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NEW YORK STATE  
**REGISTER**

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***INSIDE THIS ISSUE:***

- Teacher Certification in Career and Technical Education
- Community School Grants
- Superintendent Determination as to Academic Proficiency for Certain Students with Disabilities to Graduate with a Local Diploma

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

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

***For notices published in this issue:***

- the 60-day period expires on January 1, 2017
- the 45-day period expires on December 17, 2016
- the 30-day period expires on December 2, 2016

**ANDREW M. CUOMO  
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# NEW YORK STATE REGISTER

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## Be a part of the rule making process!

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

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

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

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

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

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

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

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# RULE MAKING ACTIVITIES

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

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

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

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## Office of Alcoholism and Substance Abuse Services

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### NOTICE OF WITHDRAWAL

Repeal Parts 309, 369, 829, 1000, 1034, 1050, 1070 and 1072 of Title 14 NYCRR

I.D. No. ASA-34-16-00001-W

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

**Action taken:** Notice of proposed rule making, I.D. No. ASA-34-16-00001-P, has been withdrawn from consideration. The notice of proposed rule making was published in the *State Register* on August 24, 2016.

**Subject:** Repeal Parts 309, 369, 829, 1000, 1034, 1050, 1070 and 1072 of Title 14 NYCRR.

**Reason(s) for withdrawal of the proposed rule:** Comments received.

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## Department of Civil Service

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

#### Jurisdictional Classification

I.D. No. CVS-44-16-00001-P

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

**Proposed Action:** Amendment of Appendix 1 of Title 4 NYCRR.

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

**Subject:** Jurisdictional Classification.

**Purpose:** To classify a position in the exempt class.

**Text of proposed rule:** Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Executive Department under the subheading “Gaming Commission,” by adding thereto the position of Assistant Public Information Officer.

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

**Data, views or arguments may be submitted to:** Ilene Lees, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: ilene.lees@cs.ny.gov

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

#### Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

#### Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

#### Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

#### Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

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

#### Jurisdictional Classification

I.D. No. CVS-44-16-00002-P

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

**Proposed Action:** Amendment of Appendix 1 of Title 4 NYCRR.

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

**Subject:** Jurisdictional Classification.

**Purpose:** To classify a position in the exempt class.

**Text of proposed rule:** Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Department of Audit and Control, by increasing the number of positions of Special Assistant from 7 to 8.

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



**Data, views or arguments may be submitted to:** Ilene Lees, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: ilene.lees@cs.ny.gov

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

#### **Regulatory Impact Statement**

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

#### **Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

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

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

#### **Job Impact Statement**

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

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

#### **Jurisdictional Classification**

**I.D. No.** CVS-44-16-00003-P

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

**Proposed Action:** Amendment of Appendix 1 of Title 4 NYCRR.

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

**Subject:** Jurisdictional Classification.

**Purpose:** To classify a position in the exempt class.

**Text of proposed rule:** Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Department of Environmental Conservation, by increasing the number of positions of Special Assistant from 19 to 20.

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

**Data, views or arguments may be submitted to:** Ilene Lees, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: ilene.lees@cs.ny.gov

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

#### **Regulatory Impact Statement**

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

#### **Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

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

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

#### **Job Impact Statement**

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

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

#### **Jurisdictional Classification**

**I.D. No.** CVS-44-16-00004-P

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

**Proposed Action:** Amendment of Appendices 1 and 2 of Title 4 NYCRR.

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

**Subject:** Jurisdictional Classification.

**Purpose:** To classify a position in the exempt class and to delete a position from the non-competitive class.

**Text of proposed rule:** Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Department of Corrections and Community Supervision, by increasing the number of positions of Assistant Commissioner from 14 to 15; and

Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Corrections and Community Supervision, by decreasing the number of positions of Supervising Regional Director from 2 to 1.

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

**Data, views or arguments may be submitted to:** Ilene Lees, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: ilene.lees@cs.ny.gov

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

#### **Regulatory Impact Statement**

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

#### **Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

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

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

#### **Job Impact Statement**

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

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

#### **Jurisdictional Classification**

**I.D. No.** CVS-44-16-00005-P

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

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

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

**Subject:** Jurisdictional Classification.

**Purpose:** To delete a position from and classify a position in the non-competitive class.

**Text of proposed rule:** Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Family Assistance under the subheading "Office of Temporary and Disability Assistance," by deleting therefrom the position of Chief, Bureau of Program Development (1) and by increasing the number of positions of Associate Counsel from 5 to 6.

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



**Data, views or arguments may be submitted to:** Ilene Lees, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: ilene.lees@cs.ny.gov

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

**Regulatory Impact Statement**

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

**Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

**Rural Area Flexibility Analysis**

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

**Job Impact Statement**

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

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

**Jurisdictional Classification**

**I.D. No.** CVS-44-16-00006-P

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

**Proposed Action:** Amendment of Appendix 1 of Title 4 NYCRR.

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

**Subject:** Jurisdictional Classification.

**Purpose:** To classify a position in the exempt class.

**Text of proposed rule:** Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Education Department, by increasing the number of positions of Assistant Commissioner from 13 to 14.

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

**Data, views or arguments may be submitted to:** Ilene Lees, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: ilene.lees@cs.ny.gov

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

**Regulatory Impact Statement**

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

**Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

**Rural Area Flexibility Analysis**

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

**Job Impact Statement**

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

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

**Jurisdictional Classification**

**I.D. No.** CVS-44-16-00007-P

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

**Proposed Action:** Amendment of Appendix 1 of Title 4 NYCRR.

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

**Subject:** Jurisdictional Classification.

**Purpose:** To classify a position in the exempt class.

**Text of proposed rule:** Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Executive Department under the subheading "Commission of Correction," by adding thereto the position of Secretary.

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

**Data, views or arguments may be submitted to:** Ilene Lees, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: ilene.lees@cs.ny.gov

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

**Regulatory Impact Statement**

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

**Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

**Rural Area Flexibility Analysis**

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

**Job Impact Statement**

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

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

**Jurisdictional Classification**

**I.D. No.** CVS-44-16-00008-P

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

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

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

**Subject:** Jurisdictional Classification.

**Purpose:** To classify a position in the non-competitive class.

**Text of proposed rule:** Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Mental Hygiene under the subheading "Office of Mental Health," by increasing the number of positions of Mental Health Program Manager 1 from 11 to 12.

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

**Data, views or arguments may be submitted to:** Ilene Lees, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: ilene.lees@cs.ny.gov

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

#### **Regulatory Impact Statement**

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

#### **Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

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

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

#### **Job Impact Statement**

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

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

#### **Jurisdictional Classification**

**I.D. No.** CVS-44-16-00009-P

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

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

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

**Subject:** Jurisdictional Classification.

**Purpose:** To classify positions in the non-competitive class.

**Text of proposed rule:** Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Health, by adding thereto the positions of Regional Representative Health Plan Marketplace (4).

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

**Data, views or arguments may be submitted to:** Ilene Lees, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: ilene.lees@cs.ny.gov

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

#### **Regulatory Impact Statement**

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

#### **Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

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

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

#### **Job Impact Statement**

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

## **State Commission of Correction**

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

#### **Annual Report of Pregnant Inmate Restraint**

**I.D. No.** CMC-44-16-00022-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 7001.1(e) to Title 9 NYCRR.

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

**Subject:** Annual report of pregnant inmate restraint.

**Purpose:** To prescribe a form and manner for local correctional facilities to submit a statutorily required annual report.

**Text of proposed rule:** A new subdivision (e) of section 7001.1 of Title 9 is added to read as follows:

(e) On or before the first day of February of each year, each sheriff, superintendent, commissioner, or other officer in charge of a local correctional facility shall submit a report to the Commission of Correction ("the Commission") detailing every use of restraints on a woman, reportable under section 611 of the Correction Law, which occurred during the preceding calendar year. Such report shall be submitted in a form and manner prescribed by the Chairperson of the Commission, and shall minimally include, for each individual use of restraints, the following:

- (1) the full name of the restrained woman;
- (2) the restrained woman's date of birth;
- (3) the date and time the restraint was applied;
- (4) the date and time the restraint was removed;
- (5) a description of the type(s) of restraint(s) used;
- (6) the intended transport destination;
- (7) the name and rank of the official or officer who authorized the restraint; and
- (8) a description of the facts and reasons justifying the use of restraints.

**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 persons 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 ensure statutorily-required reports of local correctional facilities to the Commission are conveyed in a thorough and timely manner.

3. Needs and benefits:

Following recent amendments to Correction Law section 611, local correctional facilities are generally prohibited from utilizing any restraints on an inmate who is known by facility staff to be pregnant, on an inmate who is in labor, or on any inmate within eight (8) weeks after delivery or pregnancy outcome. Limited exceptions have been provided in the statute for instances where facility staff make a "finding of extraordinary circumstances," whereupon options are limited to wrist restraints in front of the body. Any such use of restraints are required by the statutory amendments to be documented in writing within 5 days of use, specifying the facts upon which the finding of extraordinary circumstances were based, the type of restraint used, and the length of time such restraints were applied.

Correction Law section 611(1)(e) further requires that each local correctional facility submit an annual report to the Commission detailing

every use of restraint on a woman, as governed by the statute. The Commission is thereafter required to include such reported information in its annual report, while excluding identifying information. The proposed regulatory addition is necessary to provide local correctional facilities a form and deadline for the annual report to the Commission.

4. Costs:

a. Costs to regulated parties for the implementation of and continuing compliance with the rule: Minimal. While the incarceration of a pregnant female inmate is a relatively infrequent occurrence in local correctional facilities, "extraordinary circumstances" necessitating the restraint of such inmates during transport is foreseen to be scarce. Should such a restraint be necessary, Correction Law section 611(1)(e) now requires local correctional facilities to document details and facts upon which the finding of extraordinary circumstances were based, and thereafter provide the Commission an annual report of all such determinations. Consequently, compliance with the proposed rule would result only in minimal costs associated with local correctional facility staff's annual compilation of restraint records, if any, into an annual report to the Commission.

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:

As originally required by Correction Law § 611(1)(e), the proposed regulation directs each local correctional facility to submit an annual report to the Commission detailing every use of restraint on a woman, as governed by the statute.

6. Paperwork:

As set forth above, Correction Law section 611(1)(e) now requires local correctional facilities to document details and facts upon which a finding of extraordinary circumstances, necessary to restrain a pregnant inmate, were based, and thereafter provide the Commission an annual report of all such determinations. Consequently, compliance with the proposed rule would require each local correctional facility to annually compile such restraint records, if any, into an annual report to the Commission.

7. Duplication:

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

8. Alternatives:

The alternative, not providing a form and deadline for a statutorily-required annual report, was dismissed by the Commission due to foreseen delays in receiving comprehensive local correctional facility reports, thus delaying the Commission's annual report.

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 upon its Notice of Adoption.

**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 prescribe a form and manner for local correctional facilities to submit a statutorily required annual report regarding the restraint of pregnant inmates. Accordingly, 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 prescribe a form and manner for local correctional facilities to submit a statutorily required annual report regarding the restraint of pregnant inmates. Accordingly, 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 prescribe a form and manner for local correctional facilities to submit a statutorily required annual report regarding the restraint of pregnant

inmates. As such, there will be no impact on jobs and employment opportunities.

## Education Department

### EMERGENCY RULE MAKING

#### Teacher Certification in Career and Technical Education

**I.D. No.** EDU-26-16-00016-E

**Filing No.** 962

**Filing Date:** 2016-10-18

**Effective Date:** 2016-11-12

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

**Action taken:** Amendment of section 80-3.5 of Title 8 NYCRR.

**Statutory authority:** Education Law, sections 207(not subdivided), 305(1), (2), 3001(2), 3004(1), 3006(1) and 3009

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

**Specific reasons underlying the finding of necessity:** The proposed amendment to section 80-3.5 is necessary to provide additional pathway options for a Transitional A certification in the CTE subjects for candidates who meet the requirements in one of the following pathway options:

- Option G. Have a minimum of two years of experience in the CTE subject area of certificate sought and hold an industry-related credential or pass an industry accepted examination as approved by the Department and an offer of employment from a school district

- Option H. Are enrolled in an approved CTE teacher preparation program and have either a minimum of one year of related work experience and/or take and pass an industry accepted examination

- Option I. Are currently certified 7-12 grade teachers in any subject area with two years of documented work experience or who hold industry-recognized credentials, where available, in the related CTE area

A Notice of Proposed Rule Making was published in the State Register on June 29, 2016. Since then the proposed amendment was revised and a Notice of Revised Rule Making will be published in the State Register on September 28, 2016. Since the Board of Regents meets at fixed intervals, the earliest the proposed rule can be presented for regular (non-emergency) adoption, after expiration of the required 30-day public comment period provided for in the State Administrative Procedure Act (SAPA) for a revised rulemaking, would be the November Regents meeting. Furthermore, pursuant to SAPA section 203(1), the earliest effective date of the proposed rule, if adopted at the November meeting, would be November 30, 2016, the date a Notice of Adoption would be published in the State Register. Therefore, emergency action is therefore necessary to allow those who do not meet the current requirements but who possess industry experience, credentials, or are in the process of completing certification, but meet one of the three proposed new pathways, to begin teaching at the grade 7-12 level as early as possible during the 2016-2017 school year and to ensure that the emergency rule adopted at the July Regents meeting, as revised, remains continuously in effect until it can be adopted as a permanent rule.

**Subject:** Teacher certification in career and technical education.

**Purpose:** Establishes a new pathway for Transitional A certificate.

**Text of emergency rule:** 1. The emergency taken at the July 2016 Regents meeting to add new paragraphs (5), (6) and (7) to section 80-3.5 of the Regulations of the Commissioner of Education, is rescinded, effective November 12, 2016.

