prescribed by OCFS, and any other records relevant to reports of suspect child abuse or maltreatment. This is not a new requirement for programs, as existing regulations already required them to report suspected cases of child abuse or maltreatment to the SCR.

These regulations are also necessary to comply with new statutory requirements created by Chapter 56 of the Laws of 2017, which requires residential programs for victims of domestic violence to inquire if a prospective employee, contractor, consultant or volunteer is the subject of a category one case as per SSL on the SEL maintained by the Justice Center and of OCFS' SCR about whether a prospective employee, contractor, volunteer or consultant is the subject of an indicated report of child abuse or maltreatment. Residential programs for victims of domestic violence must request, obtain, review and maintain the applicable information for those subject to the respective checks.

In addition, residential programs for victims of domestic violence must receive criminal history information on any prospective employee, consultant, assistant or volunteer through DCJS. Residential programs for victims of domestic violence must request, obtain, review and maintain the applicable information for any prospective employee, consultant, assistant or volunteer. Residential programs for victims of domestic violence may make similar inquiries to the SEL and SCR regarding current employees, but not more than once in a six month period.

7. Duplication:

The proposed regulations effectuate the requirements of Part Q of Chapter 56 of the Laws of 2017. They do not duplicate any other State or federal requirements.

8. Alternatives:

The proposed regulations are necessary to implement the requirements of Part Q of Chapter 56 of the Laws of 2017. Therefore, there are no alternatives to the proposed regulations.

9. Federal standards:

The regulatory amendments do not conflict with any federal standards.

10. Compliance schedule:

The emergency regulations will be effective on October 18, 2017.

Regulatory Flexibility Analysis

1. Types and estimated number of small businesses and local governments:

Social services districts and residential programs for victims of domestic violence will be affected by the proposed regulations. There are 58 social services districts in New York State and 90 agencies providing residential services for victims of domestic violence. Only one social services district operates its own residential program for victims of domestic violence. Of the 90 agencies providing residential services for victims of domestic violence, approximately half meet the definition of small businesses.

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

The regulations are necessary to comply with Part Q of Chapter 56 of the Laws of 2017, which requires employees of residential programs for victims of domestic violence to report suspected cases of child abuse or maltreatment to the New York Statewide Central Register of Child Abuse and Maltreatment (SCR). These requirements include completing and maintaining documents on forms as prescribed by the Office of Children and Family Services (OCFS), and any other records relevant to reports of suspected child abuse or maltreatment. This is not a new requirement for programs, as existing regulations already required them to report suspected cases of child abuse or maltreatment to the SCR.

These regulations are also necessary to comply with new statutory requirements created by Chapter 56 of the Laws of 2017 which requires residential programs for victims of domestic violence to inquire if a prospective employee, contractor, consultant or volunteer is the subject of a report in the Register of Substantiated Category One Cases of Abuse or Neglect (Staff Exclusion List [SEL]) maintained by the Justice Center and of the SCR about whether a prospective employee, volunteer, contractor, or consultant is the subject of an indicated report of child abuse or maltreatment. Residential programs for victims of domestic violence must request, obtain, review and maintain the applicable information for any individual subject to these checks.

In addition, residential programs for victims of domestic violence must receive criminal history information on any prospective employee, consultant, assistant or volunteer through the Division of Criminal Justice Services (DCJS). Residential programs for victims of domestic violence must request, obtain, review and maintain the applicable information for any prospective employee, consultant, assistant or volunteer. Residential programs for victims of domestic violence may make similar inquiries to the SEL and SCR regarding current employees, but not more than one in a six month period.

3. Costs:

Residential programs for victims of domestic violence may experience a slight increase in administrative costs associated with the screening process and the additional steps that are required by the rule before hiring an individual. Residential programs for victims of domestic violence will incur the costs associated with the actual checks, which, in the cases of the SCR and criminal background checks, cost \$25 and \$87 each, respectively; there are no costs associated with the SEL check.

4. Economic and technological feasibility:

The proposed amendments would not have an adverse economic impact on social services districts, and would not require the hiring of additional staff. In addition, technological abilities currently exist that comply with the rule.

5. Minimizing adverse impact:

The proposed changes implement statutory changes imposed on residential programs for victims of domestic violence by Part Q of Chapter 56 of the Laws of 2017; therefore, there is no ability to minimize adverse impact. Residential programs for victims of domestic violence fall within the definition for publicly funded emergency shelters. The proposed statutory changes amend paragraph (a) of subdivision 1 of section 413 of the Social Services Law to include employees of publicly funded emergency shelters for families with children to the list of persons and officials required to report suspected cases of child abuse or maltreatment. Subsequently, it also amends subdivision 3 of section 424-a of Social Services Law and creates a new section 460-h to include checks of the SCR, SEL, and criminal history background checks for certain subject individuals of publicly funded emergency shelters for families with children.

6. Small business and local government participation:

OCFS discussed this legislation and proposed regulations with the New York State Coalition against Domestic Violence (NYSCADV), a membership agency which provides training, support, technical assistance and advocacy for residential programs for victims of domestic violence across New York State, at a monthly meeting held on June 29, 2017. We will address any additional comments or feedback during the public comment period.

Rural Area Flexibility Analysis

1. Types and estimated number of rural areas:

There are 44 social services districts in rural areas. Social Service

districts are required to either directly provide residential services for victims of domestic violence or to contract with a residential program for victims of domestic violence. Residential programs for victims of domestic violence will be affected by the proposed regulations.

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

The regulations are necessary to comply with Part Q of Chapter 56 of the Laws of 2017, which requires employees of residential programs for victims of domestic violence to report suspected cases of child abuse or maltreatment to the New York Statewide Central Register of Child Abuse and Maltreatment (SCR). These requirements include completing and maintaining documents on forms as prescribed by Office of Children and Family Services (OCFS), and any other records relevant to reports of suspected child abuse or maltreatment. This is not a new requirement for programs, as existing regulations already required them to report suspected cases of child abuse or maltreatment to the SCR.

These regulations are also necessary to comply with new statutory requirements created by Part Q of Chapter 56 of the Laws of 2017, which requires residential programs for victims of domestic violence to inquire if a prospective employee, contractor, consultant or volunteer is the subject of a category one case as per SSL on the Register of Category One Cases of Abuse and Neglect (Staff Exclusion List [SEL]) maintained by the Justice Center, and of OCFS's SCR about whether a prospective employee, volunteer, contractor, or consultant is the subject of an indicated report of child abuse or maltreatment. Residential programs for victims of domestic violence must request, obtain, review and maintain the applicable information for those subject to said checks.

In addition, residential programs for victims of domestic violence must receive criminal history information on any prospective employee, consultant, assistant or volunteer through the Division of Criminal Justice Services (DCJS). Residential programs for victims of domestic violence must request, obtain, review and maintain the applicable information for any prospective employee, consultant, assistant or volunteer. Residential programs for victims of domestic violence may make similar inquiries to the SEL and SCR regarding current employees, but not more than once in any six month period.

3. Costs:

Residential programs for victims of domestic violence may experience a slight increase in administrative costs associated with the screening process and the additional steps that are required by the rule before hiring an individual. Residential programs for victims of domestic violence will incur the costs associated with the actual checks, which, in the cases of the SCR and criminal background checks, cost \$25 and \$87 each, respectively; there are no costs associated with the SEL check. These costs should be minimal for residential programs for victims of domestic violence in rural areas as they generally operate programs that have lower staffing requirements.

4. Minimizing adverse impact:

The proposed changes to the regulations would implement statutory changes in relation to Part Q of Chapter 56 of the Laws of 2017, which establishes a definition for publicly funded emergency shelter for families with children. Residential programs for victims of domestic violence fall within the definition for publicly funded emergency shelters. The statutory changes amend paragraph (a) of subdivision 1 of section 413 of the Social Services Law to include employees of publicly funded emergency shelters for families with children to the list of persons and officials required to report suspected cases of child abuse or maltreatment. Subsequently, it also amends subdivision 3 of section 424-a of Social Services Law and creates a new section 460-h to include checks of the SEL, SCR and criminal history checks through DCJS.

5. Rural area participation:

OCFS discussed this legislation and proposed regulations with the New York State Coalition against Domestic Violence (NYSCADV), a membership agency which provides training, support, technical assistance and advocacy for residential programs for victims of domestic violence across New York State, at a monthly meeting on June 29, 2017. We will address any additional comments or feedback during the public comment period.

Job Impact Statement

A job impact statement is not required for this rule. The emergency and proposed regulations are not expected to have a negative impact on jobs or employment in either the public or private sector. The purpose of the rule is to require employees of residential programs for victims of domestic violence to report suspected cases of child abuse or maltreatment to the Statewide Central Register for Child Abuse and Maltreatment (SCR). It also requires residential programs for victims of domestic violence to conduct checks of the SCR, the Register of Category One Cases of Abuse and Neglect (SEL) maintained by the Justice Center and criminal history information obtained through the Division of Criminal Justice Services (DCJS) for certain persons functioning in qualifying roles and who have the potential for regular and substantial contact with children.

Nature of Impact:

The office does not expect any reduction of employees or employment opportunities at residential programs for victims of domestic violence.

Categories and Numbers Affected:

There are no changes in categories or numbers.

Regions of Adverse Impact:

There are no regions where the regulations would have a disproportionate adverse impact on jobs or employment opportunities.

Self-Employment Opportunities:

No measurable impact on opportunities for self-employment is expected.

NOTICE OF ADOPTION

Mandated Reporter Requirements for Employees of Residential Domestic Violence Programs

I.D. No. CFS-32-17-00001-A

Filing No. 902

Filing Date: 2017-10-17

Effective Date: 2017-11-01

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

Action taken: Amendment of sections 452.9 and 452.11 of Title 18 NYCRR.

Statutory authority: Social Services Law, sections 20(3)(d), 34(3)(f), 412(9), 413(1)(a), 424-a(3)0 and 460-h

Subject: Mandated reporter requirements for employees of residential domestic violence programs.

Purpose: To implement mandated reporter requirements for employees of residential domestic violence programs.

Text or summary was published in the August 9, 2017 issue of the Register, I.D. No. CFS-32-17-00001-EP.

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

Text of rule and any required statements and analyses may be obtained from: Senior Attorney Leslie Robinson, New York State Office of Children and Family Services, 52 Washington Street, Rensselaer, New York 12144, (518) 474-3333, email: Regcomments@ocfs.ny.gov

Initial Review of Rule

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

Assessment of Public Comment

The Office of Children and Family Services (OCFS) received two comments. Both were from residential programs for victims of domestic violence.

Comment 1: One commenter requested funding from OCFS to cover the fees associated with the background checks.

Response: The costs associated with the background checks are required pursuant to the statute, not this rulemaking. Current rate methodology for residential programs for victims of domestic violence considers actual, reported costs, including costs associated with administrative activities in Other Than Personal Service (OTPS) costs. OCFS will be issuing policy guidance requiring programs to track expenditure for background checks for consideration during future rate setting. OCFS did not make any changes to the rule to address this comment.

Comment 2: One commenter expressed concern over the time it takes to process checks of the Statewide Central Register of Child Abuse and Maltreatment (SCR). This commenter also requested training in how to make employment decisions based upon the results of the background checks.

Response: The processing of background checks is set forth in Social Services Law § 424-a. OCFS will be issuing policy guidance which will offer additional guidance to residential programs for victims of domestic violence on how to make employment decisions based upon the results of the background checks. Once this guidance is issued, OCFS will offer additional technical assistance to programs requesting the same. OCFS did not make any changes to the rule to address this comment.

State Commission of Correction

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Inmate Confinement and Deprivation

I.D. No. CMC-44-17-00012-P

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

Proposed Action: Addition of Part 7075, sections 7004.7, 7006.9(d), 7025.5, 7028.6(c), 7040.4(f) and 7040.5(e); amendment of sections 7003.3(j)(6), 7006.7(c), 7006.9(a)(5), 7006.11(a), 7022.2(a), 7024.11, 7026.3, 7028.2(d), 7070.7(h) and (j) of Title 9 NYCRR.

Statutory authority: Correction Law, section 45(6) and (15)

Subject: Inmate confinement and deprivation.

Purpose: Require local correctional facilities to record, review and report inmate cell confinement and essential service deprivation.

Substance of proposed rule (Full text is posted at the following State website: www.scoc.ny.gov): A new Part 7075 of Title 9 NYCRR is established that generally requires:

(a) disciplinary or administratively segregated inmates must be allowed out of their cells for a minimum of four (4) hours a day;

(b) disciplinary or administratively segregated inmates who are under eighteen (18) years of age or pregnant must be allowed out of their cells for a minimum of four (4) hours a day, exclusive of entitled exercise periods;

(c) a jail's chief administrative officer (CAO) may deny an inmate such four (4) hour period only when it would pose a threat to the safety, security or good order of the facility;

(d) any CAO determination to deny such four (4) hour period must be reviewed at least every seven (7) days;

(e) any disciplinary or administrative segregation of an inmate who is pregnant or under 18 years of age must be reviewed at intervals not to exceed seven (7) days;

(f) essential services (any items or services guaranteed inmates by regulation, such as clothing, outdoor exercise, toiletries, books, bedding, religious services, etc.) may not be withheld as punishment;

(g) jail CAO may only deny an essential service where necessary to preserve the safety, security or good order of the facility;

(h) any CAO decision to withhold an essential service must be reviewed every seven (7) days; and

(i) any such CAO determination or review must be made in writing, shall state the specific reasons considered, and be maintained in a centralized record.

Existing SCOC jail regulations are amended to require the following:

(a) reporting of certain inmate cell confinement and essential service deprivation to SCOC;

(b) segregated inmates who are pregnant or under eighteen (18) years of age shall be entitled to two (2) hours of daily exercise;

(c) daily CAO review of any educational services denial or restriction; and

(d) cell plumbing may be turned off only when necessary for facility safety and security, but inmate must be allowed to flush the toilet and be provided access to a sink at two (2) hour intervals.

Text of proposed rule and any required statements and analyses may be obtained from: Deborah Slack-Bean, Senior Attorney, New York State Commission of Correction, Alfred E. Smith State Office Building, 80 S. Swan Street, 12th Floor, Albany, New York 12210, (518) 485-2346, email: Deborah.Slack-Bean@scoc.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:

Subdivision (6) of section 45 of the Correction Law authorizes the Commission to promulgate rules and regulations establishing minimum standards for the care, custody, correction, treatment, supervision, discipline, and other correctional programs for all person confined in the correctional facilities of New York State. Subdivision (15) of section 45 of the Correction Law allows the Commission to adopt, amend or rescind such rules

and regulations as may be necessary or convenient to the performance of its functions, powers and duties.

2.) Legislative objectives:

By vesting the Commission with this rulemaking and oversight authority, the Legislature intended the Commission to enact regulations that better enable the agency to identify and monitor local correctional facilities for misuse of inmate cell confinement or essential service deprivation.

3.) Needs and benefits:

While New York State Correction Law provides jail administrators the discretion and authority to confine inmates as necessary for order and discipline, there exists no statutory or regulatory requirement that such determinations and their justification be documented, reviewed on a timely basis to assess if continuation is warranted, or reported to the New York State Commission of Correction (SCOC), as the jail oversight and regulatory entity. Consequently, SCOC's ability to sufficiently monitor and oversee such confinement, and deprivations of essential inmate services, is limited by an absence of regulations requiring jails to record, review and report this activity.

Recent, publicized civil rights actions, SCOC field work, and formal inmate grievances appealed to SCOC's Citizen's Policy and Complaint Review Council have revealed a prevalent misuse of solitary confinement and deprivation of essential services in county jails, particularly as applied to the 16 and 17-year-old inmate population. Such confinement has included the solitary segregation of inmates, for insufficient reasons and prolonged periods, that likely violate the Eighth and Fourteenth Amendments of the U.S. Constitution. Similar unlawful and unconstitutional inmate treatment has occurred in jails' improper deprivation of essential inmate services, such as access to health services, participation in compulsory educational services, the provision of clothing, bedding and toiletries, access to printed materials and publications, participation in outdoor exercise, and access to religious services and materials.

As a resolution, SCOC has developed local correctional facility regulations which provide segregated inmates a presumptive minimum of four (4) hours a day out of their cell and continuous access to all essential services. Segregated inmates under the age of eighteen (18) years, and segregated inmates who are known to be pregnant, are provided a presumptive minimum of four (4) hours a day out of their, exclusive of an entitled two (2) hours of recreation time. While the four (4) hour period and access to essential services may be denied when necessary to preserve facility safety and security, the regulations require the facility administration to record, review and report such determinations in a manner that allows for sufficient oversight by SCOC.

4.) Costs:

a. Costs to regulated parties for the implementation of and continuing compliance with the rule: Minimal. Any determination by local correctional facility administrators to deny segregated inmates four (4) hours out-of-cell time, to segregate any inmate under the age of eighteen (18), or to deny an essential inmate service must be made in writing, reviewed every seven (7) days, and in certain circumstances reported to SCOC. Consequently, compliance with the proposed rule would result only in minimal costs associated with such recordkeeping and reporting.

b. Costs to the agency, the state and local governments for the implementation and continuation of the rule: None. The regulation does not apply to state agencies or governmental bodies. As set forth above in subdivision (a), any additional costs to local governments would be minimal.

c. This statement detailing the projected costs of the rule is based upon the Commission's oversight and experience relative to the operation and function of a local correctional facility.

5.) Local government mandates:

The regulation imposes a duty on local correctional facilities to provide segregated inmates a presumptive minimum of 4 hours a day out of their cell and continuous access to all essential services. While the 4 hour period and access to essential services may be denied when necessary to preserve facility safety and security, the regulations require the jail to record, review and report such determinations in a manner that allows for sufficient oversight.

6.) Paperwork:

As set forth above, any determination by local correctional facility administrators to deny segregated inmates four (4) hours out-of-cell time, to segregate any inmate under the age of eighteen (18), or to deny an essential inmate service must be made in writing, reviewed every seven (7) days, and in certain circumstances reported to SCOC.

7.) Duplication:

The rule does not duplicate any existing State or Federal requirement.

8.) Alternatives:

The alternative, not promulgating regulations requiring local correctional facilities to record, review and report determinations to subject inmates to cell confinement and deprive essential inmate services, was dismissed by SCOC due to the agency's immediate need to sufficiently monitor and oversee such confinement and deprivation.

9.) Federal standards:

There are no applicable minimum standards of the federal government.

10.) Compliance schedule:

Each local correctional facility is expected to be able to achieve compliance with the proposed rule immediately.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not required pursuant to subdivision three of section 202-b of the State Administrative Procedure Act because the rule does not impose an adverse economic impact on small businesses or local governments. The proposed rule seeks only to establish regulations requiring local correctional facilities to record, review and report certain determinations to confine an inmate to a cell or deprive an inmate of essential services. Considering that such determinations are relatively infrequent, it will not have an adverse impact on small businesses or local governments, nor impose any additional significant reporting, record keeping, or other compliance requirements on small businesses or local governments.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not required pursuant to subdivision four of section 202-bb of the State Administrative Procedure Act because the rule does not impose an adverse impact on rural areas. The proposed rule seeks only to establish regulations requiring local correctional facilities to record, review and report certain determinations to confine an inmate to a cell or deprive an inmate of essential services. Considering that such determinations are relatively infrequent, it will not impose an adverse economic impact on rural areas, nor impose any additional significant record keeping, reporting, or other compliance requirements on private or public entities in rural areas.

Job Impact Statement

A job impact statement is not required pursuant to subdivision two of section 201-a of the State Administrative Procedure Act because the rule will not have a substantial adverse impact on jobs and employment opportunities, as apparent from its nature and purpose. The proposed rule seeks only to establish regulations requiring local correctional facilities to record, review and report certain determinations to confine an inmate to a cell or deprive an inmate of essential services. As such, there will be no impact on jobs and employment opportunities.

Education Department

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Mandatory Quality Review Program (MQRP) in Public Accountancy

I.D. No. EDU-44-17-00006-EP

Filing No. 901

Filing Date: 2017-10-17

Effective Date: 2017-10-17

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

Proposed Action: Amendment of section 70.10 of Title 8 NYCRR.

Statutory authority: Education Law, sections 207(not subdivided), 6504(not subdivided), 6507(2)(a) and 7410

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

Specific reasons underlying the finding of necessity: Pursuant to section 7410 of the State Education Law, most registered public accounting firms are required to undergo a quality review of the firm's attest services every three years. A firm that is subject to the mandatory quality review requirements must provide the Department with a copy of the report for an acceptable quality review conducted within the prior three years, each time the firm registers. This mandatory quality review program (MQRP) is administered by a Department approved sponsoring organization. A sponsoring organization administers the program by overseeing and facilitating quality reviews by a reviewer in accordance with the regulatory requirements.

In most states, their respective State Societies of Certified Public Accountants (CPAs) are the sponsoring organizations for their peer review programs.¹ Since New York State's MQRP was implemented into law in 2012, the New York State Society of Certified Public Accountants (NYSSCPA) has been the sole Department approved sponsoring organization.

In March 2017, the NYSSCPA notified the Department that, as of the fourth quarter of 2018, it would cease being a sponsoring organization for MQRP, which would leave New York State without a sponsoring organization for this statutorily mandated program. To ensure the continuous functioning of MQRP, another entity will need to be approved by the Department as a sponsoring organization. However, the timeline for approving a new sponsoring organization appears to have significantly shortened because the Department recently received information that the transition to a new sponsoring organization could be necessary as early as March of 2018.

Under the current provisions of paragraph (6) of subdivision (b) of section 70.10 of the Regulations of the Commissioner of Education, only entities located in New York State can apply to the Department for approval as a sponsoring organization, which restricts prospective sponsoring organization applicants to New York State entities. Thus, if no other qualified entity located in New York State applies to become a sponsoring organization, New York State will be unable to carry out the statutory obligations of this program because the Department presently cannot approve an entity located in another state.

As is the case in New York State, with respect to the NYSSCPA's decision to discontinue being a sponsoring organization, on a national level, several other State Societies have exited or are planning to exit the program due to the increased complexity of the administration of the peer review program. Consequently, the State Societies that have decided to remain in this program are, or are becoming, consolidated sponsoring organizations that provide such administrative services to multiple states.

Moreover, based on outreach and research, the Department has determined that currently there is no other entity located in New York State that is willing and/or capable of becoming a sponsoring organization for this program. However, the Department and its Quality Review Oversight Committee have preliminarily identified a potential sponsoring organization located in another state.

The proposed amendment to paragraph (6) of subdivision (b) of section 70.10 of the Regulations of the Commissioner of Education addresses the above-referenced situation by eliminating the requirement that only an entity located in New York State can become a Department approved sponsoring organization. The elimination of this requirement will permit the Department to accept and approve an application from an entity located either in or outside of this State, which will provide the Department with the discretion and flexibility that it needs to ensure that this program continues to operate, despite the recent changes at both the State and national levels.

Because the Board of Regents meets at fixed intervals, the earliest the proposed amendment can be presented for regular (non-emergency) adoption, after expiration of the required 45-day public comment period provided for in the State Administrative Procedure Act (SAPA) section 202(1) and (5), would be the January 22-23, 2018 Regents meeting. Furthermore, pursuant to SAPA section 203(1), the earliest effective date of the proposed amendment, if adopted at the January meeting, would be February 7, 2018, the date a Notice of Adoption would be published in the State Register. However, to ensure the continuous functioning of this statutorily mandated program, the Department needs the authority, as soon as possible, to accept, consider and approve prospective sponsoring organization applications from entities located both in and outside of this State.

Therefore, emergency action is necessary at the October 2017 Regents meeting for the preservation of the public health and general welfare to ensure that MQRP can continue to function by giving the Department the authority to approve a sponsoring organization or organizations, located either in or outside of this State, to oversee and facilitate quality reviews performed by a reviewer as mandated by statute.

It is anticipated that the proposed amendment will be presented for permanent adoption at the January 22-23, 2018 Regents meeting, which is the first scheduled meeting after the expiration of the 45-day public comment period prescribed in the State Administrative Procedure Act for State agency rule makings.

¹ In New York State, the peer review program is referred to as the mandatory quality review program (MQRP).

Subject: Mandatory Quality Review Program (MQRP) in public accountability.

Purpose: Eliminates the requirement that a sponsoring organization which oversees the MQRP be located in New York State.

Text of emergency/proposed rule: Paragraph (6) of subdivision (b) of section 70.10 of the Regulations of the Commissioner of Education is amended, as follows:

(6) Sponsoring organization means an entity[, located in the State of New York,] approved by the department in accordance with subdivision (e) of this section to oversee and facilitate quality reviews performed by a reviewer in accordance with the provisions of this section.

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 January 14, 2018.

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: Office of the Professions, Office of the Deputy Commissioner, State Education Department, State Education Building 2M, 89 Washington Ave., Albany, NY 12234, (518) 486-1765, email: opdepcom@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:

Section 207 of the Education Law grants general rule making authority to the Board of Regents to carry into effect the laws and policies of the State relating to education.

Section 6504 of the Education Law authorizes the Board of Regents to supervise the admission to and regulation of the practice of the professions.

Paragraph (a) of subdivision (2) of section 6507 of the Education Law authorizes the Commissioner of Education to promulgate regulations in administering the admission to and the practice of the professions.

Section 7410 of the Education Law sets forth requirements for the mandatory quality review program in the profession of public accountancy and authorizes the Commissioner of Education to promulgate regulations to establish the mandatory quality review of public accounting firms' attest services.

2. LEGISLATIVE OBJECTIVES:

The proposed amendment carries out the legislative intent of the aforementioned statutes that the Board of Regents and the Department regulate the practice of the professions, including establishing the requirements of the mandatory quality review program (MQRP) in the profession of public accountancy.

Pursuant to section 7410 of the State Education Law, most registered public accounting firms are required to undergo a quality review of the firm's attest services every three years. A firm that is subject to the mandatory quality review requirements must provide the Department with a copy of the report for an acceptable quality review conducted within the prior three years, each time the firm registers. This MQRP is administered by a Department approved sponsoring organization. A sponsoring organization administers the program by overseeing and facilitating quality reviews by a reviewer in accordance with the statutory requirements as well as the requirements of Commissioner's regulation section 70.10.

The proposed amendment to paragraph (6) of subdivision (b) of section 70.10 of the Regulations of the Commissioner of Education eliminates the requirement that only entities located in New York State can be Department approved sponsoring organizations.

In most states, their respective State Societies of Certified Public Accountants (CPAs) are the sponsoring organizations for their peer review programs.¹ Since New York State's MQRP was implemented into law in 2012, the New York State Society of Certified Public Accountants (NYSSCPA) has been the sole Department approved sponsoring organization.

In March 2017, the NYSSCPA notified the Department that, as the fourth quarter of 2018, it would cease being a sponsoring organization for MQRP, which would leave New York State without a sponsoring organization for this statutorily mandated program. To ensure the continuous functioning of MQRP, another entity will need to be approved by the Department as a sponsoring organization. However, the timeline for approving a new sponsoring organization appears to have significantly shortened because the Department recently received information that the transition to a new sponsoring organization could be necessary as early as March of 2018.

Under the current provisions of paragraph (6) of subdivision (b) of section 70.10 of the Regulations of the Commissioner of Education, only entities located in New York State can apply to the Department for approval as a sponsoring organization, which restricts prospective sponsoring organization applicants to New York State entities. Thus, if no other qualified entity located in New York State applies to become a sponsoring organization, New York State will be unable to carry out the statutory obligations of this program because the Department presently cannot approve an entity located in another state.

As is the case in New York State, with respect to the NYSSCPA's decision to discontinue being a sponsoring organization, on a national level, several other State Societies have exited or are planning to exit the program due to the increased complexity of the administration of the peer review program. Consequently, the State Societies that have decided to remain in this program are, or are becoming, consolidated sponsoring organizations that provide such administrative services to multiple states.

Moreover, based on Department outreach and research, the Department has determined that currently there is no other entity located in New York State that is willing and/or capable of becoming a sponsoring organization for this program. However, the Department and its Quality Review Oversight Committee have preliminarily identified a potential sponsoring organization located in another state.

The proposed amendment to paragraph (6) of subdivision (b) of section 70.10 of the Regulations of the Commissioner of Education addresses the above-referenced situation by eliminating the requirement that only an entity located in New York State can become a Department approved sponsoring organization. The elimination of this requirement will permit the Department to accept and approve an application from an entity located either in or outside of this State, which will provide the Department with the discretion and flexibility that it needs to ensure that this program continues to operate, despite the recent changes at both the State and national levels.

3. NEEDS AND BENEFITS:

The purpose of the proposed amendment to paragraph (6) of subdivision (b) of section 70.10 of the Regulations of the Commissioner of Education is to address the aforementioned situation and provide the benefits discussed in the Legislative Objectives section by eliminating the requirement that the sponsoring organization must be located in New York State.

4. COSTS: It imposes no costs on the State or any local governments or the regulatory agency.

(a) Costs to State government. There are no additional costs to State government.

(b) Costs to local government. There are no additional costs to local government.

(c) Costs to private regulated parties. The proposed rule does not impose any additional costs on regulated parties.

(d) Costs to the regulatory agency. There are no additional costs to the State Education Department.

5. LOCAL GOVERNMENT MANDATES:

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

6. PAPERWORK:

The proposed rule imposes no new reporting requirement or other paperwork requirements.

7. DUPLICATION:

The proposed amendment does not duplicate any other existing State or federal requirements.

8. ALTERNATIVES:

The proposed amendment arose out of changes at the national level that increased the complexity of the administration of the peer review program, which led to both NYSSCPA's decision to notify the Department that it would cease being a sponsoring organization for this program as of the fourth quarter of 2018 and the Department's resulting need to approve a new sponsoring organization to administer this statutorily mandated program, possibly as early as March of 2018. The proposed amendment's elimination of the requirement that the sponsoring organization be located in New York State, will ensure that this program can continue to function by giving the Department the authority to approve a sponsoring organization or sponsoring organizations located either in our outside of this State. There are no significant alternatives to the proposed amendment and none were considered.

9. FEDERAL STANDARDS:

There are numerous Federal standards that require a public accounting firm that performs attest services to be enrolled into a peer review program; however, the Federal government does not issue accounting firm licenses. The Federal government does not regulate the firm registration requirements for public accounting firms. There are applicable federal standards pertaining to the requirement that the firm be enrolled in a peer review program; however, the proposed amendment does not exceed any minimum federal standards for the same or similar subject areas pertaining to the sponsoring organization requirements.

10. COMPLIANCE SCHEDULE:

It is anticipated that the regulated parties will be able to comply with the proposed amendments by the effective date.

¹ In New York State, the peer review program is referred to as the mandatory quality review program (MQRP).

Regulatory Flexibility Analysis

The proposed rule eliminates the requirement that sponsoring organizations for the mandatory quality review program be located in New York

State, which will help ensure that the program can continue to function by giving the Department the authority to approve a sponsoring organization or organizations that are located either inside or outside of this State. The proposed amendment is applicable only to prospective sponsoring organization applicants. The proposed amendment will not affect small business or local governments in New York State. The proposed amendment will not impose any new reporting, recordkeeping or any other compliance requirements, or have any adverse economic impact on small businesses or local governments. Because it is evident from the nature of the proposed amendment that it will not adversely affect small businesses or local governments, no affirmative steps were needed to ascertain that fact and none were taken. Accordingly, a regulatory flexibility analysis for small businesses and local governments is not required, and one has not been prepared.

Rural Area Flexibility Analysis

The proposed rule eliminates the requirement that sponsoring organizations for the mandatory quality review program be located in New York State, which will help ensure that the program can continue to function by giving the Department the authority to approve a sponsoring organization or organizations that are located either inside or outside of this State. The proposed amendment is applicable only to prospective sponsoring organization applicants. The proposed amendment will not impose any adverse impact on rural areas and would not impose new reporting, recordkeeping, or other compliance requirements on entities in rural areas of New York State. Accordingly, no further steps were needed to ascertain the impact of the proposed amendment on entities in rural areas and none were taken. Thus, a rural area flexibility analysis is not required, and one has not been prepared.

Job Impact Statement

It is not anticipated that the proposed rule will impact jobs or employment opportunities. This is because the proposed rule merely eliminates the requirement that sponsoring organizations for the mandatory quality review program be located in New York State, which will help ensure that the program can continue to function by giving the Department the authority to approve a sponsoring organization or organizations that are located either inside or outside of this State. Therefore, the proposed rule will not have a substantial adverse impact on jobs and employment opportunities. Because it is evident from the nature of the proposed rule that it will not affect job and employment opportunities, no affirmative steps were needed to ascertain these facts and none were taken. Accordingly, a job impact statement is not required and one has not been prepared.

EMERGENCY/PROPOSED

RULE MAKING

NO HEARING(S) SCHEDULED

Continuing Teacher and Leader Education Requirements

I.D. No. EDU-44-17-00007-EP

Filing No. 903

Filing Date: 2017-10-17

Effective Date: 2017-10-17

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

Proposed Action: Amendment of section 80-6.1 of Title 8 NYCRR.

Statutory authority: Education Law, sections 101, 207, 305, 3001, 3004, 3006 and 3006-a; L. 2017, ch. 311

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

Specific reasons underlying the finding of necessity: The 2015-2016 State Budget added Education Law § 3006-a to require all holders of teaching certificates, teaching assistant certificates, and educational leadership certificates which are valid for life (Permanent, Professional and Teaching Assistant Level III) to register with the Department every five years and that holders of the Professional and Teaching Assistant Level III certificates complete 100 hours of continuing teacher and leader education during the five-year registration period.

Chapter 311 of the Laws of 2017 amends Education Law § 3006-a to add nonpublic schools to the provisions relating to the mandatory continuing education requirements for all holders of professional certificates in the classroom teaching service, holders of level III teaching assistant certificates, and holders of professional certificates in the educational leadership service. In order to implement the new law, the proposed regulation amends the definition of applicable school in section 80-6.1 of the Commissioner's regulations to include non-public schools.

Because the Board of Regents meets at scheduled intervals, the earliest the proposed amendment could be presented for regular (non-emergency) adoption, after publication in the State Register and expiration of the 45-day public comment period provided for in the State Administrative Procedure Act (SAPA) sections 202(1) and (5), is the January 2018 Regents meeting. Furthermore, pursuant to SAPA section 203(1), the earliest effective date of the proposed amendment, if adopted at the January Regents meeting, is January 25, 2018, the date a Notice of Adoption would be published in the State Register. However, emergency action to adopt the proposed rule is necessary now for the preservation of the general welfare in order to ensure that the proposed amendment is effective immediately in order to timely implement Chapter 311 of the Laws of 2017.

Subject: Continuing teacher and leader education requirements.

Purpose: To require continuing teacher and leader education for certain teachers and school leaders in non-public schools.

Text of emergency/proposed rule: Subdivision (a) of section 80-6.1 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(a) Applicable school means a school district or board of cooperative educational services or nonpublic school that is providing instruction pursuant to Education Law § 3204(2) located in New York State. For purposes of this definition, the City School District of New York and any of its components shall be considered a single school district.

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 January 14, 2018.

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

Data, views or arguments may be submitted to: Kelly Grace, New York State Education Department, 89 Washington Avenue, Albany, NY 12234, (518) 408-1189, email: REGCOMMENTS@nysed.gov

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

Regulatory Impact Statement

1. STATUTORY AUTHORITY:

Education Law 101(not subdivided) charges the Department with the general management and supervision of all public schools and all of the educational work of the state.