2. Paragraph (2) of subdivision (b) of section 80-3.5 of the Regulations of the Commissioner of Education shall be amended, effective November 12, 2016, to read as follows:

(2) The candidate shall meet the requirements for the transitional A certificate by successfully completing the requirements in paragraph (1) [or (2)] through (7) of this subdivision.

3. New paragraphs (5), (6), and (7) are added to subdivision (b) of section 80-3.5 of the Regulations of the Commissioner of Education, effective November 12, 2016, to read as follows:

(5) Option G: The requirements of this paragraph are applicable to candidates who seek an initial certificate and who hold an industry acceptable credential in a career and technical education subject and have at least two years of acceptable work experience in the certificate area to



be taught or in a closely related subject area acceptable to the department. The candidate shall meet the requirements in each of the following subparagraphs:

(i) *Education.* The candidate shall complete at least two clock hours of course work or training regarding the identification and reporting suspected child abuse or maltreatment, in accordance with requirements of section 3004 of the Education Law. In addition, the candidate shall complete at least two clock hours of coursework or training in school violence prevention and intervention, as required by section 3004 of the Education Law, which is provided by a provider, approved or deemed approved by the department pursuant to Subpart 57-2 of this Title. A candidate who applies for the certificate shall also complete at least six clock hours, of which at least three hours must be conducted through face-to-face instruction, of coursework or training in harassment, bullying and discrimination prevention and intervention, as required by section 14 of the Education Law.

(ii) *Examination.* The candidate shall submit evidence of having achieved a satisfactory level of performance on the New York State Teacher Certification Examination content specialty test(s) in the area of the certificate.

(iii) *Industry Related Credential or Industry Accepted Examination.* The candidate shall either:

(a) hold an industry related credential in the certificate area taught or in a closely related subject area acceptable to the department; or

(b) receive a passing score on an industry accepted career and technical examination that demonstrates mastery in the career and technical education subject for which a certificate is sought or a closely related area as approved by the department through a request for qualifications process.

(iv) *Experience.* The candidate shall have at least two years of satisfactory work experience in the career and technical education subject for which a certificate is sought or a closely related subject area, as determined by the Commissioner;

(v) *Employment and support commitment.* The candidate shall submit evidence of having a commitment for three years of employment as a teacher in grades 7 through 12 in a public or nonpublic school or BOCES, which shall include a mentored experience for the first year that will consist of daily supervision by an experienced teacher during the first 20 days of teaching, except that such mentoring shall not be required if the candidate has two years of satisfactory employment as a teacher of students in grades 7 through 12 in a public or nonpublic school or BOCES.

(6) *Option H:* The requirements of this paragraph are applicable to candidates who seek an initial certificate and who are enrolled in an approved career and technical education program registered pursuant to section 52.21 of this Title, or its equivalent in the certificate area to be taught or in a closely related subject area acceptable to the department; and have either at least one year of satisfactory experience in the career and technical area to be taught or in a closely related area or receive a passing score on an industry accepted career and technical examination that demonstrates mastery in the career and technical education subject for which a certificate is sought or a closely related area as approved by the department through a request for qualifications process. The candidate shall meet the requirements in each of the following subparagraphs:

(i) *Education.*

(a) The candidate shall complete at least two clock hours of course work or training regarding the identification and reporting suspected child abuse or maltreatment, in accordance with requirements of section 3004 of the Education Law. In addition, the candidate shall complete at least two clock hours of coursework or training in school violence prevention and intervention, as required by section 3004 of the Education Law, which is provided by a provider, approved or deemed approved by the department pursuant to Subpart 57-2 of this Title. A candidate shall also complete at least six clock hours, of which at least three hours must be conducted through face-to-face instruction, of coursework or training in harassment, bullying and discrimination prevention and intervention, as required by section 14 of the Education Law; and

(b) the candidate shall be enrolled in an approved career and technical education program registered pursuant to section 52.21 of this Title.

(ii) *Examination.* The candidate shall submit evidence of having achieved a satisfactory level of performance on the New York State Teacher Certification Examination content specialty test(s) in the area of the certificate.

(iii) *Experience and/or Examination.* The candidate shall either:

(a) have at least one year of satisfactory work experience in the career and technical education subject for which a certificate is sought or a closely related area, as determined by the Commissioner; or

(b) receive a passing score on an industry accepted career and

technical examination that demonstrates mastery in the career and technical education subject for which a certificate is sought or a closely related area as approved by the department through a request for qualifications process.

(iv) *Employment and support commitment.* The candidate shall submit evidence of having a commitment for three years of employment as a teacher in grades 7 through 12 in a public or nonpublic school or BOCES, which shall include a mentored experience for the first year that will consist of daily supervision by an experienced teacher during the first 20 days of teaching, except that such mentoring shall not be required if the candidate has two years of satisfactory employment as a teacher of students in grades 7 through 12 in a public or nonpublic school or BOCES.

(7) *Option I:* The requirements of this paragraph are applicable to candidates who seek an initial certificate and who are currently certified as a teacher in grades 7-12 in any subject area acceptable to the department, and who either: hold an industry related credential the career and technical education subject to be taught or in a closely related subject area acceptable to the department or have two years of satisfactory experience in the certificate area sought or a closely related subject area, as determined by the Commissioner. The candidate shall meet the requirements in each of the following subparagraphs:

(i) *Education.* The candidate shall complete at least two clock hours of course work or training regarding the identification and reporting suspected child abuse or maltreatment, in accordance with requirements of section 3004 of the Education Law. In addition, the candidate shall complete at least two clock hours of coursework or training in school violence prevention and intervention, as required by section 3004 of the Education Law, which is provided by a provider, approved or deemed approved by the department pursuant to Subpart 57-2 of this Title. A candidate who applies for the certificate on or after December 31, 2013, shall also complete at least six clock hours, of which at least three hours must be conducted through face-to-face instruction, of coursework or training in harassment, bullying and discrimination prevention and intervention, as required by section 14 of the Education Law.

(ii) *Examination.* The candidate shall submit evidence of having achieved a satisfactory level of performance on the New York State Teacher Certification Examination content specialty test(s) in the area of the certificate.

(iii) *Certification.* The candidate shall hold certification as a teacher in grades 7-12 in any certification area pursuant to Part 80 of this Title that is acceptable to the department.

(iv) *Experience or Industry Related Credential.* The candidate shall either:

(a) hold an industry related credential in the certificate area sought or in a related area, as determined by the Department; or

(b) have at least two years of documented and satisfactory work experience in the career and technical education subject for which a certificate is sought, or a related area, as determined by the Commissioner.

(v) *Employment and support commitment.* The candidate shall submit evidence of having a commitment for three years of employment as a teacher in grades 7 through 12 in a public or nonpublic school or BOCES, which shall include a mentored experience for the first year that will consist of daily supervision by an experienced teacher during the first 20 days of teaching, except that such mentoring shall not be required if the candidate has two years of satisfactory employment as a teacher of students in grades 7 through 12 in a public or nonpublic school or BOCES.

**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. EDU-26-16-00016-EP, Issue of June 29, 2016. The emergency rule will expire December 16, 2016.

**Text of rule and any required statements and analyses may be obtained from:** Kirti Goswami, New York State Education Department, 89 Washington Avenue, Room 148, Albany, NY 12234, (518) 474-8966, email: legal@nysed.gov

#### **Regulatory Impact Statement**

Since publication of a Notice of Proposed Rule Making in the State Register on June 29, 2016, the following substantial revisions were made to the proposed rule:

Section 80-3.5(b)(5)(v) was amended to clarify that mentoring shall not be required if the candidate has two years of satisfactory employment as a teacher of students in grades 7 through 12 (not grades 5 through 12) in a public or nonpublic school or BOCES.

Section 80-3.5(b)(6)(iv) was amended to clarify that mentoring shall not be required if the candidate has two years of satisfactory employment as a teacher of students in grades 7 through 12 (not grades 5 through 12) in a public or nonpublic school or BOCES.

Section 80-3.5(b)(7) was amended to clarify that mentoring shall not be required if the candidate has two years of satisfactory employment as a

teacher of students in grades 7 through 12 (not grades 5 through 12) in a public or nonpublic school or BOCES and a further amendment was made to Option I to clarify that teachers in any subject area may pursue this pathway, not just teachers in any CTE subject area. This more accurately reflects the Department's intention to create a more flexible pathway option for individuals to pursue CTE certification.

The above revisions to the proposed rule require revisions to the Needs and Benefits section of the previously published Regulatory Impact Statement, as follows:

3. NEEDS AND BENEFITS: Currently, a Transitional A certificate in a specific career and technical subject is issued to permit the employment of an individual in a specific career and technical education title who does not meet the requirements for an initial certificate, but who possesses the requisite occupational experience. This certificate is valid for three years, and the candidate would complete the additional requirements for an initial certificate during the three years.

The three options available for a Transitional A certificate at this time are:

- Option A. Candidates who possess an associate's degree (or its equivalent) in the career and technical field in which the certificate is sought, and who have at least two years of documented and satisfactory work experience in the career and technical education subject for which a certificate is sought;
- Option B. Candidates who possess a high school diploma or its equivalent (but who do not possess an associate's degree or its equivalent in the certificate area), and who have at least four years of documented and satisfactory work experience in the career and technical education subject for which a certificate is sought; and
- Option C. Candidates who possess an associate's degree (or its equivalent) in the career and technical field in which the certificate is sought, and who have at least two years of documented and satisfactory teaching experience at the postsecondary level (excluding experience as a teaching assistant) in the career and technical education subject for which a certificate is sought.

All three Transitional A pathways described above also require:

(1) Coursework training in identification of and reporting of child abuse or maltreatment, school violence prevention and intervention, and harassment, bullying and discrimination prevention and intervention;

(2) Evidence of having achieved a satisfactory level of performance on the New York State Teacher Certification Exam Content Specialty Test in the area of the certificate, and

(3) An employment and support commitment—the candidate must submit evidence of having a commitment for three years of employment as a teacher in a public or nonpublic school or BOCES, which includes a mentored experience for the first year consisting of daily supervision by an experienced teacher during the first 20 days. However, the mentoring is not required if the candidate has two years of satisfactory employment as a teacher of students in grades 7-12 in a public or nonpublic school or BOCES.

In addition, at the May 2016 Board of Regents meeting, the Board adopted by Emergency action a new pathway option for those issued a full license to teach in licensed private career schools and who have two years of teaching experience under such license, to qualify for a Transitional A certificate. If adopted at the September 2016 Board of Regents meeting, this will allow those candidates to teach CTE during the 2016-2017 school year.

Proposed Amendment:

To provide additional certification pathways in CTE fields to address the immediate shortages in the field, the Department recommends establishing new pathway options G, H, and I for Transitional A certificates for candidates who meet one of the three requirements listed below:

- Option G. Have a minimum of two years of work experience in the CTE subject area of the certificate sought and hold an industry-related credential, where available, or pass an industry accepted examination as approved by the Department and have an employment and support commitment
- Option H. Are enrolled in an approved CTE teacher preparation program and have either a minimum of one year of related work experience and/or take and pass an industry accepted examination and have an employment and support commitment
- Option I. Are currently certified 7-12 grade teachers in any subject area with two years of documented work experience or who hold industry-recognized credentials, where available, in the related CTE area and have an employment and support commitment

The proposed amendment provides additional opportunities and flexibility for individuals with specific technical and career experience to obtain a Transitional A teaching certificate in their area of expertise, or a related area, thus allowing them to teach CTE subjects at the secondary school level. This will help to increase the supply of qualified, certified teachers in the career and technical education field in order to satisfy the increasing demand for those teachers.

### Regulatory Flexibility Analysis

The above revisions to the proposed rule require that the Effect of Rule and the Compliance sections of the previously published Regulatory Flexibility Analysis be revised as follows:

#### 1. EFFECT OF RULE:

If adopted by the Board of Regents at the September 2016 Board of Regents meeting, commencing with the 2016-2017 school year, the proposed amendment creates three new pathway options to address immediate shortage areas for candidates who meet one of the following three requirements:

To provide additional certification pathways in CTE fields to address the immediate shortages in the field, the Department recommends establishing new pathway options G, H, and I for Transitional A certificates for candidates who meet one of the three options for a Transitional A certificate listed below:

- Option G. Have a minimum of two years of work experience in the CTE subject area of the certificate sought and hold an industry-related credential, where available, or pass an industry accepted examination as approved by the Department and have an employment and support commitment
- Option H. Are enrolled in an approved CTE teacher preparation program and have either a minimum of one year of related work experience and/or take and pass an industry accepted examination and have an employment and support commitment
- Option I. Are currently certified 7-12 grade teachers in any subject area with two years of documented work experience or who hold industry-recognized credentials, where available, in the related CTE area and have an employment and support commitment

#### 2. COMPLIANCE REQUIREMENTS:

Over the past several years, the Board of Regents has discussed the expansion of career and technical education (CTE) programs in school districts and BOCES generally and of integrated credit allowance which will in turn create a greater demand for teachers certified in CTE titles. At its November 2013 meeting, the Board of Regents was presented with recommendations that would support existing and anticipated demand for teachers certified in CTE titles.

Currently, a Transitional A certificate in a specific CTE subject is issued to permit the employment of an individual in a specific CTE education title who does not meet the requirements for an initial certificate, but who possesses the requisite occupational experience. This certificate is valid for three years, and the candidate would complete the additional requirements for an initial certificate during the three years.