Education Law 207(not subdivided) grants general rule-making authority to the Regents to carry into effect State educational laws and policies.

Education Law 305(1) authorizes the Commissioner to enforce laws relating to the State educational system and execute Regents educational policies. Section 305(2) provides the Commissioner with general supervision over schools and authority to advise and guide school district officers in their duties and the general management of their schools.

Education Law 3001 establishes the qualifications of teachers in the classroom.

Education Law 3004(1) authorizes the Commissioner to promulgate regulations governing the certification requirements for teachers employed in public schools.

Education Law 3006 authorizes the Commissioner to issue teaching certificates and to promulgate regulations relating to the requirements for such certificates.

Education Law 3006-a contains the requirements for registration and continuing teacher and leader education for holders of professional certificates in the classroom teaching service, holders of level III teaching assistant certificates, holders of professional certificates in the educational leadership service.

Chapter 311 of the Laws of 2017 amends Education Law 3006-a to require continuing teacher and leader education for holders of professional certificates in the classroom teaching service, holders of level III teaching assistant certificates, holders of professional certificates in the educational leadership service in non-public schools.

2. LEGISLATIVE OBJECTIVES:

The purpose of the proposed emergency amendment is to implement Chapter 311 of the Laws of 2017 which amends Education Law 3006-a to add nonpublic schools to the provisions relating to the mandatory continuing teacher and leader education requirements for all holders of professional certificates in the classroom teaching service, holders of Level III teaching assistant certificates, and holders of professional certificates in the educational leadership service.

3. NEEDS AND BENEFITS:

The purpose of the proposed emergency amendment is to implement Chapter 311 of the Laws of 2017 which amends Education Law 3006-a to add nonpublic schools to the provisions relating to the mandatory continuing teacher and leader education requirements for all holders of profes-

sional certificates in the classroom teaching service, holders of Level III teaching assistant certificates, and holders of professional certificates in the educational leadership service.

Proposed Amendment

To implement this new law, the proposed regulation amends the definition of applicable school in Section 80-6.1 of the Regulations to include non-public schools.

4. COSTS:

a. Costs to State government: The amendment does not impose any costs on State government, including the State Education Department.

b. Costs to local government: The amendment does not impose any costs on local government.

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

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

5. LOCAL GOVERNMENT MANDATES:

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

6. PAPERWORK:

The proposed amendment does not impose any additional paperwork requirements.

7. DUPLICATION:

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

8. ALTERNATIVES:

The proposed amendment is the result of Chapter 311 of the Laws of 2017 which amends Education Law 3006-a. No alternatives were considered.

9. FEDERAL STANDARDS:

There are no applicable Federal standards.

10. COMPLIANCE SCHEDULE:

If adopted by the Board of Regents at its October meeting, the proposed amendment will become effective as an emergency measure on October 17, 2017. Following the 45-day public comment period required under the State Administrative Procedure Act, it is anticipated that the proposed amendment will be presented to the Board of Regents for adoption at its January 2018 meeting and would become effective as a permanent rule on February 7, 2018.

Regulatory Flexibility Analysis

The purpose of the proposed emergency amendment to Subpart 80-6 of the Regulations of the Commissioner of Education is to implement Chapter 311 of the Laws of 2017 which amends Education § 3006-a to add nonpublic schools to the provisions relating to the mandatory continuing teacher and leader education requirements for certain holders of professional certificates in the classroom teaching service, holders of Level III teaching assistant certificates, and holders of professional certificates in the educational leadership service.

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

Rural Area Flexibility Analysis

1. TYPES AND ESTIMATED NUMBER OF RURAL AREAS:

This proposed amendment applies to holders of professional certificates in the classroom teaching service, holders of Level III teaching assistant certificates, and holders of professional certificates in the educational leadership service practicing in non-public schools, including those located in the 44 rural counties with fewer than 200,000 inhabitants and the 71 towns and urban counties with a population density of 150 square miles or less.

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

The purpose of the proposed emergency amendment to Subpart 80-6 of the Regulations of the Commissioner of Education is to implement Chapter 311 of the Laws of 2017 which amends Education § 3006-a to add nonpublic schools to the provisions relating to the mandatory continuing teacher and leader education requirements for certain holders of professional certificates in the classroom teaching service, holders of Level III teaching assistant certificates, and holders of professional certificates in the educational leadership service.

Proposed Amendment

The amendment to section 80-6.1 of the Regulations is amended to include non-public schools. The proposed amendment imposes no reporting, recordkeeping, and other compliance requirements and/or professional services beyond those imposed by law.

3. COSTS:

The proposed amendment does not impose any additional costs beyond those imposed by the law.

4. MINIMIZING ADVERSE IMPACT:

The proposed amendment seeks to implement Chapter 311 of the Laws of 2017 which amends Education Law § 3006-a. Therefore, no alternatives were considered.

5. RURAL AREA PARTICIPATION:

Copies of the proposed amendments have been provided to Rural Advisory Committee for review and comment.

Job Impact Statement

The purpose of the proposed emergency amendment to Subpart 80-6 of the Regulations of the Commissioner of Education is to implement Chapter 311 of the Laws of 2017 which amends Education § 3006-a to add nonpublic schools to the provisions relating to the mandatory continuing teacher and leader education requirements for certain holders of professional certificates in the classroom teaching service, holders of Level III teaching assistant certificates, and holders of professional certificates in the educational leadership service.

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

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

Temporary Teaching Certificates

I.D. No. EDU-44-17-00010-EP

Filing No. 905

Filing Date: 2017-10-17

Effective Date: 2017-10-17

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

Proposed Action: Addition of section 80-5.26 to Title 8 NYCRR.

Statutory authority: Education Law, sections 101, 207, 305, 3001, 3004 and 3009

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

Specific reasons underlying the finding of necessity: On September 20, 2017, Category 5 Hurricane Maria made landfall in Puerto Rico and other U.S. territories and wreaked havoc. As a result of this catastrophic event, many individuals directly affected by Hurricane Maria have been displaced, including children who may come to New York State and enroll in schools.

The expectation is that many of these students may not be fluent in English, and the Department wants to ensure that there are adequate teachers capable of teaching these students. The Department also anticipates an influx of individuals who were certified teachers in Puerto Rico and other U.S. territories coming to New York State as well, and the Department would like to advance a regulation that will allow those certified in Puerto Rico or another U.S. territory who have been affected by and displaced by Hurricane Maria to become certified in New York for a temporary period of time.

At this time, the Department would like to add a new Section 80-5.26 to the Commissioner’s Regulations to allow those who hold a teaching certificate in Puerto Rico or another U.S. territory to obtain a nonrenewable temporary hardship certificate that is valid until June 30, 2018 to teach in New York State public school districts and BOCES, provided they meet certain requirements. Because the Board of Regents meets at scheduled intervals, the earliest the proposed amendment could be presented for regular (non-emergency) adoption, after publication in the State Register and expiration of the 45-day public comment period provided for in the State Administrative Procedure Act (SAPA) sections 202(1) and (5), is the January 2018 Regents meeting. Furthermore, pursuant to SAPA section 203(1), the earliest effective date of the proposed amendment, if adopted at the January Regents meeting, is January 25, 2018, the date a Notice of Adoption would be published in the State Register. However, emergency action to adopt the proposed rule is necessary now for the preservation of the general welfare and is needed because the resulting influx of individuals from Puerto Rico and other U.S. territories who have been affected by Hurricane Maria is expected to be immediate, and the Department must ensure that the proposed amendment is effective immediately to timely allow for those individuals who meet the requirements to apply for this temporary certificate.

Subject: Temporary teaching certificates.

Purpose: Temporary certificates for teachers displaced from Puerto Rico and/or US territory as a result of Hurricane Maria.

Text of emergency/proposed rule: Add a new section 80-5.26 to the Regulations of the Commissioner of Education, to read as follows:

80-5.26 Temporary “Hurricane Maria” certificate for teachers displaced from Puerto Rico and/or another U.S. territory as a result of Hurricane Maria to teach in New York.

(a) Temporary “Hurricane Maria” hardship certificate to teach in New York. The Commissioner may issue a temporary certificate in the classroom teaching service for teachers who held a certificate or authorization to practice from Puerto Rico or another United States territory prior to Hurricane Maria and who as a result of the hurricane were forced to relocate to New York. The requirements for such certificate are as follows:

(1)(i) The candidate shall hold a valid certificate or equivalent authorization to practice from Puerto Rico or another U.S. territory impacted by Hurricane Maria that is equivalent to the title and type of the certificate sought;

(ii) if the candidate is unable to provide the Department with a copy of such certificate and/or authorization to practice, the candidate shall either:

(a) submit verification of such certificate from the Department of Education of such U.S. territory or the equivalent thereof, in a form and format prescribed by the Commissioner; or

(b) submit a signed and notarized attestation stating that the candidate holds a valid certificate or the equivalent authorization in Puerto Rico or another U.S. territory that was impacted by Hurricane Maria and as a result of such hurricane he/she is unable to produce written evidence of such certificate.

(2) The candidate shall provide evidence of satisfactory employment in a public school (K-12) in Puerto Rico or another U.S. territory (such as pay-stubs or W-2 forms) impacted by Hurricane Maria in a position that is equivalent to the title and type of the certificate sought. Such experience must be within one year of the stated effective date of this section.

(3) The candidate shall meet the general requirements for certificates prescribed in Subpart 80-1 of this Part, including but not limited to the requirements of section 80-1.3 relating to citizenship, section 80-1.4 relating to study in child abuse identification and reporting, and school violence prevention and intervention; section 80-1.13 relating to coursework or training in harassment, bullying and discrimination prevention and intervention; and section 80-1.1 relating to a criminal history check.

(4) The candidate shall submit satisfactory evidence of having a commitment of employment from a school district or BOCES for one year or employment as a teacher in the area of the certificate sought, which shall include a plan from the school district for mentoring and appropriate instructional support.

(b) Upon meeting the requirements in subdivision (a) of this section, the Commissioner may issue a nonrenewable temporary hardship certificate that is valid until June 30, 2018.

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 January 14, 2018.

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

Data, views or arguments may be submitted to: Kelly Grace, NYS Education Department, 89 Washington Avenue, Room 975 EBA, Albany, NY 12234, (518) 486-3633, email: kelly.grace@nysed.gov

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

Regulatory Impact Statement

1. STATUTORY AUTHORITY:

Education Law 101 (not subdivided) charges the Department with the general management and supervision of all public schools and all of the educational work of the state.

Education Law 207(not subdivided) grants general rule-making authority to the Regents to carry into effect State educational laws and policies.

Education Law 305(1) authorizes the Commissioner to enforce laws relating to the State educational system and execute Regents educational policies. Section 305(2) provides the Commissioner with general supervision over schools and authority to advise and guide school district officers in their duties and the general management of their schools.

Education Law 3001 establishes the qualifications of teachers in the classroom.

Education Law 3004(1) authorizes the Commissioner to promulgate regulations governing the certification requirements for teachers employed in public schools.

Education Law 3009 prohibits school district monies from being used to pay the salary of an unqualified teacher.

2. LEGISLATIVE OBJECTIVES:

The purpose of the proposed addition of new section 80-5.26 to the Regulations of the Commissioner of Education is to allow a temporary certificate for teachers who have been displaced from Puerto Rico and/or another U.S. territory as a result of hurricane Maria to teach in New York state, upon meeting certain requirements.

3. NEEDS AND BENEFITS:

As a result, of the category 5 Hurricane that made landfall in Puerto Rico on September 20, 2017, we are anticipating an influx of individuals who are certified teachers in Puerto Rico and other U.S. territories affected by Hurricane Maria coming to New York State, and the Department would like to advance a regulation that will allow individuals who are appropriately certified in Puerto Rico or another U.S. territory and who have been affected by and displaced by Hurricane Maria to become certified in New York for a temporary period of time. The Department also anticipates that many children from Puerto Rico and other U.S. territories will come to New York (possibly staying with family who reside in New York) and enroll in New York State public schools and/or BOCES.

The expectation is that many of these students may not be fluent in English, and the Department wants to ensure that there are a sufficient number of certified teachers capable of teaching and supporting these students so that their education can continue over the course of the next several months.

Proposed Amendment

The Department is proposing to add a new Section 80-5.26 to the Regulations to allow for a temporary certificate for teachers who have been displaced from Puerto Rico and/or other U.S. territories as a result of Hurricane Maria to teach in New York if they meet the following requirements:

(1) The candidate holds a certificate or authorization to teach from Puerto Rico or another U.S. territory prior to Hurricane Maria and who, as a result of the Hurricane, has relocated to NY;

- They must provide satisfactory evidence of such certificate or equivalent authorization, or provide verification of such certificate from the Department of Education of such U.S. territory, or the equivalent thereof, or a notarized attestation that such individual is certified;

(2) They must also provide satisfactory evidence of employment, such as recent pay-stubs or W-2 forms, from a public school in Puerto Rico or another U.S. territory affected by Hurricane Maria in a position that is equivalent to the title and type of certificate sought;

(3) Meet the general requirements for certificates prescribed in Subpart 80-1 (including all workshops and a criminal history check); and

(4) A commitment of employment from a school district or BOCES for one year of employment as a teacher in the area of the certificate sought (including a plan for mentoring from the school district).

The Department recognizes that these candidates may have difficulty obtaining a copy of their certificate and/or proof of employment, therefore, the regulations have allowed for certain alternatives that candidates may use to show proof of certification and employment. However, the Department will be working with the Puerto Rico Department of Education to verify that the candidate has the appropriate certification, to the extent possible, through the Department of Education's online verification system.

This temporary certificate is valid until June 30, 2018 and would allow the teacher to work in a public school or BOCES for the remainder of the 2017-2018 school. This temporary certificate is not renewable.

However, during this time, teachers from Puerto Rico may pursue a New York State initial teaching certificate through the existing reciprocity pathway provided for in Section 80-5.8 of the Commissioner's Regulations, which allows certified teachers from other states or U.S. territories to obtain a New York certification if they have at least three years of experience in a public school in another state or territory and the candidates received ratings of effective or highly effective or the substantial equivalent during each of his/her three most recent years of experience. In addition, these candidates must complete the required workshops and receive fingerprint clearance.

If they do not have three years of teaching experience they may also choose to pursue a conditional initial certificate, as set forth in Section 80-5.17 of the Regulations which requires that candidates meet all requirements for an Initial Certificate (including a passing score on the EAS and any required CSTs). The Conditional Initial certificate allows candidates to work in a school district for one year while they complete the edTPA requirement and gain their Initial Certificate.

4. COSTS:

a. Costs to State government: The amendment does not impose any costs on State government, including the State Education Department.

b. Costs to local government: The amendment does not impose any costs on local government.

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

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

5. LOCAL GOVERNMENT MANDATES:

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

6. PAPERWORK:

The proposed amendment does not impose any additional paperwork requirements.

7. DUPLICATION:

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

8. ALTERNATIVES:

The proposed amendment is meant to directly address the natural disaster imposed by Hurricane Maria in Puerto Rico and other affected U.S. territories and the individuals displaced by such disaster. No other alternatives were considered at the time.

9. FEDERAL STANDARDS:

There are no applicable Federal standards.

10. COMPLIANCE SCHEDULE:

If adopted as an emergency measure at the October meeting, the proposed amendment will become effective on October 17, 2017. Following the 45-day public comment period required under the State Administrative Procedure Act, it is anticipated that the proposed amendment will be adopted by the Board of Regents at its January 2018 meeting. If adopted at the January 2018 meeting, the proposed amendment will become effective on February 7, 2018.

Regulatory Flexibility Analysis

The purpose of the proposed amendment is to provide a temporary certificate for teachers who have been displaced from Puerto Rico and/or another U.S. territory as a result of Hurricane Maria to teach in New York State. This temporary certificate will be available for those who provide evidence that they hold a valid certificate or authorization to teach from Puerto Rico and/or another U.S. territory affected by Hurricane Maria employment in a public school in Puerto Rico or another U.S. territory. The candidate must also complete the required workshops and have a fingerprint clearance, and a commitment of employment from a school district or BOCES in New York.

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

Rural Area Flexibility Analysis

1. TYPES AND ESTIMATED NUMBER OF RURAL AREAS:

This proposed amendment applies to all individuals pursuing certification as a teacher in the classroom teaching service from Puerto Rico and/or another U.S. Territory who were directly impacted by Hurricane Maria and came to New York, as well as all New York State school districts and BOCES who wish to hire those individuals, including those in the 44 rural counties with fewer than 200,000 inhabitants and the 71 towns and urban counties with a population density of 150 square miles or less.

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

As a result, of the category 5 Hurricane that made landfall in Puerto Rico on September 20, 2017, we are anticipating an influx of individuals who are certified teachers in Puerto Rico and other U.S. territories affected by Hurricane Maria coming to New York State, and the Department would like to advance a regulation that will allow individuals who are appropriately certified in Puerto Rico or another U.S. territory and who have been affected by and displaced by Hurricane Maria to become certified in New York for a temporary period of time. The Department also anticipates that many children from Puerto Rico and other U.S. territories will come to New York (possibly staying with family who reside in New York) and enroll in New York State public schools and/or BOCES.

The expectation is that many of these students may not be fluent in English, and the Department wants to ensure that there are a sufficient number of certified teachers capable of teaching and supporting these students so that their education can continue over the course of the next several months.

Proposed Amendment

The Department is proposing to add a new Section 80-5.26 to the Regulations to allow for a temporary certificate for teachers who have been displaced from Puerto Rico and/or other U.S. territories as a result of Hurricane Maria to teach in New York if they meet the following requirements:

(1) The candidate holds a certificate or authorization to teach from Puerto Rico or another U.S. territory prior to Hurricane Maria and who, as a result of the Hurricane, has relocated to NY;

- They must provide satisfactory evidence of such certificate or equivalent authorization, or provide verification of such certificate from the Department of Education of such U.S. territory, or the equivalent thereof, or a notarized attestation that such individual is certified;

(2) They must also provide satisfactory evidence of employment, such as recent pay-stubs or W-2 forms, from a public school in Puerto Rico or another U.S. territory affected by Hurricane Maria in a position that is equivalent to the title and type of certificate sought;

(3) Meet the general requirements for certificates prescribed in Subpart 80-1 (including all workshops and a criminal history check); and

(4) A commitment of employment from a school district or BOCES for one year of employment as a teacher in the area of the certificate sought (including a plan for mentoring from the school district).

The Department recognizes that these candidates may have difficulty obtaining a copy of their certificate and/or proof of employment, therefore, the regulations have allowed for certain alternatives that candidates may use to show proof of certification and employment. However, the Department will be working with the Puerto Rico Department of Education to verify that the candidate has the appropriate certification, to the extent possible, through the Department of Education's online verification system.

This temporary certificate is valid until June 30, 2018 and would allow the teacher to work in a public school or BOCES for the remainder of the 2017-2018 school. This temporary certificate is not renewable.

However, during this time, teachers from Puerto Rico may pursue a New York State initial teaching certificate through the existing reciprocity pathway provided for in Section 80-5.8 of the Commissioner's Regulations, which allows certified teachers from other states or U.S. territories to obtain a New York certification if they have at least three years of experience in a public school in another state or territory and the candidates received ratings of effective or highly effective or the substantial equivalent during each of his/her three most recent years of experience. In addition, these candidates must complete the required workshops and receive fingerprint clearance.

If they do not have three years of teaching experience they may also choose to pursue a conditional initial certificate, as set forth in Section 80-5.17 of the Regulations which requires that candidates meet all requirements for an Initial Certificate (including a passing score on the EAS and any required CSTs). The Conditional Initial certificate allows candidates to work in a school district for one year while they complete the edTPA requirement and gain their Initial Certificate.

3. COSTS:

The proposed amendment does not impose any costs on those pursuing this temporary certificate, and/or the New York State school districts/BOCES who wish to hire them.

4. MINIMIZING ADVERSE IMPACT:

The proposed amendment seeks to address the specific disaster caused by Hurricane Maria in Puerto Rico and other U.S. territories. In anticipation of children from the affected areas enrolling in New York Schools, the Department is proposing this temporary certificate to address the increased need for teachers to teach these children, where many will be ELLs.

5. RURAL AREA PARTICIPATION:

Copies of the proposed amendments have been provided to Rural Advisory Committee for review and comment.

Job Impact Statement

The purpose of the proposed amendment is to provide a temporary certificate for teachers who have been displaced from Puerto Rico and/or another U.S. territory as a result of Hurricane Maria to teach in New York State. This temporary certificate will be available for those who provide evidence that they hold a valid certificate or authorization to teach from Puerto Rico and/or another U.S. territory affected by Hurricane Maria employment in a public school in Puerto Rico or another U.S. territory. The candidate must also complete the required workshops and have a fingerprint clearance, and a commitment of employment from a school district or BOCES in New York.

Because it is evident from the nature of the proposed amendment that it will have no impact on the number of jobs or employment opportunities in New York State, no further steps were needed to ascertain that fact and none were taken.

NOTICE OF ADOPTION

Members of the Library and Museum Council

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

Filing No. 904

Filing Date: 2017-10-17

Effective Date: 2017-11-01

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

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

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

Subject: Members of the Library and Museum Council.

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

Text or summary was published in the August 2, 2017 issue of the Register, I.D. No. EDU-31-17-00006-P.

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

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

Initial Review of Rule

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

Assessment of Public Comment

COMMENT: One organization indicated that it strongly supports the amendment because it is important step toward growing and diversifying representation on the Council by museum region, size, and type of collection. A broad range of voices from New York's cultural community is important to shape and inform the work of the State Education Department. The step towards diversification is commendable and certainly needed at this point in time.

RESPONSE: No response is necessary because the comment is supportive of the proposed amendment.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Limited License in Speech-Language Pathology

I.D. No. EDU-44-17-00004-P

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

Proposed Action: Amendment of section 75.2 of Title 8 NYCRR.

Statutory authority: Education Law, sections 207(not subdivided), 6504(not subdivided), 6507(2)(a) and 8206-a; L. 2017, ch. 202

Subject: Limited license in speech-language pathology.

Purpose: To subject applicants who have been issued a limited license, to the same experience requirements as applicants for a license.

Text of proposed rule: Section 75.2 of the Regulations of the Commissioner of Education is amended by adding a new subdivision (d) to read as follows:

(d) *The provisions of this section shall apply to both applicants who have been issued a limited license, pursuant to section 8206-a of the Education Law, and those who have not been issued such a license.*

Text of proposed 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: Office of the Professions, Office of the Deputy Commissioner, State Education Department, State Education Building 2M, 89 Washington Ave., Albany, NY 12234, (518) 486-1765, email: opdepcom@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:

Section 207 of the Education Law grants general rule-making authority

to the Board of Regents to carry into effect the laws and policies of the State relating to education.

Section 6504 of the Education Law authorizes the Board of Regents to supervise the admission to and regulation of the practice of the professions.

Subparagraph (a) of subdivision (2) of section 6507 of the Education Law authorizes the Commissioner of Education to promulgate regulations in administering the admission to and the practice of the professions.

Section 8206-a and Chapter 202 of the Laws of 2017 authorize the New York State Education Department to issue a limited license to an applicant for licensure as a speech-language pathologist, under circumstances set forth in law, in order for such applicant to satisfy the experience requirements for licensure.

2. LEGISLATIVE OBJECTIVES:

The proposed amendment carries out the intent of the aforementioned statutes that the Board of Regents and the Department regulate the admission to and the practice of the professions, including the experience requirements for licensure as a speech-language pathologist.

Applicants for licensure as speech-language pathologists are required to fulfill the statutory requirements set forth in section 8206 of the Education Law, which include having experience satisfactory to the State Board for Speech-Language Pathology and Audiology (State Board) and in accordance with the Regulations of the Commissioner of Education. The experience requirements, which include, *inter alia*, both duration of experience and supervision requirements for speech-language pathology are set forth in section 75.2 of the Regulations of the Commissioner of Education.

Federal regulations (42 CFR 484.4) and the Centers for Medicare and Medicaid (CMS) require a speech-language pathologist to be licensed to be eligible to participate in the Medicare program. New York State is one of only seven states that does not provide a "limited license" or similar status to individuals during the completion of their experience requirements for licensure. Chapter 202 of the Laws of 2017, effective February 17, 2018, adds section 8206-a to the Education Law, establishing a limited license category for speech-language pathologists. Chapter 202 authorizes the Department to issue a limited license to an applicant for licensure as a speech-language pathologist who has completed a master's degree program. A limited license would be valid for one year, but may be renewed for additional one-year periods until such time as may be necessary for the applicant to complete the experience requirement for licensure.

The proposed addition of subdivision (d) to section 75.2 of the Regulations of the Commissioner of Education will conform the Regulations of the Commissioner of Education to Chapter 202 of the Laws of 2017 by subjecting applicants who are issued limited licenses, under section 8206-a of the Education Law, to the same experience requirements as applicants for licensure who have not been issued such licenses.

3. NEEDS AND BENEFITS:

The proposed addition of subdivision (d) to section 75.2 of the Regulations of the Commissioner of Education is necessary to conform the Regulations of the Commissioner of Education to Chapter 202 of the Laws of 2017 by subjecting speech-language pathology licensure applicants who are issued a limited license by the Department, under section 8206-a of the Education Law, to the same experience requirements as licensure applicants who have not been issued such a license.

4. COSTS:

(a) Costs to State government: The proposed rule implements statutory requirements and will not impose any additional costs on State government beyond those imposed by the statutory requirements.

(b) Costs to local government: The proposed rule does not impose any additional costs on local government.

(c) Costs to private regulated parties: The proposed rule does not impose any additional costs on regulated parties beyond those imposed by statute. As required by Education Law section 8206-a(5), the fee for a limited license shall be \$70.

(d) Costs to the regulatory agency: The proposed rule does not impose any additional costs on the Department beyond those imposed by statute.

5. LOCAL GOVERNMENT MANDATES:

The proposed rule does not impose any program, service, duty or responsibility upon local governments.

6. PAPERWORK:

The proposed rule imposes no new reporting or other paperwork requirements beyond those imposed by the statute.

7. DUPLICATION:

The proposed rule is necessary to implement Chapter 202 of the Laws of 2017. There are no other State or federal requirements on the subject matter of this proposed rule. Therefore, the proposed rule does not duplicate other existing State or federal requirements.

8. ALTERNATIVES:

The proposed rule is necessary to conform the Regulations of the Commissioner of Education to Chapter 202 of the Laws of 2017. There are no significant alternatives to the proposed rule and none were considered.

9. FEDERAL STANDARDS:

No federal standards apply to the subject matter of this rule making. The federal government does not regulate the experience requirement for applicants for licensure as speech-language pathologists in New York State. Since there are no applicable federal standards, the proposed rule does not exceed any minimum federal standards for the same or similar subject areas.

10. COMPLIANCE SCHEDULE:

The proposed rule is necessary to conform the Regulations of the Commissioner of Education to Chapter 202 of the Laws of 2017. It is anticipated that the regulated parties will be able to comply with the proposed amendment by the effective date.

Regulatory Flexibility Analysis

The proposed amendment is applicable only to applicants for licensure as speech-language pathologists who apply for a limited license under section 8206-a of the Education Law, and it subjects them to the same experience requirements as applicants who have not been issued such a license by the Department. The proposed amendment will not affect small businesses or local governments in New York State. The proposed amendment will not impose any new reporting, recordkeeping, or other compliance requirements, or have any adverse economic impact, on small businesses or local governments. Because it is evident from the nature of the proposed amendment that it will not adversely affect small businesses or local governments, no affirmative steps were needed to ascertain that fact and none were taken. Accordingly, a regulatory flexibility analysis for small businesses and local governments is not required, and one has not been prepared.

Rural Area Flexibility Analysis

The proposed amendment is applicable only to applicants for licensure as speech-language pathologists who apply for a limited license under section 8206-a of the Education Law, and it subjects them to the same experience requirements as applicants who have not been issued such a license by the Department. The proposed amendment will not impose any adverse impact on rural areas and would not impose any new reporting, recordkeeping, or other compliance requirements on entities in rural areas of New York State. Accordingly, no further steps were needed to ascertain the impact of the proposed amendment on entities in rural areas and none were taken. Thus, a rural area flexibility analysis is not required, and one has not been prepared.

Job Impact Statement

It is not anticipated that the proposed rule will impact jobs and employment opportunities. This is because the proposed rule implements Chapter 202 of the Laws of 2017 by subjecting speech-language pathology licensure applicants who are issued a limited license under section 8206-a of the Education Law, to the same experience requirements, which include but are not limited to supervision requirements, as licensure applicants who have not been issued such a license. Therefore, the proposed rule will not have a substantial adverse impact on jobs and employment opportunities. Because it is evident from the nature of the proposed rule that it will not affect job and employment opportunities, no affirmative steps were needed to ascertain that fact and none were taken. Accordingly, a job impact statement is not required, and one has not been prepared.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Definition of Occupational Therapy Practice

I.D. No. EDU-44-17-00005-P

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

Proposed Action: Amendment of section 76.5 of Title 8 NYCRR.

Statutory authority: Education Law, sections 207(not subdivided), 6504(not subdivided), 6507(2)(a) and 7901; L. 2011, ch. 460

Subject: Definition of occupational therapy practice.

Purpose: To conform the definition of occupational therapy practice to changes to Education Law 7901 by Chapter 460 of the Laws of 2011.

Text of proposed rule: Section 76.5 of the Regulations of the Commissioner of Education is amended as follows:

(a) . . .

(b) Purposeful activity is defined as goal-directed behavior *designed to achieve maximal physical, cognitive and mental functioning of the client and aimed at the development, restoration or maintenance of functional daily living skills and activities of daily living* in the categories of self-care, work, homemaking or play/leisure.

(c) A treatment program within the meaning of Education Law, section 7901 shall be consistent with the statutory scope of practice and may:

(1) Include the therapeutic use of goal-directed activities, exercises, or techniques to maximize the client's physical, *cognitive* and/or mental functioning in life tasks. Treatment is directed toward maximizing functional skill and task-related performance for the development of a client's vocational, avocational, daily living or related capacities.

(2) . . .
(3) . . .

(d) Any treatment program described in this regulation *designed to restore function* shall be rendered on the prescription or referral of a physician, nurse practitioner or other health care provider acting within his or her scope of practice. In accordance with section 7901 and articles 131 and 153 of the Education Law, nothing contained in this regulation shall be construed to permit any licensee hereunder to engage in the practice of medicine or psychology, including psychotherapy[,] or otherwise expand such licensee's scope of practice beyond what is authorized by law.

Text of proposed 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: Office of the Professions, Office of the Deputy Commissioner, State Education Department, State Education Building 2M, 89 Washington Ave., Albany, NY 12234, (518) 486-1765, email: opdepcom@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:

Section 207 of the Education Law grants general rule-making authority to the Board of Regents to carry into effect the laws and policies of the State relating to education.

Section 6504 of the Education Law authorizes the Board of Regents to supervise the admission to and regulation of the practice of the professions.

Subparagraph (a) of subdivision (2) of section 6507 of the Education Law authorizes the Commissioner of Education to promulgate regulations in administering the admission to the practice of the professions.

Section 7901 of the Education Law, as amended by Chapter 460 of the Laws of 2011, defines the practice of occupational therapy.

2. LEGISLATIVE OBJECTIVES:

The proposed amendment carries out the intent of the aforementioned statutes that the Department shall supervise the regulation of the practice of the professions for the benefit of the public. The proposed amendment will conform the Regulations of the Commissioner of Education to Chapter 460 of the Laws of 2011, which amended section 7901 of the Education Law, by amending the definition of the scope of practice of occupational therapy. Chapter 460 of the Laws of 2011 further authorizes the Department to develop regulations necessary to implement it.

3. NEEDS AND BENEFITS:

Amendments made by Chapter 460 of the Laws of 2011 to the definition of occupational therapy practice found in section 7901 of the Education Law, explicitly added the development and utilization of a treatment program and consultation with the client, family, caregiver or organization to the scope of practice. The amendments also provided that activities within the scope of practice include those done in order to restore performance abilities designed to achieve cognitive functioning. In addition, prior to the amendments made by Chapter 460 of the Laws of 2011, section 7901 of the Education Law provided that any occupational therapy treatment program be rendered on the prescription or referral of a physician or nurse practitioner. Chapter 460 of the Laws of 2011 provided that treatment programs designed to restore function be rendered on the prescription or referral of a physician, nurse practitioner or other health care provider acting within his or her scope of practice.

The proposed rule amends subdivision (b) of section 76.5 of the Regulations of the Commissioner of Education that defines purposeful activity, one of the statutory elements of occupational therapy practice. The proposed rule adds restoration or maintenance of activities of daily living to the aims of purposeful activity. The existing definition of purposeful activity only provided that this activity was aimed at the development of functional daily living skills.

The proposed rule also amends paragraph (1) of subdivision (c) of section 76.5 to provide that a treatment program may include the therapeutic use of goal-directed activities, exercises, or techniques to maximize the client's cognitive functioning in life tasks, in addition to the client's physical and/or mental functioning in life tasks, in order to conform this definition to the provisions of section 7901 of the Education Law, as amended by Chapter 460 of the Laws of 2011.

The proposed rule amends subdivision (d) of section 76.5 of the Regulations of the Commissioner of Education to provide that occupational therapy treatment programs designed to restore function shall be rendered on the prescription or referral of a physician, nurse practitioner or other health care provider acting within his or her scope of practice. The proposed rule also amends subdivision (d) of section 76.5 of the Regulations of the Commissioner of Education to provide that nothing contained in the rule shall be construed to expand a licensee's scope of practice beyond what is authorized by law.

The proposed amendment is necessary to conform the Regulations of the Commissioner of Education to section 7901 of the Education Law as amended by Chapter 460 of the Laws of 2011.

4. COSTS:

(a) Costs to State government: There are no additional costs to State government.

(b) Costs to local government: There are no additional costs to local government.

(c) Costs to private regulated parties: The proposed rule does not impose any additional costs on regulated parties.

(d) Costs to the regulatory agency: The proposed rule does not impose any additional costs on the Department.

5. LOCAL GOVERNMENT MANDATES:

The proposed rule does not impose any program, service, duty or responsibility upon local governments.

6. PAPERWORK:

The proposed rule imposes no new reporting or other paperwork requirements.

7. DUPLICATION:

There are no other State or federal requirements on the subject matter of this proposed rule. Therefore, the proposed rule does not duplicate other existing State or federal requirements, and is necessary to conform the Regulations of the Commissioner of Education to Chapter 460 of the Laws of 2011.

8. ALTERNATIVES:

The proposed rule is necessary to conform the Regulations of the Commissioner of Education to Chapter 460 of the Laws of 2011, which amended section 7901 of the Education Law. There are no significant alternatives to the proposed rule and none were considered.

9. FEDERAL STANDARDS:

No federal standards apply to the subject matter of this rule making. The federal government does not regulate the definition of the scope of practice of occupational therapy in New York State. Since there are no applicable federal standards regarding definition of the scope of practice for occupational therapy, the proposed rule does not exceed any minimum federal standards for the same or similar subject areas.

10. COMPLIANCE SCHEDULE:

The proposed amendment is necessary to conform the Regulations of the Commissioner of Education to section 7901 of the Education Law as amended by Chapter 460 of the Laws of 2011. It is anticipated that the regulated parties will be able to comply with the proposed amendment by the effective date.

Regulatory Flexibility Analysis

The proposed amendment is necessary to conform the Regulations of the Commissioner of Education to section 7901 of the Education Law, as amended by Chapter 460 of the Laws of 2011.