The three options available for a Transitional A certificate prior to the May 2016 Board of Regents meeting were:

- Option A. Candidates who possess an associate's degree (or its equivalent) in the career and technical field in which the certificate is sought, and who have at least two years of documented and satisfactory work experience in the career and technical education subject for which a certificate is sought;
- Option B. Candidates who possess a high school diploma or its equivalent (but who do not possess an associate's degree or its equivalent in the certificate area), and who have at least four years of documented and satisfactory work experience in the career and technical education subject for which a certificate is sought; and
- Option C. Candidates who possess an associate's degree (or its equivalent) in the career and technical field in which the certificate is sought, and who have at least two years of documented and satisfactory teaching experience at the postsecondary level (excluding experience as a teaching assistant) in the career and technical education subject for which a certificate is sought.

All three Transitional A pathways described above also require:

(1) Coursework training in identification of and reporting of child abuse or maltreatment, school violence prevention and intervention, and harassment, bullying and discrimination prevention and intervention;

(2) Evidence of having achieved a satisfactory level of performance on the New York State Teacher Certification Examination Content Specialty Test in the area of the certificate; and

(3) An employment and support commitment. The candidate must submit evidence of having a commitment for three years of employment as a teacher in a public or nonpublic school or BOCES, which includes a mentored experience for the first year consisting of daily supervision by an experienced teacher during the first 20 days. However, the mentoring is not required if the candidate has two years of satisfactory employment as a teacher of students in grades 7-12 in a public or nonpublic school or BOCES.

#### Establishment of Additional Pathways

At its May 2016 Board of Regents meeting, the Board adopted by emergency action a proposed amendment to provide an additional opportunity for teachers to obtain a Transitional A certificate through a Pathway D Option. It is anticipated that this will be permanently adopted by the Board



at its September 2016 meeting. Candidates may be eligible for a Transitional A certificate if they hold a full private career school teacher license issued by the Department's Bureau of Proprietary School Supervision (BPSS) and have taught under that license for two years in a New York State licensed private career school and meet certain other requirements.

Currently, pursuant to Section 126.6 of the Commissioner's Regulations, there are three license levels (permit, provisional and full license) for teachers licensed by BPSS. To apply for a permit, provisional or full license, candidates must complete an application and provide BPSS with all necessary documentation required for the level and license area(s) in which the candidate wishes to be licensed in. Currently, the requirements for a full Private Career School Teacher License by BPSS are (for most CTE subject areas):

(1) To qualify for a full license, candidates must have completed a total of 90-clock hours in Professional Education, including methods of teaching or a total of 9 semester credits of college course work in Professional Education.

Full licenses are valid for 4 years and are renewable.

During the three years that a candidate has a Transitional A certificate, he/she may apply for and complete all requirements for an Initial Certificate. These requirements include completion of college coursework, receiving a passing score on the NYSTCE exams, and completion of a 40 day student teaching placement in the certificate area sought.

**Proposed Amendment**

To provide additional certification pathways in CTE fields to address the immediate shortages in the field, the Department recommends establishing new pathway options G, H, and I for Transitional A certificates for candidates who meet one of the three requirements listed below:

- Option G. Have a minimum of two years of work experience in the CTE subject area of the certificate sought and hold an industry-related credential, where available, or pass an industry accepted examination as approved by the Department and have an employment and support commitment

- Option H. Are enrolled in an approved CTE teacher preparation program and have either a minimum of one year of related work experience and/or take and pass an industry accepted examination and have an employment and support commitment

- Option I. Are currently certified 7-12 grade teachers in any subject area with two years of documented work experience or who hold industry-recognized credentials, where available, in the related CTE area and have an employment and support commitment

The proposed amendment provides additional opportunities and flexibility for individuals with specific technical and career experience to obtain a Transitional A teaching certificate in their area of expertise, or a related area, thus allowing them to teach CTE subjects at the secondary school level. This will help to increase the supply of qualified, certified teachers in the career and technical education field in order to satisfy the increasing demand for those teachers.

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

The above revisions to the proposed rule require that the Reporting, Recordkeeping, and Other Compliance Requirements and Professional Services published Rural Area Flexibility Analysis be revised as follows:

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

Over the past several years, the Board of Regents has discussed the expansion of career and technical education (CTE) programs in school districts and BOCES generally and of integrated credit allowance which will in turn create a greater demand for teachers certified in CTE titles. At its November 2013 meeting, the Board of Regents was presented with recommendations that would support existing and anticipated demand for teachers certified in CTE titles.

Currently, a Transitional A certificate in a specific CTE subject is issued to permit the employment of an individual in a specific CTE education title who does not meet the requirements for an initial certificate, but who possesses the requisite occupational experience. This certificate is valid for three years, and the candidate would complete the additional requirements for an initial certificate during the three years.

The three options available for a Transitional A certificate prior to the May 2016 Board of Regents meeting were:

- Option A. Candidates who possess an associate's degree (or its equivalent) in the career and technical field in which the certificate is sought, and who have at least two years of documented and satisfactory work experience in the career and technical education subject for which a certificate is sought;

- Option B. Candidates who possess a high school diploma or its equivalent (but who do not possess an associate's degree or its equivalent in the certificate area), and who have at least four years of documented and satisfactory work experience in the career and technical education subject for which a certificate is sought; and

- Option C. Candidates who possess an associate's degree (or its equivalent)

alent) in the career and technical field in which the certificate is sought, and who have at least two years of documented and satisfactory teaching experience at the postsecondary level (excluding experience as a teaching assistant) in the career and technical education subject for which a certificate is sought.

All three Transitional A pathways described above also require:

(1) Coursework training in identification of and reporting of child abuse or maltreatment, school violence prevention and intervention, and harassment, bullying and discrimination prevention and intervention;

(2) Evidence of having achieved a satisfactory level of performance on the New York State Teacher Certification Examination Content Specialty Test in the area of the certificate; and

(3) An employment and support commitment. The candidate must submit evidence of having a commitment for three years of employment as a teacher in a public or nonpublic school or BOCES, which includes a mentored experience for the first year consisting of daily supervision by an experienced teacher during the first 20 days. However, the mentoring is not required if the candidate has two years of satisfactory employment as a teacher of students in grades 7-12 in a public or nonpublic school or BOCES.

**Establishment of Additional Pathways**

At its May 2016 Board of Regents meeting, the Board adopted by emergency action a proposed amendment to provide an additional opportunity for teachers to obtain a Transitional A certificate through a Pathway D Option. It is anticipated that this will be permanently adopted by the Board at its September 2016 meeting. Candidates may be eligible for a Transitional A certificate if they hold a full private career school teacher license issued by the Department's Bureau of Proprietary School Supervision (BPSS) and have taught under that license for two years in a New York State licensed private career school and meet certain other requirements.

Currently, pursuant to Section 126.6 of the Commissioner's Regulations, there are three license levels (permit, provisional and full license) for teachers licensed by BPSS. To apply for a permit, provisional or full license, candidates must complete an application and provide BPSS with all necessary documentation required for the level and license area(s) in which the candidate wishes to be licensed in. Currently, the requirements for a full Private Career School Teacher License by BPSS are (for most CTE subject areas):

(1) To qualify for a full license, candidates must have completed a total of 90-clock hours in Professional Education, including methods of teaching or a total of 9 semester credits of college course work in Professional Education.

Full licenses are valid for 4 years and are renewable.

During the three years that a candidate has a Transitional A certificate, he/she may apply for and complete all requirements for an Initial Certificate. These requirements include completion of college coursework, receiving a passing score on the NYSTCE exams, and completion of a 40 day student teaching placement in the certificate area sought.

**Proposed Amendment**

To provide additional certification pathways in CTE fields to address the immediate shortages in the field, the Department recommends establishing new pathway options G, H, and I for Transitional A certificates for candidates who meet one of the three requirements listed below:

- Option G. Have a minimum of two years of work experience in the CTE subject area of the certificate sought and hold an industry-related credential, where available, or pass an industry accepted examination as approved by the Department and have an employment and support commitment

- Option H. Are enrolled in an approved CTE teacher preparation program and have either a minimum of one year of related work experience and/or take and pass an industry accepted examination and have an employment and support commitment

- Option I. Are currently certified 7-12 grade teachers in any subject area with two years of documented work experience or who hold industry-recognized credentials, where available, in the related CTE area and have an employment and support commitment

The proposed amendment provides additional opportunities and flexibility for individuals with specific technical and career experience to obtain a Transitional A teaching certificate in their area of expertise, or a related area, thus allowing them to teach CTE subjects at the secondary school level. This will help to increase the supply of qualified, certified teachers in the career and technical education field in order to satisfy the increasing demand for those teachers.

#### **Job Impact Statement**

Since publication of a Notice of Proposed Rule Making in the State Register on June 29, 2016, the proposed rule was revised as set forth in the Revised Regulatory Impact Statement herewith.

The above revisions to the proposed rule require revisions do not require any revisions to the published Job Impact Statement.

#### **Assessment of Public Comment**

Since publication of a Notice of Proposed Rule Making in the State Register on June 29, 2016, the State Education Department (SED) received the following comment:

## 1. COMMENT:

One commenter raised the concern that the proposed pathways for CTE certification are a “patchwork approach” and that a broader discussion of CTE certification, including a more comprehensive and system-wide approach to CTE teacher certification is required moving forward. The commenter suggested that NYSED convene a work group to look at a more comprehensive approach to CTE certification and to re-convene the CTE Content Advisory Panel to discuss future changes to advance the CTE certification pathways. However, the commenter also expressed appreciation that the Department is recognizing the value of work experience and industry-credentials within the proposed amendment.

The commenter also expressed concern over the requirement that the amendment requires an employment and support commitment on the part of the candidate, and that districts and BOCES do not have the ability to connect with candidates as the need for a CTE teacher arises.

## DEPARTMENT RESPONSE:

SED agrees that a more comprehensive approach to the CTE teacher certification pathways is needed, and is currently in the process of working with the field to further revise the regulations relating to CTE teacher certification. However, the proposed amendment seeks to address the immediate concerns raised by the field relating to shortages in CTE teachers by providing an additional pathway to obtain a Transitional A teaching certificate.

In response to the request to convene a work group to look at a more comprehensive approach to CTE certification, the Department will take this under advisement, and will work to address this concern in the most appropriate way given the understaffing of the Department.

With respect to the concerns relating to the need for employment and support commitment, this is required for all candidates seeking a Transitional A certificate and therefore the Department does not believe a revision to the regulations is needed. Moreover, the purpose behind the employment and support commitment is to ensure that the teacher has the needed supports and mentoring when he/she enters the classroom.

## EMERGENCY RULE MAKING

### Community School Grants

**I.D. No.** EDU-32-16-00002-E

**Filing No.** 957

**Filing Date:** 2016-10-18

**Effective Date:** 2016-10-24

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

**Action taken:** Amendment of section 100.19 of Title 8 NYCRR.

**Statutory authority:** Education Law, sections 207(not subdivided), 305(1), (2), 211-f, as added by L. 2015, ch. 56, subpart H, part EE; L. 2016, ch. 53

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

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

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

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

in effect until it can be adopted as a permanent rule. The emergency rule adopted at the July meeting expires on October 23, 2016. Therefore, emergency action is necessary to ensure that the emergency rule adopted at the July meeting does not expire before it is permanently adopted on November 2, 2016.

**Subject:** Community School Grants.

**Purpose:** To establish criteria for community school grants to implement chapter 53 of the Laws of 2016.

**Text of emergency rule:** 1. A new subdivision (k) is added to section 100.19 of the Regulations of the Commissioner of Education, effective October 24, 2016, as follows:

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

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

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

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

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

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

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

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

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

(i) *If a designated school has additional unused capacity after making such services available to all enrolled students and their families (e.g., not all available times for health or dental screenings have been filled on a particular day after all students enrolled in the school have been given an opportunity for an appointment, or not all seats in a parent-ing workshop have been filled by parents of students who attend the school), the school may offer such services to students who attend feeder*



*schools and their families so as to maximize effective and efficient use of available resources and/or students who are alumni of the school and their families in order to provide continuity of services.*

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

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

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

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

(iii) providing early childhood education programs;

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

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

(vi) creating a steering committee to provide feedback and guidance. Such steering committee shall be made up of various school and community stakeholders, which shall include but need not be limited to, the school principal, parents of or persons in parental relation to students attending the school, teachers and other school staff assigned to the school, and students attending the school; provided that, in the case of a

*designated school that does not serve students in grade seven or above, the steering committee need not include students; provided further that a community engagement team established pursuant to this section may also serve as the steering committee; and*

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

2. Paragraph (8) of subdivision (a) of section 100.19 of the Regulations of the Commissioner of Education is amended, effective October 24, 2016, to read as follows:

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

(i) addressing social service, health and mental health needs of students in the school and their families in order to help students arrive and remain at school ready to learn;

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

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

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

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

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

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

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

3. Subparagraph (ii) of paragraph (8) of subdivision (f) of section 100.19 of the Regulations of the Commissioner of Education is amended, effective October 24, 2016, to read as follows:

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

**This notice is intended** to serve 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. EDU-32-16-00002-EP, Issue of August 10, 2016. The emergency rule will expire December 16, 2016.