The proposed amendment is only applicable to occupational therapists and occupational therapy assistants. The proposed amendment will not affect small businesses or local governments in New York State. The proposed amendment will not impose any new reporting, recordkeeping, or other compliance requirements, or have any adverse economic impact, on small businesses or local governments. Because it is evident from the nature of the proposed amendment that it will not adversely affect small businesses and local governments, no affirmative steps were needed to ascertain that fact and none were taken. Accordingly, a regulatory flexibility analysis for small businesses and local governments is not required, and one has not been prepared.

Rural Area Flexibility Analysis

The proposed amendment is necessary to conform the Regulations of the Commissioner of Education to section 7901 of the Education Law, as amended by Chapter 460 of the Laws of 2011. The proposed amendment is applicable only to occupational therapists and occupational therapy assistants in New York State. The proposed amendment will not impose any adverse impact on rural areas and would not impose any new reporting, recordkeeping, or other compliance requirements on entities in rural areas of New York State. Accordingly, no further steps were needed to ascertain the impact of the proposed amendment on entities in rural areas and none were taken. Thus, a rural area flexibility analysis is not required, and one has not been prepared.

Job Impact Statement

It is not anticipated that the proposed amendment will impact jobs and employment opportunities. This is because the proposed amendment will

conform the definition of occupational therapy practice in section 76.5 of the Regulations of the Commissioner of Education to the provisions of section 7901 of the Education Law, as amended by Chapter 460 of the Laws of 2011, and apply only to occupational therapists and occupational therapy assistants. Therefore, the proposed amendment will not have a substantial adverse impact on jobs and employment opportunities. Because it is evident from the nature of the proposed amendment that it will not affect job and employment opportunities, no affirmative steps were needed to ascertain that fact and none were taken. Accordingly, a job impact statement is not required, and one has not been prepared.

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

Transitional H Certification Pathway

I.D. No. EDU-44-17-00008-P

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

Proposed Action: Addition of section 80-5.25; amendment of sections 52.21, 80-6.3 and 154-2.3 of Title 8 NYCRR.

Statutory authority: Education Law, sections 101, 207(not subdivided), 305, 3001, 3004 and 3009

Subject: Transitional H Certification Pathway.

Purpose: Allows NYS licensed CPAs with 3 years of experience auditing NYS school district, BOCES, municipalities to seek a business leader certificate.

Text of proposed rule: 1. Section 80-5.25 of the Regulations of the Commissioner of Education shall be added to read as follows:

80-5.25 Transitional H certificate for school district business leaders who hold a valid New York State license and registration as a certified public accountant and have at least three years of experience as a licensed certified public accountant auditing New York State school districts, boards of cooperative educational services and/or municipalities in New York State.

(a) *General requirements.*

(1) *Time validity. The transitional H certificate shall be valid for three years from its effective date and shall not be renewable.*

(2) *Limitations. The transitional H certificate shall authorize a candidate to hold a school district business leader position in a school district or BOCES for which a commitment for employment and mentoring has been made. In addition, it shall only be valid as long as the candidate is matriculated in good standing in a school district business leader program registered pursuant to section 52.21 of this Title, leading to a professional school district business leader certificate.*

(3) *The candidate shall meet the requirements in each of the following subparagraphs:*

(i) *Education.*

(a) *The candidate shall hold a baccalaureate degree or higher in accounting, finance, or a related business field as determined by the Commissioner, from a regionally accredited institution of higher education or from an institution authorized by the Board of Regents to confer degrees;*

(b) *Hold a valid license and registration as a New York State Certified Public Accountant;*

(c) *The candidate shall have completed at least three years of experience as a licensed certified public accountant auditing New York State school districts, BOCES and/or municipalities in New York State, as determined by the Commissioner;*

(d) *Employment and support commitment. The candidate shall submit satisfactory evidence of having a commitment from a New York State school district or BOCES of employment as a school district business leader with the school district or BOCES for at least three school years, which shall include at least one year of mentoring; and*

(e) *Matriculation in a school district business leader certification program registered pursuant to section 52.21(c) of this Title, leading to a professional certificate as a school district business leader.*

2. Subparagraph (v) of paragraph (5) of subdivision (c) of section 52.21 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(v) *Leadership experiences.*

(a) *Programs shall require candidates to successfully complete leadership experiences that shall:*

(1) *include leadership experiences in districts serving students at different developmental levels and with a variety of characteristics and socioeconomic backgrounds;*

(2) *be carefully selected and planned by program faculty in collaboration with school district leaders, with learning outcomes specified that are connected to program competencies and with the achievement of those competencies regularly evaluated by program faculty; and*

(3) *be supervised by certified school district leaders and by program faculty who have preparation and expertise in supervision related to school district business leadership.*

(b) *The leadership experiences specified in clause (a) of this subparagraph shall occur throughout the program of study. In addition, they shall culminate in a full-time experience of at least 15 weeks that is structured to provide leadership responsibilities of increasing breadth and depth.*

(c) *Alternatively, the leadership experiences specified in clause (a) of this subparagraph may occur in a competency-based format different from that prescribed in clause (b) of this subparagraph provided that the program demonstrates that such format is substantially equivalent to the format prescribed in clause (b) of this subparagraph.*

(d) *Programs shall exempt candidates who submit evidence to the program that they hold and/or held a Transitional H certificate and were employed by a school district or BOCES under such certificate for more than a year from the required leadership experience specified in clause (a) of this subparagraph.*

3. Paragraph (2) of subdivision (a) of section 80-6.3 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(2) *Exemption [from] or modification of language acquisition requirements.*

(i) *For a teacher or school leader who is employed by an applicable school with an approved exemption pursuant to section 154-2.3(k) of this Title because there are fewer than 30 English language learner students enrolled or English language learners make up less than five percent of the applicable school's total student population as of a date as established by the commissioner, the teacher or school leader shall be exempt from the language acquisition CTLE requirements prescribed in this subdivision for each such year that they are employed in an applicable school with an approved exemption.*

(ii) *A school district business leader who is employed by an applicable school shall be exempt from the language acquisition CTLE requirements prescribed in this subdivision for each such year that they are employed in a school district or BOCES. Instead, a school district business leader shall complete a minimum of 15 percent of the required CTLE clock hours dedicated to the needs of English Language Learners and federal, state and local mandates for English Language Learners.*

4. Subdivision (k) of section 154-2.3 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(k) *Professional Development. Each school district and board of cooperative educational services shall provide professional development to all teachers, level III teaching assistants and administrators that specifically addresses the needs of English Language Learners and for school business leaders, professional development related to the needs of English Language Learners and the federal, state and local mandates for English language learners.*

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

Data, views or arguments may be submitted to: Kelly Grace, New York State Education Department, 975 EBA, Albany, NY 12234, (518) 486-3633, email: REGCOMMENTS@nysed.gov

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

Regulatory Impact Statement

1. STATUTORY AUTHORITY:

Education Law 101 (not subdivided) charges the Department with the general management and supervision of all public schools and all of the educational work of the state.

Education Law 207(not subdivided) grants general rule-making authority to the Regents to carry into effect State educational laws and policies.

Education Law 305(1) authorizes the Commissioner to enforce laws relating to the State educational system and execute Regents educational policies. Section 305(2) provides the Commissioner with general supervision over schools and authority to advise and guide school district officers in their duties and the general management of their schools.

Education Law 3001 establishes the qualifications of teachers in the classroom.

Education Law 3004(1) authorizes the Commissioner to promulgate regulations governing the certification requirements for teachers employed in public schools.

Education Law 3009 prohibits school district monies from being used to pay the salary of an unqualified teacher.

2. LEGISLATIVE OBJECTIVES:

The purpose of the proposed addition of a new section 80-5.25 to the Regulations of the Commissioner of Education to establish a Transitional H certification pathway for holders of a New York State license as a certified public accountant (CPA) with at least three years of experience auditing New York State school districts, BOCES, and/or municipalities to pursue a school district business leader certificate. The proposed amendment also amends section 52.21 of the Regulations to waive the internship requirement for the professional school district business leader certificate for those candidates holding a Transitional H certificate. Lastly, the Department is amending the language acquisition continuing education requirements prescribed for school district business leaders.

3. NEEDS AND BENEFITS:

Currently, the requirements in Section 80-3.10(c) of the Commissioner's Regulations for an individual to obtain a professional school district business leader certificate are:

(1) a master's or higher degree from a regionally accredited higher education institution or an equivalently approved higher education institution as determined by the department; and

(2) either:

(a) have successfully completed a New York State program leading to a professional certificate as a school district business leader in the educational leadership service registered pursuant to section 52.21(c)(5), or its equivalent; or

(b) have successfully completed an educational leadership program outside of New York State that is equivalent with a program leading to a professional certificate as a school district business leader in the educational leadership service registered pursuant to section 52.21(c)(5).

Both pathways require completion of at least 60 semester hours of graduate study and satisfactory performance on the New York State assessment for school district business leadership.

School district business leaders (SDBLs) are important assets to school districts and BOCES, with their duties ranging from day-to-day operations to long-range planning. The New York State Association of School Business Officials (NYSASBO) has reached out to the Department to discuss the current state of the school district business leader field, and has estimated that approximately 40 percent of current school district business leaders are planning to retire within the next 10 years, making the task of obtaining qualified individuals to fill these roles even more challenging.

The Department is recommending the establishment of a transitional pathway to allow holders of valid NYS Certified Public Accountant (CPA) licenses and registrations, who have had experience auditing New York State school districts, BOCES and/or municipalities, to obtain a three year transitional certificate allowing them to hold the position of a school district business leader while pursuing the requirements for the professional certificate.

This Transitional certificate would strengthen the talent pool for school districts and BOCES, while ensuring the continuance of rigorous certification standards for school district business leaders. Much of the knowledge and training that is required of SDBLs is similar to the knowledge and training of CPAs.

Proposed Amendment

At this time, the Department is proposing the addition of a new Section 80-5.25 to establish a "Transitional H" pathway for an individual who holds a valid license and registration as a Certified Public Accountant in New York with at least three years of auditing experience for New York State school districts, BOCES and/or municipalities to obtain a certificate valid for three years to allow him/her to hold the position of a school district business leader in a school district or BOCES while completing the requirements for a professional school district business leader certificate. The candidate must have a baccalaureate degree or higher in accounting, finance, or a related business field, as well as an employment and support commitment from a school district or BOCES for at least three years, which includes at least one year of mentoring.

The Department is also proposing an amendment to Section 52.21 of the Commissioner's Regulations to waive the internship requirement for the professional school district business leader certificate for those candidates holding a Transitional H certificate. These candidates may waive all or part of the required hours by documenting experience in areas specified by the Commissioner.

Lastly, the Department is proposing an amendment to the requirements related to Continuing Teacher and Leader Education (CTLE) for those holding a professional school district business leader certificate. The amendment waives the requirement that all SDBL certificate holders must complete a minimum of 15 percent of their CTLE clock hours in language acquisition addressing the needs of English language learners and eliminates the requirement that school districts and BOCES provide such professional development to school district business leaders. The proposed amendment instead requires that all SDBL certificate holders complete 15 percent of their CTLE hours focused on and understanding of the needs of

English Language Learners and the associated federal state, and local mandates that are necessary to support students as they progress through their academic careers.

4. COSTS:

a. Costs to State government: The amendment does not impose any costs on State government, including the State Education Department.

b. Costs to local government: The amendment does not impose any costs on local government.

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

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

5. LOCAL GOVERNMENT MANDATES:

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

6. PAPERWORK:

The proposed amendment does not impose any additional paperwork requirements.

7. DUPLICATION:

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

8. ALTERNATIVES:

The proposed amendment is the result of working with stakeholders to address potential solutions to address shortages in the field.

9. FEDERAL STANDARDS:

There are no applicable Federal standards.

10. COMPLIANCE SCHEDULE:

It is anticipated that the proposed amendment will be adopted as a permanent rule by the Board of Regents at its January 2018 meeting. If adopted at the January 2018 meeting, the proposed amendment will become effective on February 7, 2018.

Regulatory Flexibility Analysis

The purpose of the proposed addition of a new section 80-5.25 to the Regulations of the Commissioner of Education is to establish a Transitional H certification pathway for holders of a New York State license as a certified public accountant (CPA) with at least three years of experience auditing New York State school districts, BOCES, and/or municipalities to pursue a school district business leader certificate. The proposed amendment also amends section 52.21 of the Regulations to waive the internship requirement for the professional school district business leader certificate for those candidates holding a Transitional H certificate. Lastly, the Department is amending the language acquisition continuing education requirements prescribed for school district business leaders.

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

Rural Area Flexibility Analysis

1. TYPES AND ESTIMATED NUMBER OF RURAL AREAS:

This proposed amendment applies to all New York State holders of a license as a certified public accountant (CPA) who have had at least three years of experience auditing New York State school districts, BOCES, and/or municipalities including those located in the 44 rural counties with fewer than 200,000 inhabitants and the 71 towns and urban counties with a population density of 150 square miles or less.

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

Currently, the requirements in Section 80-3.10(c) of the Commissioner's Regulations for an individual to obtain a professional school district business leader certificate are:

(1) a master's or higher degree from a regionally accredited higher education institution or an equivalently approved higher education institution as determined by the department; and

(2) either:

(a) have successfully completed a New York State program leading to a professional certificate as a school district business leader in the educational leadership service registered pursuant to section 52.21(c)(5), or its equivalent; or

(b) have successfully completed an educational leadership program outside of New York State that is equivalent with a program leading to a professional certificate as a school district business leader in the educational leadership service registered pursuant to section 52.21(c)(5).

Both pathways require completion of at least 60 semester hours of graduate study and satisfactory performance on the New York State assessment for school district business leadership.

School district business leaders (SDBLs) are important assets to school districts and BOCES, with their duties ranging from day-to-day operations to long-range planning. The New York State Association of School Business Officials (NYSASBO) has reached out to the Department to discuss the current state of the school district business leader field, and has estimated that approximately 40 percent of current school district business leaders are planning to retire within the next 10 years, making the task of obtaining qualified individuals to fill these roles even more challenging.

The Department is recommending the establishment of a transitional pathway to allow holders of valid NYS Certified Public Accountant (CPA) licenses and registrations, who have had experience auditing New York State school districts, BOCES and/or municipalities, to obtain a three year transitional certificate allowing them to hold the position of a school district business leader while pursuing the requirements for the professional certificate.

This Transitional certificate would strengthen the talent pool for school districts and BOCES, while ensuring the continuance of rigorous certification standards for school district business leaders. Much of the knowledge and training that is required of SDBLs is similar to the knowledge and training of CPAs.

Proposed Amendment

At this time, the Department is proposing the addition of a new Section 80-5.25 to establish a "Transitional H" pathway for an individual who holds a valid license and registration as a Certified Public Accountant in New York with at least three years of auditing experience for New York State school districts, BOCES and/or municipalities to obtain a certificate valid for three years to allow him/her to hold the position of a school district business leader in a school district or BOCES while completing the requirements for a professional school district business leader certificate. The candidate must have a baccalaureate degree or higher in accounting, finance, or a related business field, as well as an employment and support commitment from a school district or BOCES for at least three years, which includes at least one year of mentoring.

The Department is also proposing an amendment to Section 52.21 of the Commissioner's Regulations to waive the internship requirement for the professional school district business leader certificate for those candidates holding a Transitional H certificate. These candidates may waive all or part of the required hours by documenting experience in areas specified by the Commissioner.

Lastly, the Department is proposing an amendment to the requirements related to Continuing Teacher and Leader Education (CTLE) for those holding a professional school district business leader certificate. The amendment waives the requirement that all SDBL certificate holders must complete a minimum of 15 percent of their CTLE clock hours in language acquisition addressing the needs of English language learners and eliminates the requirement that school districts and BOCES provide such professional development to school district business leaders. The proposed amendment instead requires that all SDBL certificate holders complete 15 percent of their CTLE hours focused on and understanding of the needs of English Language Learners and the associated federal state, and local mandates that are necessary to support students as they progress through their academic careers.

3. COSTS:

The proposed amendment does not impose any costs on school district business leader certification candidates and/or the New York State school districts/BOCES who wish to hire them.

4. MINIMIZING ADVERSE IMPACT:

The proposed amendment seeks to address the specific issue raised by stakeholders in the field related to the concern that approximately 40% of the population of current school district business leaders are planning to retire in the next 10 years and that additional flexibility is needed to obtain qualified school district business leaders.

5. RURAL AREA PARTICIPATION:

Copies of the proposed amendments have been provided to Rural Advisory Committee for review and comment.

Job Impact Statement

The purpose of the proposed addition of a new section 80-5.25 to the Regulations of the Commissioner of Education is to establish a Transitional H certification pathway for holders of a New York State license as a certified public accountant (CPA) with at least three years of experience auditing New York State school districts, BOCES, and/or municipalities to pursue a school district business leader certificate. The proposed amendment also amends section 52.21 of the Regulations to waive the internship requirement for the professional school district business leader certificate for those candidates holding a Transitional H certificate. Lastly, the Department is amending the language acquisition continuing education requirements prescribed for school district business leaders.

Because it is evident from the nature of the proposed amendment that it will have no impact on the number of jobs or employment opportunities in New York State, and no further steps were needed to ascertain that fact

and none were taken. In fact, the Transitional H certificate may help districts to fill the positions of qualified school district business leader during a challenging time. Accordingly, a job impact statement is not required and one has not been prepared.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

New Pathway to a NYS High School Equivalency Diploma

I.D. No. EDU-44-17-00009-P

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

Proposed Action: Amendment of section 100.7 of Title 8 NYCRR.

Statutory authority: Education Law, sections 101, 207, 208, 209, 305(1), (2), 308, 309 and 3204(3)

Subject: New Pathway to a NYS High School Equivalency Diploma.

Purpose: Allows students to use passing scores on certain Regents examinations in lieu of certain sub-tasks on TASC.

Text of proposed rule: 1. Clauses (a) and (b) of subparagraph (i) of paragraph (2) of subdivision (a) of section 100.7 of the Regulations of the Commissioner of Education are amended to read as follows:

(i) In order to receive a high school equivalency diploma, candidates shall:

(a) take a general comprehensive examination prescribed for the program, in English, and achieve a standing designated as satisfactory by the Commissioner of Education, *except a passing score or scores, on any mathematics Regents examination, ELA Regents examination, Social Studies Regents examination and/or Science Regents examination or any other examination approved by the commissioner pursuant to section 100.2(f) or (mm) of this Part, may be accepted as a passing score on the corresponding sub-test or sub-tests of any general comprehensive examination prescribed for the program and administered on or after February 7, 2018. For purposes of this clause, passing score or scores on any Mathematics Regents examination, English Regents examination, Social Studies Regents examination and/or Science Regents examination shall mean a passing score as defined in section 100.5(a)(5)(i)(a)(2) and (3); (a)(5)(i)(b)(2) and (3) and 100.5(g) (English); (a)(5)(i)(c)(3) and (4) and 100.5(g) (Mathematics); (a)(5)(i)(d)(2) and (3) (Science); (a)(5)(i)(e)(4) and (5) (Global History and geography); and/or 100.5(d)(7)(i)(a),(b) and (c) of this Part, as applicable for such examination; or*

(b) take a general comprehensive examination prescribed for the program in a language other than English, where available, and achieve a standing designated as satisfactory by the commissioner on such examination, except [that such] *a passing score or scores on any mathematics Regents examination, ELA Regents examination, Social Studies Regents examination and/or Science Regents examination or any other examination approved by the commissioner pursuant to section 100.2(f) or (mm) of this Part may be accepted as a passing score on the corresponding sub-test or sub-tests of any general comprehensive examination prescribed for the program and administered on or after February 7, 2018, except that such candidates shall receive a high school equivalency diploma with a transcript that bears an inscription indicating the language in which the general comprehensive examination was taken. For purposes of this clause, passing score or scores on a mathematics Regents examination, ELA Regents examination, Social Studies Regents examination and/or Science Regents examination shall mean a passing score as defined in 100.5(a)(5)(i)(a)(2) and (3); (a)(5)(i)(b)(2) and (3) and 100.5(g) (English); (a)(5)(i)(c)(3) and (4) and 100.5(g) (Mathematics); (a)(5)(i)(d)(2) and (3) (Science); (a)(5)(i)(e)(4) and (5) (Global History and geography); and/or 100.5(d)(7)(i)(a), (b) and (c) of this Part, as applicable for such examination. Such candidates shall receive a high school equivalency diploma with a transcript that bears an inscription indicating the language in which the general comprehensive examination was taken, and may exchange such diploma with a transcript for a diploma with a transcript not containing such inscription upon achievement of a satisfactory standing on the Reading and Writing subtest of the general comprehensive exam subsequently taken in the English language; or*

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

Data, views or arguments may be submitted to: NYS Education Department, 89 Washington Avenue, Albany, NY 12234

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

Regulatory Impact Statement**1. STATUTORY AUTHORITY:**

Education Law section 101 continues the existence of the Education Department, with the Board of Regents at its head and the Commissioner of Education as the chief administrative officer, and charges the Department with the general management and supervision of public schools and the educational work of the State.

Education Law section 207 empowers the Board of Regents and the Commissioner to adopt rules and regulations to carry out laws of the State regarding education and the functions and duties conferred on the Department by law.

Education Law section 208 authorizes the Regents to establish examinations as to attainments in learning and to award and confer suitable certificates, diplomas and degrees on persons who satisfactorily meet the requirements prescribed.

Education Law section 209 authorizes the Regents to establish secondary school examinations in studies furnishing a suitable standard of graduation and of admission to colleges; to confer certificates or diplomas on students who satisfactorily pass such examinations; and requires the admission to these examinations of any person who shall conform to the rules and pay the fees prescribed by the Regents.

Education Law section 305(1) and (2) provide that the Commissioner, as chief executive officer of the State system of education and of the Board of Regents, shall have general supervision over all schools and institutions subject to the provisions of the Education Law, or of any statute relating to education, and shall execute all educational policies determined by the Board of Regents.

Education Law section 308 authorizes the Commissioner to enforce and give effect to any provision in the Education Law or in any other general or special law pertaining to the school system of the State or any rule or direction of the Regents.

Education Law section 309 charges the Commissioner with the general supervision of boards of education and their management and conduct of all departments of instruction.

Education Law section 3204(3) provides for required courses of study in the public schools and authorizes the State Education Department to alter the subjects of required instruction.

2. LEGISLATIVE OBJECTIVES:

The proposed amendment is consistent with the authority conferred by the above statutes and is necessary to implement Regents policy relating to expanded pathways for earning a high school equivalency diploma.

3. NEEDS AND BENEFITS:

Currently, in New York State (NYS), there are three pathways toward earning a high school equivalency diploma: TASC™ testing (Test Assessing Secondary Completion); Approved 24-College-Credit Program; and National External Diploma Program (NEDP).

Various constituents have raised concerns that the current pathways to a NYS HSE diploma adopted by the Board of Regents to date are limited in scope and do not provide individuals who have passed required Regents examinations with the ability to utilize those passing scores towards earning a NYS HSE diploma after they have exited secondary school.

The New York State Education Department (NYSED) has discussed the feasibility of offering individuals pursuing a HSE diploma the option of being able to utilize passing Regents examination scores in core subjects in place of corresponding TASC™ subtests. These conversations have been influenced by factors including the following:

- The long-standing practice that passing HSE examination scores from a given GED® test or TASC™ test series can be used indefinitely while that series is still being administered.

- The practice of “grandfathering” implemented by NYSED, which permits the use of passing scores from the 2002 GED® series, in conjunction with new TASC™ scores, to determine eligibility to earn a HSE diploma.

- The use of passing scores on certain Regents examinations as a requirement for high school graduation.

- The policy of allowing school-aged students to use any Regents examination score toward high school graduation purposes, regardless of the age of the score.

Currently, students who do not earn 22 credits and pass at least 5 assessments (Regents examinations, Department-approved alternatives or pathway examinations) are unable to earn a high school diploma, and get no credit or value for the classes and examinations they may have passed. Those who leave secondary school prior to acquiring a high school diploma often do not reengage in any educational program until 21 years of age or older. While it is anticipated that post-compulsory aged youth (17-21) would be most likely to be positively impacted by this pathway, it would be an incentive and advantage also to those older adults seeking their HSE diploma.

The purpose of allowing students to utilize passing Regents examination scores toward earning an HSE diploma after they have exited second-

ary school would be to encourage engagement in educational programs, improve and increase high school completion rates, and work toward a strategy to better connect students to Adult Education programming with the goal of achieving a HSE diploma.

At the September 2017 Regents meeting, the Board of Regents directed Department staff to develop a regulation to establish a fourth pathway to a high school equivalency diploma. The proposed amendment allows students who have passed any Regents high school examination in Mathematics, English Language Arts (ELA), Social Studies or Science, the opportunity to use passing scores in place of the corresponding TASC™ subtests. Given that Regents examinations are valid measures of the knowledge, skills and abilities required for high school graduation, valid passing scores on Regents examinations should count for the associated TASC subtest.

Conditions:

- Students will not be allowed to utilize previously passed Regents examination scores towards a HSE diploma until they have exited from high school.

- A passing score on a Regents examination shall mean a 65, for students with disabilities, a 55-64. It also includes an appeal score of 52-54 for students with disabilities pursuant to § 100.5(d)(7)(i)(c) of the Commissioner’s regulations. English Language Learners who enter the United States in grades 9 or higher, and do not score 65 or higher on the ELA Regents Examination after at least 2 attempts, may utilize a score of 55-64, pursuant to the appeal option specified in § 100.5(d)(7)(i)(b) of the Commissioner’s regulations, to substitute for the TASC Reading and Writing subtests. A passing score shall also include any of the appeal options set forth in § 100.5(d)(7)(i)(a).

This new pathway to an HSE diploma will provide equitable access points and a diverse means by which New Yorkers can earn HSE credentials. The ability to use passing Regents examination scores toward earning an HSE diploma will expand the opportunity for high school students at risk of dropping out as well as students with disabilities to stay engaged with their education and offer an incentive for meeting graduation requirements to those whose circumstances may not allow for completion of high school.

4. COSTS:

(a) Costs to State government: None.

(b) Costs to local governments: None.

(c) Costs to private regulated parties: None.

(d) Costs to regulating agency for implementation and continued administration of this rule: None.

5. LOCAL GOVERNMENT MANDATES:

The proposed amendment does not impose any additional program, service, duty or responsibility upon local governments but merely implements Regents policy relating to expanded pathways for earning a high school equivalency diploma.

6. PAPERWORK:

The proposed amendment does not impose any new specific recordkeeping, reporting or other paperwork requirements.

7. DUPLICATION:

The proposed amendment does not duplicate existing State or federal regulations.

8. ALTERNATIVES:

There were no alternatives and none were considered.

9. FEDERAL STANDARDS:

There are no related federal standards.

10. COMPLIANCE SCHEDULE:

It is anticipated that regulated parties will be able to achieve compliance with the proposed amendment by its effective date.

Regulatory Flexibility Analysis

The purpose of the proposed amendment is to implement Regents policy relating to expanded pathways for earning a high school equivalency diploma by removing barriers to receiving a high school equivalency diploma for individuals who have achieved a passing score on at least on Regents examination.

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

Rural Area Flexibility Analysis**1. TYPES AND ESTIMATED NUMBER OF RURAL AREAS:**

The purpose of the proposed emergency amendment is to implement Regents policy relating to expanded pathways for earning a high school equivalency diploma by removing barriers to receiving a high school equivalency diploma for individuals who have achieved a passing score on at least on Regents examination.

This proposed amendment applies to all individuals seeking a high school equivalency diploma, including those in the 44 rural counties with fewer than 200,000 inhabitants and the 71 towns and urban counties with a population density of 150 square miles or less.

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

Currently, in New York State (NYS), there are three pathways toward earning a high school equivalency diploma: TASC™ testing (Test Assessing Secondary Completion); Approved 24-College-Credit Program; and National External Diploma Program (NEDP).

Various constituents have raised concerns that the current pathways to a NYS HSE diploma adopted by the Board of Regents to date are limited in scope and do not provide individuals who have passed required Regents examinations with the ability to utilize those passing scores towards earning a NYS HSE diploma after they have exited secondary school.

The New York State Education Department (NYSED) has discussed the feasibility of offering individuals pursuing a HSE diploma the option of being able to utilize passing Regents examination scores in core subjects in place of corresponding TASC™ subtests. These conversations have been influenced by factors including the following:

- The long-standing practice that passing HSE examination scores from a given GED® test or TASC™ test series can be used indefinitely while that series is still being administered.
- The practice of “grandfathering” implemented by NYSED, which permits the use of passing scores from the 2002 GED® series, in conjunction with new TASC™ scores, to determine eligibility to earn a HSE diploma.
- The use of passing scores on certain Regents examinations as a requirement for high school graduation.
- The policy of allowing school-aged students to use any Regents examination score toward high school graduation purposes, regardless of the age of the score.

Currently, students who do not earn 22 credits and pass at least 5 assessments (Regents examinations, Department-approved alternatives or pathway examinations) are unable to earn a high school diploma, and get no credit or value for the classes and examinations they may have passed. Those who leave secondary school prior to acquiring a high school diploma often do not reengage in any educational program until 21 years of age or older. While it is anticipated that post-compulsory aged youth (17-21) would be most likely to be positively impacted by this pathway, it would be an incentive and advantage also to those older adults seeking their HSE diploma.

The purpose of allowing students to utilize passing Regents examination scores toward earning a HSE diploma after they have exited secondary school would be to encourage engagement in educational programs, improve and increase high school completion rates, and work toward a strategy to better connect students to Adult Education programming with the goal of achieving a HSE diploma.

At the September 2017 Regents meeting, the Board of Regents directed Department staff to develop a regulation to establish a fourth pathway to a high school equivalency diploma. The proposed amendment allows students who have passed any Regents high school examination in Mathematics, English Language Arts (ELA), Social Studies or Science, the opportunity to use passing scores in place of the corresponding TASC™ subtests. Given that Regents examinations are valid measures of the knowledge, skills and abilities required for high school graduation, valid passing scores on Regents examinations should count for the associated TASC subtest.

Conditions:

- Students will not be allowed to utilize previously passed Regents examination scores towards a HSE diploma until they have exited from high school.
- A passing score on a Regents examination shall mean a 65, for students with disabilities, a 55-64. It also includes an appeal score of 52-54 for students with disabilities pursuant to § 100.5(d)(7)(i)(c) of the Commissioner’s regulations. English Language Learners who enter the United States in grades 9 or higher, and do not score 65 or higher on the ELA Regents Examination after at least 2 attempts, may utilize a score of 55-64, pursuant to the appeal option specified in § 100.5(d)(7)(i)(b) of the Commissioner’s regulations, to substitute for the TASC Reading and Writing subtests. A passing score shall also include any of the appeal options set forth in § 100.5(d)(7)(i)(a).

This new pathway to an HSE diploma will provide equitable access points and a diverse means by which New Yorkers can earn HSE credentials. The ability to use passing Regents examination scores toward earning a HSE diploma will expand the opportunity for high school students at risk of dropping out as well as students with disabilities to stay engaged with their education and offer an incentive for meeting graduation requirements to those whose circumstances may not allow for completion of high school.

No professional services are required to comply.

3. COSTS:

The proposed amendment does not impose any new costs on high school equivalency diploma candidates in New York State, including those located in rural areas of the State.

4. MINIMIZING ADVERSE IMPACT:

The amendments were proposed to implement Regents policy relating to expanded pathways for earning a high school equivalency diploma by removing barriers to receiving a high school equivalency diploma for individuals who have achieved a passing score on at least on Regents examination. The amendment applies equally to all qualified individuals pursuing a high school equivalency diploma in New York State.

5. RURAL AREA PARTICIPATION:

Copies of the rule have been provided to Rural Advisory Committee for review and comment.

Job Impact Statement

The purpose of the proposed amendment is to establish a fourth pathway for a high school diploma by allowing students who have passed any Regents high school examination in Mathematics, English Language Arts (ELA), Social Studies or Science, the opportunity to use passing scores in place of the corresponding TASC™ subtests.

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

Department of Environmental Conservation

NOTICE OF ADOPTION

Lake Champlain Drainage Basin

I.D. No. ENV-36-16-00002-A

Filing No. 895

Filing Date: 2017-10-12

Effective Date: 2017-11-01

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

Action taken: Amendment of Part 830 of Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 3-0301(2)(m), 15-0313(1), (2), (3), 17-0301(2) and (9)

Subject: Lake Champlain drainage basin.

Purpose: To reclassify certain surface waters in Lake Champlain Drainage Basin in Clinton, Essex, Franklin, Warren and Washington counties.

Substance of final rule: The waters within the Lake Champlain drainage basin are listed in Table I of 6 NYCRR Part 830 for purposes of classification. For ease of reference, each listing in the table has been assigned an “item number,” which can refer to a single waterbody, or multiple waterbodies, or a portion of a waterbody. With this adoption, DEC amends the classifications of 174 item numbers, adopts 46 new item numbers, and repeals 1 item number in Table I, to include:

- 1) reclassifying 123 item numbers from a classification of “D” to “C”;
- 2) reclassifying 8 item numbers from a classification of “D” to “C(T)”;
- 3) reclassifying 8 item numbers from a classification of “D” to “C(TS)”;
- 4) reclassifying 9 item numbers from a classification of “C” to “C(T)”;
- 5) reclassifying 3 item numbers from a classification of “C” to “C(TS)”;
- 6) reclassifying 3 item numbers from a classification of “C(T)” to “C(TS)”;
- 7) reclassifying 6 item numbers from a classification of “A” to “A(T)”;
- 8) reclassifying 9 item numbers from a classification of “AA” to “AA(T)”;
- 9) reclassifying 1 item number from a classification of “AA” to “AA(TS)”;
- 10) reclassifying 2 item numbers from a classification of “AA Special” to “AA Special(TS)”;
- 11) classifying 1 item number as “C” where classification is currently blank;
- 12) removing the D classification for 1 item number due to its location with the forest preserve;
- 13) adding 1 new item number having a classification of “A”;

- 14) adding 4 new item numbers having a classification of “B”;
- 15) adding 3 new item numbers having a classification of “C”;
- 16) adding 3 new item number having a classification of “C(T)”;
- 17) adding 35 new item numbers for waters being extracted from existing item numbers;

18) deleting 1 item number because the water is being incorporated into another item number.

Seven of the new item numbers (40.1, 77.1, 77.2, 432.1, 441.1, 455.1, 461.1) being added to Table I represent waters that were previously classified under Special Conditions. These item numbers are being added to Table I to provide greater clarity to the public and to expressly set forth their existing classifications.

With this adoption, there has been no downgrading of classifications. Use Attainability Analyses have been completed for 28 item numbers waters to remain as Class D. A new section is adopted, titled “Designated waters.” A portion of the Definitions section is modified and used to create a new section called “Special conditions.” Several definitions are clarified and rearranged. Seventeen quadrangle maps and one map showing the location of the Lake Champlain drainage basin are replaced with new maps. After the publication of the Notice of Proposed Rule Making, the Department made additional non-substantive edits correcting the spelling of the “Bouquet River” in Table I to “Boquet River” and updating references in Item Numbers 324 and 325 to “mill dam” and replacing them with references to “cascades.” DEC staff also corrected several proposed classifications that would have inadvertently downgraded existing classifications set forth under the “Special Conditions” provision in 6 NYCRR Part 830, and added new item numbers.

Final rule as compared with last published rule: Nonsubstantial changes were made in Part 830.

Text of rule and any required statements and analyses may be obtained from: Michelle Tompkins, NYS Dept. of Environmental Conservation, 625 Broadway, Albany, NY 12233-3500, (518) 402-8179, email: Part.830Reclass@dec.ny.gov

Additional matter required by statute: The Department completed an environmental assessment pursuant to 6 NYCRR Part 617 and a coastal assessment pursuant to 19 NYCRR Part 600.

Revised Regulatory Impact Statement

1. Statutory Authority

Environmental Conservation Law (“ECL”) §§ 3-0301, 15-0313, and 17-0301 provide DEC with the authority to adopt regulations to classify the surface waters in New York, and authorize DEC to modify existing classifications.

2. Legislative Objectives

The reclassification of fresh surface waters in the Lake Champlain drainage basin will contribute to the fulfillment of the legislative objective of the ECL to guarantee that the “widest range of beneficial uses of the environment is attained without risk to health or safety,” (ECL 1-0101[3][b]) and that the waters of the state are classified “in accordance with considerations of best usage in the interest of the public” (ECL 17-0301[2]).

Under the federal Clean Water Act (“CWA”), the reclassification will contribute to achieving the federal mandate “to restore and maintain the chemical, physical, and biological integrity of the Nation’s waters,” (33 USC § 1251[a]) and the national goal, wherever attainable, of “water quality which provides for the protection and propagation of fish, shellfish, and wildlife” (33 USC § 1251[a][2]), commonly known as the “fishable” goal. In addition, CWA § 303(c) requires the states to review their water quality classifications and standards at least once every three years and to modify them as appropriate.

3. Needs and Benefits

CWA § 303(c) requires the states, every three years, to “hold public hearings for the purpose of reviewing applicable water quality standards and, as appropriate, modifying and adopting standards” (33 USC § 1313[c]). CWA § 101(a)(2) states that “it is the national interim goal that wherever attainable, an interim goal of water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water be achieved by July 1, 1983” (33 USC § 1251[a][2]). CWA § 303(c)(2)(A) requires water quality standards to “protect the public health or welfare, enhance the quality of water and serve the purposes of this chapter” (33 USC § 1313[c][2][A]). The U.S. Environmental Protection Agency’s (“EPA’s”) regulations in the Code of Federal Regulations (“CFR”), Title 40, Part 131, interpret and implement these provisions through a requirement that water quality standards protect CWA § 101(a)(2) uses unless those uses have been shown to be unattainable, effectively creating a rebuttable presumption of attainability (see 48 Fed Reg 51405 [1983], codified at 40 CFR 131 et seq.). In addition, ECL § 17-0301(2) requires the DEC to “group the waters of the state into classes.”

The amendments to surface water classifications are the result of peti-

tions submitted to DEC pursuant to 6 NYCRR Part 609. A copy of any of the petitions may be obtained by emailing your request to DEC at Part.830Reclass@dec.ny.gov. The “D” classification protects fish life (i.e., fish survival) but not fish propagation. Protection for fish propagation is necessary to achieve the fishable goal of the CWA, as expressed in § 101(a)(2). Petitions to amend the classification of waters from Class “D” to Class “C,” protecting fishing and fish propagation, resulted from analyses performed as specified in “Water Quality Standards Attainability Strategy,” NYSDEC, dated June 6, 1985. A copy of this document may be obtained by emailing your request to DEC at Part.830Reclass@dec.ny.gov.

Factors that may limit a water’s ability to achieve a best usage of fishing (fish propagation) were evaluated through a Use Attainability Analysis (“UAA”). Pursuant to 40 CFR Part 131.3(g), a UAA is a structured scientific assessment of the factors affecting the attainment of the use which may include physical, chemical, biological, and economic factors as described in § 131.10(g).

A UAA must be conducted when designating uses that do not include the uses specified in CWA § 101(a)(2), such as in those cases where a waterbody will remain class “D.” For existing “D” waters, a decision not to upgrade must be supported by a UAA to comply with federal regulations pursuant to the CWA. Where a state believes that a use specified in § 101(a)(2) is not attainable and wishes to remove or subcategorize this use, the state is required to demonstrate that the use is not attainable based on one or more of the factors included in 40 CFR Part 131.10(g) through the completion and submission of a UAA to the EPA. In addition, the state must show that the change in use will not result in removing an existing use. If the analysis leads to a recommendation of a classification below “C,” the state must provide appropriate justification as described above.

In Table I of 6 NYCRR Part 830, the waters within the Lake Champlain drainage basin are listed for purposes of classification. For ease of reference, each listing in the table is assigned an “item number,” which can refer to a single waterbody, or multiple waterbodies, or a portion of a waterbody. Twenty eight item numbers currently classified “D” cannot sustain a classification of “C”; UAAs were completed for these item numbers. A copy of any of the UAAs may be obtained by emailing your request to DEC at Part.830Reclass@dec.ny.gov.

Changes designating waters for trout (T) or trout spawning (TS) were based on field surveys where trout were captured or the habitat was evaluated and determined to be suitable to support the revised use. Those revisions were documented by petitions and supporting information prepared by staff from DEC’s Division of Fish and Wildlife.

With the adoption of this rule, DEC amends the classifications of 174 item numbers (as summarized in Table A below), adopts 46 new item numbers, and repeals 1 item number in Table I of Part 830. The benefit of this action is that it provides a current basis for protection of the basin’s waters, ensuring they are classified consistently with their best usage, and that the applicable water quality standards for each water’s classification will protect its best usage. In the long term, it will lead to improved water quality because of the generally increased protection provided. The action furthers the state’s efforts to comply with federal requirements to maintain an appropriate review process for waterbody classifications and water quality standards. This process also continues to maintain the eligibility of municipalities throughout the state to receive assistance for the construction of publicly owned wastewater treatment works. There are loans available from the New York State Environmental Facilities Corporation, and grants are periodically available from DEC.

Based on DEC staff input, the Department is correcting the spelling of the “Bouquet River” in Table I to “Boquet River.” In addition, in Item Numbers 324 and 325, each reference of “mill dam” is deleted and replaced with “cascades.” Mill dam is no longer there and is thus no longer an appropriate reference point. This change also provides some consistency in use of terms with a Special Fishing Regulation. DEC staff also corrected several proposed classifications that would have inadvertently downgraded existing classifications set forth under the “Special Conditions” provision in 6 NYCRR Part 830. In addition for some waters currently covered under Special Conditions, new item numbers were created to clarify existing classifications.

4. Costs

Reclassification of a waterbody may result in the application of different ambient water quality standards, which must be considered when writing wastewater discharge permits. For example, if a waterbody is reclassified from “D” to “C,” additional and more stringent standards would apply to protect the water quality for fish propagation. As an example, for cyanide in Class D waters, the aquatic life standard is 22 micrograms per liter (µg/L) to protect fish survival, but Class C waters have a more restrictive aquatic life standard of 5.2 µg/L to protect fish propagation. Thus, a classification change could lead to additional capital construction and/or operation and maintenance costs for individual permittees if their current permit limits and level of wastewater treatment would not meet the newly applied standards.

Adoption of the revised classifications will not immediately change the limits in existing permits. Permits are reviewed according to their priority under the "Environmental Benefit Permit Strategy" and are drafted consistent with standards in place and information available at that time. This discussion of costs reflects an assessment made with current knowledge of water quality data and treatment plant effluent constituents.

All wastewater treatment plants are required by the CWA to meet minimum standards—both in treatment methodologies and effluent quality—based on the type of facility. For example, municipal treatment plants must provide a minimum amount of secondary treatment, and industrial and commercial facilities have equivalent minimum requirements based on the type of industry and the processes used. Reclassification could cause a facility's permit limits to change, but if it is currently operating in a manner that would meet the more stringent permit limits, there would be no cost impact from the new limits.

All facilities having a State Pollutant Discharge Elimination System ("SPDES") permit and currently discharging to waters being reclassified in this rule have had their present permit effluent limits reassessed to determine whether more stringent water quality standards or guidance values would result in more stringent effluent limits. The review of the SPDES permit involves a calculation of projected effluent limits for each discharger where more stringent water quality standards or guidance values would result from the revised classification when compared to the previous classification. All SPDES permits which potentially could be affected were reviewed to determine if their specified discharge limits would change and if there would be any associated costs. The review of permit limits and operational data from facilities discharging to waters being reclassified indicated there may be a cost impact to one SPDES-permitted facility.

The following statements are the result of evaluations of financial impact of this rule on potentially affected entities:

(a) Costs to State Government

No costs are projected for state government because no state owned facility discharge would be affected by this rule.

(b) Costs to Local Governments

No costs are projected for local governments because no local government owned facility discharge would be affected by this rule.

(c) Costs to Private Regulated Parties

There may be a regulatory impact to one SPDES-permitted facility, a campground, which may need to modify its wastewater treatment to meet a revised effluent limit for ammonia due to the reclassification of a stream in this drainage basin. Estimated costs to this facility are approximately \$10,000 to \$50,000, depending on the method of compliance. There may be additional annual costs of up to \$500 per year for operation and maintenance. The potentially affected facility has been notified of this potential impact and DEC staff have engaged the facility to find a cost-effective solution.

(d) Costs to the Regulating Agency

New costs to DEC associated with this rulemaking are limited to the costs of advertising and conducting the public hearing.

5. Local Government Mandates

This rule does not impose any program, service, duty, or responsibility upon any local government entity.

6. Paperwork

There are no new reporting requirements, including forms or other paperwork, associated with the revised reclassifications.

7. Duplication

There is no duplication. DEC is amending Part 830 in order to comply with the requirements of the CWA.

8. Alternatives

An alternative to pursuing this rulemaking is to take no action. "No action" would fail to provide the desired water quality protection that would result from the upgraded classifications. The "no action" alternative would fail to ensure that New York State regulations are consistent with federal requirements. The "no action" alternative was rejected because it would not result in the needed upgrades as described above.

9. Federal Standards

This rule complies with federal standards for the classification of waters.

10. Compliance Schedule

Any facility that is subject to the requirements of this rulemaking is expected to comply at the time that their SPDES permit is renewed, but a compliance schedule could be provided.

AA-Special	2									2
AA	10							9		1
A	6						6			
C(T)	3					3				
C	12							9	3	
D*	140	123						8	8	1
None**	1	1								
TOTAL	174	124				8	8	0	0	0

* Twenty-eight (28) item numbers previously classified "D" were determined to be inappropriate for reclassification. Supporting UAA forms are on file.

** None; "Class" column entry in Table I of Part 830 is blank

*** None; water is in forest preserve

Revised Regulatory Flexibility Analysis

1. Effect of Rule

DEC staff have reviewed all permitted dischargers of pollutants into the waters of the state covered by this rule to determine whether the rule would have an adverse economic impact on small businesses or local governments. This rule would have no adverse economic impact on any local governments permitted to discharge pollutants into the waters of the state. This rule would have no adverse economic impact on any small businesses permitted to discharge pollutants into the waters of the state, with one exception. DEC staff have identified one small business, a campground, which may need to upgrade its wastewater treatment system to meet a revised limit for ammonia due to the reclassification of a stream in this drainage basin. The potentially affected facility has been notified of this potential impact and DEC staff have engaged the facility to find a cost-effective solution.

2. Compliance Requirements

This rulemaking will not impose any reporting, record keeping, or other compliance requirements on small businesses or local governments or their permitted facilities, with one exception mentioned in section 1 above.

3. Professional Services

There may be professional engineering services needed for the one facility mentioned in section 1 above.

4. Compliance Costs

There may be a regulatory impact to one SPDES-permitted facility, a campground, which may need to modify its wastewater treatment to meet a revised effluent limit for ammonia due to the reclassification of a stream in this drainage basin. Estimated costs to this facility are approximately \$10,000 to \$50,000, depending on the method of compliance. There may be additional annual costs of up to \$500 per year for operation and maintenance. The potentially affected facility has been notified of this potential impact and DEC staff have engaged the facility to find a cost-effective solution.

5. Economic and Technological Feasibility

The DEC has concluded that compliance by regulated parties is both economically and technologically feasible. The only potential cost is the approximately \$10K-50K cost and up to \$500 per year for operation and maintenance to one campground, as discussed under Compliance Costs above.

6. Minimizing Adverse Impact

In developing this rulemaking, consideration was given to approaches that would minimize adverse economic impacts of the rule on small businesses and local governments such as differing requirements, outcome standards, and potential exemptions from coverage. Given the nature of this rule, and in order to adequately protect the waters of the State and to meet the requirements of federal law, differing requirements or potential exemptions for small businesses and local governments were not feasible. However, for the one potentially impacted facility mentioned above, multiple potential methods of compliance were identified. The potentially affected facility has been notified of this potential impact and DEC staff have engaged the facility to find a cost-effective solution.

7. Small Business and Local Government Participation

The Department informed the public about the proposed rule through the DEC website, letters to dischargers and municipalities, and notices in the Environmental Notice Bulletin and the State Register. DEC held both a public information meeting and a public hearing within the Lake Champlain drainage basin. The public had the opportunity to comment on the proposed rule by attending the public hearing or by submitting written comments to the Department. The potentially affected facility has been notified of this potential impact and DEC staff have engaged the facility to find a cost-effective solution.

Revised Rural Area Flexibility Analysis

1. Types and Estimated Numbers of Rural Areas

TABLE A

Previous Classification	Number	Reclassifications							AA Special (TS)	None***
		C	C(T)	C(TS)	A(T)	AA(T)	AA(TS)			

The rule applies to all towns and villages in rural areas of Clinton, Essex, Franklin, Warren, and Washington Counties, New York that have municipal wastewater treatment plants (“WWTPs”) or businesses that discharge treated sanitary wastewater to waterbodies upgraded in classification.

2. Reporting, Recordkeeping and Other Compliance Requirements; and Professional Services

Within the rural areas of the Lake Champlain drainage basin, all but one wastewater treatment facility that discharges to waters being reclassified can currently meet the water quality requirements of the revised classifications. As such, there may be professional engineering services needed for this facility. Otherwise, this rulemaking would not impose any reporting, recordkeeping, or other compliance requirements.

3. Costs

As mentioned above and in the regulatory impact statement, there may be a regulatory impact to one SPDES-permitted facility, a campground, which may need to modify its wastewater treatment to meet a revised effluent limit for ammonia due to the reclassification of a stream in this drainage basin. Estimated costs to this facility are approximately \$10,000 to \$50,000, depending on the method of compliance. There may be additional annual costs of up to \$500 per year for operation and maintenance. The potentially affected facility has been notified of this potential impact and DEC staff have engaged the facility to find a cost-effective solution.

4. Minimizing Adverse Impact

In developing this rulemaking, consideration was given to approaches that would minimize adverse impacts in rural areas such as differing requirements, outcome standards, and potential exemptions from coverage. Given the nature of this rule, and in order to adequately protect the waters of the State and to meet the requirements of federal law, differing requirements or potential exemptions for rural areas were not feasible. However, for the one potentially impacted facility mentioned above, multiple potential methods of compliance were identified. The potentially affected facility has been notified of this potential impact and DEC staff have engaged the facility to find a cost-effective solution.

5. Rural Area Participation

DEC has complied with the State Administrative Procedure Act § 202-bb(7) by providing the public in rural areas with the opportunity to participate in the rulemaking process. The Department has informed the public about the proposed rule through the DEC website, letters to dischargers and municipalities, and notices in the Environmental Notice Bulletin and the State Register. DEC held both a public information meeting and a public hearing within the Lake Champlain drainage basin. The public had the opportunity to comment on the proposed rule by attending the public hearing or by submitting written comments to the Department. The potentially affected facility has been notified of this potential impact and DEC staff have engaged the facility to find a cost-effective solution.

Revised Job Impact Statement

A Job Impact Statement is not required for this rulemaking because the rule will not have a substantial adverse impact on jobs and employment opportunities. The regulatory changes in this rulemaking are needed to upgrade the classification of waters to meet the “fishable” goal of the federal Clean Water Act. The only businesses that could potentially be adversely impacted by this rule are those that hold State Pollutant Discharge Elimination System (SPDES) permits for discharge to the affected waterbodies. This rule does not impose increased requirements for permitted dischargers, with one exception. There may be a regulatory impact to one SPDES-permitted facility, a campground, which may need to modify its wastewater treatment to meet a revised effluent limit for ammonia due to the reclassification of a stream in this drainage basin. Estimated costs to this facility are approximately \$10,000 to \$50,000, depending on the method of compliance. There may be additional annual costs of up to \$500 per year for operation and maintenance. The affected facility has been notified of this potential impact, and DEC has determined that this potential impact is not a “substantial adverse impact on jobs and employment opportunities” as that term is defined in section 201-a(6)(c) of the New York State Administrative Procedure Act. Therefore, the Department has determined that a Job Impact Statement is not required.

Initial Review of Rule

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

Assessment of Public Comment

List of Commenters on Proposed Rule:

DeGolyer, Jim (DeGolyer)

Hagar, Peter. Clinton County Soil and Water Conservation District (Hagar)

Putnam, Vic (Putnam)

Wellman, William (Wellman)

SYNOPSIS OF COMMENTS WITH DEC RESPONSES

Comment 1. Trout River

A commenter (Wellman) agrees with the Trout River assessment.

Response to Comment 1:

The New York State Department of Environmental Conservation (DEC; the Department) acknowledges and appreciates this comment in support of the rulemaking.

Comment 2. Chateaugay watershed

A commenter (Wellman) stated that the entire Chateaugay watershed should be classified C(T) based on personal knowledge and general characteristics. Chateaugay main stem harbors naturally reproducing brookies, rainbows and browns, some of notable size, even while competing with overstocking and escapees from Chateaugay Hatchery.

Response to Comment 2:

This comment does not relate to the Department’s proposal to upgrade water classifications in the Lake Champlain drainage basin, as the entire Chateaugay watershed is within 6 NYCRR Part 910, the St. Lawrence River drainage basin. The proposal is only for waters of the Lake Champlain drainage basin. The public is encouraged to submit comments on the reclassification of the St. Lawrence River drainage basin when the Department proposes amendments to 6 NYCRR Part 910.

Comment 3. Pollution from agriculture in Lake Champlain

A commenter (DeGolyer) expressed concern over what he sees as one of the largest sources of pollution to Lake Champlain, especially when the climatic conditions seem to be in favor of uncontrolled algae growth in the lake. The commenter specifically states,

“That is, the new cornfields in the Clinton county area (but not exclusive to) that are rapidly replacing forestland and other strong buffer-type flora. This corn crop is the food source for the mega-sized dairy farms which have seemingly sprouted up overnight. The huge fields are manure-fertilized, then tile-drained directly into tributaries of the AuSable River and Little AuSable River. Two of note are in the Harkness and Mace-Chasm Road areas. In the Mace-Chasm Road case, runoff goes directly into Mud Brook, into the AuSable River at AuSable Chasm, then only a mile or so to the warm, shallow AuSable River Delta at the AuSable Point Campsite. The milfoil growth at the river mouth is growing bigger each year on this warm, phosphate-rich water, as I suspect are other areas of the lake are as well.”

The commenter continues, “I’m sure the prevailing feeling is ‘who could be against progress and economic growth?’ -not me- but I feel this agricultural model is too self-serving and short-sighted, and will accelerate the degradation of the lake’s water quality in much less than long-term. A comparative case is the pollution of the Mississippi River Delta in the Gulf of Mexico by unrestricted farming practices in Iowa, Missouri, etc. upstream. One of the solutions has been to build buffer ponds of wild grasses, etc., between the tiled-field runoff and the river tributaries....probably the minimal they can do at this point, but I haven’t seen any of this kind of activity at all on either side or end of this beautiful and endangered lake.”

Response to Comment 3:

Although the comment does not directly relate to the Department’s proposal to upgrade water classifications, the comment will be referred to DEC lakes program staff for their consideration.

Comment 4. Maps of proposed changes are not more easily viewed; should be displayed via online tools

A commenter (Hagar) expressed disappointment that the maps of the proposed changes are not more easily viewed using modern technology; identifying these changes using a geographic information system (GIS) layer would make evaluating them much easier. Commenter hopes that in the near future, these changes will be more easily discerned using online tools such as the DEC’s Environmental Resource Mapper or other technology.

Response to Comment 4:

DEC acknowledges the comment and agrees that an online visual portrayal of the proposed upgrades to water classifications would be helpful. The Department will consider this for the future.

Comment 5. Wastewater/water treatment plant effluent standards

A commenter (Putnam) asked whether the proposed upgrades to water classifications would impact wastewater/water treatment plant effluent standards that are currently in place.

Response to Comment 5:

As indicated in the revised regulatory impact statement (RIS) for this rule, the proposed upgrades to water classifications will result in revised effluent limitations for some permittees. However, minor regulatory (cost) impacts were identified for one private SPDES-permitted discharger, a campground discharging treated sanitary effluent, which may need to modify its treatment system to comply with more stringent effluent limitations. In addition, no cost impacts were identified related to publicly owned treatment works (POTWs).

Comment 6. Lamprey or aquatic invasive species

A commenter (Putnam) asked whether the proposed upgrades to water classifications would impact the ability to treat for lamprey or aquatic invasive species.

Response to Comment 6:

The proposed upgrades to water classifications would not impact on the ability to treat for lamprey or aquatic invasive species

Comment 7. Erosion control

A commenter (Putnam) asked whether the proposed upgrades to water classifications would impact best management practices (BMPs) for erosion control in affected waterbodies.

Response to Comment 7:

The proposed upgrades to water classifications would not impact BMPs for erosion control in affected waterbodies.

Comment 8. Funding for municipalities

A commenter (Putnam) asked whether there is funding to be proposed for municipalities impacted by the upgrades to water classifications.

Response to Comment 8:

As indicated in the regulatory impact statement (RIS) for this proposed rule, no regulatory (cost) impact to POTWs will result from the proposed upgrades to water classifications. Thus, there are no cost impacts on municipalities resulting from the proposed amendments. Because there are no costs, there is no need to propose funding for municipalities.

NOTICE OF ADOPTION

Repeal 6 NYCRR Part 500 and Amend/Repeal References to Parts 750-758

I.D. No. ENV-27-17-00007-A

Filing No. 893

Filing Date: 2017-10-12

Effective Date: 2017-11-01

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

Action taken: Repeal of Part 500; amendment of Parts 371, 373, 380, 598, 599, 608, 700, 702 and 703 of Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, section 3-0301, arts. 17 and 36

Subject: Repeal 6 NYCRR Part 500 and amend/repeal references to Parts 750-758.

Purpose: To correct or remove outdated references in the Department's regulations.

Text or summary was published in the July 5, 2017 issue of the Register, I.D. No. ENV-27-17-00007-P.

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

Text of rule and any required statements and analyses may be obtained from: Michelle Tompkins, NYS Dept. of Environmental Conservation, 625 Broadway, Albany, NY 12233-3500, (518) 402-8221, email: michelle.tompkins@dec.ny.gov

Assessment of Public Comment

The agency received no public comment.

Statutory authority: Financial Services Law, sections 202 and 302; Insurance Law, sections 107(a)(54), 301, 2101(k), 2109, 2112, 2113, 2119, 2120, 2122, 2128, 2129, 2132, 2139, 2314 and 6409

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

Specific reasons underlying the finding of necessity: Long-sought and critically needed legislation to license title insurance agents was enacted as part of Chapter 57 of the New York Laws of 2014, which was signed into law by the governor on March 31, 2014. Chapter 57 took effect on September 27, 2014.

A number of existing regulations that apply to insurance producers generally are amended to make them applicable to title insurance agents. Specifically, Part 20 addresses temporary licenses (Insurance Regulation 9), addresses appointment of insurance agents (Insurance Regulation 18), and regulates premium accounts and fiduciary responsibilities of insurance agents and insurance brokers (Insurance Regulation 29), and is amended to include references to title insurance agents. Part 29 (Insurance Regulation 87) addresses special prohibitions regarding sharing compensation with other licensees with respect to certain governmental entities and is amended to address a limited exception for title insurance business insuring the State of New York Mortgage Agency and certain other circumstances. Part 30 (Insurance Regulation 194) addresses insurance producer compensation transparency and is amended to reflect specific requirements in new Insurance Law section 2113 for title insurance agents. Part 34 (Insurance Regulation 125) governs insurance agents and brokers that maintain multiple offices and is amended to clarify the applicability of the regulation to title insurance agents. In addition, a new Part 35 (Insurance Regulation 206) is added that addresses unique circumstances regarding title insurance agents.

It is critical for the protection of the public that appropriate rules and regulations are in place on and after the effective date of Chapter 57 to apply to newly-licensed title insurance agents and the title insurance business generated. Although the Department has diligently developed regulations to implement Chapter 57, and now finally adopted them, it is necessary to promulgate the rules on an emergency basis for the furtherance of the general welfare until the final adoption becomes effective.

Subject: Title insurance agents, affiliated relationships, and title insurance business.

Purpose: To implement requirements of chapter 57 of Laws of 2014 regarding title insurance agents and placement of title insurance business.

Substance of emergency rule (Full text is posted at the following State website: <http://www.dfs.ny.gov>): The following sections are amended:

Section 20.1, which specifies forms for temporary licenses, is amended to make technical changes and to add references to title insurance agents.

Section 20.2, which specifies forms of notice for termination of agents, is amended to make technical changes and to add references to title insurance agents.

Section 20.3, which governs fiduciary responsibility of insurance agents and brokers, including maintenance of premium accounts, is amended to make technical changes and to add references to title insurance agents.

Section 20.4, which governs insurance agent and broker recordkeeping requirements for fiduciary accounts, is amended to make technical changes and to add references to title insurance agents.

Section 29.5, which implements Insurance Law section 2128, governing placement of insurance business by licensees with governmental entities, is amended to make technical changes and to conform to amendments to section 2128, with respect to title insurance agents.

Section 29.6 is amended to remove language regarding return of disclosure statements.

Section 30.3, which governs notices by insurance producers regarding the amount and extent of their compensation, is amended by adding a new subdivision that modifies the requirements of the section with respect to title insurance agents, in order to conform to new Insurance Law section 2113(b).

Section 34.2, which governs satellite offices for insurance producers, is amended by adding a new subdivision that exempts from certain provisions of that section a title insurance agent that is a licensed attorney transacting title insurance business from the agent's law office.

A new Part 35 is added governing the activities of title insurance agents and the placement of title insurance business. The new sections are:

Section 35.1 contains definitions for new Part 35.

Section 35.2 specifies forms for title insurance agent licensing applications.

Section 35.3 specifies change of contact information required to be filed with the Department.

Section 35.4 addresses affiliated business relationships.

Section 35.5 addresses referrals by affiliated persons and the required disclosures in such circumstances.

Section 35.6 addresses minimum disclosure requirements for title insurance corporations and title insurance agents with respect to fees charged by such corporation or agent, including discretionary or ancillary fees.

Department of Financial Services

EMERGENCY RULE MAKING

Title Insurance Agents, Affiliated Relationships, and Title Insurance Business

I.D. No. DFS-18-17-00022-E

Filing No. 898

Filing Date: 2017-10-16

Effective Date: 2017-10-16

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

Action taken: Amendment of Parts 20 (Regulations 9, 18, and 29), 29 (Regulation 87), 30 (Regulation 194) and 34 (Regulation 125); addition of Part 35 (Regulation 206) to Title 11 NYCRR.

Section 35.7 provides certain other minimum disclosure requirements. Section 35.8 governs the use of title closers by title insurance agents and title insurance corporations.

Section 35.9 establishes record retention requirements for title insurance agents.

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. DFS-18-17-00022-P, Issue of May 3, 2017. The emergency rule will expire December 14, 2017.

Text of rule and any required statements and analyses may be obtained from: Paul Zuckerman, New York State Department of Financial Services, One State Street, New York, NY 10004, (212) 480-5286, email: paul.zuckerman@dfs.ny.gov

Consolidated Regulatory Impact Statement

1. Statutory authority: The Superintendent's authority to promulgate these amendments and the new Part derives from sections 202 and 302 of the Financial Services Law ("FSL") and sections 107(a)(54), 301, 2101(k), 2109, 2112, 2113, 2119, 2120, 2122, 2128, 2129, 2132, 2139, 2314, and 6409 of the Insurance Law.

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

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

Insurance Law section 107(a)(54) defines title insurance agent.

Insurance Law section 2101(k) defines insurance producer to include title insurance agent.

Insurance Law section 2109 addresses temporary licenses for title insurance agents and other insurance producers.

Insurance Law section 2112 addresses appointments by insurers of insurance agents and title insurance agents.

Insurance Law section 2113 requires that title insurance agents and persons affiliated with such title insurance agents provide certain disclosures to applicants for insurance when referring such applicants to persons with which they are affiliated. Section 2113 also requires the Superintendent to promulgate regulations to enforce the affiliated person disclosure requirements and to consider any relevant disclosures required by the federal real estate settlement procedures act of 1974 ("RESPA"), as amended.

Insurance Law section 2119 permits title insurance agents to charge fees for certain ancillary services not encompassed within the rate of premium provided its pursuant to a written memorandum.

Insurance Law section 2120 addresses the fiduciary responsibility of title insurance agents and other producers.

Insurance Law section 2122 addresses advertising by title insurance agents and other insurance producers.

Insurance Law section 2128 prohibits fee sharing with respect to business placed with governmental entities.

Insurance Law section 2132 governs continuing education for title insurance agents and other insurance producers.

Insurance Law section 2139 is the licensing section for title insurance agents.

Insurance Law section 2314 prohibits title insurance corporations and title insurance agents from deviating from filed rates.

Insurance Law section 2324 prohibits rebating, improper inducements and other discriminatory behavior with respect to most kinds of insurance, including title insurance.

Insurance Law section 6409 contains specific prohibitions against rebating, improper inducements and other discriminatory behavior with respect to title insurance.

2. Legislative objectives: Long-sought and critically needed legislation to license title insurance agents was enacted as part of Chapter 57 of the New York Laws of 2014, which was signed into law by the governor on March 31, 2014 and took effect on September 27, 2014. By way of background, title insurance agents in New York: (a) handle millions of dollars of borrowers' and sellers' funds, (b) record documents, and (c) pay off mortgages. Yet for years, title insurance agents have conducted business in New York without licensing or other regulatory oversight, standards or guidelines. Because, as a matter of practice in New York, the title insurance agents control the bulk of the title insurance business, including bringing in customers, conducting the searches and other title work, the title insurance corporations often have little choice but to deal with title insurance agents who they may otherwise consider questionable or unscrupulous. Without licensing or regulatory oversight, an unscrupulous title insurance agent who was fired by one title insurer could simply take

the business to another title insurer, who is usually more than willing to appoint that title insurance agent.

This lack of State regulation over title insurance agents made for an alarming weakness in New York law, and specifically New York law addressing title insurance rebating and inducement. For example, lack of regulatory oversight and licensing created a gaping loophole, which led to serious breaches of fiduciary duties and exploitation by unscrupulous actors to commit fraud in the mortgage origination and financing process. Over the years, this gap in New York law and lack of regulatory oversight allowed these actors to freely engage in theft, abuse, charging of excessive fees, and illegal rebates and inducements to the detriment of consumers, with little fear of prosecution. These abuses cost consumers of the State millions of dollars and at least one New York title insurer became insolvent because of the activities of its title insurance agents.

3. Needs and benefits: Now that New York law requires title insurance agents to be licensed, a number of existing regulations governing insurance producers need to be amended in order include title insurance agents or to address unique circumstances involving them, including affiliated persons' arrangements and required consumer disclosures. Specifically, Insurance Regulation 9 addresses temporary licenses; Insurance Regulation 18 addresses appointment of insurance agents; and Insurance Regulation 29 regulates premium accounts and fiduciary responsibilities of insurance agents and insurance brokers; and each is amended to include references to title insurance agents. Insurance Regulation 87 addresses special prohibitions regarding sharing compensation with other licensees with respect to certain governmental entities and is amended to address a limited exception for title insurance business insuring State of New York Mortgage Agency and certain other circumstances. Insurance Regulation 194 addresses insurance producer compensation transparency and is amended to reflect specific requirements in new Insurance Law section 2113 for title insurance agents. Insurance Regulation 125 governs insurance agents and brokers that maintain multiple offices and is amended to clarify the applicability of the regulation to title insurance agents. Regulation 125 also is amended to address unique circumstances involving title insurance agents who are also licensed attorneys.

New Insurance Regulation 206 addresses a number of miscellaneous issues involving title insurance agents. Some of these changes simply add provisions that are similar to those that apply to other insurance producers; for example, it prescribes the form of applications and requires licensees to notify the Department of any change of business or residence address. Other provisions of Regulation 206 set forth the new disclosure requirements; require title insurance agents to comply with a rate service organization's annual statistical data call; and address the obligation of title insurance agents and title insurance corporations with respect to title closers. Of particular significance are provisions of the regulations that codify Department opinions regarding affiliated business relations with respect to the applicability of Insurance Law section 6409, which prohibits rebates, inducements and certain other discriminatory behaviors.

4. Costs: Regulated parties impacted by these rules are title insurance agents, which heretofore were not licensed by the Department, and title insurance corporations. They may need to provide new disclosures in accordance with the regulation if they are not already making such disclosures but they already have an obligation to make changes to notices pursuant to the legislation. There are also new reporting requirements to the Department but these are the same that apply with respect to other licensees. In any event, although the cost impact will likely vary among the agents and insurers affected by this regulation, the costs of these new disclosures and reporting requirements should not be significant.

Although the Department already was handling complaints and investigating matters regarding title insurance, because licensing title insurance agents is a new responsibility for the Department, anticipated costs to the Department are at this time uncertain. Existing personnel and line titles will handle any new licensing applications or enforcements issues initially.

These rules impose no compliance costs on any state or local governments.

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

6. Paperwork: The amendments and new rules now apply certain requirements that are applicable to other insurance producers to title insurance agents as well. For example, title insurance agents are made subject to the same reporting requirements as other insurance producers when changing addresses, maintaining records, and submitting applications, and title insurers are required to file certificates of appointment of their title insurance agents with the Department. In addition, to reflect the specific notice requirements of Insurance Law section 2113, the disclosure requirements to insureds under Insurance Regulation 194 are modified for title insurance agents to reflect the statutory requirements. The new law also contains certain new disclosure requirements and the new rules implement

those changes, and require certain other disclosures to applicants for insurance, such as a notice advising insureds or applicants for insurance about the different kinds of title policies available to them.

7. Duplication: The amendments do not duplicate any existing laws or regulations.

8. Alternatives: Prior to proposing the consolidated rules in July, 2014, the Department circulated drafts of the proposed rules to a number of interested parties and, as a result, the Department made a number of changes to the initial proposed new Regulation 206, particularly with respect to affiliated business relationships, and title insurance corporation or title insurance agent responsibility for title insurance closers. The Department initially submitted the regulation as a proposed rulemaking that was published in the State Register on July 23, 2014. Because of the critical need to have regulations in effect on and after the September 27, 2014 effective date of Chapter 57, the Department promulgated emergency regulations effective on that date. In response to comments received during the public comment period, the Department made additional changes that were incorporated into the emergency rules, in order to clarify or eliminate unnecessary requirements. Because the proposed regulation expired, the Department submitted a new, revised proposal that was published in the State Register on May 3, 2017, which incorporated additional public comments that the Department received regarding the initial proposal. The Department subsequently submitted its final adoption of the rulemaking to the Secretary of State, which will be published in the State Register, and thereby become effective, on October 18, 2017. However, this emergency measure expires on October 16, 2017. To avoid the two-day gap in regulation, and to prevent disruption and confusion in the industry until the final adoption of the rules is in effect, the emergency regulation is continued unchanged from the versions in effect since September 27, 2014.