**Text of rule and any required statements and analyses may be obtained from:** Kirti Goswami, New York State Education Department, 89 Washington Avenue, Room 148, Albany, NY 12234, (518) 474-8966, email: legal@nysed.gov

#### **Regulatory Impact Statement**

##### **1. STATUTORY AUTHORITY:**

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

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

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

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

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

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

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

#### 2. LEGISLATIVE OBJECTIVES:

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

#### 3. NEEDS AND BENEFITS:

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

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

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

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

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

#### 4. COSTS:

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

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

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

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

#### 5. LOCAL GOVERNMENT MANDATES:

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

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

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

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

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

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

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

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

#### 6. PAPERWORK:

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

#### 7. DUPLICATION:

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

#### 8. ALTERNATIVES:

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

#### 9. FEDERAL STANDARDS:

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

#### 10. COMPLIANCE SCHEDULE:

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

#### *Regulatory Flexibility Analysis*

##### *Small Businesses:*

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



## Local Government:

## 1. EFFECT OF RULE:

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

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

## 2. COMPLIANCE REQUIREMENTS:

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

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

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

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

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

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

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

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

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

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

- providing early childhood education programs;

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

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

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

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

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

## 3. PROFESSIONAL SERVICES:

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

## 4. COMPLIANCE COSTS:

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

5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY:

Economic feasibility is addressed in the Costs section above.

6. MINIMIZING ADVERSE IMPACT:

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

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

7. LOCAL GOVERNMENT PARTICIPATION:

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

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

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

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

*Rural Area Flexibility Analysis*

1. TYPES AND ESTIMATED NUMBER OF RURAL AREAS:

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

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

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

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

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

- holding public meetings with parents, teachers and community members at least quarterly during the school year to provide information and solicit input regarding the planning, implementation and operations of the community school. Such meetings shall be held in accordance with the requirements of subparagraph (c)(1)(iii) of this section;
- providing written notices and communications regarding the planning, implementation and operations of the community school to parents, teachers, other school personnel, and community members as often as practicable through means that shall include but need not be limited to email and posting on the district's internet website, if one exists. All such notices and communications shall be provided in English and translated, to the extent practicable, into the recipient's native language or mode of communication;
- ensuring that such meetings, notices, and communications provide parents, teachers, and community members with meaningful opportunities to provide input and feedback by providing a variety of widely accessible methods of communication, such as email, telephone, and/or access to the community school site coordinator and/or the steering committee; and
- submitting quarterly written reports to the Commissioner in a form and format prescribed by the Commissioner containing specific informa-

tion about the progress of the planning, implementation, and operations of the community schools grant and the requirements of this subdivision.

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

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

- providing a community school site coordinator at each struggling or persistently struggling school receiving a grant pursuant to this subdivision. The school district shall designate a full-time staff person to serve as the community school site coordinator at each such school who shall assist the school receiver in implementing the grant, including but not limited to managing the development of the community school strategy for that school, coordinating and integrating service delivery at the school, ensuring the maintenance and sustainability of the community school, and consulting and coordinating with any other community school site coordinators designated pursuant to this clause, if applicable. If there are circumstances that do not justify the assignment of a full-time staff person to serve as the community school coordinator for each school (e.g., the designated school is a small rural school and a full-time coordinator is not needed), or if the designation of one full-time site coordinator for multiple schools would be more effective (e.g., if the two schools designated in the district are small schools in close proximity and a full-time coordinator could serve both schools), the school may apply to the Commissioner for a waiver from this requirement;
- improving parent engagement, which may include but need not be limited to designating a family outreach coordinator, providing parents and families with information on and opportunities to participate in their child's education and school community, including participation on the school's community engagement team established pursuant to this section; in the process of local stakeholder consultation conducted pursuant to this section; in the community-wide needs assessment conducted pursuant to this section; on the steering committee established by these regulations; and in family literacy programs, including early childhood education, interactive literacy activities between parents and their children, and training for parents regarding how to be the primary teacher for their children and full partners in the education of their children;
- providing early childhood education programs;
- offering professional development specific to the unique needs of students enrolled in a community school and their families. Such unique needs may be determined through measures including but not limited to surveys of students, families and teachers; focus group meetings with parents, students and teachers; and/or results of comprehensive school and community needs assessments, which may be the comprehensive school and community needs assessment conducted pursuant to these regulations, if one has been conducted for the specific school. Such professional development shall include but not be limited to job-embedded professional development with an emphasis on strategies that involve teacher input and feedback as well as professional development for administrators at the school with an emphasis on strategies that develop leadership skills, use of principles of distributive leadership, and instructional supervision;
- conducting community-wide needs assessments, provided that, if a comprehensive school and community needs assessment regarding the

school has already been conducted, such needs assessment may be used for this purpose;

- creating a steering committee to provide feedback and guidance. Such steering committee shall be made up of various school and community stakeholders, which shall include but need not be limited to, the school principal, parents of or persons in parental relation to students attending the school, teachers and other school staff assigned to the school, and students attending the school; provided that, in the case of a designated school that does not serve students in grade seven or above, the steering committee need not include students; provided further that a community engagement team established pursuant to section 100.19 may also serve as the steering committee; and
- constructing or renovating spaces within such school buildings to serve as health suites, adult education spaces, guidance suites, resource rooms, remedial rooms, parent/community rooms, and career and technical education classrooms, plus any other capital costs necessary to implement a community school.

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

### 3. COMPLIANCE COSTS:

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

### 4. MINIMIZING ADVERSE IMPACT:

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

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

### 5. RURAL AREA PARTICIPATION:

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

### Job Impact Statement

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

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

### Assessment of Public Comment

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

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

### Teacher Certification Examination Requirements

**I.D. No.** EDU-44-16-00013-EP

**Filing No.** 958

**Filing Date:** 2016-10-18

**Effective Date:** 2016-10-18

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

**Proposed Action:** Amendment of section 80-1.5 of Title 8 NYCRR.

**Statutory authority:** Education Law, sections 207(not subdivided), 305(1), (2), 3001(2), 3004(1), 3006(1) and 3009

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

**Specific reasons underlying the finding of necessity:** Despite the high pass rates on the new and revised certification examinations by candidates who have completed preparation programs and have been recommended for certification, the field has expressed concern about the pass rates for candidates who have not completed a preparation program and have not yet been recommended for certification. In response to concerns from the field regarding the upcoming release of a new set of Content Specialty Tests in November 2016, the Department has presented emergency regulations to revise the current safety nets for all of the revised Content Specialty Tests to eliminate the requirement that these candidates take and fail the revised CSTs before passing the predecessor content specialty examination. For those Content Specialty Tests currently operational prior to this amendment, the revised safety net will expire on June 30, 2017. For those revised Content Specialty Tests to be released in November 2016, the safety net will expire on June 30, 2019.

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 2017 Regents meeting. Furthermore, pursuant to SAPA section 203(1), the earliest effective date of the proposed amendment, if adopted at the January 2017 Regents meeting is January 25, 2017, the date a Notice of Adoption would be published in the State Register. However, emergency action is needed to ensure that candidates who take one of the revised CSTs are aware of the changes to the existing safety option for the CST—i.e., that candidates can take either the predecessor CST or the CST until June 30, 2017 for those CSTs already operational, and until June 30, 2019 for those CSTs which will become operational in November 2016.

It is anticipated that the emergency rule will be presented to the Board of Regents for adoption as a permanent rule at the January 2017 Regents meeting, which is the first scheduled meeting after expiration of the 45-day public comment period mandated by the State Administrative Procedure Act for proposed rulemakings.

**Subject:** Teacher certification examination requirements.

**Purpose:** To establish additional safety nets for the content specialty examinations.

**Text of emergency/proposed rule:** 1. Subdivision (c) of section 80-1.5 of the Regulations of the Commissioner of Education shall be amended, effective October 18, 2016, to read as follows:

(c) [Notwithstanding] *Except as otherwise prescribed in this subdivision, notwithstanding any applicable provisions of Subparts 80-1, 80-3, 80-4 and 80-5 of this Part or any other provision of rule or regulation to the contrary, a candidate who applies for and meets all the requirements for a certificate on or before June 30, 2018, except that such candidate does not achieve a satisfactory level of performance on one or more of the new certification examinations (the academic literacy skills test and/or the teacher performance assessment) or the revised content specialty examination(s), as prescribed by the Commissioner, that is/are required for the certificate title sought, [and such examination(s) was/were taken and failed on or after September 1, 2013 through June 30, 2017] may instead use one or more of the following safety net options, in lieu of taking, retaking one or more of such new and/or revised certification examinations:*

(1) . . .

(2) . . .

[(3) . . .]

(3) *Content Specialty Test.*

(i) *Except as otherwise provided in subparagraphs (ii), (iii) and (iv) of this paragraph, a candidate who takes and fails to achieve a satisfactory level of performance on any of the revised content specialty examinations from May 1, 2015 through October 17, 2016, in the candidate's certification area, may, in lieu of retaking such revised content specialty test:*

(a) *receive a satisfactory score on the predecessor content specialty examination after receipt of his/her failing score on the revised content specialty test; or*

(b) *pass the predecessor content specialty examination on or before the new certification examination requirements become operational.*

(ii) *A candidate who applies for certification on or after October 18, 2016 and/or who has a pending application for certification on file with the Office of Teaching Initiatives on October 18, 2016, as determined by the Department, may receive a satisfactory passing score on either the revised content specialty test or the predecessor content specialty exam (even if the candidate took and passed the predecessor examination on or before October 18, 2016) until June 30, 2017.*



(iii) For revised content specialty tests that become operational on or after October 18, 2016, a candidate may take and receive a satisfactory passing score on either the revised content specialty test or the predecessor content specialty exam until June 30, 2019.

[(iii)] (iv) A candidate who takes and fails to achieve a satisfactory level of performance on part two of the new multi-subject: secondary teachers grade 7 - grade 12 content specialty test, if required for the certificate area sought and he/she received a satisfactory level of performance on parts one and three of such test on or after September 1, 2014 through [June 30, 2017] June 30, 2018, may, in lieu of retaking part two of such examination:

(a) present the Department with sufficient evidence of satisfactory completion of the mathematics tutorial approved by the Department prior to June 30, [2017] 2018; and

(b) submit an attestation on or before June 30, [2017] 2018, on a form prescribed by the Commissioner, attesting that the candidate has:

(i) demonstrated comparable mathematical skills to what is required by part two of the multi-subject (7-12) content specialty examination through course completion by completing a minimum of three semester hours in mathematics coursework satisfactory to the commissioner; and

(ii) received a cumulative grade of a 3.0 or higher, or the substantial equivalent, in such coursework.

**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 15, 2017.

**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:** Peg Rivers, State Education Department, Office of Higher Education, Room 979 EBA, 89 Washington Ave., Albany, NY 12234, (518) 486-3633, email: regcomments@nysed.gov

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

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

#### Regulatory Impact Statement

##### 1. STATUTORY AUTHORITY:

Education Law § 101(not subdivided) charges the Department with the general management and supervision 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 § 215 authorizes the Commissioner to require reports from schools under State educational supervision.

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

Education Law § 3004(1) authorizes the Commissioner to prescribe, subject to approval of the Regents, regulations governing the examination and certification of teachers.

Education Law § 3006(1) authorizes the Commissioner to issue teaching certificates.

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

##### 2. LEGISLATIVE OBJECTIVES:

The proposed amendments to section 80-1.5 of the Regulations of the Commissioner of Education creates a new safety net that will allow candidates to take and pass either the revised content specialty test or the predecessor content specialty test for certification, for both the currently operational redeveloped CSTs and the newly operational CSTs. The safety net for the newly operational CSTs will expire on June 30, 2019, and the safety net for the currently operational CSTs will expire on June 30, 2017. The proposed amendment also extends the current safety net for the Multi-Subject 7-12 Part Two: mathematics CST until June 30, 2018.

##### 3. NEEDS AND BENEFITS:

###### Current Safety Net Requirements:

Section 80-1.5 of the Commissioner's regulations currently requires candidates to take and fail the redeveloped CST (where one is available) before qualifying for the safety net, which allows candidates to take and pass the predecessor CST in lieu of passing the revised CST for certification. The current safety net for all required teacher certification exams expires on June 30, 2017.

###### Proposed Amendment:

###### Safety Net for Newly Operational single subject CSTs:

For the 14 CSTs that will be released in November 2016, the Department is proposing a new safety net that will allow candidates to take and pass either the revised CST or the predecessor CST for certification. Based

on concerns from the field, the Department believes this will provide teacher education programs with additional time to prepare for the revised CSTs. This policy serves to help relieve some of the financial burden on candidates because they will not be required to take and fail the revised CST before taking the predecessor CST. This safety net will expire on June 30, 2019.

###### Currently Operational Redeveloped single subject CSTs:

In making the change to the safety net for the newly operational CSTs (those being released in November 2016), the Department also proposes making conforming changes to the existing safety nets for the currently operational revised CSTs (those CSTs that became operational in September 2014 or 2015) to allow candidates who apply for certification on or after October 18, 2016 or who have a pending certification application with the Department to take and pass either the revised CST or the predecessor CST for certification (even if the candidate took and passed the predecessor examination on or before October 18, 2016). This safety net for those currently operational CSTs will expire on June 30, 2017. These safety nets will expire before the safety net for the newly revised tests (those being released in November 2016) because those students and institutions have already had time to prepare for the revised exams since those examinations will have been operational for over two years before the safety net expires.

###### Safety Net for the Multi-subject CSTs:

For MSTs B-2, 1-6, and 5-9, the Board of Regents enacted regulations for candidates who take and fail one or more parts of the MST B-2, 1-6, and 5-9, on or before June 30, 2017, to take and pass the predecessor Multi-Subject exam. The proposed amendment allows a candidate on or after October 18, 2016 through June 30, 2017, to receive either a satisfactory passing score on the revised MST B-2, 1-6, and 5-9 or the predecessor MST B-2, 1-6, and 5-9. This safety net will expire on June 30, 2017.

**Safety Net for the Multi-Subject: Secondary Teachers Grade 7- grade 12 Specialty Test**

In order to be eligible for the Multi-Subject: secondary teachers 7-12 (mathematics) safety net, a candidate must pass Part One (Literacy and English Language Arts) and Part Three (Arts and Sciences) of the Multi-Subject: Secondary Teachers Grade 7 - Grade 12 CST and then take and fail Part Two (Mathematics) of the CST and then complete a mathematics tutorial that will be provided to candidates who qualify. The tutorial is intended to review mathematics lessons aligned to the New York State Learning Standards for mathematics comparable to the content on Part Two of the Multi-Subject: Secondary Teachers Grade 7 - Grade 12 test. The tutorial also prompts candidates to answer certain questions to review the skills needed to prepare them for the math portion of the Multi-Subject: Secondary Teachers Grade 7 - Grade 12.

Upon completion of the mathematics tutorial, candidates must then submit an attestation and transcript, attesting that they have completed at least one college mathematics course (3 semester hours) and received a grade of 3.0 or higher or the substantial equivalent in that course.

The Department is currently bringing together a team of educators to review Part II (the math component) of this examination to determine if it is of appropriate rigor. While the educator panel reviews this portion of the examination, the Department recommends extending this safety net until June 30, 2018.

##### 4. COSTS:

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

b. Costs to local government: The amendment does not impose any costs on local government, including school districts and BOCES, and teacher certification candidates. In fact, the proposed amendment may result in a cost savings to candidates because they will no longer be required to take and fail (and pay for) the revised CST before qualifying to take the predecessor safety net exam (and paying again to take the safety net exam).

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 amendment does create any additional paperwork requirements on candidates seeking to take the teacher certification exams affected by the proposed changes.

##### 7. DUPLICATION:

The rule does not duplicate existing State or Federal requirements.

##### 8. ALTERNATIVES:

The amendments seek to provide programs additional time to prepare their students for the content specialty tests. The safety net for the newly

operational CSTs expires on June 30, 2019. In making the change to the safety net for the newly operational CSTs, the amendment also makes conforming changes to the existing safety nets for the currently operational CSTs to allow candidates who apply for certification on or after October 18, 2016 or who have a pending certification application with the Department to take and pass either the revised CST or the predecessor CST for certification (even if the candidate took and passed the predecessor examination on or before October 18, 2016). The conforming changes to the existing safety nets were proposed in order to create alternatives for the candidates, such that they may choose to take either the revised or the predecessor CST. There are no additional alternatives to this amendment.

#### 9. FEDERAL STANDARDS:

There are no applicable Federal standards directly relating to the exam requirements for teacher certification.

#### 10. COMPLIANCE SCHEDULE:

It is anticipated that the proposed amendment will be adopted by the Board of Regents as an emergency action at its October 2016 meeting, effective October 18, 2016. It is anticipated that the proposed amendment would come before the Board of Regents for permanent adoption at its January 2017 meeting. If adopted at the January 2017 meeting, the proposed amendment would then become effective as a permanent rule on January 25, 2017.

#### *Regulatory Flexibility Analysis*

The purpose of the proposed amendment is to address concerns that programs have not had adequate time to prepare students for the new and revised certification exams—specifically the newly operational (November 2016) content specialty tests (CSTs). The proposed amendment allows TEACHING candidates to take and pass either the revised CST or the predecessor CST for certification, for all currently operational redeveloped CSTs and newly operational CSTs. The safety net for the newly operational CSTs will expire on June 30, 2019, and the safety net for the currently operational CSTs will expire on June 30, 2017. The proposed amendment also extends the current safety net for the Multi-Subject 7-12 Part Two: mathematics CST until June 30, 2018.

The proposed rule does not impose any reporting, 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 amendment that it does not affect small businesses or local governments, no further steps were needed to ascertain that fact and one was 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:

The proposed amendment applies to all candidates applying for teacher certification who take the content specialty tests (CSTs) between October 18, 2016 and June 30, 2017 (for currently operational CSTs) and until June 30, 2019 (for newly operational examinations), and those candidates who took and passed the predecessor CSTs on or before October 18, 2016, 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:

###### Current Safety Net Requirements:

Section 80-1.5 of the Commissioner's regulations currently requires candidates to take and fail the redeveloped CST (where one is available) before qualifying for the safety net, which allows candidates to take and pass the predecessor CST in lieu of passing the revised CST for certification. The current safety net for all required teacher certification exams expires on June 30, 2017.

###### Proposed Amendment:

###### Safety Net for Newly Operational single subject CSTs:

For the 14 CSTs that will be released in November 2016, the Department is proposing a new safety net that will allow candidates to take and pass either the revised CST or the predecessor CST for certification. Based on concerns from the field, the Department believes this will provide teacher education programs with additional time to prepare for the revised CSTs. This policy serves to help relieve some of the financial burden on candidates because they will not be required to take and fail the revised CST before taking the predecessor CST. This safety net will expire on June 30, 2019.

###### Currently Operational Redeveloped single subject CSTs:

In making the change to the safety net for the newly operational CSTs (those being released in November 2016), the Department also proposes making conforming changes to the existing safety nets for the currently operational revised CSTs (those CSTs that became operational in September 2014 or 2015) to allow candidates who apply for certification on or after October 18, 2016 or who have a pending certification application with

the Department to take and pass either the revised CST or the predecessor CST for certification (even if the candidate took and passed the predecessor examination on or before October 18, 2016). This safety net for those currently operational CSTs will expire on June 30, 2017. These safety nets will expire before the safety net for the newly revised tests (those being released in November 2016) because those students and institutions have already had time to prepare for the revised exams since those examinations will have been operational for over two years before the safety net expires.

###### Safety Net for the Multi-subject CSTs:

For MSTs B-2, 1-6, and 5-9, the Board of Regents enacted regulations for candidates who take and fail one or more parts of the MST B-2, 1-6, and 5-9, on or before June 30, 2017, to take and pass the predecessor Multi-Subject exam. The proposed amendment allows a candidate on or after October 18, 2016 through June 30, 2017, to receive either a satisfactory passing score on the revised MST B-2, 1-6, and 5-9 or the predecessor MST B-2, 1-6, and 5-9. This safety net will expire on June 30, 2017.

###### Safety Net for the Multi-Subject: Secondary Teachers Grade 7- grade 12 Specialty Test

In order to be eligible for the Multi-Subject: 7-12 Part Two: mathematics safety net, a candidate must pass Part One (Literacy and English Language Arts) and Part Three (Arts and Sciences) of the Multi-Subject: 7-12 and then take and fail Part Two (Mathematics) of the CST and then complete a mathematics tutorial that will be provided to candidates who qualify. The tutorial is intended to review mathematics lessons aligned to the New York State Learning Standards for mathematics comparable to the content on Part Two of the Multi-Subject: 7-12 test. The tutorial also prompts candidates to answer certain questions to review the skills needed to prepare them for the math portion of the Multi-Subject: 7-12.

Upon completion of the mathematics tutorial, candidates must then submit an attestation and transcript, attesting that they have completed at least one college mathematics course (3 semester hours) and received a grade of 3.0 or higher or the substantial equivalent in that course.

The Department is currently bringing together a team of educators to review Part Two (the math component) of this examination to determine if it is of appropriate rigor. While the educator panel reviews this portion of the examination, the Department recommends extending this safety net until June 30, 2018. No professional services are needed to comply with the proposed amendment.

###### 3. COSTS:

The proposed amendment does not impose any costs on State government or local governments, including those located in rural areas of the State, beyond those imposed by statute.

###### 4. MINIMIZING ADVERSE IMPACT:

The amendments seek to provide programs additional time to prepare their students for the CSTs. The safety net for the newly operational CSTs expires on June 30, 2019. In making the change to the safety net for the newly operational CSTs, the amendment also makes conforming changes to the existing safety nets for the currently operational CSTs to allow candidates who apply for certification on or after October 18, 2016 or who have a pending certification application with the Department to take and pass either the revised CST or the predecessor CST for certification (even if the candidate took and passed the predecessor examination on or before October 18, 2016). The conforming changes to the existing safety nets were proposed in order to create alternatives for the candidates, such that they may choose to take either the revised or the predecessor CST. There are no additional alternatives to this amendment.

###### 5. RURAL AREA PARTICIPATION:

The Department has sent a copy of the proposed amendment to the Rural Advisory Committee for comment.

#### *Job Impact Statement*

The purpose of the proposed amendment is to address concerns that programs have not had adequate time to prepare students for the new and revised certification exams—specifically the newly operational (November 2016) content specialty tests (CSTs). The proposed amendment allows candidates to take and pass either the revised CST or the predecessor CST for certification, for all currently operational redeveloped CSTs and newly operational CSTs. The safety net for the newly operational CSTs will expire on June 30, 2019, and the safety net for the currently operational CSTs will expire on June 30, 2017. The proposed amendment also extends the current safety net for the Multi-Subject 7-12 Part Two: mathematics CST until June 30, 2018. While the proposed rule may increase the number of qualified certified teachers to fill jobs in New York State, it will have no impact on the number of jobs or employment opportunities in New York State beyond those imposed by statute. 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.



**NOTICE OF EMERGENCY  
ADOPTION  
AND REVISED RULE MAKING  
NO HEARING(S) SCHEDULED**

**Superintendent Determination As to Academic Proficiency for Certain Students with Disabilities to Graduate with a Local Diploma**

**I.D. No.** EDU-27-16-00002-ERP

**Filing No.** 964

**Filing Date:** 2016-10-18

**Effective Date:** 2016-11-02

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

**Action Taken:** Amendment of section 200.4(d)(2)(ix); and addition of section 100.5(d)(12) to Title 8 NYCRR.

**Statutory authority:** Education Law, sections 101(not subdivided), 207(not subdivided), 208(not subdivided), 209(not subdivided), 305(1), (2), 308(not subdivided), 309(not subdivided), 3204(3) and (4)

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

**Specific reasons underlying the finding of necessity:** All students with disabilities must be held to high expectations and be provided meaningful opportunities to participate and progress in the general education curriculum to prepare them to graduate with a regular high school diploma. The majority of students with disabilities can meet the State's learning standards for graduation. However, there are some students who, because of their disabilities, are unable to demonstrate their proficiency on standard State assessments, even with testing accommodations. For these students, the proposed amendment, which was adopted by the Board of Regents at its June 2016 meeting, provides a superintendent review option in order for certain students with disabilities to graduate with a local diploma, beginning with students graduating in June 2016.

The proposed amendment was readopted as a second emergency measure, effective September 18, 2016, to ensure that the emergency rule adopted at the June Regents meeting remained continuously in effect until it could be adopted as a permanent rule.

The proposed amendment has now been substantially revised in response to public comment. For instance, section 100.5(d)(12)(iii) of the proposed amendment has been added to provide that on or after October 18, 2016 a superintendent may only make a determination whether a student has met the requirements for graduation through the superintendent determination pathway option upon receipt of a written request from an eligible student's parent or guardian. In order to ensure appropriate transition planning, section 200.4 has also been amended to require that the development of transition goals and services must include a discussion with the student's parents of the student's progress toward receiving a diploma and that parents be provided with information explaining graduation requirements, including eligibility criteria and process for requesting the superintendent determination.

It is anticipated that the revised rule will be presented for adoption as a permanent rule at the December 2016 Regents meeting, which is the first scheduled meeting after expiration of the 30 day public comment period prescribed in the State Administrative Procedure Act for State agency rule makings. A third emergency adoption is necessary to immediately adopt the revisions made in response to public comment and to otherwise ensure that the rule remains continuously in effect until the effective date of its adoption as a permanent rule, and thereby ensure that certain students with disabilities who are graduating from high school and their parents are aware that if they do not meet the graduation standards through the existing appeal and safety net options, that the student's parent may request that the superintendent make a determination as to whether the student has met the academic standards and is eligible for a diploma if the student meets the requirements of the proposed amendment. It is also necessary to ensure that superintendents are on notice that upon receipt of a written request from an eligible student's parent, they must make a determination as to whether certain students with disabilities are eligible for local diploma if the student meets the requirements of the proposed amendment.

**Subject:** Superintendent determination as to academic proficiency for certain students with disabilities to graduate with a local diploma.

**Purpose:** To expand the safety net options for students with disabilities to graduate with local diplomas when certain conditions are met.

**Text of emergency/revised rule:** 1. The emergency action taken at the September 2016 Regents meeting to add a new paragraph (12) to subdivi-

sion (d) of section 100.5 of the Regulations of the Commissioner of Education, is rescinded, effective October 17, 2016.

2. A new paragraph (12) shall be added to subdivision (d) of section 100.5 of the Regulations of the Commissioner of Education, effective October 18, 2016, to read as follows:

(12) Superintendent determination pathway for certain students with disabilities for eligibility for a local diploma.

(i) For purposes of this paragraph only, superintendent shall mean the superintendent of a school district or the principal, head of school, or their equivalent, of a charter school or nonpublic school, as applicable.