9. Federal standards: RESPA, and regulations thereunder, contain certain requirements and disclosures that apply to residential real estate settlement transactions. These requirements are minimum requirements and do not preempt state laws that provide greater consumer protection. The amendments and new rules are not inconsistent with RESPA and, consistent with New York law, provide greater consumer protection to the public.

10. Compliance schedule: Chapter 57 of the New York Laws of 2014 took effect on September 27, 2014. In order to facilitate the orderly implementation of the new law, the Superintendent was authorized to promulgate regulations in advance of the effective date, but to make such regulations effective on that date. The emergency rules have continued unchanged since September 27, 2014.

Consolidated Regulatory Flexibility Analysis

1. Effect of the rule: These rules affect title insurance corporations authorized to do business in New York State, title insurance agents and persons affiliated with such corporations and agents.

No title insurance corporation subject to the amendment falls within the definition of "small business" as defined in State Administrative Procedure Act section 102(8), because no such insurance corporation is both independently owned and has less than one hundred employees.

It is estimated that there are about 1,800 title insurance agents doing business in New York currently. Since they are not currently licensed by the Department of Financial Services ("Department"), it is not known how many of them are small businesses, but it is believed that a significant number of them may be small businesses.

Persons affiliated with title insurance agents or title insurance corporations would not, by definition, be independently owned and would thus not be small businesses.

The rule does not impose any impact, including any adverse impact, or reporting, recordkeeping, or other compliance requirements on any local governments.

2. Compliance requirements: The proposed rules conform and implement requirements regarding title insurance agents and placement of title insurance business with Chapter 57 of the Laws of 2014, which made title insurance agents subject to licensing in New York for the first time. A number of the rules will make title insurance agents subject to the same requirements that apply to other insurance producers. There are also disclosure requirements unique to title insurance.

3. Professional services: This amendment does not require any person to use any professional services.

4. Compliance costs: Title insurance agents will need to provide new disclosures in accordance with the regulation if they are not already making such disclosures but they already have an obligation to make changes to notices pursuant to the legislation. There are also new reporting requirements to the Department but these are the same that apply with respect to other licensees. In any event, the costs of these new disclosures and reporting requirements should not be significant. The proposed rules now subject title insurance agents to requirements regarding the maintenance of fiduciary accounts that already apply to other insurance producers. The cost impact on title insurance agents will likely vary from agent to agent but should not be significant.

5. Economic and technological feasibility: Small businesses that may be affected by this amendment should not incur any economic or technological impact as a result of this amendment.

6. Minimizing adverse impact: This rule should have no adverse impact on small businesses.

7. Small business participation: The Department initially submitted the regulation as a proposed rulemaking on July 23, 2014. Prior to submission, interested parties, including an organization representing title insurance agents, were given an opportunity to comment on a draft version of these rules, in addition to their opportunity to review and comment on the proposed rulemaking when it was published. The proposed regulation expired and the Department submitted a new, revised proposal that was published in the State Register on May 3, 2017, which incorporated additional public comments that the Department received regarding the initial proposal. The Department subsequently submitted its final adoption of the rulemaking to the Secretary of State, which will be published in the State Register, and thereby become effective, on October 18, 2017. However, this emergency measure expires on October 16, 2017. To avoid the two-day gap in regulation, and to prevent disruption and confusion in the industry until the final adoption of the rules is in effect, the emergency regulation is continued unchanged from the versions in effect since September 27, 2014.

Consolidated Rural Area Flexibility Analysis

The Department of Financial Services ("Department") finds that this rule does not impose any additional burden on persons located in rural areas, and will not have an adverse impact on rural areas. This rule applies uniformly to regulated parties that do business in both rural and non-rural areas of New York State. Rural area participation: The Department initially submitted the regulation as a proposed rulemaking on July 23, 2014. Prior to submission, interested parties, including those located in rural areas, were given an opportunity to review and comment on a draft version of these rules, in addition to their opportunity to review and comment on the proposed rulemaking when it was published. The proposed regulation expired and the Department submitted a new, revised proposal that was published in the State Register on May 3, 2017, which incorporated additional public comments that the Department received regarding the initial proposal. The Department subsequently submitted its final adoption of the rulemaking to the Secretary of State, which will be published in the State Register, and thereby become effective, on October 18, 2017. However, this emergency measure expires on October 16, 2017. To avoid the two-day gap in regulation, and to prevent disruption and confusion in the industry until the final adoption of the rules is in effect, the emergency regulation is continued unchanged from the versions in effect since September 27, 2014.

Consolidated Job Impact Statement

The Department of Financial Services finds that these rules should have no negative impact on jobs and employment opportunities. The rules conform to and implement the requirements of, with respect to title insurance agents and the placement of title insurance business, Chapter 57 of the Laws of 2014, which make title insurance agents subject to licensing in New York for the first time and, by establishing a regulated marketplace, may lead to increased employment opportunity.

Assessment of Public Comment

The agency received no public comment.

Department of Health

EMERGENCY RULE MAKING

Residential Health Care Facility Quality Pool

I.D. No. HLT-41-16-00002-E

Filing No. 897

Filing Date: 2017-10-13

Effective Date: 2017-10-13

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

Action taken: Addition of section 86-2.42 to Title 10 NYCRR.

Statutory authority: Public Health Law, section 2808(2-c)(d)

Finding of necessity for emergency rule: Preservation of public health.
Specific reasons underlying the finding of necessity: Public Health Law Section 2808(2-c)(d), as enacted by Section 95 of Part H of Chapter 59 of the Laws of 2011, specifically provides the Commissioner of Health with authority to issue emergency regulations in order to compute rates of payment for residential health care facilities. These regulations should be made effective immediately to ensure the preservation of public health through the continued quality of care to nursing home residents in New York State. Of the nursing facilities included in the 2013 quality pool, 58% met performance goals sufficient to receive a distribution of the \$50 million pool. The immediate implementation of these regulations will result in a Medicaid rate increase for these nursing facilities. The facilities can use the additional funds to facilitate quality improvements through activities including, but not limited to, increasing direct care staffing levels, providing training and education for staff, and utilizing technology. Delaying the implementation of these regulations by following the traditional SAPA procedure would prevent nursing facilities from immediately using the funds to improve quality of care for their residents, and thus be contrary to public interest.

Subject: Residential Health Care Facility Quality Pool.
Purpose: To reward NYS facilities with the highest quality outcomes as determined by methodology developed by regulation.

Substance of emergency rule (Full text is posted at the following State website: www.health.ny.gov/Laws&Regulations/EmergencyRegulations/): The New York State Nursing Home Quality Pool (NHQP) is a \$50 million budget-neutral pool that was established in the 2010-2011 final State budget. The pool was created to improve the quality of care for residents in Medicaid-certified nursing facilities across the state, and to reward facilities for quality based on their performance. The New York State Department of Health (NYS DOH) worked in consultation with a workgroup of industry experts, comprised of representatives from five nursing home advocacy groups, as well as nursing home patient advocates to assist in the development of the quality pool.

The 2013 NHQP contains three measurement components comprised of 14 quality measures, three compliance measures, and one efficiency measure. All measures are shown below with the measure steward in parentheses. The measures included in the quality pool were decided upon with input and advice from the workgroup based on expert opinions, industry standards, and quality measure outcomes being assessed at the national level.

- Quality Measures
- Annual level of temporary contract/agency staff used (NYS DOH)
 - Centers for Medicare and Medicaid Services (CMS) five-star quality rating for staffing (CMS)
 - Percent of employees vaccinated for the flu (NYS DOH)
 - Percent of long stay high risk residents with pressure ulcers (CMS)
 - Percent of long stay residents assessed and given, appropriately, the pneumococcal vaccine (CMS)
 - Percent of long stay residents assessed and given, appropriately, the seasonal influenza vaccine (CMS)
 - Percent of long stay residents experiencing one or more falls with major injury (CMS)
 - Percent of long stay residents who have depressive symptoms (CMS)
 - Percent of long stay low risk residents who lose control of their bowel or bladder (CMS)
 - Percent of long stay residents who lose too much weight (CMS)
 - Percent of long stay residents who received an antipsychotic medication (CMS)
 - Percent of long stay residents who self-report moderate to severe pain (CMS)
 - Percent of long stay residents whose need for help with daily activities has increased (CMS)
 - Percent of long stay residents with a urinary tract infection (CMS)
- Compliance Measures
- CMS Five-Star Quality Rating for Health Inspections (CMS)
 - Timely submission of complete nursing home certified cost reports (NYS DOH)
 - Timely submission of employee flu immunization data (NYS DOH)
- Efficiency Measure
- Number of potentially avoidable hospitalizations per 10,000 long stay episode days (CMS with NYS DOH modifications)

The NYS DOH assesses the nursing homes on their performance in all components of the NHQP, as compared to their peers. Nursing homes are categorized into quintiles based on the distribution of their overall scores. Under the payment methodology of the 2013 NHQP, eligible nursing homes contribute to the funding of the \$50 million pool. The amount of a nursing home's contribution is proportional to the nursing home's Medicaid rate and total number of Medicaid patient days. The pool money is redistributed to the nursing homes based on their quintile placement.

Nursing homes in the top three quintiles receive distributions, with nursing homes in the first quintile receiving a proportion larger than nursing homes in the second and third quintiles, and nursing homes in the second quintile receiving a proportion larger than nursing homes in the third quintile. The nursing homes in the fourth and fifth quintiles do not receive a redistribution.

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. HLT-41-16-00002-P, Issue of October 12, 2016. The emergency rule will expire December 11, 2017.

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: regsqna@health.ny.gov

Regulatory Impact Statement

Statutory Authority:
 The statutory authority for this regulation is contained in Section 2808(2-c) of the Public Health Law (PHL) as enacted by Section 95 of Chapter 59 of the Laws of 2011, which authorizes the Commissioner to promulgate regulations, including emergency regulations, with regard to Medicaid reimbursement rates for residential health care facilities. Such rate regulations are set forth in Subpart 86-2 of Title 10 (Health) of the Official Compilation of Codes, Rules, and Regulations of the State of New York.

Legislative Objectives:
 Subpart 86-2 of Title 10 will be amended by adding a new section 86-2.42 to provide for the creation of a quality incentive pool intended to improve the quality of care among nursing home residents in Medicaid-certified facilities, and to reward facilities based on their performance compared to their peers.

The proposed regulation permits the Commissioner to establish benchmarks and measures toward achievement of raising overall quality. Failure to achieve satisfactory progress in accomplishing such benchmarks and goals, as determined by the Commissioner, shall be a basis for declining to award quality incentive dollars to a facility.

Needs and Benefits:
 The quality pool is needed to incentivize nursing facilities to maintain and improve the quality of care for their residents. The benefits of the quality pool include improving quality of care and, in turn, reducing overall health care costs. Specific benefits that fall under the umbrella of improving quality of care include reducing the percent of residents with pressure ulcers, reducing antipsychotic medication use, reducing urinary tract infections, reducing depression, reducing pain, reducing unnecessary weight loss, and reducing avoidable hospitalizations. These quality of care improvements are associated with reductions in health care costs and improved quality of life for nursing home residents. The additional reimbursement provided by this adjustment will support the intent of the quality pool. Facilities can use the additional funds to facilitate quality improvements through activities including, but not limited to, increasing direct care staffing levels, providing training and education for staff, and utilizing technology.

Costs:
Costs to Private Regulated Parties:
 There will be no additional costs to private regulated parties. The only additional data requested from providers are standard periodic report which are already being completed by providers.

Costs to State Government:
 There is no additional aggregate increase in Medicaid expenditures anticipated as a result of these regulations, as the cost of the temporary rate adjustment will be offset by the overall reduction in Medicaid.

Costs to Local Government:
 Local districts' share of Medicaid costs is statutorily capped; therefore, there will be no additional costs to local governments as a result of this proposed regulation.

Costs to the Department of Health:
 There will be no additional costs to the Department of Health as a result of this proposed regulation.

Local Government Mandates:
 The proposed regulation does not impose any new programs, services, duties or responsibilities upon any county, city, town, village, school district, fire district or other special district.

Paperwork:
 The proposed regulation does not have any paperwork requirements for nursing facilities.

Duplication:
 This is an amendment to an existing State regulation and does not duplicate any existing federal, state or local regulations.

Alternatives:

The authorizing statute, PHL Section 2808(2-c), specifically provides for facilitating quality improvements through the establishment of a nursing home quality pool. Therefore no alternatives were considered. The Department of Health worked in consultation with a workgroup of industry experts, comprised of representatives from five nursing home advocacy groups, as well as nursing home patient advocates to assist in the development of the quality pool. The quality measures included in the quality pool were decided upon with input and advice from the workgroup based on expert opinions, industry standards, available data, and quality measure outcomes being assessed at the national level. During development, the workgroup also provided input on the scoring methods of such quality measure outcomes.

Federal Standards:

The proposed regulation does not exceed any minimum standards of the federal government for the same or similar subject area.

Compliance Schedule:

This rule does not create new compliance or reporting requirements for nursing facilities in New York State.

Regulatory Flexibility Analysis

No regulatory flexibility analysis is required pursuant to section 202-(b)(3)(a) of the State Administrative Procedure Act. The proposed amendment does not impose an adverse economic impact on small businesses or local governments, and it does not impose reporting, record keeping or other compliance requirements on small businesses or local governments.

Rural Area Flexibility Analysis

No rural area flexibility analysis is required pursuant to section 202-bb(4)(a) of the State Administrative Procedure Act. The proposed amendment does not impose an adverse impact on facilities in rural areas, and it does not impose reporting, record keeping or other compliance requirements on facilities in rural areas. The New York State Nursing Home Quality Pool places no additional reporting requirements on any nursing facility or locality. The data used in the calculation of the quality pool resulting and per diem adjustments are culled from existing data sources including the nursing home cost report (RHCF-4, RHCF-2), data from the DOH Bureau of Immunization, Statewide Planning and Research Cooperative System data, and data from the Centers for Medicare and Medicaid Services.

Job Impact Statement

A Job Impact Statement is not required pursuant to Section 201-a(2)(a) of the State Administrative Procedure Act. It is apparent, from the nature and purpose of the proposed rule, that it will not have a substantial adverse impact on jobs or employment opportunities. The proposed regulation has no implications for job opportunities.

Assessment of Public Comment

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

April 1, 2017 through March 31, 2018 ZEC obligation compliance amount, as determined by the New York State Energy Research and Development Authority (NYSERDA), pursuant to the Commission's November 17, 2016 Order Approving Administrative Cost Recovery, Standardized Agreements and Backstop Principles. On September 29, 2017, Astral filed a petition indicating that its retail load has dropped nearly 43% since April 2016 and requesting that the Commission: i) issue a temporary order suspending Astral's obligation to make ZEC compliance payments while its petition is pending; ii) direct NYSEDA to reduce Astral's April 1, 2017 through March 31, 2018 ZEC compliance obligation by 43% in total, and adjust the remainder of its monthly payments for the current compliance year accordingly; and iii) direct NYSEDA to absorb the ZEC revenue shortfall that would result from suspending Astral's ZEC obligation until the ZEC reconciliation occurs in September 2018. The full text of the petition may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject, or modify, in whole or in part, the relief proposed and may resolve related matters.

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

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

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

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

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

(15-E-0302SP29)

Public Service Commission

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Implementation of Program Rules for Renewable Energy Standard (RES) and Zero-Emission Credit (ZEC) Requirement

I.D. No. PSC-44-17-00011-P

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

Proposed Action: The Commission is considering a petition by Astral Energy, LLC to modify the ZEC charge estimation method approved in the Order Approving Administrative Cost Recovery, Standardized Agreements and Backstop Principles, issued November 17, 2016.

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

Subject: Implementation of program rules for Renewable Energy Standard (RES) and Zero-Emission Credit (ZEC) requirement.

Purpose: To promote and maintain renewable and zero-emission electric energy resources.

Substance of proposed rule: The Commission is considering a petition by Astral Energy LLC (Astral) on September 29, 2017 seeking to modify its

**HEARINGS SCHEDULED
FOR PROPOSED RULE MAKINGS**

Agency I.D. No.	Subject Matter	Location—Date—Time
Long Island Power Authority		
LPA-41-17-00010-P	The undergrounding provisions of the Authority’s Tariff for Electric Service	H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—November 27, 2017, 10:00 a.m. Long Island Power Authority, 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY—November 27, 2017, 2:00 p.m.
LPA-41-17-00011-P	The remote meter reading provisions of the Authority’s Tariff for Electric Service	H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—November 27, 2017, 10:00 a.m. Long Island Power Authority, 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY—November 27, 2017, 2:00 p.m.
LPA-41-17-00012-P	The net energy metering provisions of the Authority’s Tariff for Electric Service	H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—November 27, 2017, 10:00 a.m. Long Island Power Authority, 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY—November 27, 2017, 2:00 p.m.
Public Service Commission		
PSC-41-17-00006-P	Major electric rate filing	Department of Public Service, Agency Bldg. 3, 19th Fl. Boardroom, Albany, NY—January 9, 2018, 10:00 a.m. (Evidentiary Hearing)* *On occasion, there are requests to reschedule or postpone evidentiary hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 17-E-0459.
PSC-41-17-00007-P	Major gas rate filing	Department of Public Service, Agency Bldg. 3, 19th Fl. Boardroom, Albany, NY—January 9, 2018, 10:00 a.m. (Evidentiary Hearing)* *On occasion, there are requests to reschedule or postpone evidentiary hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 17-G-0460.
PSC-42-17-00005-P	Complaint for review of rates charged for water service to commercial and residential customers of water works corporation	Department of Public Service, Agency Bldg. 3, 3rd Fl. Hearing Rm., Albany, NY—December 6, 2017 and daily on succeeding business days as needed, 10:30 a.m. (Evidentiary Hearing)* *On occasion, there are requests to reschedule or postpone evidentiary hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 17-W-0049.

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	0001	P

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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AGING, OFFICE FOR THE

AGE-42-17-00001-P 10/18/18	Administration of the Long Term Care Ombudsman Program	To bring NYSOFA's rules and regulations governing LTCOP into conformance with the Federal Statute and regulations.
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ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF

ASA-24-17-00017-RP 06/14/18	General service standards for chemical dependence outpatient (CD-OP) and opioid treatment programs (OTP)	Conforms HIV and Hepatitis testing in accordance with the public health law; clarifies the services a peer may provide
ASA-24-17-00018-RP	..... 06/14/18	Residential services	Conforms HIV and Hepatitis testing requirements in residential settings with public health law
ASA-41-17-00001-P	..... 10/11/18	Establishment, Incorporation and Certification of Providers of Substance Use Disorder Services	Clarifies the obligation to recognize alcohol/substance abuse programs operated by Indian Health Services facilities
ASA-44-17-00001-P	..... 11/01/18	Repeal Part 14 NYCRR Part 830 (Acupuncture) and add new Part 830 (Designated Services; acupuncture and telepractice)	Repeal obsolete regulations and incorporate provisions into a new Part with additional provisions
ASA-44-17-00002-P	..... 11/01/18	Children's behavioral health services	Defines and implements children's behavioral health services pursuant to the EPSDT program in New York

CHILDREN AND FAMILY SERVICES, OFFICE OF

CFS-36-17-00005-EP 09/06/18	Duty to report incidents involving vulnerable persons to the Justice Center's Vulnerable Persons' Central Register.	To implement statutory requirement to report incidents involving vulnerable persons.
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CIVIL SERVICE, DEPARTMENT OF

CVS-44-16-00001-P 11/02/17	Jurisdictional Classification	To classify a position in the exempt class
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Action Pending Index

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-44-16-00002-P	11/02/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-44-16-00003-P	11/02/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-44-16-00004-P	11/02/17	Jurisdictional Classification	To classify a position in the exempt class and to delete a position from the non-competitive class
CVS-44-16-00005-P	11/02/17	Jurisdictional Classification	To delete a position from and classify a position in the non-competitive class
CVS-44-16-00006-P	11/02/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-44-16-00007-P	11/02/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-44-16-00008-P	11/02/17	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-44-16-00009-P	11/02/17	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-46-16-00001-P	11/16/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-46-16-00002-P	11/16/17	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-46-16-00003-P	11/16/17	Jurisdictional Classification	To classify positions in the exempt class
CVS-46-16-00004-P	11/16/17	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-01-17-00006-P	01/04/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-01-17-00007-P	01/04/18	Jurisdictional Classification	To delete a position from and classify positions in the non-competitive class
CVS-01-17-00008-P	01/04/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-01-17-00009-P	01/04/18	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-01-17-00010-P	01/04/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-01-17-00011-P	01/04/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-01-17-00012-P	01/04/18	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-01-17-00013-P	01/04/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-01-17-00014-P	01/04/18	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-01-17-00015-P	01/04/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-01-17-00017-P	01/04/18	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-04-17-00003-P	01/25/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-04-17-00004-P	01/25/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-07-17-00003-P	02/15/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-07-17-00004-P	02/15/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-07-17-00005-P	02/15/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-07-17-00006-P	02/15/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-07-17-00007-P	02/15/18	Jurisdictional Classification	To classify a position non-competitive class.
CVS-12-17-00004-P	03/22/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-12-17-00005-P	03/22/18	Jurisdictional Classification	To delete a position from and classify a position in the non-competitive class.
CVS-12-17-00006-P	03/22/18	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class.
CVS-12-17-00007-P	03/22/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-12-17-00008-P	03/22/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-12-17-00009-P	03/22/18	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-12-17-00010-P	03/22/18	Jurisdictional Classification	To delete positions from and classify positions in the exempt class
CVS-17-17-00002-P	04/26/18	Supplemental military leave benefits	To extend the availability of supplemental military leave benefits for certain New York State employees until December 31, 2017
CVS-18-17-00001-P	05/03/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-18-17-00002-P	05/03/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-18-17-00003-P	05/03/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-18-17-00004-P	05/03/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-18-17-00005-P	05/03/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-18-17-00006-P	05/03/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-18-17-00007-P	05/03/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-18-17-00008-P	05/03/18	Jurisdictional Classification	To classify positions in the non-competitive class

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CIVIL SERVICE, DEPARTMENT OF			
CVS-18-17-00009-P	05/03/18	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-18-17-00010-P	05/03/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-18-17-00011-P	05/03/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-18-17-00012-P	05/03/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-18-17-00013-P	05/03/18	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-18-17-00014-P	05/03/18	Jurisdictional Classification	To classify positions in the exempt and non-competitive classes
CVS-18-17-00015-P	05/03/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-18-17-00016-P	05/03/18	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-18-17-00017-P	05/03/18	Jurisdictional Classification	To classify positions in the exempt class and delete positions from the non-competitive class
CVS-23-17-00001-P	06/07/18	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-23-17-00002-P	06/07/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-23-17-00003-P	06/07/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-23-17-00005-P	06/07/18	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-23-17-00006-P	06/07/18	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-23-17-00007-P	06/07/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-23-17-00008-P	06/07/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-23-17-00009-P	06/07/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-23-17-00010-P	06/07/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-23-17-00011-P	06/07/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-23-17-00012-P	06/07/18	Jurisdictional Classification	To delete positions from and classify positions in the exempt class
CVS-23-17-00013-P	06/07/18	Jurisdictional Classification	To delete positions from and classify positions in the exempt class
CVS-23-17-00014-P	06/07/18	Jurisdictional Classification	To delete positions from and classify positions in the exempt class
CVS-30-17-00006-P	07/26/18	Jurisdictional Classification	To classify a position in the non-competitive class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-30-17-00007-P	07/26/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-30-17-00008-P	07/26/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-30-17-00009-P	07/26/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-30-17-00010-P	07/26/18	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-30-17-00011-P	07/26/18	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-30-17-00012-P	07/26/18	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-30-17-00013-P	07/26/18	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-30-17-00014-P	07/26/18	Jurisdictional Classification	To classify a position in the non-competitive class.
CVS-30-17-00015-P	07/26/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-30-17-00016-P	07/26/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-30-17-00017-P	07/26/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-30-17-00018-P	07/26/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-30-17-00019-P	07/26/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-30-17-00020-P	07/26/18	Jurisdictional Classification	To delete positions from and classify positions in the exempt class and to delete positions from the non-competitive class.
CVS-30-17-00021-P	07/26/18	Jurisdictional Classification	To add a subheading and to classify positions in the non-competitive class
CVS-30-17-00022-P	07/26/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-30-17-00023-P	07/26/18	Jurisdictional Classification	To classify positions in the exempt and non-competitive classes
CVS-33-17-00002-P	08/16/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-33-17-00003-P	08/16/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-33-17-00004-P	08/16/18	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-33-17-00005-P	08/16/18	Jurisdictional Classification	To delete a position from and classify a position in the non-competitive class
CVS-33-17-00006-P	08/16/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-33-17-00007-P	08/16/18	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-33-17-00008-P	08/16/18	Jurisdictional Classification	To classify positions in the exempt and non-competitive classes
COMMISSIONER OF PILOTS, BOARD OF			
COP-41-17-00009-P	10/11/18	Sandy Hook Pilot Apprentices	To amend the Sandy Hook pilot apprenticeship program
CORRECTION, STATE COMMISSION OF			
CMC-44-17-00003-P	11/01/18	Inmate confinement and deprivation	Require local correctional facilities to record, review and report inmate cell confinement and essential service deprivation
CMC-44-17-00012-P	11/01/18	Inmate confinement and deprivation	Require local correctional facilities to record, review and report inmate cell confinement and essential service deprivation
CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF			
CCS-35-17-00001-EP	08/30/18	Officials of the Department of Corrections and Community Supervision	To designate certain employees of the Department as officials with peace officer status
CCS-39-17-00001-P	09/27/18	Temporary Release Program Rules and Regulations	To amend current regulations governing the temporary release program consistent with governing statutes and agency directives.
EDUCATION DEPARTMENT			
EDU-21-17-00008-ERP	05/24/18	The education of homeless children and youths (McKinney-Vento Homeless Assistance Act)	Required by the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. section 11431 et seq.), as amended by ESSA
EDU-27-17-00006-P	07/05/18	Interstate Compact for Educational Opportunity for Military Children and Physical Education Requirements for a Diploma.	To implement Ch. 328 of the Laws of 2014 and to provide flexibility in the physical education diploma requirements.
EDU-37-17-00003-P	09/13/18	Requirements for the Educational Leadership Service	Modify the educational requirements for out-of-state candidates seeking licensure in New York
EDU-39-17-00006-EP	09/27/18	Conditional initial certificates for classroom teachers	Allow out-of-state teachers obtain a conditional cert. while completing their edTPA req. during their 1st year of employ in NY
EDU-39-17-00012-P	09/27/18	Eligibility for Tuition Assistance Program	Amend definition of full-time study for students in their last year of high school
EDU-39-17-00013-P	09/27/18	Principal Preparation Programs and Annual Professional Performance Reviews	Establishes new professional practice guidelines and expectations for principals
EDU-44-17-00004-P	11/01/18	Limited license in speech-language pathology	To subject applicants who have been issued a limited license, to the same experience requirements as applicants for a license
EDU-44-17-00005-P	11/01/18	Definition of occupational therapy practice	To conform the definition of occupational therapy practice to changes to Education Law 7901 by chapter 460 of the Laws of 2011

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
EDU-44-17-00006-EP	11/01/18	Mandatory Quality Review Program (MQRP) in public accountancy	Eliminates the requirement that a sponsoring organization which oversees the MQRP be located in New York State.
EDU-44-17-00007-EP	11/01/18	Continuing teacher and leader education Requirements	To require continuing teacher and leader education for certain teachers and school leaders in non-public schools
EDU-44-17-00008-P	11/01/18	Transitional H Certification Pathway	Allows NYS licensed CPAs with 3 years of exp. auditing NYS school dist., BOCES, municipalities to seek a business leader cert.
EDU-44-17-00009-P	11/01/18	New Pathway to a NYS High School Equivalency Diploma	Allows students to use passing scores on certain Regents examinations in lieu of certain sub-tasks on TASC
EDU-44-17-00010-EP	11/01/18	Temporary teaching certificates	Temporary certificates for teachers displaced from Puerto Rico and/or US territory as a result of Hurricane Maria
ELECTIONS, STATE BOARD OF			
SBE-21-17-00005-RP	05/24/18	Designation of treasurer removal committee and related procedures	To implement the process of treasurer removal provided for by Part C of Chapter 286 of the Laws of 2016
SBE-28-17-00004-P	07/12/18	Use of independent automated audit tools	To implement the amendment to Election Law 9-211 permitting use of independent automated audit tools
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
ENV-06-17-00001-P	03/31/18	Amendments to 6 NYCRR Part 617 (which implement the State Environmental Quality Review Act [Article 8 of the ECL])	The purpose of the rule making is to streamline the SEQR process without sacrificing meaningful environmental review
ENV-14-17-00001-P	05/25/18	Prevention and Control of Environmental Pollution by Radioactive Materials	To amend regulations pertaining to disposal and release of radioactive materials to the environment
ENV-16-17-00003-P	04/19/18	Permits for taking surfclams	To reduce paperwork and streamline the surfclam permitting process
ENV-19-17-00003-P	06/30/18	Part 232 regulates entities that operate dry cleaning machines.	Repeal and replace Part 232 to reduce alternative solvent and perc emissions.
ENV-22-17-00001-EP	05/31/18	Regulations governing the recreational harvest of summer flounder	To revise regulations concerning the recreational harvest of summer flounder in New York State
ENV-28-17-00003-P	07/12/18	Management of crustaceans, horseshoe crabs (HSC) and whelk; protection of terrapin	Modify rules on terrapin excluder device, HSC harvest limit and whelk reporting
FINANCIAL SERVICES, DEPARTMENT OF			
*DFS-17-16-00003-P	exempt	Plan of Conversion by Commercial Travelers Mutual Insurance Company	To convert a mutual accident and health insurance company to a stock accident and health insurance company

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
FINANCIAL SERVICES, DEPARTMENT OF			
DFS-11-17-00003-P	03/15/18	Continuing Care Retirement Communities	Amend rules related to permitted investments, financial transactions, reporting requirements and add new optional contract type
DFS-18-17-00020-P	05/03/18	Establishment And Operation Of Market Stabilization Mechanisms For Certain Health Insurance Markets	To allow for the implementation of a market stabilization pool for the small group health insurance market
DFS-20-17-00001-P	05/17/18	Private Passenger Motor Vehicle Insurance Multi-Tier Programs	To ensure education level attained/occupational status in initial tier placement/movement does not result in unfair rate
DFS-25-17-00002-EP	06/21/18	Minimum standards for form, content and sale of health insurance, including standards of full and fair disclosure	To ensure coverage for essential health benefits in all individual, small group, and student accident and health policies
DFS-32-17-00017-P	08/09/18	Holding Companies	To make technical correction to and clarification of 11 NYCRR section 80-1.6(3)
DFS-35-17-00003-P	08/30/18	Privacy of Consumer Financial and Health Information, General Provisions	To incorporate recent changes to federal privacy laws regarding information maintained by financial institutions
DFS-39-17-00002-P	09/27/18	Minimum Standards for Form, Content and Sale of Health Insurance, Including Standards of Full and Fair Disclosure	Provide a formulary exception process for medication for the detoxification or maintenance treatment of a substance use disorder
DFS-40-17-00003-P	10/04/18	Registration Requirements and Prohibited Practices for Credit Reporting Agencies	To address deficient practices of consumer credit reporting agencies and protect user of and the market for financial services
GAMING COMMISSION, NEW YORK STATE			
SGC-45-16-00004-P	11/09/17	Anti-stacking of NSAIDs and diclofenac made a 48 hour NSAID	To enable the Commission to preserve the integrity of pari-mutuel racing while generating reasonable revenue for the support of
HEALTH, DEPARTMENT OF			
*HLT-14-94-00006-P	exempt	Payment methodology for HIV/AIDS outpatient services	To expand the current payment to incorporate pricing for services
*HLT-37-16-00024-RP	12/13/17	Medical Use of Marihuana	To comprehensively regulate the manufacture, sale and use of medical marihuana
*HLT-41-16-00002-ERP	01/10/18	Residential Health Care Facility Quality Pool	To reward NYS facilities with the highest quality outcomes as determined by methodology developed by regulation
HLT-07-17-00009-P	02/15/18	Public Water Systems	To incorporate federal rules and revisions to Public Health Law
HLT-20-17-00013-P	05/17/18	Lead Testing in School Drinking Water	Requires lead testing and remediation of potable drinking water in schools
HLT-21-17-00001-EP	05/24/18	Physician and Pharmacies; Prescribing, Administering and Dispensing for the Treatment of Narcotic Addiction	To allow any authorized practitioner to prescribe, administer & dispense buprenorphine for the treatment of narcotic addiction.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
HLT-25-17-00010-P	06/21/18	Communication Between Clinical Laboratory Physicians and Patients	To allow lab physicians to discuss the meaning and interpretation of test results with patients under certain circumstances
HLT-28-17-00001-P	07/12/18	Children's Behavioral Health and Health Services	To authorize Medicaid coverage of new behavioral health and health services for children under 21 years of age
HLT-28-17-00009-P	08/17/18	Early Intervention Program	To conform existing program regulations to federal regulations and state statute
HLT-33-17-00022-P	08/16/18	Medical Conditions For Which An Exemption From Restrictions On Tinted Glass May Be Issued	Amend the existing list of medical conditions for a NYSregistered driver or habitual passenger for an exemption to tinted glass
HLT-38-17-00001-P	09/20/18	Trauma Centers	Requires hospitals to be verified by the American College of Surgeons Committee to be designated trauma centers by the Dept.
HLT-43-17-00001-EP	10/25/18	Medical Use of Marihuana	To allow certain defined facilities to become a designated caregiver for a certified patient in NYS's Medical Marihuana Program
JOINT COMMISSION ON PUBLIC ETHICS, NEW YORK STATE			
JPE-34-17-00002-EP	08/23/18	Records access	To update regulations governing records access
JPE-34-17-00003-P	08/23/18	Comprehensive lobbying regulations	To set forth comprehensive lobbying regulations that implement the provisions of the Lobbying Act
JPE-34-17-00004-P	08/23/18	Source of funding reporting.	To make consistent with the new comprehensive lobbying regulations at Part 943 and clarify exemption procedures.
JPE-42-17-00003-P	10/18/18	Financial disclosure statements	To add a right of appeal to provisions governing exemptions related to filing a financial disclosure statement
LIQUOR AUTHORITY, STATE			
LQR-33-17-00009-P	08/16/18	Repeal of archaic rules regarding local boards, removals of package stores, and retail price affirmations	To repeal archaic rules regarding local boards, removals of package stores, and retail price affirmations
LQR-35-17-00002-P	10/25/18	Updated price posting rules, and recordkeeping requirements, and repeal of license durations and whiskey dividend rules	To update price posting rules, and recordkeeping requirements, and repeal of license duration rules and whiskey dividend rules
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