(ii) School districts, registered nonpublic high schools and charter schools shall ensure that every student who is identified as a student with a disability as defined in Education Law section 4401(1) and section 200.1(zz) of this Title and who does not meet the assessment requirements for graduation through the existing appeal options, including the compensatory score option or the 55-64 low pass safety net option available under this section but who is otherwise eligible to graduate in June 2016 and thereafter shall be considered for a local diploma through the superintendent determination pathway in accordance with the requirements of this paragraph, provided that the student:

(a) has a current individualized education program and is receiving special education programs and/or related services pursuant to Education Law section 4402 and section 200.4 of this Title; and

(b) took the English Regents examination required for graduation pursuant to this section and achieved a minimum score of 55 or successfully appealed a score of between 52 and 54 on such examination pursuant to paragraph (7) of this subdivision; and

(c) took a mathematics Regents examination required for graduation pursuant to this section and achieved a minimum score of 55 or successfully appealed a score of between 52 and 54 on such examination pursuant to paragraph (7) of this subdivision; and

(d) participated in the remaining Regents examinations required for graduation pursuant to clauses (c), (d), (e) and (f) of subparagraph (a)(5)(i) of this section, but was unable to achieve a minimum score of 55 on one or more of the remaining assessments required for graduation or did not initiate an appeal of a score of between 52 and 54 on one or more such examinations pursuant to paragraph (7) of this subdivision, or was unable to use the compensatory score option for one or more such examinations pursuant to clause (b)(7)(vi)(c) of this section; and

(e) has earned the required course credits pursuant to this section and passed, in accordance with district policy, all courses required for graduation.

(iii) For each eligible student under this paragraph, the superintendent shall conduct a review to determine whether the student has otherwise demonstrated proficiency in the knowledge, skills and abilities in the subject area(s) where the student was not able to demonstrate his/her proficiency of the State's learning standards as measured by the corresponding Regents examination(s) and document such determination in accordance with the following procedures:

(a) the superintendent shall consider evidence that the student attained a grade for the course that meets or exceeds the required passing grade by the school for the subject area(s) under review and such grade is recorded on the student's official transcript with grades achieved by the student in each quarter of the school year. Such evidence may include, but need not be limited to, the student's final course grade, student work completed throughout the school year and/or any interim grades on homework, class work, quizzes and tests; and

(b) the superintendent shall consider the evidence that demonstrates that the student actively participated in the Regents examination(s) for the subject area(s) under review; and

(c) the superintendent shall, as soon as practicable, in a form and manner prescribed by the commissioner, document the evidence reviewed for an eligible student with disability under this paragraph and make a determination as to whether the student met the requirements for issuance of a local diploma pursuant to this paragraph and certify that the information provided is accurate; and

(d) the superintendent shall, as soon as practicable, provide each student and parent or person in parental relation to the student with a copy of the completed form and written notification of the superintendent's determination, and place a copy of the completed form in the student's record.

(1) Where the superintendent determines that the student has not met the requirements for graduation pursuant to this paragraph, the written notice shall inform the student and parent or person in parental relation to the student that the student has the right to attend school until receipt of a local or Regents diploma or until the end of the school year in which the student turns age 21, whichever shall occur first.

(2) Where the superintendent determines that the student has met the requirements for graduation pursuant to this paragraph, the parent shall receive prior written notice pursuant to the requirements of sec-

tion 200.5(a)(5)(ii) of this Title indicating that the student is not eligible to receive a free appropriate public education after graduation with the receipt of the local diploma pursuant to this paragraph; and

(e) the superintendent shall, no later than August 31 of each year, provide the commissioner with a copy of the completed form for each student; and

(f) the commissioner may conduct audits of compliance with the requirements of this paragraph.

(iv) On or after October 18, 2016, a superintendent shall only make a determination under this paragraph upon receipt of a written request from an eligible student's parent or guardian. Such request shall be submitted in writing to the student's school principal or chairperson of the district's committee on special education. A written request received by the school principal, chairperson of the district's committee on special education, or any other employee of the school as applicable, shall be forwarded to school superintendent immediately upon its receipt.

2. Clause (c) of subparagraph (i) of paragraph (7) of subdivision (d) of section 100.5 of the Regulations of the Commissioner is amended, effective October 18, 2016, 2016, as follows:

(c) A student who is otherwise eligible to graduate in January 2016 or thereafter, is identified as a student with a disability as defined in section 200.1(zz) of this Title, and fails, after at least two attempts, to attain a score of 55 or above on up to two of the required Regents examinations for graduation shall be given an opportunity to appeal such score in accordance with the provisions of this paragraph for purposes of graduation with a local diploma, provided that the student:

(1) has scored within three points of a score of 55 on the required Regents examination under appeal and has attained at least a 65 course average in the subject area of the Regents examination under appeal; and

(2) has met the criteria specified in subclauses (a)(2)-(4) of this subparagraph.

[Notwithstanding the provisions of this clause, a student with a disability who makes use of the compensatory option in clause (b)(7)(vi)(c) of this section to obtain a local diploma may not also appeal a score below 55 on the English language arts or mathematics Regents examinations pursuant to this clause.]

3. Subparagraph (ix) of paragraph (2) of subdivision (d) of section 200.4 of the Regulations of the Commissioner is amended, effective October 18, 2016, as follows:

(ix) Transition services. (a) For those students beginning not later than the first IEP to be in effect when the student is age 15 (and at a younger age, if determined appropriate), and updated annually, the IEP shall, under the applicable components of the student's IEP, include:

- [(a)] (1) ...
- [(b)] (2) ...
- [(c)] (3) ...
- [(d)] (4) ...
- [(e)] (5) ...

(b) To ensure appropriate transition planning for the student, the development of transition goals and services pursuant to subclause (a) of this clause, shall include a discussion with the student's parents of:

(1) the graduation requirements that apply to the student depending upon the year in which he or she first enters grade nine;

(2) how the student is progressing toward receipt of a diploma including:

(i) the courses the student has passed and the number of credits the student has earned as required for graduation;

(ii) the assessments required for graduation that the student has taken and passed; and

(3) the appeal, safety net and superintendent determination pathway options that may be available to the student through section 100.5 of this Title to allow the student to meet the graduation assessment requirements.

(c) At the CSE meeting in which transition services will be discussed, the student's parents shall be provided with written information explaining the graduation requirements. Such information must include the eligibility criteria and processes for seeking an appeal to graduate with a lower score on a Regents examination and for requesting that a student be considered for a local diploma through the superintendent determination pathway pursuant to section 100.5 of this Title. Parents shall also be informed that graduation from high school with a local diploma or Regents diploma shall terminate their child's entitlement to a free public education pursuant to Education Law section 3202(1) and their eligibility for special education services pursuant to this Part.

**This notice is intended** to serve as both a notice of emergency adoption and a notice of revised rule making. The notice of proposed rule making was published in the *State Register* on July 6, 2016, I.D. No. EDU-27-16-00002-EP. The emergency rule will expire December 16, 2016.

**Emergency rule compared with proposed rule:** Substantial revisions were made in sections 100.5(d)(12) and 200.4(d)(2).

**Text of rule and any required statements and analyses may be obtained from:** Kirti Goswami, New York State Education Department, 89 Washington Avenue, Room 148, Albany, NY 12234, (518) 474-8966, email: legal@nysed.gov

**Data, views or arguments may be submitted to:** Angelica Infante, New York State Education Department, 89 Washington Avenue, Albany, NY 12234, (518) 474-5915, email: p12@nysed.gov

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

#### Revised 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 Regents and the Commissioner to adopt rules and regulations to carry out State laws regarding education and the functions and duties conferred on the State Education 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, and execute all educational policies determined by the 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 3204(3) and (4) sets forth the course of study and requires students with disabilities to receive a free appropriate public education.

##### 2. LEGISLATIVE OBJECTIVES:

The proposed rule is consistent with the authority conferred by the above statutes and is necessary to implement policy enacted by the Regents relating to a superintendent review option for students with disabilities to graduate with a local diploma.

##### 3. NEEDS AND BENEFITS:

It is essential that we have high expectations for what students with disabilities can learn and to provide reasonable accommodations for them to demonstrate that they have reached the standards. With these high expectations for students, we must also have high expectations for teaching with appropriate opportunities, supports, services and instruction provided to students with disabilities.

##### Superintendent's Review

The proposed amendment to the Commissioner's regulations was adopted to ensure that students with disabilities have demonstrated that they have met the State's learning standards. The proposed amendment requires superintendents (or the principal/head of school of a registered nonpublic school or charter school, as applicable) to review, document and provide a written certification/assurance that there is evidence that the student has otherwise met the standards for graduation with a local high school diploma. Based on public comment, the proposed amendment was revised at the October 2016 Regents meeting to require that on or after October 18, 2016 (the effective date of the revised rule), a superintendent may only make a determination whether an eligible student has met the requirements for graduation through the superintendent determination pathway option upon receipt of a written request from an eligible student's parent or guardian.

The conditions of the review are detailed below:

##### Applicability

This option is open to students with disabilities with a current Individualized Education Program (IEP) only.

##### Process

Under this pathway, a school superintendent has the responsibility to determine if a student with a disability has otherwise met the standards for graduation with a local diploma when such student has not been success-



ful, because of his/her disability, at demonstrating his/her proficiency on the Regents exams required for graduation.

**Conditions**

1. The student has a current IEP and is receiving special education programs and/or related services.

2. The student did not meet the graduation requirements through the low pass (55-64) safety net option<sup>1</sup> or the compensatory option<sup>2</sup> [section 100.5(b)(7)(vi)(c) and (d)(7)].

3. The student must have earned the required course credits and have passed, in accordance with district policy, all courses required for graduation, including the Regents courses to prepare for the corresponding required Regents exam areas (ELA, math, social studies, and science).

4. The student must have received a minimum score of 55 on both the Regents ELA and math exams or a successful appeal of a score between 52 and 54.

5. There must be evidence that the student participated in the other exams required for graduation pursuant to section 100.5(a)(5), but has not passed one or more of these as required for graduation.

6. In a subject area where the student was not able to demonstrate his/her proficiency of the State's learning standards through the corresponding Regents assessment required for graduation, there must be evidence that the student has otherwise demonstrated graduation level proficiency in the subject area.

**Review and Documentation**

In conducting a review to ensure the student has met the academic standards, the superintendent must consider evidence that demonstrates that the student:

1. Passed courses culminating in the exam required for graduation, in accordance with the grading policies of the district.

2. Actively participated in the exam required for graduation.

The superintendent must sign an assurance on the form that certifies that the information is accurate and the superintendent attests that the student has met graduation requirements. A copy of the form must be placed in the student's record and a copy must be submitted to the Department no later than by August 31st following the student's graduation.

**Decision**

A determination by the superintendent is final.

**Audit**

The Commissioner shall periodically audit the determinations granted by superintendents to ensure that conditions described above are being met.

**Allowance of Low Pass Appeal in Addition to Compensatory Option**

Prior to the adoption of the emergency rule at the June Regents meeting, students with disabilities who made use of the compensatory option described above were not eligible to also make use of the low pass appeal wherein they are able to appeal scores of 52-54. The amendment adopted in June removes this prohibition.

The proposed amendment also requires that the student and the parent of the student receive written notice of the superintendent's determination with the copy of the completed superintendent's determination form and, where the superintendent determines that the student has met the requirements for graduation, the district must provide prior written notice that the student is not eligible to receive a free appropriate public education after graduation with a local diploma. Where the superintendent determines that the student has not met the requirements for graduation, the written notice shall inform the student and his/her parent that the student has the right to attend school until receipt of a local or Regents diploma or until the end of the school year in which the student turns age 21, whichever shall occur first.

In addition, in order to ensure appropriate transition planning, amendments to section 200.4(d)(2)(ix) are proposed to require that, for students of transition age, the development of transition goals and services at a CSE meeting must include a discussion with the student's parents of the student's progress toward receiving a diploma and that parents be provided with information explaining graduation requirements, including eligibility criteria and process for requesting the superintendent determination.

**4. COSTS:**

(a) Costs to State: None.

(b) Costs to local governments: There may be costs associated with extending the population of students with disabilities that can earn a local diploma. School districts, BOCES and registered non-publics may also incur costs for the superintendent review and with recording the evidence reviewed and the decision rendered by the superintendent in these reviews.

However, these costs are anticipated to be minimal and capable of being absorbed by districts using existing staff and resources.

In the long term, the proposed amendment is expected to be a cost-saving measure in that it will boost the graduation rate, allowing more students to access higher education or enter the workforce with a high school diploma. Both of these outcomes will in turn stimulate workforce productivity and economic performance in local communities.

(c) Costs to private regulated parties: See (b) above.

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

**5. LOCAL GOVERNMENT MANDATES:**

The proposed amendment requires the school principal and superintendent to review, document and provide a written certification/assurance that there is evidence that a student eligible for superintendent review has otherwise met the standards for graduation with a local high school diploma. This only applies to students with disabilities with a current Individualized Education Program (IEP) only. On or after October 18, 2016 (the effective date of the revised rule), a superintendent may only make a determination whether an eligible student has met the requirements for graduation through the superintendent determination pathway option upon receipt of a written request from an eligible student's parent or guardian.

The proposed amendment further requires that the student and the parent of the student receive written notice of the superintendent's determination with the copy of the completed superintendent's determination form and, where the superintendent determines that the student has met the requirements for graduation, the district must provide prior written notice that the student is not eligible to receive a free appropriate public education after graduation with a local diploma. Where the superintendent determines that the student has not met the requirements for graduation, the written notice shall inform the student and his/her parent that the student has the right to attend school until receipt of a local or Regents diploma or until the end of the school year in which the student turns age 21, whichever shall occur first.

In order to ensure appropriate transition planning, the proposed amendments to section 200.4(d)(2)(ix) also require that, for students of transition age, the development of transition goals and services at a CSE meeting must include a discussion with the student's parents of the student's progress toward receiving a diploma and that parents be provided with information explaining graduation requirements, including eligibility criteria and process for requesting the superintendent determination.

**6. PAPERWORK:**

The proposed rule does not impose any significant paperwork requirements, upon local government, including school districts or BOCES. However, when a superintendent makes a determination that a student has met the requirements for a local diploma, he/she must sign an assurance certifying that the information is accurate and attesting that the student has met graduation requirements. A copy of the form must be placed in the student's record and a copy must be submitted to the Department no later than by August 31st following the student's graduation.

Also, see Section 5 Local Government Mandates for additional paperwork requirements.

**7. DUPLICATION:**

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

**8. ALTERNATIVES:**

There were no significant alternatives and none were considered. The proposed rule is necessary to implement Regents policy relating to safety net options for students with disabilities to graduate with a local diploma.

**9. FEDERAL STANDARDS:**

There are no related federal standards in this area.

**10. COMPLIANCE SCHEDULE:**

Beginning with students with disabilities who are otherwise eligible to graduate in June 2016 and thereafter, a school superintendent (or the principal of a registered nonpublic school or charter school, as applicable) has the responsibility to determine if a student with a disability has otherwise met the standards for graduation with a local diploma when such student has not been successful, because of his/her disability, at demonstrating his/her proficiency on the Regents exams required for graduation. On or after October 18, 2016 (the effective date of the revised rule), a superintendent may only make a determination whether an eligible student has met the requirements for graduation through the superintendent determination pathway option upon receipt of a written request from an eligible student's parent or guardian.

<sup>1</sup> A student also has the option to appeal a score of 52-54 on up to two Regents exams pursuant to section 100.5(b)(7)(vi)(c). While the appeal option exists, it is not required in order for a student to be considered for the superintendent's determination option.

<sup>2</sup> A student also has the option to appeal the ELA and/or math scores pursuant to section 100.5(d)(7). While the appeal option exists, it is not required in order for a student to be considered for the superintendent's determination option.

**Revised Regulatory Flexibility Analysis**

(a) Small businesses:

The proposed amendment is necessary to implement policy enacted by

the Board of Regents relating to a the expansion of the available safety net options for students with disabilities to graduate with a local diploma upon the determination of the superintendent that such student has met certain other conditions for graduation. The proposed amendment requires the school principal and superintendent to review, document and provide a written certification/assurance that there is evidence that the student has otherwise met the standards for graduation with a local high school diploma. Because ELA and math are foundation skills for which there must be a standardized measure of achievement, this option does require a minimum score on the ELA and math Regents exams. However, for the other three exams required for graduation, this option allows review of other documentation of proficiency when the student cannot pass one or more of these exams.

Because it is evident from the nature of the proposed amendment that it does not affect small businesses, no further measures were needed to ascertain that fact and none were taken. Accordingly, a regulatory flexibility analysis for small businesses is not required and one has not been prepared.

(b) Local governments:

1. EFFECT OF RULE:

The proposed amendment applies to each of the 689 public school districts in the State, and to charter schools and nonpublic schools that are authorized to issue regular high school diplomas with respect to State assessments and high school graduation and diploma requirements.

2. COMPLIANCE REQUIREMENTS:

Superintendent's Review

The proposed amendment to the Commissioner's regulations was adopted to ensure that students with disabilities have demonstrated that they have met the State's learning standards. The proposed amendment requires superintendents (or the principal/head of school of a registered nonpublic school or charter school, as applicable) to review, document and provide a written certification/assurance that there is evidence that the student has otherwise met the standards for graduation with a local high school diploma. Based on public comment, the proposed amendment was revised at the October 2016 Regents meeting to require that on or after October 18, 2016 (the effective date of the revised rule), a superintendent may only make a determination whether an eligible student has met the requirements for graduation through the superintendent determination pathway option upon receipt of a written request from an eligible student's parent or guardian.

The conditions of the review are detailed below:

Applicability

This option is open to students with disabilities with a current Individualized Education Program (IEP) only.

Process

Under this pathway, a school superintendent has the responsibility to determine if a student with a disability has otherwise met the standards for graduation with a local diploma when such student has not been successful, because of his/her disability, at demonstrating his/her proficiency on the Regents exams required for graduation.

Conditions

1. The student has a current IEP and is receiving special education programs and/or related services.

2. The student did not meet the graduation requirements through the low pass (55-64) safety net option<sup>1</sup> or the compensatory option<sup>2</sup> [section 100.5(b)(7)(vi)(c) and (d)(7)].

3. The student must have earned the required course credits and have passed, in accordance with district policy, all courses required for graduation, including the Regents courses to prepare for the corresponding required Regents exam areas (ELA, math, social studies, and science).

4. The student must have received a minimum score of 55 on both the Regents ELA and math exams or a successful appeal of a score between 52 and 54.

5. There must be evidence that the student participated in the other exams required for graduation pursuant to section 100.5(a)(5), but has not passed one or more of these as required for graduation.

6. In a subject area where the student was not able to demonstrate his/her proficiency of the State's learning standards through the corresponding Regents assessment required for graduation, there must be evidence that the student has otherwise demonstrated graduation level proficiency in the subject area.

Review and Documentation

In conducting a review to ensure the student has met the academic standards, the superintendent must consider evidence that demonstrates that the student:

1. Passed courses culminating in the exam required for graduation, in accordance with the grading policies of the district.

2. Actively participated in the exam required for graduation.

The superintendent must sign an assurance on the form that certifies that the information is accurate and the superintendent attests that the

student has met graduation requirements. A copy of the form must be placed in the student's record and a copy must be submitted to the Department no later than by August 31st following the student's graduation.

Decision

A determination by the superintendent is final.

Audit

The Commissioner shall periodically audit the determinations granted by superintendents to ensure that conditions described above are being met.

Allowance of Low Pass Appeal in Addition to Compensatory Option

Prior to the adoption of the emergency rule at the June Regents meeting, students with disabilities who made use of the compensatory option described above were not eligible to also make use of the low pass appeal wherein they are able to appeal scores of 52-54. The amendment adopted in June removes this prohibition.

The proposed amendment also requires that the student and the parent of the student receive written notice of the superintendent's determination with the copy of the completed superintendent's determination form and, where the superintendent determines that the student has met the requirements for graduation, the district must provide prior written notice that the student is not eligible to receive a free appropriate public education after graduation with a local diploma. Where the superintendent determines that the student has not met the requirements for graduation, the written notice shall inform the student and his/her parent that the student has the right to attend school until receipt of a local or Regents diploma or until the end of the school year in which the student turns age 21, whichever shall occur first.

In addition, in order to ensure appropriate transition planning, amendments to section 200.4(d)(2)(ix) are proposed to require that, for students of transition age, the development of transition goals and services at a CSE meeting must include a discussion with the student's parents of the student's progress toward receiving a diploma and that parents be provided with information explaining graduation requirements, including eligibility criteria and process for requesting the superintendent determination.

3. PROFESSIONAL SERVICES:

The proposed rule does not impose any additional professional services requirements on local governments.

4. COMPLIANCE COSTS:

There may be costs associated with extending the population of students with disabilities that can earn a local diploma. School districts, BOCES and registered non-publics may also incur costs for the superintendent review and with recording the evidence reviewed and the decision rendered by the superintendent in these reviews. However, these costs are anticipated to be minimal and capable of being absorbed by districts using existing staff and resources.

In the long term, the proposed amendment is expected to be a cost-saving measure in that it will boost the graduation rate, allowing more students to access higher education or enter the workforce with a high school diploma. Both of these outcomes will in turn stimulate workforce productivity and economic performance in local communities.

5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY:

The proposed amendment does not impose any new technological requirements on school districts or charter schools. Economic feasibility is addressed in the Costs section above.

6. MINIMIZING ADVERSE IMPACT:

The proposed amendment is necessary to implement Regents policy relating to the expansion of the available safety net options for students with disabilities to graduate with a local diploma upon the determination of the superintendent that such student has met certain other conditions for graduation.

Because the Regents policy upon which the proposed amendment is based applies to all school districts in the State, it is not possible to establish differing compliance or reporting requirements or timetables or to exempt school districts from coverage by the proposed amendment. The proposed amendment does not directly impose any additional compliance requirements or costs on school districts. It is anticipated that any indirect costs associated with the proposed amendment will be minimal and capable of being absorbed using existing school resources.

7. LOCAL GOVERNMENT PARTICIPATION:

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

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

Pursuant to State Administrative Procedure Act section 207(1)(b), the State Education Department proposes that the initial review of this rule shall occur in the fifth calendar year after the year in which the rule is adopted, instead of in the third calendar year. The justification for a five year review period is that the proposed rule is necessary to implement long-range Regents policy providing for an additional safety net option for

students with disabilities to graduate with a local diploma when certain conditions are met. Accordingly, there is no need for a shorter review period. The Department invites public comment on the proposed five year review period for this rule. Comments should be sent to the agency contact listed in item 10 of the Notice of Emergency Adoption published here-with, and must be received within 45 days of the State Register publication date of the Notice.

- <sup>1</sup> A student also has the option to appeal a score of 52-54 on up to two Regents exams pursuant to section 100.5(b)(7)(vi)(c). While the appeal option exists, it is not required in order for a student to be considered for the superintendent's determination option.
- <sup>2</sup> A student also has the option to appeal the ELA and/or math scores pursuant to section 100.5(d)(7). While the appeal option exists, it is not required in order for a student to be considered for the superintendent's determination option.

**Revised Rural Area Flexibility Analysis**

**1. TYPES AND ESTIMATED NUMBER OF RURAL AREAS:**

The proposed amendment applies to each of the 689 public school districts in the State, charter schools, and registered nonpublic schools in the State, to the extent that they offer instruction in the high school grades, including those located in the 44 rural counties with less than 200,000 inhabitants and the 71 towns in urban counties with a population density of 150 per square mile or less. At present, there is one charter school located in a rural area that is authorized to issue Regents diplomas.

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

**Superintendent's Review**

The proposed amendment to the Commissioner's regulations was adopted to ensure that students with disabilities have demonstrated that they have met the State's learning standards. The proposed amendment requires superintendents (or the principal/head of school of a registered nonpublic school or charter school, as applicable) to review, document and provide a written certification/assurance that there is evidence that the student has otherwise met the standards for graduation with a local high school diploma. Based on public comment, the proposed amendment was revised at the October 2016 Regents meeting to require that on or after October 18, 2016 (the effective date of the revised rule), a superintendent may only make a determination whether an eligible student has met the requirements for graduation through the superintendent determination pathway option upon receipt of a written request from an eligible student's parent or guardian.

The conditions of the review are detailed below:

**Applicability**

This option is open to students with disabilities with a current Individualized Education Program (IEP) only.

**Process**

Under this pathway, a school superintendent has the responsibility to determine if a student with a disability has otherwise met the standards for graduation with a local diploma when such student has not been successful, because of his/her disability, at demonstrating his/her proficiency on the Regents exams required for graduation.

**Conditions**

1. The student has a current IEP and is receiving special education programs and/or related services.
2. The student did not meet the graduation requirements through the low pass (55-64) safety net option<sup>1</sup> or the compensatory option<sup>2</sup> [section 100.5(b)(7)(vi)(c) and (d)(7)].
3. The student must have earned the required course credits and have passed, in accordance with district policy, all courses required for graduation, including the Regents courses to prepare for the corresponding required Regents exam areas (ELA, math, social studies, and science).
4. The student must have received a minimum score of 55 on both the Regents ELA and math exams or a successful appeal of a score between 52 and 54.
5. There must be evidence that the student participated in the other exams required for graduation pursuant to section 100.5(a)(5), but has not passed one or more of these as required for graduation.
6. In a subject area where the student was not able to demonstrate his/her proficiency of the State's learning standards through the corresponding Regents assessment required for graduation, there must be evidence that the student has otherwise demonstrated graduation level proficiency in the subject area.

**Review and Documentation**

In conducting a review to ensure the student has met the academic standards, the superintendent must consider evidence that demonstrates that the student:

1. Passed courses culminating in the exam required for graduation, in accordance with the grading policies of the district.

2. Actively participated in the exam required for graduation.

The superintendent must sign an assurance on the form that certifies that the information is accurate and the superintendent attests that the student has met graduation requirements. A copy of the form must be placed in the student's record and a copy must be submitted to the Department no later than by August 31st following the student's graduation.

**Decision**

A determination by the superintendent is final.

**Audit**

The Commissioner shall periodically audit the determinations granted by superintendents to ensure that conditions described above are being met.

**Allowance of Low Pass Appeal in Addition to Compensatory Option**

Prior to the adoption of the emergency rule at the June Regents meeting, students with disabilities who made use of the compensatory option described above were not eligible to also make use of the low pass appeal wherein they are able to appeal scores of 52-54. The amendment adopted in June removes this prohibition.

The proposed amendment also requires that the student and the parent of the student receive written notice of the superintendent's determination with the copy of the completed superintendent's determination form and, where the superintendent determines that the student has met the requirements for graduation, the district must provide prior written notice that the student is not eligible to receive a free appropriate public education after graduation with a local diploma. Where the superintendent determines that the student has not met the requirements for graduation, the written notice shall inform the student and his/her parent that the student has the right to attend school until receipt of a local or Regents diploma or until the end of the school year in which the student turns age 21, whichever shall occur first.

In addition, in order to ensure appropriate transition planning, amendments to section 200.4(d)(2)(ix) are proposed to require that, for students of transition age, the development of transition goals and services at a CSE meeting must include a discussion with the student's parents of the student's progress toward receiving a diploma and that parents be provided with information explaining graduation requirements, including eligibility criteria and process for requesting the superintendent determination.