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LONG ISLAND POWER AUTHORITY			
*LPA-03-10-00004-P	..... exempt	Residential late payment charges	To extend the application of late payment charges to residential customers
LPA-41-17-00010-P	..... exempt	The undergrounding provisions of the Authority's Tariff for Electric Service	To offer local communities a mechanism for financing the additional cost of undergrounding projects
LPA-41-17-00011-P	..... exempt	The remote meter reading provisions of the Authority's Tariff for Electric Service	To eliminate charges for remote meter reading
LPA-41-17-00012-P	..... exempt	The net energy metering provisions of the Authority's Tariff for Electric Service	To update the Authority's net energy metering provisions consistent with the rest of New York State
MENTAL HEALTH, OFFICE OF			
OMH-31-17-00001-P	..... 08/02/18	Early and Periodic Screening, Diagnostic and Treatment Services for Children	To promote the expansion of behavioral health services for children and youth under 21 years of age
MOTOR VEHICLES, DEPARTMENT OF			
MTV-26-17-00003-EP	..... 06/28/18	Insurance requirements for TNC vehicles	Technical amendment regarding insurance requirements for TNC vehicles
NIAGARA FALLS WATER BOARD			
*NFW-04-13-00004-EP	..... exempt	Adoption of Rates, Fees and Charges	To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders
*NFW-13-14-00006-EP	..... exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders
NIAGARA FRONTIER TRANSPORTATION AUTHORITY			
NFT-23-17-00016-P	..... 06/07/18	Procurement Guidelines of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc.	To amend Procurement Guidelines to reflect changes in law, clarifying provisions and change signing authority level
PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR			
PDD-34-17-00001-P	..... 08/23/18	Developmental Disability Definition Update	To conform OPWDD's definition of developmental disability in existing regulations with Mental Hygiene Law
PDD-36-17-00014-P	..... 09/06/18	Agency Name Change Update	To update the agency name in Title 14 NYCRR Parts 630 and 671.
POWER AUTHORITY OF THE STATE OF NEW YORK			
*PAS-01-10-00010-P	..... exempt	Rates for the sale of power and energy	Update ECSB Programs customers' service tariffs to streamline them/include additional required information
PAS-41-17-00002-P	..... exempt	Rates for the Sale of Power and Energy	To align rates and costs

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-09-99-00012-P	..... exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	..... exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-12-00-00001-P	..... exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-44-01-00005-P	..... exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-07-02-00032-P	..... exempt	Uniform business practices	To consider modification
*PSC-36-03-00010-P	..... exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-40-03-00015-P	..... exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00010-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-41-03-00011-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-44-03-00009-P	..... exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates
*PSC-02-04-00008-P	..... exempt	Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York	To rehear the Nov. 25, 2003 order
*PSC-06-04-00009-P	..... exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC
*PSC-10-04-00005-P	..... exempt	Temporary protective order	To consider adopting a protective order
*PSC-10-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement
*PSC-14-04-00008-P	..... exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway
*PSC-15-04-00022-P	..... exempt	Submetering of electricity by Glenn Gardens Associates, L.P.	To permit submetering at 175 W. 87th St., New York, NY
*PSC-21-04-00013-P	..... exempt	Verizon performance assurance plan by Metropolitan Telecommunications	To clarify the appropriate performance level
*PSC-22-04-00010-P	..... exempt	Approval of new types of electricity meters by Powell Power Electric Company	To permit the use of the PE-1250 electronic meter
*PSC-22-04-00013-P	..... exempt	Major gas rate increase by Consolidated Edison Company of New York, Inc.	To increase annual gas revenues
*PSC-22-04-00016-P	..... exempt	Master metering of water by South Liberty Corporation	To waive the requirement for installation of separate water meters

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-25-04-00012-P	..... exempt	Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P.	To amend the agreement
*PSC-27-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-27-04-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-28-04-00006-P	..... exempt	Approval of loans by Dunkirk & Fredonia Telephone Company and Cassadaga Telephone Corporation	To authorize participation in the parent corporation's line of credit
*PSC-31-04-00023-P	..... exempt	Distributed generation service by Consolidated Edison Company of New York, Inc.	To provide an application form
*PSC-34-04-00031-P	..... exempt	Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc.	To set appropriate level of permanent rates
*PSC-35-04-00017-P	..... exempt	Application form for distributed generation by Orange and Rockland Utilities, Inc.	To establish a new supplementary application form for customers
*PSC-43-04-00016-P	..... exempt	Accounts recievable by Rochester Gas and Electric Corporation	To include in its tariff provisions for the purchase of ESCO accounts recievable
*PSC-46-04-00012-P	..... exempt	Service application form by Consolidated Edison Company of New York, Inc.	To revise the form and make housekeeping changes
*PSC-46-04-00013-P	..... exempt	Rules and guidelines governing installation of metering equipment	To establish uniform statewide business practices
*PSC-02-05-00006-P	..... exempt	Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc.	To consider imposing remedial actions against the company and its owners, officers and directors
*PSC-09-05-00009-P	..... exempt	Submetering of natural gas service by Hamlet on Olde Oyster Bay	To consider submetering of natural gas to a commercial customer
*PSC-14-05-00006-P	..... exempt	Request for deferred accounting authorization by Freeport Electric Inc.	To defer expenses beyond the end of the fiscal year
*PSC-18-05-00009-P	..... exempt	Marketer Assignment Program by Consolidated Edison Company of New York, Inc.	To implement the program
*PSC-20-05-00028-P	..... exempt	Delivery point aggregation fee by Allied Frozen Storage, Inc.	To review the calculation of the fee
*PSC-25-05-00011-P	..... exempt	Metering, balancing and cashout provisions by Central Hudson Gas & Electric Corporation	To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11
*PSC-27-05-00018-P	..... exempt	Annual reconciliation of gas costs by New York State Electric & Gas Corporation	To consider the manner in which the gas cost incentive mechanism has been applied

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-41-05-00013-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities	To consider the filings
*PSC-45-05-00011-P	..... exempt	Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation	To defer certain costs
*PSC-46-05-00015-P	..... exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale
*PSC-47-05-00009-P	..... exempt	Transferral of gas supplies by Corning Natural Gas Corporation	To approve the transfer
*PSC-50-05-00008-P	..... exempt	Long-term debt by Saratoga Glen Hollow Water Supply Corp.	To obtain long-term debt
*PSC-04-06-00024-P	..... exempt	Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc.	To approve of the transfer
*PSC-06-06-00015-P	..... exempt	Gas curtailment policies and procedures	To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established
*PSC-07-06-00009-P	..... exempt	Modification of the current Environmental Disclosure Program	To include an attributes accounting system
*PSC-22-06-00019-P	..... exempt	Hourly pricing by National Grid	To assess the impacts
*PSC-22-06-00020-P	..... exempt	Hourly pricing by New York State Electric & Gas Corporation	To assess the impacts
*PSC-22-06-00021-P	..... exempt	Hourly pricing by Rochester Gas & Electric Corporation	To assess the impacts
*PSC-22-06-00022-P	..... exempt	Hourly pricing by Consolidated Edison Company of New York, Inc.	To assess the impacts
*PSC-22-06-00023-P	..... exempt	Hourly pricing by Orange and Rockland Utilities, Inc.	To assess the impacts
*PSC-24-06-00005-EP	..... exempt	Supplemental home energy assistance benefits	To extend the deadline to Central Hudson's low-income customers
*PSC-25-06-00017-P	..... exempt	Purchased power adjustment by Massena Electric Department	To revise the method of calculating the purchased power adjustment and update the factor of adjustment
*PSC-34-06-00009-P	..... exempt	Inter-carrier telephone service quality standards and metrics by the Carrier Working Group	To incorporate appropriate modifications
*PSC-37-06-00015-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-37-06-00017-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-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-04-07-00012-P	..... exempt	Petition for rehearing by Orange and Rockland Utilities, Inc.	To clarify the order
*PSC-06-07-00015-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for electric service
*PSC-06-07-00020-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for gas service
*PSC-11-07-00010-P	..... exempt	Investigation of the electric power outages by the Consolidated Edison Company of New York, Inc.	To implement the recommendations in the staff's investigation
*PSC-11-07-00011-P	..... exempt	Storm-related power outages by Consolidated Edison Company of New York, Inc.	To modify the company's response to power outages, the timing for any such changes and other related matters
*PSC-17-07-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc.	To amend the agreement
*PSC-18-07-00010-P	..... exempt	Existing electric generating stations by Independent Power Producers of New York, Inc.	To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation
*PSC-20-07-00016-P	..... exempt	Tariff revisions and making rates permanent by New York State Electric & Gas Corporation	To seek rehearing
*PSC-21-07-00007-P	..... exempt	Natural Gas Supply and Acquisition Plan by Corning Natural Gas Corporation	To revise the rates, charges, rules and regulations for gas service
*PSC-22-07-00015-P	..... exempt	Demand Side Management Program by Consolidated Edison Company of New York, Inc.	To recover incremental program costs and lost revenue
*PSC-23-07-00022-P	..... exempt	Supplier, transportation, balancing and aggregation service by National Fuel Gas Distribution Corporation	To explicitly state in the company's tariff that the threshold level of elective upstream transmission capacity is a maximum of 112,600 Dth/day of marketer-provided upstream capacity
*PSC-24-07-00012-P	..... exempt	Gas Efficiency Program by the City of New York	To consider rehearing a decision establishing a Gas Efficiency Program
*PSC-39-07-00017-P	..... exempt	Gas bill issuance charge by New York State Electric & Gas Corporation	To create a gas bill issuance charge unbundled from delivery rates
*PSC-41-07-00009-P	..... exempt	Submetering of electricity rehearing	To seek reversal
*PSC-42-07-00012-P	..... exempt	Energy efficiency program by Orange and Rockland Utilities, Inc.	To consider any energy efficiency program for Orange and Rockland Utilities, Inc.'s electric service
*PSC-42-07-00013-P	..... exempt	Revenue decoupling by Orange and Rockland Utilities, Inc.	To consider a revenue decoupling mechanism for Orange and Rockland Utilities, Inc.
*PSC-45-07-00005-P	..... exempt	Customer incentive programs by Orange and Rockland Utilities, Inc.	To establish a tariff provision

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-02-08-00006-P	..... exempt	Additional central office codes in the 315 area code region	To consider options for making additional codes
*PSC-03-08-00006-P	..... exempt	Rehearing of the accounting determinations	To grant or deny a petition for rehearing of the accounting determinations
*PSC-04-08-00010-P	..... exempt	Granting of easement rights on utility property by Central Hudson Gas & Electric Corporation	To grant easement rights to Millennium Pipeline Company, L.L.C.
*PSC-04-08-00012-P	..... exempt	Marketing practices of energy service companies by the Consumer Protection Board and New York City Department of Consumer Affairs	To consider modifying the commission's regulation over marketing practices of energy service companies
*PSC-08-08-00016-P	..... exempt	Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al.	To consider the transfer
*PSC-12-08-00019-P	..... exempt	Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-12-08-00021-P	..... exempt	Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-13-08-00011-P	..... exempt	Waiver of commission policy and NYSEG tariff by Turner Engineering, PC	To grant or deny Turner's petition
*PSC-13-08-00012-P	..... exempt	Voltage drops by New York State Electric & Gas Corporation	To grant or deny the petition
*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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-53-08-00013-P	..... exempt	To transfer common stock and ownership	To consider transfer of common stock and ownership
*PSC-01-09-00015-P	..... exempt	FCC decision to redefine service area of Citizens/Frontier	Review and consider FCC proposed redefinition of Citizens/Frontier service area
*PSC-02-09-00010-P	..... exempt	Competitive classification of independent local exchange company, and regulatory relief appropriate thereto	To determine if Chazy & Westport Telephone Corporation more appropriately belongs in scenario 1 rather than scenario 2
*PSC-05-09-00008-P	..... exempt	Revenue allocation, rate design, performance metrics, and other non-revenue requirement issues	To consider any remaining non-revenue requirement issues related to the Company's May 9, 2008 tariff filing
*PSC-05-09-00009-P	..... exempt	Numerous decisions involving the steam system including cost allocation, energy efficiency and capital projects	To consider the long term impacts on steam rates and on public policy of various options concerning the steam system
*PSC-06-09-00007-P	..... exempt	Interconnection of the networks between Frontier Comm. and WVT Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier Comm. and WVT Comm.
*PSC-07-09-00015-P	..... exempt	Transfer certain utility assets located in the Town of Montgomery from plant held for future use to non-utility property	To consider the request to transfer certain utility assets located in the Town of Montgomery to non-utility assets
*PSC-07-09-00017-P	..... exempt	Request for authorization to defer the incremental costs incurred in the restoration work resulting from the ice storm	To allow the company to defer the incremental costs incurred in the restoration work resulting from the ice storm
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-17-09-00012-P	..... exempt	Petition for the submetering of gas at commercial property	To consider the request of Turner Construction, to submeter natural gas at 550 Short Ave., & 10 South St., Governors Island, NY
*PSC-17-09-00014-P	..... exempt	Benefit-cost framework for evaluating AMI programs prepared by the DPS Staff	To consider a benefit-cost framework for evaluating AMI programs prepared by the DPS Staff
*PSC-17-09-00015-P	..... exempt	The construction of a tower for wireless antennas on land owned by National Grid	To approve, reject or modify the petition to build a tower for wireless antennas in the Town of Onondaga
*PSC-18-09-00012-P	..... exempt	Petition for rehearing of Order approving the submetering of electricity	To consider the request of Frank Signore to rehear petition to submeter electricity at One City Place in White Plains, New York
*PSC-18-09-00013-P	..... exempt	Petition for the submetering of electricity	To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York
*PSC-18-09-00017-P	..... exempt	Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers	To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower
*PSC-20-09-00016-P	..... exempt	The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc	To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with it's AMI pilots etc
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-32-09-00009-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-34-09-00016-P	..... exempt	Recommendations made in the Management Audit Final Report	To consider whether to take action or recommendations contained in the Management Audit Final Report
*PSC-34-09-00017-P	..... exempt	To consider the transfer of control of Plattsburgh Cablevision, Inc. d/b/a Charter Communications to CH Communications, LLC	To allow the Plattsburgh Cablevision, Inc. to distribute its equity interest in CH Communications, LLC
*PSC-36-09-00008-P	..... exempt	The increase in the non-bypassable charge implemented by RG&E on June 1, 2009	Considering exemptions from the increase in the non-bypassable charge implemented by RG&E on June 1, 2009
*PSC-37-09-00015-P	..... exempt	Sale of customer-generated steam to the Con Edison steam system	To establish a mechanism for sale of customer-generated steam to the Con Edison steam system
*PSC-37-09-00016-P	..... exempt	Applicability of electronic signatures to Deferred Payment Agreements	To determine whether electronic signatures can be accepted for Deferred Payment Agreements
*PSC-39-09-00015-P	..... exempt	Modifications to the \$5 Bill Credit Program	Consideration of petition of National Grid to modify the Low Income \$5 Bill Credit Program
*PSC-39-09-00018-P	..... exempt	The offset of deferral balances with Positive Benefit Adjustments	To consider a petition to offset deferral balances with Positive Benefit Adjustments
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-07-10-00009-P	..... exempt	Petition to revise the Uniform Business Practices	To consider the RESA petition to allow rescission of a customer request to return to full utility service
*PSC-08-10-00007-P	..... exempt	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847
*PSC-08-10-00009-P	..... exempt	Consolidated Edison of New York, Inc. energy efficiency programs	To modify approved energy efficiency programs
*PSC-12-10-00015-P	..... exempt	Recommendations made by Staff intended to enhance the safety of Con Edison's gas operations	To require that Con Edison implement the Staff recommendations intended to enhance the safety of Con Edison's gas operations
*PSC-14-10-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of 61 Jane Street Owners Corporation to submeter Electricity at 61 Jane Street, Manhattan, NY
*PSC-16-10-00005-P	..... exempt	To consider adopting and expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-16-10-00007-P	..... exempt	Interconnection of the networks between TDS Telecom and PAETEC Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between TDS Telecom and PAETEC Communications
*PSC-16-10-00015-P	..... exempt	Interconnection of the networks between Frontier and Choice One Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier and Choice One Communications
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-31-10-00007-P	..... exempt	Waiver of the Attachment 23 requirement in 2001 Rate Order that NMPC Board of Directors consist of "outside directors"	To consider the waiver of the requirement that a majority of NMPC Board of directors consist of "outside directors"
*PSC-34-10-00003-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-34-10-00005-P	..... exempt	Approval of a contract for \$250,000 in tank repairs that may be a financing	To decide whether to approve a contract between the parties that may be a financing of \$250,000 for tank repairs
*PSC-34-10-00006-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-36-10-00010-P	..... exempt	Central Hudson's procedures, terms and conditions for an economic development plan	Consideration of Central Hudson's procedures, terms and conditions for an economic development plan
*PSC-40-10-00014-P	..... exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by National Grid
*PSC-40-10-00021-P	..... exempt	Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall	To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall
*PSC-41-10-00018-P	..... exempt	Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter	Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-13-11-00007-P	..... exempt	Budget allocations and use of System Benefits Charge funds to pay State Cost Recovery Fee	To encourage cost effective gas and electric energy conservation in the State
*PSC-14-11-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York
*PSC-16-11-00011-P	..... exempt	The Energy Efficiency Portfolio Standard	To promote gas and electricity energy conservation programs in New York
*PSC-19-11-00007-P	..... exempt	Utility price reporting requirements related to the Commission's "Power to Choose" website	Modify the Commission's utility electric commodity price reporting requirements related to the "Power to Choose" website
*PSC-20-11-00012-P	..... exempt	Petition for the submetering of electricity	To consider the request of KMW Group LLC to submeter electricity at 122 West Street, Brooklyn, New York
*PSC-20-11-00013-P	..... exempt	Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges	To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable
*PSC-22-11-00004-P	..... exempt	Whether to permit the use of the Sensus accWAVE for use in residential gas meter applications	To permit gas utilities in New York State to use the Sensus accWAVE diaphragm gas meter
*PSC-23-11-00018-P	..... exempt	NYSERDA's energy efficiency program for low-income customers	To promote energy conservation in New York State
*PSC-26-11-00007-P	..... exempt	Water rates and charges	To approve an increase in annual revenues by about \$25,266 or 50%
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-40-11-00012-P	..... exempt	Granting of transfer of plant in-service to a regulatory asset	To approve transfer and recovery of unamortized plant investment
*PSC-42-11-00018-P	..... exempt	Availability of telecommunications services in New York State at just and reasonable rates	Providing funding support to help ensure availability of affordable telecommunications service throughout New York
*PSC-43-11-00012-P	..... exempt	Transfer of outstanding shares of stock	Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC
*PSC-47-11-00007-P	..... exempt	Remedying miscalculations of delivered gas as between two customer classes	Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations
*PSC-48-11-00007-P	..... exempt	Transfer of controlling interests in generation facilities from Dynegy to PSEG	Consideration of the transfer of controlling interests in electric generation facilities from Dynegy to PSEG
*PSC-48-11-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York
*PSC-51-11-00010-P	..... exempt	The Total Resource Cost (TRC) test, used to analyze measures in the Energy Efficiency Portfolio Standard program	Petitioners request that the TRC test and/or its application to measures should be revised
*PSC-01-12-00007-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-01-12-00008-P	..... exempt	Transfer of real property and easements from NMPNS to NMP3	Consideration of the transfer of real property and easements from NMPNS to NMP3
*PSC-01-12-00009-P	..... exempt	Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove	To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered
*PSC-11-12-00002-P	..... exempt	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff
*PSC-11-12-00005-P	..... exempt	Transfer of land and water supply assets	Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman
*PSC-13-12-00005-P	..... exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-19-12-00019-P	..... exempt	EEPS programs administered by New York State Electric & Gas Corporation and Rochester Gas and Electric Corporation	To modify the C&I sector by combining multiple approved C&I programs into a single C&I program for each PA
*PSC-19-12-00022-P	..... exempt	Approval of a combined heat and power performance program funding plan administered by NYSEERDA	Modify NYSEERDA's EEPS programs budget and targets to fund the CHP program
*PSC-19-12-00023-P	..... exempt	Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than \$100,000	To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-21-12-00006-P	..... exempt	Tariff filing requirements and refunds	To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted
*PSC-21-12-00011-P	..... exempt	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47
*PSC-23-12-00005-P	..... exempt	EEPS multifamily programs administered by Consolidated Edison Company of New York, Inc.	To redesign the multifamily electric and gas programs and modify the budgets and targets
*PSC-23-12-00007-P	..... exempt	The approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility	To consider the approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility
*PSC-23-12-00009-P	..... exempt	Over earnings sharing between rate payers and shareholders	To establish an Earnings Sharing Mechanism to be applied following the conclusion of Corning's rate plan
*PSC-27-12-00012-P	..... exempt	Implementation of recommendations made in a Management Audit Report	To consider implementation of recommendations made in a Management Audit Report
*PSC-28-12-00013-P	..... exempt	Exemption of reliability reporting statistics for the purpose of the 2012 Reliability Performance Mechanism	Consideration of Orange and Rockland Utilities request for exemption of the 2012 reliability reporting statistics
*PSC-29-12-00019-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Hamden to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-30-12-00010-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Andes to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-33-12-00009-P	..... exempt	Telecommunications companies ability to attach to utility company poles	Consideration of Tech Valley's ability to attach to Central Hudson poles
*PSC-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-04-13-00007-P	..... exempt	Authorization to transfer certain real property.	To decide whether to approve the transfer of certain real property.
*PSC-06-13-00008-P	..... exempt	Verizon New York Inc.'s retail service quality	To investigate Verizon New York Inc.'s retail service quality
*PSC-08-13-00012-P	..... exempt	Filing requirements for certain Article VII electric facilities	To ensure that applications for certain electric transmission facilities contain pertinent information
*PSC-08-13-00014-P	..... exempt	Uniform System of Accounts - Request for Accounting Authorization	To allow the company to defer an item of expense or capital beyond the end of the year in which it was incurred
*PSC-12-13-00007-P	..... exempt	Protecting company water mains	To allow the company to require certain customers to make changes to the electrical grounding system at their homes
*PSC-13-13-00008-P	..... exempt	The potential waiver of 16 NYCRR 255.9221(d) completion of integrity assessments for certain gas transmission lines.	To determine whether a waiver of the timely completion of certain gas transmission line integrity assessments should be granted.
*PSC-17-13-00008-P	..... exempt	Provision of historical utility pricing information for comparison purposes for residential ESCO customers	Provision of historical utility pricing information for comparison purposes for residential ESCO customers
*PSC-17-13-00010-P	..... exempt	Provision of historical pricing information for comparison purposes for residential ESCO customers	Provision of historical pricing information for comparison purposes for residential ESCO customers
*PSC-18-13-00007-P	..... exempt	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes
*PSC-21-13-00003-P	..... exempt	To consider policies that may impact consumer acceptance and use of electric vehicles	To consider and further develop policies that may impact consumer acceptance and use of electric vehicles
*PSC-21-13-00005-P	..... exempt	To implement an abandonment of Windover's water system	To approve the implementation of abandonment of Windover's water system
*PSC-21-13-00008-P	..... exempt	Rates of National Fuel Gas Distribution Corporation	To make the rates of National Fuel Gas Distribution Corporation temporary, subject to refund, if they are found to be excessive
*PSC-21-13-00009-P	..... exempt	Reporting requirements for natural gas local distribution companies	To help ensure efficient and economic expansion of the natural gas system as appropriate
*PSC-22-13-00009-P	..... exempt	On remand from New York State court litigation, determine the recovery of certain deferred amounts owed NFG by ratepayers	On remand, to determine the recovery of certain deferral amounts owed NFG from ratepayers
*PSC-23-13-00005-P	..... exempt	Waiver of partial payment, directory database distribution, service quality reporting, and service termination regulations	Equalize regulatory treatment based on level of competition and practical considerations
*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
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
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-04-14-00005-P	..... exempt	National Fuel Gas Corporation's Conservation Incentive Programs.	To modify National Fuel Gas Corporation's Non-Residential Conservation Incentive Program.
*PSC-05-14-00010-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-07-14-00008-P	..... exempt	Petition for submetering of electricity	To consider the request of Greater Centennial Homes HDFC, Inc. to submeter electricity at 102, 103 and 106 W 5th Street, et al.

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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-32-14-00012-P	..... exempt	Whether to grant or deny, in whole or in part, the Connect New York Coalition's petition	To consider the Connect New York Coalition's petition seeking a formal investigation and hearings
*PSC-34-14-00009-P	..... exempt	Whether to approve the Quadlogic S10N residential submeter.	Approval of the Quadlogic S10N Smart Meter for use in residential electric submetering is required by 16 NYCRR Parts 93 and 96.
*PSC-35-14-00004-P	..... exempt	Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY	To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY
*PSC-35-14-00005-P	..... exempt	Whether to permit the use of the Sensus iConA electric meter	Pursuant to 16 NYCRR Parts 92 and 93, Commission approval is necessary to permit the use of the Sensus iConA electric meter

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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-17-15-00007-P	..... exempt	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million
*PSC-18-15-00005-P	..... exempt	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism
*PSC-19-15-00011-P	..... exempt	Gas Safety Performance Measures and associated negative revenue adjustments	To update the performance measures applicable to KeySpan Gas East Corporation d/b/a National Grid
*PSC-22-15-00015-P	..... exempt	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)
*PSC-23-15-00005-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-23-15-00006-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-25-15-00008-P	..... exempt	Notice of Intent to Submeter electricity.	To consider the request of 165 E 66 Residences, LLC to submeter electricity at 165 East 66th Street, New York, New York.
*PSC-27-15-00014-P	..... exempt	Authorization for NYAW to accrue interest on internal reserve debit balances	To allow NYAW to accrue interest on internal reserve debit balances
*PSC-29-15-00018-P	..... exempt	Approval of ratemaking related to amendment a certificate of public convenience and necessity	To approve or reject the ratemaking aspects of SLG's petition to amend its certificate of public convenience and necessity
*PSC-29-15-00025-P	..... exempt	Joint Petition for authority to transfer real property located at 624 West 132nd Street, New York, NY	Whether to authorize the proposed transfer of real property located at 624 West 132nd Street, New York, NY
*PSC-32-15-00006-P	..... exempt	Development of a Community Solar Demonstration Project.	To approve the development of a Community Solar Demonstration Project.
*PSC-32-15-00012-P	..... exempt	Proposed standards for Commission oversight of Distributed Energy Resource suppliers.	To consider proposed standards for Commission oversight of Distributed Energy Resource suppliers.
*PSC-33-15-00009-P	..... exempt	Remote net metering of a demonstration community net metering program.	To consider approval of remote net metering of a demonstration community net metering program.
*PSC-33-15-00012-P	..... exempt	Remote net metering of a Community Solar Demonstration Project.	To consider approval of remote net metering of a Community Solar Demonstration Project.
*PSC-34-15-00021-P	..... exempt	Petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs	To consider the petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-35-15-00014-P	..... exempt	Consideration of consequences against Light Power & Gas, LLC for violations of the UBP	To consider consequences against Light Power & Gas, LLC for violations of the UBP
*PSC-37-15-00007-P	..... exempt	Submetered electricity	To consider the request of 89 Murray Street Ass. LLC, for clarification of the submetering order issued December 20, 2007
*PSC-38-15-00008-P	..... exempt	Notice of Intent to submeter electricity	To consider the request of Community Counseling and Mediation to submeter electricity at 226 Linden Blvd., Brooklyn, New York
*PSC-40-15-00014-P	..... exempt	Whether to permit the use of the Open Way 3.5 with cellular communications	To consider the use of the Open Way 3.5 electric meter, pursuant to 16 NYCRR Parts 92 and 93
*PSC-41-15-00005-P	..... exempt	Intergrow disputes National Grid's revenue assurance calculations	To consider whether the revenue assurance National Grid is requiring of Intergrow for the new interconnection is appropriate
*PSC-41-15-00009-P	..... exempt	Main Tier of the Renewable Portfolio Standard program	To consider allocating funding from the Main Tier to an eligible hydroelectric facility
*PSC-42-15-00006-P	..... exempt	Deferral of incremental expenses associated with NERC's new Bulk Electric System (BES) compliance requirements approved by FERC.	Consideration of Central Hudson's request to defer incremental expenses associated with new BES compliance requirements.
*PSC-44-15-00028-P	..... exempt	Deferral of incremental expenses associated with new compliance requirements	Consideration of Central Hudson's request to defer incremental expenses associated with new compliance requirements
*PSC-44-15-00030-P	..... exempt	System Improvement Plan mechanism	To consider Bath's petition to implement a SIP mechanism
*PSC-47-15-00013-P	..... exempt	Whitepaper on Implementing Lightened Ratemaking Regulation.	Consider Whitepaper on Implementing Lightened Ratemaking Regulation.
*PSC-48-15-00010-P	..... exempt	Lightened and incidental regulation of a 55 MW electric and steam generating facility.	Consider the lightened and incidental regulation of a 55 MW electric and steam generating facility.
*PSC-48-15-00011-P	..... exempt	Proposal to retire Huntley Units 67 and 68 on March 1, 2016.	Consider the proposed retirement of Huntley Units 67 and 68.
*PSC-50-15-00006-P	..... exempt	The reduction of rates.	To consider the reduction of rates charged by Independent Water Works, Inc.
*PSC-50-15-00009-P	..... exempt	Notice of Intent to submeter electricity.	To consider the request to submeter electricity at 31-33 Lincoln Road and 510 Flatbush Avenue, Brooklyn, New York.
*PSC-51-15-00010-P	..... exempt	Modification of the EDP	To consider modifying the EDP
*PSC-01-16-00002-P	..... exempt	Revenue assurance calculations	To consider whether the revenue assurance National Grid is requiring of Tiashoke for the upgraded service is appropriate
*PSC-01-16-00005-P	..... exempt	Proposed amendment to Section 5, Attachment 1.A of the Uniform Business Practices	To consider amendment to Section 5, Attachment 1.A of the Uniform Business Practices

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-04-16-00007-P	..... exempt	Whether Hamilton Municipal Utilities should be permitted to construct and operate a municipal gas distribution facility.	Consideration of the petition by Hamilton Municipal Utilities to construct and operate a municipal gas distribution facility.
*PSC-04-16-00011-P	..... exempt	Investigation that certain practices of Central Hudson Gas and Electric Corporation resulted in violations of HEFPA.	To consider the Petition of Nobody Leaves Mid-Hudson to investigate Central Hudson for claims of HEFPA violations.
*PSC-04-16-00012-P	..... exempt	Proposal to mothball three gas turbines located at the Astoria Gas Turbine Generating Station.	Consider the proposed mothball of three gas turbines located at the Astoria Gas Turbine Generating Station.
*PSC-04-16-00013-P	..... exempt	Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.	Consider whether three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.
*PSC-06-16-00010-P	..... exempt	Lakewood disputes National Grid's revenue assurance calculations, specifically the duration used.	To consider whether the revenue assurance National Grid is requiring of Lakewood for the new interconnection is appropriate.
*PSC-06-16-00012-P	..... exempt	Inclusion of a Farm and Food Community program in the community distributed generation program.	To consider the inclusion of a Farm and Food Community program in the community distributed generation program.
*PSC-06-16-00013-P	..... exempt	Continued deferral of approximately \$16,000,000 in site investigation and remediation costs.	To consider the continued deferral of approximately \$16,000,000 in site investigation and remediation costs.
*PSC-06-16-00014-P	..... exempt	MEGA's proposed demonstration CCA program.	To consider MEGA's proposed demonstration CCA program.
*PSC-07-16-00016-P	..... exempt	Use of the Electro Industries Shark 200 electric submeter in residential applications	To consider the use of the Electro Industries Shark 200 submeter
*PSC-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-13-16-00009-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent of Franklin Place Condominium to submeter electricity at 5 Franklin Place, New York, New York
*PSC-14-16-00008-P	..... exempt	Resetting retail markets for ESCO mass market customers.	To ensure consumer protections with respect to residential and small non-residential ESCO customers.
*PSC-15-16-00012-P	..... exempt	Adequate service of Verizon New York, Inc.	To consider the adequacy of Verizon New York Inc.'s service quality
*PSC-18-16-00013-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00014-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-18-16-00018-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-20-16-00008-P	..... exempt	Consideration of consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).	To consider consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).
*PSC-20-16-00010-P	..... exempt	Deferral and recovery of incremental expense.	To consider deferring costs of conducting leak survey and repairs for subsequent recovery.
*PSC-20-16-00011-P	..... exempt	Enetics LD-1120 Non-Intrusive Load Monitoring Device in the Statewide Residential Appliance Metering Study.	To consider the use of the Enetics LD-1120 Non-Intrusive Load Monitoring Device.
*PSC-22-16-00011-P	..... exempt	Petition for rehearing of the Order Modifying Standardized Interconnection Requirements and alternative enforcement mechanisms.	To ensure compliance with the Standardized Interconnection Requirements.
*PSC-22-16-00013-P	..... exempt	Disposition of tax refunds and other related matters.	To consider the disposition of tax refunds and other related matters.
*PSC-24-16-00009-P	..... exempt	Petition to submeter gas service.	To consider the Petition of New York City Economic Development Corp. to submeter gas at Pier 17, 89 South Street, New York, NY.
*PSC-25-16-00009-P	..... exempt	To delay Companies' third-party assessments of customer personally identifiable information until 2018.	To extend the time period between the Companies' third-party assessments of customer personally identifiable information.
*PSC-25-16-00018-P	..... exempt	Proposed Community Choice Aggregation Data Security Agreement.	To ensure appropriate consumer protections in Community Choice Aggregation programs.
*PSC-25-16-00024-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-28-16-00017-P	..... exempt	A petition for rehearing of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework.	To determine appropriate rules for and calculation of the distributed generation reliability credit.
*PSC-29-16-00024-P	..... exempt	Participation of NYPA customers in surcharge-funded clean energy programs.	To consider participation of NYPA customers in surcharge-funded clean energy programs.
*PSC-29-16-00025-P	..... exempt	Proposed modifications to gas safety violations metric adopted in Case 12-G-0202.	To consider NMPC's petition to modify gas safety violations metric.
*PSC-30-16-00007-P	..... exempt	The Municipal Electric and Gas Alliance's Community Choice Aggregation Implementation Plan	To ensure appropriate consumer protections
*PSC-32-16-00012-P	..... exempt	Benefit-Cost Analysis Handbooks.	To evaluate proposed methodologies of benefit-cost evaluation.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-33-16-00001-EP	..... exempt	Use of escrow funds for repairs.	To authorize the use of escrow account funds for repairs.
*PSC-33-16-00005-P	..... exempt	Exemption from certain charges for delivery of electricity to its Niagara Falls, New York facility.	Application of System Benefits Charges, Renewable Portfolio Standard charges and Clean Energy Fund surcharges.
*PSC-34-16-00005-P	..... exempt	Community Choice Aggregation (CCA) Data Services.	To consider the implementation of fees for CCA Data Services requested by CCA Administrators.
*PSC-34-16-00006-P	..... exempt	Community Choice Aggregation (CCA) Data Services.	To consider the implementation of fees for CCA Data Services requested by CCA Administrators.
*PSC-34-16-00008-P	..... exempt	Community Choice Aggregation (CCA) Data Services.	To consider the implementation of fees for CCA Data Services requested by CCA Administrators.
*PSC-34-16-00009-P	..... exempt	Community Choice Aggregation (CCA) Data Services.	To consider the implementation of fees for CCA Data Services requested by CCA Administrators.
*PSC-34-16-00010-P	..... exempt	Community Choice Aggregation (CCA) Data Services.	To consider the implementation of fees for CCA Data Services requested by CCA Administrators.
*PSC-34-16-00011-P	..... exempt	Community Choice Aggregation (CCA) Data Services.	To consider the implementation of fees for CCA Data Services requested by CCA Administrators.
*PSC-34-16-00012-P	..... exempt	Community Choice Aggregation (CCA) Data Services.	To consider the implementation of fees for CCA Data Services requested by CCA Administrators.
*PSC-34-16-00013-P	..... exempt	Community Choice Aggregation (CCA) Data Services.	To consider the implementation of fees for CCA Data Services requested by CCA Administrators.
*PSC-34-16-00015-P	..... exempt	Community Choice Aggregation (CCA) Data Services.	To consider the implementation of fees for CCA Data Services requested by CCA Administrators.
*PSC-35-16-00015-P	..... exempt	NYSRC's revisions to its rules and measurements	To consider revisions to various rules and measurements of the NYSRC
*PSC-36-16-00003-P	..... exempt	Petition regarding the Commission's July 14, 2016 Order Denying Petition.	To consider the terms and conditions of utility service received by Fastrac Markets, LLC.
*PSC-36-16-00004-P	..... exempt	Recovery of costs for installation of electric service.	To consider the recovery of costs for installation of electric service.
*PSC-38-16-00006-P	..... exempt	Request for waiver of the individual metering requirements of Opinion 76-17 and 16 NYCRR Part 96	To consider the request for waiver of the individual metering requirements of Opinion 76-17 and 16 NYCRR Part 96
*PSC-40-16-00013-P	..... exempt	Surcharge to recover costs of Dynamic Load Management Programs.	To consider a surcharge to recover costs of the Dynamic Load Management Programs.
*PSC-40-16-00014-P	..... exempt	Surcharge to recover costs of Dynamic Load Management Programs.	To consider a surcharge to recover costs of the Dynamic Load Management Programs.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-40-16-00015-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 175 Huguenot Street, New Rochelle, New York.
*PSC-40-16-00017-P	..... exempt	Request for waiver of 16 NYCRR sections 96.5(a) and 96.6(b)	To consider the request for waiver of 16 NYCRR sections 96.5(a) and 96.6(b)
*PSC-40-16-00018-P	..... exempt	Petition for commercial electric meter.	To consider the petition to use the Itron OpenWay Riva commercial meter in electric metering applications.
*PSC-40-16-00019-P	..... exempt	Surcharge to recover costs of Dynamic Load Management Programs.	To consider a surcharge to recover costs of the Dynamic Load Management Programs.
*PSC-40-16-00020-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of 501 Broadway Troy, LLC to submeter electricity at 501 Broadway, Troy, New York.
*PSC-40-16-00021-P	..... exempt	Surcharge to recover costs of Dynamic Load Management Programs.	To consider a surcharge to recover costs of the Dynamic Load Management Programs.
*PSC-40-16-00025-P	..... exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP).	To consider whether to impose consequences on Smart One for its apparent non-compliance with Commission requirements.
*PSC-40-16-00026-P	..... exempt	Compliance filing establishing an interruptible gas service sales rate.	To consider RG&E's proposed revisions to establish an interruptible gas service sales rate.
*PSC-42-16-00014-P	..... exempt	Proposed Public Policy Transmission Needs/ Public Policy Requirements, as defined under the NYISO tariff.	To identify any proposed Public Policy Transmission Needs/Public Policy Requirements for referral to the NYISO.
PSC-44-16-00015-P	..... exempt	Surcharge to recover costs of Dynamic Load Management Programs	To consider a surcharge to recover costs of the Dynamic Load Management Programs
PSC-45-16-00008-P	..... exempt	Petition to use a commercial electric meter.	To consider the petition to use the Landis+Gyr S4X Commercial Meter with Gridstream Series 5 RF Mesh IP AMI.
PSC-45-16-00011-P	..... exempt	Petition to use a residential electric meter.	To consider the petition to use the Landis+Gyr Focus AXe Meter with Gridstream Series 5 RF Mesh IP AMI.
PSC-47-16-00009-P	..... exempt	Petition to use commercial electric meters	To consider the petition of Itron, Inc. to use the Itron CP2SO and CP2SOA in commercial electric meter applications
PSC-47-16-00010-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
PSC-47-16-00013-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
PSC-47-16-00014-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
PSC-47-16-00016-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-49-16-00005-P	..... exempt	Waiver of certain rules and requirements pertaining to cable television franchise.	To determine whether to waive any regulations.
PSC-01-17-00018-P	..... exempt	The addition of Company-owned LED options under SC No. 1 - Street Lighting Service	To consider the addition of Company-owned LED lighting options for customers served under SC No. 1
PSC-01-17-00022-P	..... exempt	The addition of Company-owned LED options under SC No. 3 - Standard Street Lighting Service	To consider the addition of Company-owned LED lighting options for customers served under SC No. 3
PSC-02-17-00010-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for RG&E.
PSC-02-17-00012-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for NYSEG.
PSC-03-17-00003-P	..... exempt	Good Energy, L.P.'s Community Choice Aggregation Implementation Plan and Data Protection Plan.	To ensure appropriate consumer protections.
PSC-04-17-00010-P	..... exempt	The inclusion of interest in a payment compensating developer for work performed in preparation for electric service	To consider whether to include interest in the calculation of the amount owed in compensation
PSC-06-17-00004-P	..... exempt	Waiver to permit National Fuel Resources, Inc. to serve low-income customers	To consider the Petition for a waiver
PSC-06-17-00011-P	..... exempt	A waiver to permit Zone One Energy LLC to serve low-income customers.	To consider the Petition for a waiver.
PSC-07-17-00019-P	..... exempt	Deferral and recovery of incremental costs	To consider deferring costs related to water main leak repairs for subsequent recovery
PSC-08-17-00007-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 327 Central Park West, New York, New York.
PSC-11-17-00006-P	..... exempt	Use of the Itron 100W+, to collect and transmit meter data, in water metering applications.	To consider the use of the Itron 100W+, to collect and transmit meter data in water metering applications.
PSC-11-17-00009-P	..... exempt	Petition to submeter electricity.	To consider the petition of 8th and C HDFC to submeter electricity at 334 East 8th Street, New York, New York.
PSC-12-17-00012-P	..... exempt	Amendments to the UBP.	To consider amendments to the UBP.
PSC-12-17-00017-P	..... exempt	Amendments to the UBP.	To consider the petition for amendments to the UBP.
PSC-14-17-00009-P	..... exempt	Waiver to the prohibition on service to low-income customers by ESCOs.	To consider the petition for a waiver to the prohibition on service to low-income customers by ESCOs.
PSC-14-17-00010-P	..... exempt	Waiver to the prohibition on service to low-income customers by ESCOs.	To consider the petition for a waiver to the prohibition on service to low-income customers by ESCOs.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-14-17-00012-P	..... exempt	Waiver to the prohibition on service to low-income customers by ESCOs.	To consider the petition for a waiver to the prohibition on service to low-income customers by ESCOs.
PSC-14-17-00013-P	..... exempt	Waiver to the prohibition on service to low-income customers by ESCOs.	To consider the petition for a waiver to the prohibition on service to low-income customers by ESCOs.
PSC-14-17-00015-P	..... exempt	Waiver to the prohibition on service to low-income customers by ESCOs.	To consider the petition for a waiver to the prohibition on service to low-income customers by ESCOs.
PSC-14-17-00016-P	..... exempt	Waiver to the prohibition on service to low-income customers by ESCOs..	To consider the petition for a waiver to the prohibition on service to low-income customers by ESCOs.
PSC-14-17-00017-P	..... exempt	Petition for Full-Scale Deployment of AMI and to Establish an AMI Surcharge.	To consider the petition for Full-Scale Deployment of AMI and to Establish an AMI Surcharge.
PSC-14-17-00019-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 94 North 3rd St., Brooklyn, NY and waiver of 16 NYCRR § 96.5(k)(3).
PSC-18-17-00024-P	..... exempt	A petition for rehearing or reconsideration of the Order Addressing Public Policy Transmission Need for AC Transmission Upgrades	To determine whether Public Policy Transmission Need/Public Policy Requirements continue to exist.
PSC-18-17-00025-P	..... exempt	A petition for rehearing or reconsideration of the Order on Remand Denying Refunds.	To determine whether IPANY and individual pay telephone providers are entitled to refunds from Verizon New York Inc.
PSC-18-17-00026-P	..... exempt	Revisions to the Dynamic Load Management surcharge.	To consider revisions to the Dynamic Load Management surcharge.
PSC-18-17-00027-P	..... exempt	A petition for rehearing or clarification of the March 9, 2017 Order.	To determine appropriate treatment of submetered energy users in community distributed generation programs.
PSC-18-17-00028-P	..... exempt	A petition for rehearing, reconsideration, or clarification of the March 9, 2017 Order.	To determine appropriate treatment of environmental attributes related to distributed energy resources.
PSC-18-17-00029-P	..... exempt	Commission oversight of distributed energy resource suppliers.	To consider proposed standards for Commission oversight of distributed energy resource suppliers.
PSC-18-17-00031-P	..... exempt	Notice of Intent to submeter electricity and waiver of energy audit requirement.	To consider the Notice of Intent to submeter electricity at 1328 Fulton Street, Brooklyn, NY and waiver of 16 NYCRR § 96.5(k)(3).
PSC-18-17-00033-P	..... exempt	Use of the ROMET AdEM-T volumetric corrector.	To consider the use of the ROMET AdEM-T volumetric corrector.
PSC-18-17-00034-P	..... exempt	Use of the ROMET AdEM-PTZ volumetric corrector.	To consider the use of the ROMET AdEM-PTZ volumetric corrector.
PSC-19-17-00004-P	..... exempt	NYAW's request to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2016.	Consideration of NYAW's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2016.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-20-17-00007-P	..... exempt	Minor rate filing.	To consider an increase in annual revenues of about \$319,412 or 12.9%.
PSC-20-17-00008-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid NY regarding the potential for adoption of compressed natural gas as a motor fuel.
PSC-20-17-00010-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid regarding the potential for adoption of compressed natural gas as a motor fuel.
PSC-20-17-00011-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of FreeWythe, LLC to submeter electricity at 60 South 2nd Street, Brooklyn, New York.
PSC-21-17-00012-P	..... exempt	Compensation for distributed generation systems located at farms.	To consider appropriate compensation and policies for distributed generation systems located at farms.
PSC-21-17-00013-P	..... exempt	The establishment and implementation of Earnings Adjustment Mechanisms.	To consider the establishment and implementation of Earnings Adjustment Mechanisms.
PSC-21-17-00015-P	..... exempt	Expansion of Energy Efficiency and Advanced Metering Infrastructure Programs, and implementation of NWA framework.	To consider expanded Energy Efficiency and AMI programs and framework for implementing NWA projects and related cost recovery.
PSC-21-17-00018-P	..... exempt	Proposed agreement for the provision of water service by Saratoga Water Services, Inc.	To consider a waiver and approval of terms of a service agreement.
PSC-22-17-00004-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives	To consider the proposed Interconnection Survey Process and Earnings Adjustment Mechanisms
PSC-22-17-00006-P	..... exempt	Revisions to the delivery discount and monthly customer charge for SC No. 3 and the commodity price for SC 15	To consider revisions to the delivery discount and monthly customer charge for SC No. 3 and the commodity price for SC 15
PSC-22-17-00007-P	..... exempt	Certain Commission requirements related to blockable central office codes	To consider a change to certain Commission requirements related to blockable central office codes
PSC-22-17-00008-P	..... exempt	Petition to submeter electricity and waiver request	To consider the petition to submeter electricity at 412-14 East 10th Street, New York, New York and waiver of 16 NYCRR § 96.2(b)
PSC-23-17-00019-P	..... exempt	Clean Energy Standard	To promote and maintain renewable and zero-emission electric energy resources
PSC-23-17-00021-P	..... exempt	Petition to transfer cable systems.	To consider Nicholville et. al.'s request to transfer cable systems in an internal restructuring.
PSC-23-17-00022-P	..... exempt	Changes in regulation of ESCOs, including restrictions on or prohibitions of marketing or offering certain products or services.	To ensure consumer protection for ESCO customers.
PSC-24-17-00006-P	..... exempt	Development of the Utility Energy Registry.	Improved data access.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-24-17-00010-P	..... exempt	Petition to submeter electricity.	To consider the petition of Bay View Home Association, Inc. to submeter electricity at 671 47th Street Brooklyn, New York.
PSC-24-17-00014-P	..... exempt	An alternative methodology for calculating billing adjustments.	To consider an alternative methodology for calculating billing adjustments.
PSC-24-17-00015-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of 522-528 LLC to submeter electricity at 509 Pacific Street, Brooklyn, New York.
PSC-24-17-00016-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of 56 Leonard Street Condominium to submeter electricity at 56 Leonard Street, New York, NY.
PSC-25-17-00005-P	..... exempt	Minor rate filing	To consider an increase in annual revenues by \$154,329 or 116%
PSC-25-17-00006-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent of The Charles Condominiums, LLC to submeter electricity at 1355 First Avenue, New York, NY
PSC-26-17-00005-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 125 Waverly Street, Yonkers, New York.
PSC-26-17-00006-P	..... exempt	Notice of Intent to submeter electricity and waiver request.	To consider the Notice of Intent to submeter electricity and waiver request.
PSC-27-17-00012-P	..... exempt	Conclusion of the Energy Efficiency Portfolio Standard programs.	To address the conclusion of EEPS programs, award EEPS 1 and 2 shareholder incentives, and remediate EEPS 1 overspending.
PSC-27-17-00013-P	..... exempt	Issuance by Corning Natural Gas of long-term indebtedness.	To consider Corning to issue long-term indebtedness in the amount of \$44,064,353.
PSC-27-17-00014-P	..... exempt	Major electric rate filing.	To consider an increase in NMPC's electric delivery revenues by approximately \$326 million (or 13.0% in total revenues).
PSC-27-17-00017-P	..... exempt	Major gas rate filing.	To consider an increase in NMPC's gas delivery revenues by approximately \$81 million (14.0% in total revenues).
PSC-28-17-00007-P	..... exempt	Property tax reconciliation surcharge	To consider the continued deferral of \$487,095 in property taxes
PSC-28-17-00008-P	..... exempt	FASB update on pension and OPEB net periodic costs	To consider whether to adopt the FASB update
PSC-29-17-00006-P	..... exempt	Petition to submeter gas.	To consider the petition of LaGuardia Gateway Partners, to submeter gas at LaGuardia Airport Central Terminal B, Flushing, NY.
PSC-30-17-00026-P	..... exempt	Notice of Intent to submeter electricity and waiver request.	To consider the Notice of Intent to submeter electricity and waiver request of 16 NYCRR § 96.5(k)(3).
PSC-30-17-00028-P	..... exempt	Proposed tariff filing to modify the Daily Delivery Service Program and the treatment of certain non-firm revenues.	To consider tariff revisions modifying the Daily Delivery Service Program and the treatment of certain non-firm revenues.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-30-17-00029-P	..... exempt	Proposed amendments to the modified criteria to grandfathering established in a December 16, 2016 Order.	To consider modifying the monetary remote net metering grandfathering criteria in response to a developer request.
PSC-30-17-00030-P	..... exempt	Time of Use Rates.	To consider the establishment of a new TOU rate for customers not currently taking service under Central Hudson's TOU rate.
PSC-30-17-00031-P	..... exempt	Proposed tariff filing to implement electric rate options on a pilot basis for the Energy Smart Community Project.	To consider tariff revisions implementing electric rate options on a pilot basis for the Energy Smart Community Project.
PSC-31-17-00007-P	..... exempt	Notice of intent to submeter electricity	To consider the notice of intent of 685 First Realty Company, LLC to submeter electricity at 685 1st Avenue, New York, New York
PSC-31-17-00008-P	..... exempt	Petition to submeter electricity and waiver request.	To consider the petition to submeter electricity and waiver request of 16 NYCRR § 96.5(k)(3).
PSC-31-17-00009-P	..... exempt	Issuance of promissory notes	To consider the petition of National Fuel Gas Distribution Corp. to issue up to \$400 million in promissory notes
PSC-31-17-00010-P	..... exempt	Notice of intent to submeter electricity	To consider the notice of intent of 11737 Owners Corp. to submeter electricity at 117 East 37th Street, New York, New York
PSC-31-17-00011-P	..... exempt	Notice of intent to submeter electricity and waiver request	To consider the notice of intent to submeter electricity and waiver request of 16 NYCRR § 96.5(k)(3)
PSC-31-17-00012-P	..... exempt	Minor rate filing.	To consider an increase in annual revenues of about \$304,629 or 14%.
PSC-32-17-00006-P	..... exempt	Petition to amend bill estimation procedures for AMI.	To consider the petition of Con Edison to amend its current bill estimation procedures for AMI.
PSC-32-17-00007-P	..... exempt	Petition to amend bill estimation procedures for AMI.	To consider the petition of Orange and Rockland to amend its current bill estimation procedures for AMI.
PSC-32-17-00008-P	..... exempt	Consideration of the National Grid companies' Implementation Plan and audit recommendations.	To consider the National Grid companies' Implementation Plan.
PSC-32-17-00009-P	..... exempt	Pilot project, request to include capital costs in rate base and deferral of incremental expense.	To consider the pilot project, request to include capital costs in rate base and deferral of incremental expense.
PSC-32-17-00010-P	..... exempt	Consideration of NFGD's Implementation Plan and audit recommendations.	To consider NFGD's Implementation Plan.
PSC-32-17-00011-P	..... exempt	Minor rate filing.	To consider an increase in annual revenues of about \$625,974 or 14.6%.
PSC-32-17-00012-P	..... exempt	Consideration of O&R's Implementation Plan and audit recommendations.	To consider O&R's Implementation Plan.
PSC-32-17-00013-P	..... exempt	Consideration of NYSEG and RG&E's Implementation Plan and audit recommendations.	To consider the NYSEG and RG&E Implementation Plan.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-32-17-00014-P	..... exempt	Consideration of Central Hudson's Implementation Plan and audit recommendations.	To consider Central Hudson's Implementation Plan.
PSC-32-17-00015-P	..... exempt	Consideration of Con Edison's Implementation Plan and audit recommendations.	To consider Con Edison's Implementation Plan.
PSC-32-17-00016-P	..... exempt	Initial Tariff Schedule and escrow account which includes rates, charges, rules and regulations for water service.	To consider the proposed Initial Tariff Schedule, initial rate, and escrow account.
PSC-33-17-00012-P	..... exempt	Notice of intent to submeter electricity.	To consider the notice of intent of BOP Greenpoint G LLC to submeter electricity at 37 Blue Slip, Brooklyn, New York.
PSC-33-17-00013-P	..... exempt	The obligation of electric utilities to pay for the extension of electric service to residential developments.	To consider if National Grid should change its practices and compensate the petitioners for past charges.
PSC-33-17-00014-P	..... exempt	Request for waiver of 16 NYCRR sections 96.2(b) and 96.5(m).	To consider the request of 8th and C HDFC for waiver of 16 NYCRR sections 96.2(b) and 96.5(m).
PSC-33-17-00015-P	..... exempt	Electric energy storage systems to import from and export to Con Edison's distribution system.	To consider revisions to P.S.C. No. 10 - Electricity related to electric energy storage systems.
PSC-33-17-00016-P	..... exempt	Gas service to power generators.	To consider proposals in the report regarding service to power generators and related proposed tariff revisions.
PSC-33-17-00017-P	..... exempt	Notice of intent to submeter electricity.	To consider the notice of intent of Bridge Land Vestry LLC to submeter electricity at 70 Vestry Street, New York, New York.
PSC-33-17-00018-P	..... exempt	Notice of intent to submeter electricity.	To consider the notice of intent to submeter electricity at 242 West 53rd Street, New York, New York.
PSC-33-17-00019-P	..... exempt	Petition to submeter electricity.	To consider the petition of 225 East 74th Apartments Corp. to submeter electricity at 225 East 74th Street New York, New York.
PSC-33-17-00020-P	..... exempt	Gas service to power generators.	To consider proposals in the report regarding service to power generators and related proposed tariff revisions.
PSC-33-17-00021-P	..... exempt	Notice of intent to submeter electricity.	To consider the notice of intent of 1 DSA Owner LLC to submeter electricity at 242 Broome Street, New York, New York.
PSC-34-17-00005-P	..... exempt	Proposed electric and gas energy efficiency budget and metrics plan	To establish an energy efficiency budget and metrics plan for the Company's electric and gas portfolios for the years 2017-2020
PSC-34-17-00006-P	..... exempt	Proposed gas energy efficiency budget and metrics plan	To establish an energy efficiency budget and metrics plan for the Company's gas portfolio for the years 2017-2020

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-34-17-00007-P	..... exempt	Proposed electric and gas energy efficiency budget and metrics plan	To establish an energy efficiency budget and metrics plan for the Companies' electric and gas portfolios for 2019-2020
PSC-34-17-00008-P	..... exempt	Proposed electric and gas energy efficiency budget and metrics plan	To establish an energy efficiency budget and metrics plan for the Company's electric and gas portfolios for 2019-2020
PSC-34-17-00009-P	..... exempt	Proposed electric and gas energy efficiency budget and metrics plan	To establish an energy efficiency budget and metrics plan for the Company's electric and gas portfolios for the years 2018-2020
PSC-34-17-00010-P	..... exempt	Appointment of one company as a temporary operator of a gas utility system abandoned by three separate companies	To ensure safe and adequate gas service to customers in the service territory abandoned by the owners of the gas system
PSC-34-17-00011-P	..... exempt	Waiver to permit Energy Cooperative of America to serve low-income customers	To consider the petition for a waiver
PSC-34-17-00012-P	..... exempt	Proposed electric and gas energy efficiency budget and metrics plan	To establish an energy efficiency budget and metrics plan for the Company's electric and gas portfolios for the years 2017-2020
PSC-34-17-00013-P	..... exempt	Proposed gas energy efficiency budget and metrics plan	To establish an energy efficiency budget and metrics plan for the Company's gas portfolio for the years 2017-2020
PSC-34-17-00014-P	..... exempt	Proposed gas energy efficiency budget and metrics plan	To establish an energy efficiency budget and metrics plan for the Company's gas portfolio for the years 2017-2020
PSC-34-17-00015-P	..... exempt	Notice of intent to submeter electricity	To consider the notice of intent to submeter electricity and waiver request of 16 NYCRR § 96.5(k)(3)
PSC-34-17-00016-P	..... exempt	Proposed transfer of ownership interests in the James A. FitzPatrick Nuclear Power Plant and related assets	To consider the proposed transfer of ownership interests in the James A. FitzPatrick Nuclear Power Plant and related assets
PSC-34-17-00017-P	..... exempt	Use of the Honeywell Mercury EC350 volumetric corrector in gas metering applications	To consider the use of the Honeywell Mercury EC350 volumetric corrector in gas metering applications
PSC-34-17-00018-P	..... exempt	Use of the Artech UCE-7, URJ-17, VCE-17 and CRB-17 transformers in electric metering applications	To consider the use of the Artech UCE-7, URJ-17, VCE-17 and CRB-17 transformers in electric metering applications
PSC-34-17-00019-P	..... exempt	Development of an aggregation standard for release of whole-building energy data to building owners	Improved energy data access to support state energy efficiency and demand reduction goals
PSC-35-17-00007-EP	..... exempt	Reviews, inspections, assessments, repairs and supplements to electrical systems and equipment, and increased reporting	To safeguard and maintain adequate electric utility service to the MTA subway system
PSC-36-17-00008-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 233 Landing Road, Bronx, New York and waiver request.
PSC-36-17-00009-P	..... exempt	Clarification of the Commission's Order Extending the BQDM Program.	To consider Con Edison's petition for clarification of the Commission's Order Extending BQDM Program.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-36-17-00010-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of The Heritage Dean Street, LLC, to submeter electricity at 470 Dean St, Brooklyn, New York.
PSC-36-17-00011-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 229 Cherry Street, New York, New York and waiver request.
PSC-36-17-00012-P	..... exempt	Petition to amend bill estimation procedures for AMI.	To consider the petition of Con Edison to amend its current bill estimation procedures for AMI.
PSC-36-17-00013-P	..... exempt	Clarification of Weather Normalization Adjustment language.	To consider clarification of Weather Normalization Adjustment language.
PSC-37-17-00004-P	..... exempt	Community Distributed Generation compensation after Tranche 3.	To encourage the development of distributed energy resources while managing impacts on non-participants.
PSC-37-17-00005-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives.	To consider the revised Interconnection Survey Process and Earnings Adjustment Mechanisms.
PSC-37-17-00006-P	..... exempt	Petition to submeter electricity.	To consider the petition of ACC OP (Park Point SU) LLC to submeter electricity at 417 Comstock Avenue, Syracuse, New York.
PSC-37-17-00007-P	..... exempt	Lifeline Service that offers a discounted rate to service to qualifying low income consumers.	To consider changes to the Commission's requirements related to eligibility for the supplemental New York Lifeline discount.
PSC-37-17-00008-P	..... exempt	Petition to move room air conditioning programs to Rider L, make changes to Rider L and continue the Connected Devices Pilot.	To consider Con Edison's proposals made by the petition and accompanying tariff filing.
PSC-37-17-00009-P	..... exempt	Fishers Island Water Works Corporation's rates for the provision of water.	To consider an increase in Fishers Island Water Works Corporation's annual water revenues by approximately \$296,031 or 44.5%.
PSC-37-17-00010-P	..... exempt	Revisions to electric and gas Sales or Delivery Service Application for Non-Residential Customers.	To consider revisions to its electric and gas Sales or Delivery Service Application for Non-Residential Customers.
PSC-39-17-00007-P	..... exempt	Rider Q - Standby Rate Pilot.	To consider the implementation of Rider Q - Standby Rate Pilot.
PSC-39-17-00008-P	..... exempt	Petition to submeter electricity and waiver request.	To consider the petition to submeter electricity and waiver request of 16 NYCRR § 96.5(k)(3).
PSC-39-17-00009-P	..... exempt	Whether a proposed agreement for the provision of water service by Saratoga Water Services, Inc. is in the public interest.	To consider the terms of a service agreement and waiver.
PSC-39-17-00010-P	..... exempt	Waiver of certain rules and requirements pertaining to cable television franchise.	To determine whether to waive any regulations.
PSC-39-17-00011-P	..... exempt	Whether to direct New York State Electric & Gas to complete electric facility upgrades at no charge to Hanehan.	To determine financial responsibility between NYSEG and Hanehan for the electric service upgrades to Hanehan.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-40-17-00004-P	..... exempt	Notice of intent to submeter electricity and waiver request	To consider the notice of intent to submeter electricity and waiver of 16 NYCRR § 96.5(k)(3)
PSC-40-17-00005-P	..... exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP)	To consider whether to impose consequences on Flanders for its apparent non-compliance with Commission requirements
PSC-40-17-00006-P	..... exempt	The aggregation of electric service for the Empire State Plaza and the Sheridan Avenue Steam Plant	To consider a waiver of National Grid's tariff provision requiring all electric delivery points to be on the same premises
PSC-40-17-00007-P	..... exempt	Notice of intent to submeter electricity	To consider the notice of intent of CPS Fee Company LLC to submeter electricity
PSC-40-17-00008-P	..... exempt	Proposed transfer of interests in Danskammer, issuance of long-term debt by owner and continuing lightened regulation	To consider proposed transfer of interests in Danskammer, issuance of long-term debt and continuing lightened regulation
PSC-40-17-00009-P	..... exempt	Petition to issue and sell unsecured debt obligations	To consider Orange and Rockland's request to issue and sell unsecured debt obligations
PSC-40-17-00010-P	..... exempt	Eligibility for Value of Distributed Energy Resource tariffs	To encourage the development of distributed energy resources while managing impacts on non-participants
PSC-41-17-00003-P	..... exempt	Petition to submeter electricity.	To consider the petition of Hillside Association, Inc. to submeter electricity at 566 44th Street, Brooklyn, New York.
PSC-41-17-00005-P	..... exempt	Notice of intent to submeter electricity.	To consider the notice of intent of Sandy 350 LLC to submeter electricity at 350 Clarkson Avenue, Brooklyn, New York.
PSC-41-17-00006-P	..... exempt	Major electric rate filing.	To consider an increase in CHG&E's electric delivery revenues by approximately \$43 million (or 7.9% in total revenues).
PSC-41-17-00007-P	..... exempt	Major gas rate filing.	To consider an increase in CHG&E's gas delivery revenues by approximately \$18.1 million (or 12.3% in total revenues).
PSC-41-17-00008-P	..... exempt	Petition to submeter electricity.	To consider the petition of 1115 Fifth Avenue Corporation to submeter electricity at 1115 Fifth Avenue, New York, New York.
PSC-42-17-00004-P	..... exempt	NYSRC's revisions to its rules and measurements.	To consider revisions to various rules and measurements of the NYSRC.
PSC-42-17-00005-P	..... exempt	Complaint for review of rates charged for water service to commercial and residential customers of water works corporation.	To consider the complaint filed on January 3, 2017 by Bristol customers.
PSC-42-17-00006-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of 45 John NY LLC to submeter electricity at 45 John Street, New York, New York.
PSC-42-17-00007-P	..... exempt	Ampersand Kayuta Lake Hyrdo, LLC's 460 kW hydroelectric facility in Boonville, New York.	To promote and maintain renewable electric energy resources.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-42-17-00008-P	..... exempt	Ampersand Chasm Falls Hydro, LLC's 1.6 MW hydroelectric facility in Chateaugay, New York	To promote and maintain renewable electric energy resources.
PSC-42-17-00009-P	..... exempt	To obtain a letter of credit and increase the currently capped debt.	To consider the Petitioner's request for a letter of credit and increase the currently capped debt.
PSC-42-17-00010-P	..... exempt	Petition for rehearing of negative revenue adjustment and contents of annual Performance Report.	To consider NFGD's petition for rehearing.
PSC-43-17-00003-P	..... exempt	Notice of intent to submeter electricity and waiver request	To consider the notice of intent to submeter electricity and waiver request
PSC-43-17-00004-P	..... exempt	ReEnergy Lyonsdale, LLC's 22 MW biomass facility located in Lewis County, New York	To promote and maintain renewable electric energy resources
PSC-44-17-00011-P	..... exempt	Implementation of program rules for Renewable Energy Standard (RES) and Zero-Emission Credit (ZEC) requirement.	To promote and maintain renewable and zero-emission electric energy resources.
STATE, DEPARTMENT OF			
DOS-30-17-00001-P	..... 07/26/18	Esthetics curriculum and waxing procedures	To update the qualifying curriculum for esthetics and ensure that waxing procedures are safe and sanitary.
DOS-31-17-00005-P	..... 08/02/18	Continuing education requirements	To amend the education requirements to include 1 hour of instruction on telecoil (t-coil) and other assistive listening devices
DOS-32-17-00002-P	..... 08/09/18	Alarm installation, servicing and maintenance	Update current regulations for industry improvement and to make technical changes to existing text
DOS-42-17-00002-P	..... 10/18/18	Appraisal Standards	To adopt the 2018-2019 edition of the Uniform Standards of Professional Appraisal Practice
STATE UNIVERSITY OF NEW YORK			
SUN-06-17-00003-P	..... 02/08/18	proposed amendments to traffic and parking regulations at SUNY Binghamton	Amend existing regulations to update traffic and parking regulations
SUN-30-17-00024-P	..... 07/26/18	The governance, structure and operations of SUNY authorized charter schools pertaining to teacher compliance	Provide alternative teacher certification compliance pathways for SUNY charter schools with strong student performance.
TAXATION AND FINANCE, DEPARTMENT OF			
TAF-51-16-00002-EP	..... 12/21/17	Metropolitan Transportation Business Tax Surcharge	To provide metropolitan transportation business tax rate for tax year 2017
TAF-35-17-00004-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 October 1, 2017 through December 31, 2017
TAF-37-17-00002-P	..... 09/13/18	Reference to forms required to file a petition or an exception with the Division of Tax Appeals	To delete parenthetical references to form numbers that are no longer in use, as the agency has updated and renumbered its forms

Action Pending Index**NYS Register/November 1, 2017**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
TDA-35-17-00005-P	..... 08/30/18	Application process for the Supplemental Nutrition Assistance Program (SNAP)	To align State regulations for SNAP application process with federal statutory and regulatory requirements and SNAP policy
TDA-38-17-00002-EP	..... 09/20/18	Standard Utility Allowances (SUAs) for the Supplemental Nutrition Assistance Program (SNAP)	These regulatory amendments set forth the federally-mandated and approved SUAs as of 10/1/17
TDA-39-17-00005-P	..... 09/27/18	Public Assistance (PA) budgetary method	To update State regulations governing treatment of income in excess of standard of need in PA households, consistent with SSL § 131-n(1).
TDA-40-17-00002-P	..... 10/04/18	Support obligations	To amend State regulations concerning support obligations to reflect federal statutory requirements and current terminology used by the child support program, and to conform regulatory citations with federal and State laws
WORKERS' COMPENSATION BOARD			
WCB-36-17-00015-P	..... 09/06/18	Permanent Impairment Guidelines for Schedule Loss of Use Determinations	Incorporate Workers' Compensation Impairment Guidelines for determination of permanent impairment

SECURITIES OFFERINGS

STATE NOTICES

Published pursuant to provisions of General Business Law
[Art. 23-A, § 359-e(2)]

DEALERS; BROKERS

16 Union Rags/Seattle Society, LLC
800 Arbor Dr. N, Louisville, KY 40223

16 Violence/Hepburn, LLC
800 Arbor Drive N, Louisville, KY 40223

AltruIT, Inc.
155 E. Main St., Smithtown, NY 11787
State or country in which incorporated — Delaware

Atlas Growers Ltd.
c/o Bennett Jones LLP, 3200 Telus House, S. Tower, 10020 100 St.,
Edmonton, Alberta T5J 0N3, Canada
State or country in which incorporated — Canada

BET Information Systems, Inc.
51 Melcher St., Boston, MA 02210
State or country in which incorporated — Delaware

Birchview Fund, LLC
c/o Birchview Capital, LP, 688 Pine St., Suite 2D, Burlington, VT
05401

Bravely, Inc.
50 W. 23rd St., Suite 702, New York, NY 10010
State or country in which incorporated — Delaware

Brick Accretive Management Fund I LP
c/o BAM GP LLC, Ten Times Square, Suite 6029, New York, NY
10018
Partnership — BAM GP LLC

Burger Time, Inc.
1600 Bausch & Lomb Place, Rochester, NY 14604
State or country in which incorporated — Delaware

Business First Bancshares, Inc.
500 Laurel St., Baton Rouge, LA 70801
State or country in which incorporated — Louisiana

CB1 Capital Partners LLC
589 8th Ave., 10th Fl., New York, NY 10018
State or country in which incorporated — Delaware limited liability
company

Chakana Copper Corp.
Suite 400, 850 W. Hastings St., Vancouver, BC V6C 1E1
State or country in which incorporated — Canada

Colorado Springs Multifamily DST
2901 Butterfield Rd., Oak Brook, IL 60523
State or country in which incorporated — Delaware

CS Bay Village Associates, LLC
c/o Capital Solutions, Inc., 910 Harvest Dr., Suite 105, Blue Bell, PA
19422

Eaton Vance Distributors, Inc.
4550 Montgomery Ave., Suite 1000N Bethesda, MD 20814

Ener-Core, Inc.
8965 Research Dr., Suite 100, Irvine, CA 92618
State or country in which incorporated — Delaware

Fairport Beverage Company, LLC
99 S. Main St., Fairport, NY 14450
State or country in which incorporated — New York

FilmRise Acquisitions LLC
220 36th St., Brooklyn, NY 11232

Focus Consumer Healthcare, LLC
801 Broad St., Suite 200, Chattanooga, TN 37402
State or country in which incorporated — Delaware limited liability
company

Fort Baker Special Opportunities, SPC Segregated Portfolio A
700 Larkspur Landing Circle, Suite 275, Larkspur, CA 94939
State or country in which incorporated — Cayman Islands

Frontfour Capital Partners Ltd.
190 Elgin Ave., George Town, Grand Cayman, Cayman Islands KY1-
9007
State or country in which incorporated — Cayman Islands

Gold Coast Bancorp, Inc.
2929 Expwy. Dr. N, Islandia, NY 11749
State or country in which incorporated — New York

Golub Capital BDC 3, Inc.
666 Fifth Ave., 18th Fl., New York, NY 10103
State or country in which incorporated — Delaware

Grant ATL, LLC
400 S. McCaslin Blvd., Suite 207, Louisville, CO 80027

Greenbriar Equity Fund IV, L.P.
c/o Greenbriar Equity Group LLC, 555 Theodore Fremd Ave., Suite
A-201, Rye, NY 10580
Partnership — Greenbriar Equity Capital IV, L.P.

Greenbriar Equity Fund IV-A, L.P.
c/o Greenbriar Equity Group LLC, 555 Theodore Fremd Ave., Suite
A-201, Rye, NY 10580
Partnership — Greenbriar Equity Capital IV, L.P.

Herbert J. Sims & Co. Inc.
2150 Post Rd., Suite 301, Fairfield, CT 06824
State or country in which incorporated — Delaware

Hudson Housing Tax Credit LXXVIII LP
630 Fifth Ave., 28th Fl., New York, NY 10111
Partnership — Hudson GP LXXVIII LLC

Ibex Behavioral Finance Fund LP
c/o Ibex GP LLC, 3200 Cherry Creek S. Dr., Suite 670, Denver, CO 80209
Partnership — Ibex GP LLC

Ibex Behavioral Finance Fund 1 LP
c/o Ibex GP LLC, 3200 Cherry Creek S. Dr., Suite 670, Denver, CO 80209
Partnership — Ibex GP LLC

Ibex Israel Fund LLLP
c/o Ibex GP LLC, 3200 Cherry Creek S. Dr., Suite 670, Denver, CO 80209
Partnership — Ibex GP LLC

Ibex Israel Fund I LLLP
c/o Ibex GP LLC, 3200 Cherry Creek S. Dr., Suite 670, Denver, CO 80209
Partnership — Ibex GP LLC

JKL RE Associates LLC
201 Watauga Ave., Corning, NY 14830
State or country in which incorporated — New York

KBS Growth & Income Reit, Inc.
800 Newport Center Dr., Suite 700, Newport Beach, CA 92660
State or country in which incorporated — Maryland

Lunch Partners, LP
Five Bryant Park, 33rd Fl., New York, NY 10018
Partnership — Lunch Partners GP, LLC

Maiora Renewables Fund I
c/o Walkers Corporate Limited, Cayman Corporate Centre, 27 Hospital Rd., George Town, Grand Cayman KY1-9008 Cayman Islands
State or country in which incorporated — Cayman Islands

Medical Cannabis Payment Solutions
109 E. 17th St., Suite 4634, Cheyenne, WY 82001
State or country in which incorporated — Nevada

Monteris BC Holdings, LLC
c/o Birchview Capital, LP, 688 Pine St., Suite 2D, Burlington, VT 05401

Monteris BC Note, LLC
c/o Birchview Capital, LP, 688 Pine St., Suite 2D, Burlington, VT 05401

NorthStar Real Estate Income Fund - ADV
399 Park Ave., 18th Fl., New York, NY 10022
State or country in which incorporated — Delaware

Oak Pacific Investment
5/F, N. Wing, 18 Jiuxianqiao Middle Rd., Chaovang District, Beijing 100016, Peoples Republic of China
State or country in which incorporated — Cayman Islands

Plus Products Holdings Inc.
2174 Waverley St., Palo Alto, CA 94301
State or country in which incorporated — Delaware

Polychain Fund I LP
548 Market St., Suite 64375, San Francisco, CA 94104
Partnership — Polychain Capital LLC

Prophecy Development Corp.
Suite 1610 - 409 Granville St., Vancouver, BC V6C 1T2
State or country in which incorporated — Canada

Red Mountain Ventures Limited Partnership
1938-C Columbia Ave., Box 670, Rossland, BC, Canada V0G 1Y0
Partnership — Red Mountain Ventures GP, Ltd.

Reunion Gold Corporation
1111 St. Charles W, W. Tower, Suite 101, Longueuil, Quebec, Canada J4K 5G4
State or country in which incorporated — Canada

Rodman Portfolio I, L.P.
c/o Rodman Properties, 308 E. Lancaster Ave., Suite 235, Wyncnewood, PA 19096
Partnership — Rodman Portfolio GP, LLC

RxActuator, Inc.
2100 N. Wilmot Rd., Suite 310, Tucson, AZ 85712
State or country in which incorporated — Delaware

Ryan Specialty Group, LLC
180 N. Stetson Ave., Suite 4600, Chicago, IL 60601
State or country in which incorporated — Delaware

SC Toledo Holdings LLC
1080 Pittsford Victor Rd., Suite 100, Pittsford, NY 14534
State or country in which incorporated — New York

Sequoia Capital U.S. Scout Seed Fund III, L.P.
2800 Sand Hill Rd., Suite 101, Menlo Park, CA 94025
Partnership — SC U.S. Scout Seed Fund III Management, L.P.

Silicon Turbine Systems, Inc.
19925 Stevens Creek Blvd., Suite 100, Cupertino, CA 95014
State or country in which incorporated — Delaware

SL-FL NNN Industrial Portfolio I, DST
800 E. North St., 2nd Fl., Greenville, SC 29601

Texas Securities, Inc.
4024 Nazarene Dr., Suite B, Carrollton, TX 75010
State or country in which incorporated — Texas

Thread International PBC, Inc.
124 S. Highland Ave., Suite 210, Pittsburgh, PA 15206
State or country in which incorporated — Delaware

Tidal Group, Inc., The
5501 Mid Cities Pkwy., Suite 100, Schertz, TX 78154
State or country in which incorporated — Texas

Towle Capital Partners, L.P.
1610 Des Peres Rd., Suite 250, St. Louis, MO 63131
Partnership — Towle & Co.

TPC Cinema Investors LP
c/o TPC Cinema Investors GP LLC, 860 Washington St., 6th Fl., New York, NY 10014
Partnership — TPC Cinema Investors GP LLC

Trinity Capital Corporation
1200 Trinity Dr., Los Alamos, NM 87544
State or country in which incorporated — New Mexico

Vanguard Marketing Corporation
c/o Vanguard Financial Center, P.O. Box 2600, Valley Forge, PA 19482

VCG Insulate Investors, LLC
444 Madison Ave., 35th Fl., New York, NY 10022
State or country in which incorporated — Delaware

VP PrimaLoft Holdings, LLC
444 Madison Ave., 35th Fl., New York, NY 10022
State or country in which incorporated — Delaware

VP PrimaLoft Management, LLC
444 Madison Ave., 35th Fl., New York, NY 10022
State or country in which incorporated — Delaware

VPC Canopy MF LLC
c/o VestaPoint Capital LLC, 941 W. Morse Blvd., Suite 130, Winter
Park, FL 32789

WVP Emerging Manager Private Fund, LLC
805 3rd Ave., 15th Fl., New York, NY 10022
Partnership — WVP Management LLC

Z Capital Credit Tactical Fund, L.P.
Two Conway Park, 150 N. Field Dr., Suite 300, Lake Forest, IL 60045
Partnership — Z Capital Credit Tactical GP, L.P.

Z Capital Credit Tactical Fund (Cayman), L.P.
Two Conway Park, 150 N. Field Dr., Suite 300, Lake Forest, IL 60045
Partnership — Z Capital Credit Tactical GP, L.P.

Z Capital Partners III, L.P.
Two Conway Park, 150 N. Field Dr., Suite 300, Lake Forest, IL 60045
Partnership — Z Capital Partners GP III, L.P.

Z Capital Partners III-A, L.P.
Two Conway Park, 150 N. Field Dr., Suite 300, Lake Forest, IL 60045
Partnership — Z Capital Partners GP III, L.P.

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

PROVIDE/REPAIR ROOFS/EXTERIOR STUCCO Rockland Psychiatric Center Orangeburg, Rockland County

Sealed bids for Project No. 44966-C, for Construction Work, Provide Roofs & Repair Exterior Stucco, Buildings 57, 58, 59 & 60, Rockland Psychiatric Center, 140 Old Orangeburg Road, Orangeburg (Rockland 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, November 8, 2017, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of \$332,700 for C.

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$13,000,000 and \$14,000,000 for C.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting, on the OGS website, in a newspaper of general circulation, or in the Contract Reporter of written notice, advertisement or solicitation of offers through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Jessica Hoffman, Carl Ruppert and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://www.ogs.ny.gov/aboutOGS/regulations/defaultAdvisoryCouncil.html>

The substantial completion date for this project is 1,794 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 9:00 a.m. on October 26, 2017 at Rockland Field Office, 42 Third Avenue, Orangeburg, 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.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority- and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs). The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract.

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

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

For questions about purchase of bid documents, please send an e-mail to DC.Plans@ogs.ny.gov, or call (518) 474-0203.

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

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

PROVIDE MAINTENANCE SUBHEADQUARTERS Department Of Transportation Region 1 Glens Falls, Saratoga County

Sealed bids for Project Nos. 45273-C, 45273-H, 45273-P, 45273-E, comprising separate contracts for Construction Work, HVAC Work, Plumbing Work, and Electrical Work, Provide Maintenance Subheadquarters, DOT Region 1, 1399 Route 9, S. Glens Falls (Saratoga 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, November 8, 2017, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of \$82,500 for C, \$23,300 for H, \$16,900 for P, and \$23,500 for E.

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$2,000,000 and \$4,000,000 for C, between \$500,000 and \$1,000,000 for H, between \$100,000 and \$250,000 for P, and between \$250,000 and \$500,000 for E.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting, on the OGS website, in a newspaper of general circulation, or in the Contract Reporter of written notice, advertisement or solicitation of offers through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Jessica Hoffman, Carl Ruppert and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://www.ogs.ny.gov/aboutOGS/regulations/defaultAdvisoryCouncil.html>

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

The State intends to expedite award of this Contract and the Contractor shall be prepared to proceed with the Work accordingly. Bidders are warned that time is of the essence of the Contract and substantial completion of the Work must be within 450 days after the Agreement is approved by the Comptroller. Due to the tightness of the construction schedule, bidders should consider the necessity for an increased work force and shift operations.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on October 26, 2017 at S. Glens Falls DOT Site, 1399 Route 9, S. Glens Falls, 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 Brandi Cutter (518) 639-4013.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority- and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs). The total contract goal can be obtained by utilizing any combination of MBE and /or WBE participation for subcontracting and supplies acquired under this Contract.

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

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

For questions about purchase of bid documents, please send an e-mail to DC.Plans@ogs.ny.gov, or call (518) 474-0203.

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

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

PROVIDE
SALT STORAGE BUILDING
Department Of Transportation Region 1
Warrensburg, Warren County

Sealed bids for Project No. 45670-C, for Construction Work, Provide Salt Storage Building, DOT Region 1, Warren County, 4021 Main Street, Route 9, Warrensburg (Warren 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, November 8, 2017, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of \$21,500 for C.

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

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$250,000 and \$500,000 for C.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting, on the OGS website, in a newspaper of general circulation, or in the Contract Reporter of written notice, advertisement or solicitation of offers through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Jessica Hoffman, Carl Ruppert, and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found

within the project manual or at: <http://www.ogs.ny.gov/aboutOGS/regulations/defaultAdvisoryCouncil.html>

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

The State intends to expedite award of this Contract and the Contractor shall be prepared to proceed with the Work accordingly. Bidders are warned that time is of the essence of the Contract and substantial completion of the Work must be completed by September 1, 2018 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 October 27, 2017 at Warrensburg DOT Region 1, Warren County, 4021 Main Street, Warrensburg, 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 Brandi Cutter (518) 639-4013.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority- and Women-owned Business Enterprises (“MWBEs”) and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises (“MBE”) participation and 15% for Women-Owned Business Enterprises (“WBE”) participation (based on the current availability of qualified MBEs and WBEs). The total contract goal can be obtained by utilizing any combination of MBE and /or WBE participation for subcontracting and supplies acquired under this Contract.

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

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

For questions about purchase of bid documents, please send an e-mail to DC.Plans@ogs.ny.gov, or call (518) 474-0203.

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

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

One (1) HVAC Work Contracts: 45741-H

One (1) Electrical Work Contracts: 45742-E

Three (3) General Construction Work Contracts: 45741-C, 45747-C, 45748-C

One (1) Roofing & Appurtenant Work Contracts: 45745-T

Sealed bids for the above Work located in the Geographic Contract Areas described below in Table 1 and comprising separate contracts for General Construction Work, Electrical Work, HVAC Work, Plumbing Work and Roofing & Appurtenant Work, will be received by the Office of General Services (OGS), Design & Construction Group

(D&C), Contract Administration, 35th Floor Corning Tower, Empire State Plaza, Albany, NY 12242, until 2:00 p.m. on the date indicated in Table 2 below, 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 \$25,000.

This Advertisement for Bids is for multiple Job Order Contracts (hereinafter called JOC). A Job Order Contract is an indefinite quantity contract pursuant to which the Contractor will perform a series of individual repair, alteration, modernization, maintenance, rehabilitation, demolition and construction projects at different locations. Work is accomplished by means of issuance of a Job Order against a master contract. Under the JOC concept, the Contractor furnishes all management, documentation, labor, materials and equipment needed to perform the Work. The State has published Construction Task Catalogs® containing a series of work items with pre-established Unit Prices. The Contractor will bid Adjustment Factors to be applied to the pre-established Unit Prices. The price paid by the State for an individual Project will be determined by multiplying the pre-established Unit Prices by the appropriate quantities and by the appropriate Adjustment Factor(s).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Anticipated Annual Value of Work as noted in Table 2.

Table 1- Geographic Contract Areas
Geographic Contract Area

Contract #	Area Title	Counties Served
45741-C, H	1	Bronx, Kings, Nassau, New York, Queens, Richmond and Suffolk
45742-E	2	Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster, and Westchester
45747-C	7	Chemung, Livingston, Monroe, Ontario, Schuyler, Seneca, Steuben, Wayne and Yates
45748-C	8	Allegany, Chautauqua, Cattaraugus, Erie, Genesee, Niagara, Orleans, and Wyoming

Geographic Roofing Contract Area

Contract #	Area Title	Counties Served
45745-T	5-6	Broome, Cayuga, Chenango, Cortland, Herkimer, Jefferson, Lewis, Madison, Oneida, Onondaga, Oswego, St. Lawrence, Tioga and Tompkins

The Completion dates for these Projects, is 365 days after the Agreement is approved by the Comptroller.

Table 2- Contract Values and Bid Due Dates

Contract #	Anticipated Annual Value of Work	Bid Due Date
45741-H	\$ 1,000,000	15 November 2017
45742-E	\$ 1,000,000	15 November 2017
45747-C	\$ 1,000,000	15 November 2017
45748-C	\$ 1,000,000	15 November 2017
45745-T	\$ 1,000,000	15 November 2017
45741-C	\$ 2,000,000	15 November 2017

Prospective bidders must attend a mandatory Pre-Bid Conference. The conference will be held for the purpose of discussing the JOC concept, Contract Documents, specifics of the OGS JOC program, OGS expectations, JOC from the Contractor’s perspective (including how to properly prepare a bid) and other bid considerations. The attendees representing prospective bidders at the Pre-Bid Conferences

should be principals of the firm and/or the individuals who will be compiling the bid on behalf of the firm. If the bidder is a joint venture, at least one party of the joint venture must have been represented and signed in at the Pre-Bid Conference.

Pre-Bid Conferences:

In Willard, NY

Pre-Bid will be held from 9:30 AM-11:30 AM on 24 October 2017.

Pre-Bid Conference will be held at the Grandview Building, Willard DTC

In Albany, NY

Pre-Bid will be held from 1:00 PM-3:00 PM on 25 October 2017.

Pre-Bid Conferences will be held in Large Conference Room, 34th Floor, ESP Corning Tower

In Orangeburg, NY

Pre-Bid will be held from 12:30 PM-2:30 PM on 26 October 2017.

The Pre-Bid Conference will be held at the Nathan S. Kline Institute for Psychiatric Research

For directions to the Pre-Bids see "Directions to Pre-Bids"

Pre-bid attendees should allow sufficient time for parking and processing through building security by presenting a government issued picture identification to building security officials and obtain a visitor's pass.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting, on the OGS website, in a newspaper of general circulation, or in the Contract Reporter of written notice, advertisement or solicitation of offers through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Jessica Hoffman, Carl Ruppert and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award, and in the event of two findings within a 4 year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://www.ogs.ny.gov/aboutOGS/regulations/defaultAdvisoryCouncil.html>

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority- and Women-owned Business Enterprises ("MWBES") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs). The total contract goal can be obtained by utilizing any combination of MBE and /or WBE participation for subcontracting and supplies acquired under this Contract.

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

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Contractors and other interested parties can order CD's on-line through a secure

web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: <http://www.ogs.ny.gov/bu/dc/esb/acquirebid.asp>.

For questions about purchase of bid documents, please send an e-mail to D&C.Plans@ogs.ny.gov, or call (518) 474-0203.

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

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

MISCELLANEOUS NOTICES/HEARINGS

Notice of Abandoned Property Received by the State Comptroller

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

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

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

PUBLIC NOTICE

Department of Civil Service

PURSUANT to the Open Meetings Law, the New York State Civil Service Commission hereby gives public notice of the following:

Please take notice that the regular monthly meeting of the State Civil Service Commission for November 2017 will be conducted on November 14 and November 15 commencing at 10:00 a.m. This meeting will be conducted at NYS Media Services Center, Suite 146, South Concourse, Empire State Plaza, Albany, NY with live coverage available at <https://www.cs.ny.gov/commission/>.

For further information, contact: Office of Commission Operations, Department of Civil Service, Empire State Plaza, Agency Bldg. 1, Albany, NY 12239, (518) 473-6598

PUBLIC NOTICE

Education Department

In accordance with provisions of the Rules of the Board of Regents, the State Education Department hereby gives notice that, during 2017 and 2018, the following institutions will be considered for accreditation actions pursuant to the authority of the Board of Regents and Commissioner of Education as a nationally recognized accrediting agency for purposes of Title IV and other federal funds: Christie's Education, Inc., Fei Tian College, Long Island Business Institute, Memorial College of Nursing, New York College of Health Professions, New York Studio School, Phillips Beth Israel School of Nursing, The Rockefeller University, Samaritan Hospital School of Nursing, Wood/Tobe-Coburn School.

The public is invited to submit written comment concerning the above listed institutions' qualifications for accreditation. Written comments should be addressed to Leslie E. Templeman, Director, Office of College and University Evaluation, Education Department, 89 Washington Ave., Rm. 960 EBA, Albany, NY 12234. Comments will be accepted through January 17, 2018.

PUBLIC NOTICE

Office of General Services

Pursuant to Section 30-a of the Public Lands Law, the Office of General Services hereby gives notice to the following:

Notice is hereby given that the Office of General Services has determined that the 50± acres of cropland improved with a pole barn, garage, and mobile home located on both sides of State Farm Road, Town of Kinderhook, County of Columbia, State of New York (Tax Identifier 33-1-77) is no longer useful or necessary for their purposes and has declared the same abandoned for sale or other disposition as Unappropriated State land.

For further information, please contact: Thomas Pohl, Esq., Office of General Services, Legal Services, 41st Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, (518) 474-8831, (518) 473-4973 (fax)

PUBLIC NOTICE

New York State and Local Retirement System

Pursuant to Retirement and Social Security Law, the New York State and Local Employees' Retirement System hereby gives public notice of the following:

The persons whose names and last known addresses are set forth below appear from records of the above named Retirement System to be entitled to accumulated contributions held by said retirement system whose membership terminated pursuant to Section 613 of the Retirement and Social Security Law on or before September 30, 2017. This notice is published pursuant to Section 109 of the Retirement and Social Security Law of the State of New York. A list of the names contained in this notice is On file and open to public inspection at the office of the New York State and Local Retirement System located at the 110 State St., in the City of Albany, New York. At the expiration of six months from the date of the publication of this notice. The accumulated contributions of the persons so listed shall be deemed abandoned and shall be placed in the pension accumulation fund to be used for the purpose of said fund. Any accumulated contributions so deemed abandoned and transferred to the pension accumulation fund may be claimed by the persons who made such accumulated contributions or, in the event of his death, by his estate or such person as he shall have nominated to receive such accumulated contributions, by filing a claim with the State Comptroller in such form and in such a manner as may be prescribed by him, seeking the return of such abandoned contributions. In the event such claim is properly made the State Comptroller shall pay over to the person or persons or estate making the claim such amount of such accumulated contributions without interest.

Armstrong, Barbara A - Fort Worth, TX
Brando, Thomas J - Wantagh, NY
Fuca, Salvatore - Bronx, NY
Fuller, Daniel L - Sand Lake, NY
Gonzalez, Frances G - Glen Cove, NY
Lewis, Hilary C - Port Chester, NY
Murphy-Higgs, Damany K - Jersey City, NJ
Schwartz, Adrienne R - Monticello, NY
Wade, Matt H - St Thomas, VI

For further information contact: Kimberly Zeto, New York State

Retirement Systems, 110 State St., Albany, NY 12244, (518) 474-3502

PUBLIC NOTICE

Office of Parks, Recreation and Historic Preservation

Pursuant to section 14.07 of the Parks, Recreation and Historic Preservation Law, the Office of Parks, Recreation and Historic Preservation hereby gives notice of the following:

In accordance with subdivision (c) of section 427.4 of title 9 NYCRR notice is hereby given that the New York State Board for Historic Preservation will be considering nomination proposals for listing of properties in the State and National Register of Historic Places at a meeting to be held on Thursday, December 7th, 2017 at the New York State Museum, 222 Madison Avenue, Empire State Plaza, Albany, NY 12230.

The following properties will be considered:

1. Niagara Machine and Tool Works Factory, Buffalo, Erie County
2. Ingleside Home, Buffalo, Erie County
3. West End Historic District, Springville, Erie County
4. Westminster House Club House, Buffalo, Erie County
5. John H. and Sarah Trumbull House, Kingston, Ulster County
6. Kingston City Almshouse, Kingston, Ulster County
7. Old Town of Flushing Burial Ground, Flushing, Queens County
8. LANAI, New York City, New York County
9. Greenacre Park, New York City, New York County
10. Ridgewood Reservoir, Queens and Kings Counties
11. Saxe Embroidery Company Building, Bronx, Bronx County
12. George W. Bellows House, Woodstock, Ulster County
13. Ransome Japanese Bridge, Shelter Island, Suffolk County
14. New Guinea Community Site, Hyde Park, Dutchess County
15. Lyons Downtown Historic District, Lyons, Wayne County
16. Lip-Rollway Building, Syracuse, Onondaga County
17. Earl Hall, Columbia University, New York, New York County
18. Hazard Wilcox Jr. Farm, Earlville, Chenango County
19. Dunix, Cornwallville, Greene County
20. Vernooy-Bevier House, Wawarsing, Ulster County
21. Whitehall Volunteer Fire House, Whitehall, Washington County
22. Oneida Downtown Commercial Historic District, Oneida, Madison County
23. First Baptist Church Complex of Ogdensburg, Ogdensburg, St. Lawrence County
24. Wampsville Presbyterian Church, Wampsville, Madison County
25. Upper Genesee Street Historic District, Utica, Oneida County

To be considered by the board, comments may be submitted to Michael F. Lynch, P.E., A.I.A., Deputy State Historic Preservation Officer and Director, Division for Historic Preservation, Peebles Island, P.O. Box 189, Waterford, New York 12188-0189, no later than Wednesday, December 6th or may be submitted in person at the meeting by contacting Michael F. Lynch at the same address no later than December 6th.

For further information, contact: Michael F. Lynch, P.E., A.I.A., Deputy State Historic Preservation Officer and Director, Division for Historic Preservation, Peebles Island, P.O. Box 189, Waterford, NY 12188-0189, (518) 268-2130

PUBLIC NOTICE

Department of State

The New York State Appearance Enhancement Advisory Committee will hold an open board meeting on December 12, 2017 at 10:30 a.m. at the Department of State, 99 Washington Ave., 5th Fl. Conference Rm., Albany; 65 Court St., 2nd Fl. Conference Rm., Buffalo; and, 123 William St., 2nd Fl. Conference Rm., New York City.

Should you require further information, please contact: Sharon Charland at sharon.charland@dos.ny.gov or (518) 473-2733

PUBLIC NOTICE

Department of State

F-2017-0543; F-2017-0545; F-2017-0609; and F-2017-0821

Date of Issuance – November 1, 2017

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 applicants below have certified that proposed activities comply with and will be conducted in a manner consistent with the approved New York State Coastal Management Program (NYSCMP). The applicants' consistency certifications 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-2017-0543, the applicant – Patricia Winchester at 1621 Lake Road, Town of Porter, Niagara County, proposes to construct a 50' rock breakwall along the shoreline. The proposed breakwall would consist of 4 ton toe rock with 1 to 3 ton rip rap placed landward of the toe rock over a geotextile underlayer. The purpose of the shoreline treatment is to inhibit further erosion due to extremely high water and wave action. The upland property is residential and directly fronts Lake Ontario. The proposed breakwall would be contiguous with that proposed by the immediately adjacent neighbor (see Khatib, F-2017-0545, below). The project site is located within a State-designated coastal erosion hazard area (CEHA).

In F-2017-0545, the applicant – Joy Khatib at 1619 Lake Road, Town of Porter, Niagara County, proposes to construct a 50' rock breakwall along the shoreline. The proposed breakwall would consist of 4 ton toe rock with 1 to 3 ton rip rap placed landward of the toe rock over a geotextile underlayer. The purpose of the shoreline treatment is to inhibit further erosion due to extremely high water and wave action. The upland property is residential and directly fronts Lake Ontario. The proposed breakwall would be contiguous with that proposed by the immediately adjacent neighbor (see Winchester, F-2017-0543, above). The project site is located within a State-designated coastal erosion hazard area (CEHA).

In F-2017-0609, the applicant – Dale Livergood, at 9561 Somerset Drive, Town of Somerset, Niagara County, proposes to add one half to 1 ton of rip rap extending an existing permitted breakwall toward the extent of the western property boundary line. The project site may be located within a State-designated coastal erosion hazard area (CEHA). This waterfront property is within the Local Waterfront Revitalization Program (LWRP) boundary of the Town of Somerset and is subject to consistency with its policies and provisions.

In F-2017-0821, the applicant – Lynn Skelly, at 12 Country Club Shores West, Ogdensburg, St. Lawrence County, proposes to extend an existing dock by 46' waterward and increasing from two cribs to four cribs. The applicant states the purpose is to accommodate boat dockage and to improved depth of water reached compared to the existing dock stated to reach a typical water depth of less than 2'. This waterfront property is situated outside of the Local Waterfront Revitalization Program (LWRP) boundary of the City of Ogdensburg and is therefore not subject to consistency with its policies and provisions.

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 November 16, 2017. 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-2017-0614

Date of Issuance – November 1, 2017

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-2017-0614, Suffolk County Department of Public Works, is proposing the Carmans River Lower Lake Fish Passage Project at the Lower Lake dam located along Yaphank Avenue, City of Yaphank, Suffolk 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., 30 days from the date of publication of this notice, or, December 1, 2017.

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-2017-0634

Date of Issuance – November 1, 2017

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-2017-0634, Mr. Kenneth and Ms. M. Grace Govenettio, are proposing to place riprap against an existing sea wall along Lake Ontario located at 5596 Nutting Street Road, Town of Henderson, Jefferson 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., 30 days from the date of publication of this notice, or, December 1, 2017.

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-2017-0638

Date of Issuance – November 1, 2017

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-2017-0638, or the "Manitou Station Roadway Improvements" the applicant – the Town of Philipstown – proposes to raise a 600-linear foot section of Manitou Station Road across a wetland by 5 feet. The project also includes the installation of two (2) 48" high by 72" wide concrete culverts. The project is located at the west end of Manitou Station Road in the Town of Philipstown, Putnam County. The purpose of the project is to mitigate flooding of the roadway and to allow connection of the tidal wetlands on each side of the roadway.

The proposed activities would be undertaken adjacent to the State-designated Significant Coastal Fish and Wildlife Habitat (SCFWH) unit of the Manitou Marsh and within the Hudson Highlands Scenic Area of Statewide Significance (SASS) subunit HH-18. Information on this habitat and protected scenic landscape to be evaluated in considering this project may be found on the Office of Planning, Development and Community Infrastructure's website:

- http://www.dos.ny.gov/opd/programs/consistency/Habitats/HudsonRiver/Manitou%20Marsh_FINAL.pdf

- <http://www.dos.ny.gov/opd/programs/consistency/scenicass.html>

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., 15 days from the date of publication of this notice, or, November 16, 2017.

Comments should be addressed to the Consistency Review Unit, Department of State, Planning, Development and Community Infrastructure, 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-2017-0640

Date of Issuance – November 1, 2017

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-2017-0640, Ms. Kelly Warmingham is proposing to repair shore erosion by building a rock revetment along Lake Ontario located at 2461 Lake Shore Road, Town of Porter, Niagara 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., 30 days from the date of publication of this notice, or, December 1, 2017.

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-2017-0641

Date of Issuance – November 1, 2017

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-2017-0641, Mr. Nicholas Notias is proposing to construct a ramp, dock, and two lower platforms at the offshore end of the dock in Shelter Island Sound located at 450 Paradise Point Road, Town of Southold, Suffolk 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., 30 days from the date of publication of this notice, or, December 1, 2017.

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-2017-0643

Date of Issuance – November 1, 2017

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-2017-0643, Mr. Fatmir Nezha is proposing to construct a stone revetment along Lake Ontario located at 4617 East Lake Road, Village of Wilson, Niagara 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., 30 days from the date of publication of this notice, or, December 1, 2017.

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-2017-0714

Date of Issuance – November 1, 2017

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-2017-0714, New York City Parks & Recreation is proposing to rehabilitate shoreline damage that occurred during Hurricane Sandy along the Hudson River located at Riverside and Fort Washington Parks, in the Borough of Manhattan, New York 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., 30 days from the date of publication of this notice, or, December 1, 2017.

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-2017-0739

Date of Issuance – November 1, 2017

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-2017-0739, Seem Realty LLC, is proposing waterfront improvements at Five Edgemere Drive in the Town of Southampton, Suffolk County. The applicant proposes to remove and replace the existing 121' timber bulkhead in-place with vinyl bulkhead. In addition, the proposed activity includes removal of an old timber ramp and plastic floating dock and replacing these with a 4 ft x 22 ft fixed timber catwalk, 3 ft x 12 ft ramp and 6 ft x 20 ft floating wooden dock.

The applicant's consistency certification and supporting information are also available at <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2017-0739SeemRealty.pdf>

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, November 16, 2017.

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-2017-0755

Date of Issuance – November 1, 2017

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 applicants below have certified that proposed activities comply with and will be conducted in a manner consistent with the approved New York State Coastal Management Program (NYSCMP). The applicants' consistency certifications 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-2017-0755, the applicants – Edward and Vera Kraven – at their property on the East Mill Basin and located at 109 Whitman Drive, Brooklyn, Kings County, New York, propose to demolish an existing timber floating dock, gangway, ramp, timber platform, and concrete slab that sits on the upland portion of the site and to install a new steel sheet pile bulkhead landward of the mean higher high water line. Applicants propose to then construct a 46' wide x 52' long pile-supported platform (or 2,392 square feet), over both the landward and waterward sides of the new bulkhead, encompassing an area of approximately 1,500 square feet of new overwater coverage. The applicants state the purpose of the new platform is to serve as the foundation for a new single family dwelling. No dwelling presently exists at the site. Construction of a new 5' wide x 35' long floating dock and a 3' x 40' aluminum gangway is additionally proposed.

The above-referenced project is located within the New York City Waterfront Revitalization Program (WRP) planning area and proposed activities must be evaluated for their consistency with the policies and purposes of the federally approved program.

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., 30 days from the date of publication of this notice or December 1, 2017. 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-2017-0809

Date of Issuance – November 1, 2017

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-2017-0809, Port of Oswego Authority is proposing to reconstruct a marina fuel pier along the Oswego River located at One East Second Street (East Dock), in the City of Oswego, Oswego 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., 30 days from the date of publication of this notice, or, December 1, 2017.

Comments should be addressed to the Consistency Review Unit, Department of State, Office of Planning and Development, One Commerce Plaza, 99 Washington Avenue, 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

Uniform Code Regional Boards of Review

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

2017-0348 Matter of Kyle Engstrom, 53 3rd Street, Troy, NY 12180 for a variance concerning the code prohibition against installing windows in a building exterior wall that is less than three feet from the interior lot line.

Involved is the conversion of an existing single family dwelling into a two family dwelling. The building is three stories in height, of Type III (ordinary) construction, having a cumulative gross floor area of 5,500 square feet. The building is located at 43 1st Street, City of Troy, Rensselaer County, State of New York 12180.

2017-0349 Matter of Keystone Architectural Services (Jon Lathrop), 198 Delaware Avenue, Delmar, NY 12054. The petitioner is seeking relief from the code requirements addressing tenant separations, access for the physically handicapped and the required facilities for the physically handicapped.

Involved is the conversion of an existing single tenant building into a two tenant building. The building contains a B (business) occupancy, is one story in height of Type IIB (non-combustible) construction, having a floor area of 9,400 square feet, located 491 Grooms Rd., Town of Clifton Park, Saratoga County, State of New York.

2017-0406 Matter of Visum Development Group c/o Chris Petrillo, VP, PO Box 6707, Ithaca, NY 14851 for 210 Linden Avenue LLC for a variance concerning fire safety and building code requirements including a variance to allow a reduction in required width of an aerial fire apparatus access road.

Involved is the construction of a four story residential (apartment) occupancy, located at 210 Linden Avenue, City of Ithaca, Tompkins County, New York.

2017-0414 Matter of Ahmedin Mehmedovic, 608 Kossuth Avenue, Utica, NY 13501 for a variance concerning fire safety and multiple residence law requirements including requirements for cellar rated ceilings and for a fire-rated self-closing door to the cellar.

Involved is an existing multiple residence occupancy, three stories in height, located at 608 Kossuth Avenue, City of Utica, Oneida County, New York.

2017-0420 Matter of The MTA New York City Transit, c/o David Haase, Two Broadway, 17th Floor, New York, NY 10004 for an appeal and/or variances concerning requirements, including Fire area, exiting, plumbing and accessibility provisions.

Involved are improvements to The Grand Central Station along the Lexington Avenue Line located in the borough of Manhattan, City of New York, State of New York.

2017-0426 through 2017-0439 (Inclusive) Matter of The MTA New York City Transit c/o David Haase, Two Broadway, 17th Floor, New York, NY 10004 for an appeal and/or variances concerning requirements, including the elimination of intermediate handrails on stairs less than eight feet wide.

Involved are station improvements along 14 lines covering the entire subway system located throughout the boroughs of Kings, Queens, Bronx, Staten Island and Manhattan within the City of New York, State of New York.