**3. COMPLIANCE COSTS:**

There may be costs associated with extending the population of students with disabilities that can earn a local diploma. School districts, BOCES and registered non-publics may also incur costs for the superintendent review and with recording the evidence reviewed and the decision rendered by the superintendent in these reviews. However, these costs are anticipated to be minimal and capable of being absorbed by districts using existing staff and resources.

In the long term, the proposed amendment is expected to be a cost-saving measure in that it will boost the graduation rate, allowing more students to access higher education or enter the workforce with a high school diploma. Both of these outcomes will in turn stimulate workforce productivity and economic performance in local communities.

**4. MINIMIZING ADVERSE IMPACT:**

There were no significant alternatives and none were considered. The proposed rule is necessary to implement Regents policy relating to safety net options for students with disabilities to graduate with a local diploma.

**5. RURAL AREA PARTICIPATION:**

The proposed rule was submitted for review and comment to the Department's Rural Education Advisory Committee, which includes representatives of school districts in rural areas.

<sup>1</sup> A student also has the option to appeal a score of 52-54 on up to two Regents exams pursuant to section 100.5(b)(7)(vi)(c). While the appeal option exists, it is not required in order for a student to be considered for the superintendent's determination option.

<sup>2</sup> A student also has the option to appeal the ELA and/or math scores pursuant to section 100.5(d)(7). While the appeal option exists, it is not required in order for a student to be considered for the superintendent's determination option.

**Revised Job Impact Statement**

All students with disabilities must be held to high expectations and be provided meaningful opportunities to participate and progress in the general education curriculum to prepare them to graduate with a regular high school diploma. The majority of students with disabilities can meet the State's learning standards for graduation. However, there are some students who, because of their disabilities, are unable to demonstrate their proficiency on standard State assessments, even with testing accommodations. For these students, the proposed amendment requires a superintendent review option for eligible students to graduate with a local diploma. On or after October 18, 2016, a superintendent (or the principal/head of school of a registered nonpublic school or charter school, as ap-



plicable) shall only make a determination under this paragraph upon receipt of a written request from an eligible student's parent or guardian. The proposed amendment requires the school principal and superintendent to review, document and provide a written certification/assurance that there is evidence that the student has otherwise met the standards for graduation with a local high school diploma. Because ELA and math are foundation skills for which there must be a standardized measure of achievement, this option does require a minimum score on the ELA and math Regents exams. However, for the other three exams required for graduation, this option allows review of other documentation of proficiency when the student cannot pass one or more of these exams.

In addition, in order to ensure appropriate transition planning, amendments are proposed to require that, for students of transition age, the development of transition goals and services at a CSE meeting must include a discussion with the student's parents of the student's progress toward receiving a diploma and that parents be provided with information explaining graduation requirements, including eligibility criteria and process for requesting the superintendent determination.

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, 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.

#### **Assessment of Public Comment**

Since publication of a Notice of Proposed Rule Making in the State Register on July 6, 2016, the State Education Department (SED) received the following comments on the proposed amendment.

##### **1. COMMENT:**

Additional graduation pathway for students with disabilities is welcome policy change. Pleased SED and Board of Regents (BOR) continue discussing graduation pathways providing students with disabilities flexibility to satisfy graduation requirements. Appreciate district responsibility for eligibility determinations; families are not aware of different/confusing exam appeal options. Number of commenters supported proposal and multiple pathways, which recognizes some students' inability to demonstrate proficiency on high-stakes tests, but recommended modifications. Creates opportunity for students with individualized education programs (IEPs) to earn local diploma.

##### **DEPARTMENT RESPONSE:**

Comments generally supportive; no response necessary.

##### **2. COMMENT:**

Power rests with uninformed superintendent and allows superintendent to make subjective determination. Forcing early graduation does not allow students to become independent members of society. May inadvertently open door to prematurely push students with disabilities out of system as cost savings or remove challenging students; limits student's work toward IEP goals by denying entitlement to free appropriate public education (FAPE); may impact classification rate and increase due process regarding eligibility or declassification if parents view special education as increasing likelihood of graduation.

##### **DEPARTMENT RESPONSE:**

Rule has been revised to require that the superintendent only consider whether a student is eligible for a local diploma through the superintendent pathway option upon written request of the parent. A student may only be awarded a local diploma using this option if there is evidence that he/she has otherwise met the standards for graduation.

##### **3. COMMENT:**

Proposal endorses lower standards, undermines objectives for students to leave school prepared for independence, post-secondary education and employment and ignores district's policies for college-readiness. BOR documented lack of college/career readiness of students awarded local diplomas based on higher standards than superintendent determination. Students face remedial courses, tuition debt, reduced chances of completing degree; and minimal employment opportunities. State University of New York predicts college readiness by scores of 75 on English Language Arts (ELA) and 80 on math Regents exams and is proposing to eliminate remedial programs. Reducing passing rate creates situations where students cannot function in college and will not have access to remedial support.

##### **DEPARTMENT RESPONSE:**

SED does not agree proposal will lower education standards or result in students not being college/career ready. Rule was developed to ensure students with disabilities meet State's learning standards for graduation, while recognizing the particular challenges some students face in passing Regents exams. Because ELA and math are foundation skills for which there must be standardized measures of achievement, this option requires 55 minimum score on these Regents exams. For other three required exams, superintendent must review, document and provide written certification/assurance that a student has otherwise met graduation standards for a local diploma.

##### **4. COMMENT:**

Proposal removes parents/students/committee on special education (CSE), who know child best, from process and right of individual with disability to choose path. Does not: provide families opportunity to review determination and confirm exiting is in student's best interests; require CSE review student's IEP before receiving diploma [see OSERS Letter to Richards, IDELR 288]; or include consideration of student's IEP goals/transition plan. Require CSE convene to review IEP/pertinent documents related to IEP/transition plan prior to determination. CSE discussion would inform students/parents of implications of graduation with local versus Regents diploma. Replace superintendent with CSE recommendation regarding proposed graduation. Require CSE recommendation and that superintendent review and consider CSE's recommendation and student's IEP and transition needs/goals when making determination. Allow parent and/or staff initiation. Without family's consent, students' rights under Individuals with Disabilities Education Act (IDEA) and to FAPE can be denied. Families should be consulted throughout process and have equal say in child's educational needs; not decided just by superintendent. Require family notification once potential eligibility is identified and student opportunity to accept or forgo/defer pathway and remain in school until 21; not having this right is unfair and has long-term impact on student's future. Allow parents to accept diploma but decline termination of services. Suggest form contain statement that student accepts determination. Require districts inform parents/students of option and parent and/or student request superintendent's review. Have review initiated by student, parent/guardian, teacher/principal, or CSE, similar to appeals process. Add limited resolution period to dispute determination while meeting August 31 SED submission timeline.

##### **DEPARTMENT RESPONSE:**

It is important that parents be engaged as meaningful partners in the special education process and education of their child, including transition planning. Rule has been revised to only allow a superintendent to make a determination as to whether an eligible student with a disability has met the requirements for a local diploma upon written request of the parent. To ensure appropriate transition planning, rule has also been revised to require that for students of transition age, CSE discuss the student's progress toward receiving a diploma and parents be provided with information explaining graduation requirements, including eligibility criteria and process for requesting the superintendent determination. Under federal and State law/regulations, graduation with a regular diploma ends a student's entitlement to a free public education under Education Law section 3202(1) and eligibility for special education services; therefore, once a student is determined eligible for a local or Regents diploma, parents and students do not have the right to decline such diploma.

##### **5. COMMENT:**

Procedure to provide parent with prior written notice (PWN) regarding pending change in placement when district intends to graduate student before age 21 [See 34 CFR section 300.102(a)(3)(iii)] not incorporated into regulations. Require parent receive legally sufficient PWN regarding superintendent determination, providing clear explanation for decision. Clarify when parents must receive notice of superintendent's determination. Concerned determination is final and there is no recourse/appeal mechanism. Due process demands student's right to challenge superintendent's unilateral, subjective determination as graduation with local diploma is change in placement. Graduation subject to stay-put provisions; parent can invoke due process and student remains eligible for special education services until proceedings conclude.

##### **DEPARTMENT RESPONSE:**

Under Commissioner's Regulations section 200.5(a)(5)(ii), districts are required to provide PWN to parent prior to student's graduation with local or Regents diploma in a reasonable timeframe before it proposes to graduate student. Notice must indicate student is no longer eligible to receive FAPE. Notice of superintendent's determination should be provided at same time district provides parent PWN. As with any district proposal to change educational program/ placement of a student with a disability, parents may seek to resolve disagreement with proposal to graduate student through all appropriate means, including mediation and due process hearing proceedings.

##### **6. COMMENT:**

Requiring students to only actively participate in exams may send message students do not have to try to pass exams. Unlikely students can demonstrate graduation level proficiency yet not minimal proficiency on State assessments. Limit range of failing scores acceptable for superintendent determination. Provide students with extremely low scores (i.e., 0-35) option for continued eligibility for FAPE.

##### **DEPARTMENT RESPONSE:**

Proposal recognizes there are some students who, because of their disabilities, are unable to demonstrate their proficiency on examinations required for graduation, even with testing accommodations, but are able to demonstrate graduation level proficiency of State's learning standards and

pass courses culminating in the required graduation examinations. We decline to limit scores student would need to graduate through superintendent determination pathway.

7. COMMENT:

Reevaluate students prior to terminating services.

DEPARTMENT RESPONSE:

Under section 200.4(c)(4) of Commissioner’s regulations, reevaluation is not required before termination of student’s eligibility due to graduation with local or Regents diploma.

8. COMMENT:

Eliminate requirement that students participate in exams other than ELA and math required for graduation; they can be demoralizing, discouraging and result in undue stress.

DEPARTMENT RESPONSE:

Rule was developed to ensure students with disabilities meet State’s learning standards for graduation; therefore, for other three required exams, superintendent must review, document and provide written certification/assurance there is evidence student has otherwise met graduation standards for local diploma.

9. COMMENT:

Charter schools are only required to meet same health/safety, civil rights, and student assessment requirements applicable to public schools; because superintendent determination does not fit these categories, BOR does not have statutory authority to mandate charter schools consider this option. Charter School Act does not provide BOR regulatory power regarding graduation safety nets; charter schools have option to grant diploma created by BOR but are not required to. Only amendment to Charter Schools Act or schools charter could mandate this. Clarify that charter schools can choose to utilize new safety net option procedures but are not required to do mandatory review. Request that “Charter school” be removed from superintendent determination regulations.

DEPARTMENT RESPONSE:

Under Education Law § 2854(1)(b) and (d), charter schools shall meet the same student assessment requirements applicable to other public schools and may grant regents and local diplomas to the same extent as other public schools. In a charter school the “superintendent” equivalent in a district school would be the charter school’s head of school or other such school leader as designated by charter school’s board of trustees.

10. COMMENT:

To be equitable, extend superintendent determination to all students, including students with Section 504 Accommodation Plans, declassified students, multilingual learners Students with IEPs are not the only students struggling with Regents exams; no student should be penalized for not demonstrating mastery of NYS standards on high-stakes standardized tests. Pathway operates with one-size-fits-all framework, unfairly penalizing students struggling with high-stakes standardized tests. Create multiple instructional/assessment pathways to diploma (e.g., performance- and project-based assessments) for students unable to demonstrate proficiency on State assessments; hold all students to high expectations. Hold Statewide hearings/listening tour regarding Regents exam requirements and alternative diploma pathways. Diploma path should not be tied to standardized written exams; graduation exit exams not required in over 60% of states. Reevaluate mindset that local diploma is “less than” diploma. Policy should acknowledge students are able to show achievement in ways besides standardized tests. Overemphasis on passing Regents exams detracts from well-rounded education.

DEPARTMENT RESPONSE:

The majority of students, including students with IEPs and 504 plans, declassified students and multilingual learners, can meet State’s learning standards for graduation. Proposal recognizes there are certain students with disabilities with an IEP who, because of their disability, are unable to demonstrate proficiency on standard State assessments.

BOR will continue to discuss multiple diploma pathways for all students and alternative ways to assess proficiency toward State’s learning standards for purposes of graduation.

11. COMMENT:

Having separate local diploma for students with disabilities is discriminatory [See Letter to White, OSEP, 63 IDELR 230 (7/2/14)] and discloses disability to potential colleges/employers. Depriving students opportunity to earn Regents diploma, benefit nondisabled peers enjoy, is discriminatory and violates Section 504 of the Rehabilitation Act and Americans with Disabilities Act. Permit local diploma for all students.

DEPARTMENT RESPONSE:

This is not separate type of diploma. Local diploma is currently available to all students, not just students with disabilities, who satisfactorily appeal two Regents test scores. Nothing in revised rule precludes a student with a disability from working toward a Regents diploma.

12. COMMENT:

Concerned earning CDOS credential is not available with Superintendent Determination.

DEPARTMENT RESPONSE:

Nothing in proposed rule prohibits students from earning the credential as supplement to local diploma through superintendent determination pathway or using credential for 5th assessment for local diploma (see 100.5[d][11]).

13. COMMENT:

Proposal passed without sufficient opportunity for thoughtful review and public comment. SED publicized regulations during summer when stakeholders are less connected to school issues and did not conduct hearings. Public largely unaware of proposal; comment period is very short and should be lengthened.

DEPARTMENT RESPONSE:

In accordance with State Administrative Procedure Act (SAPA) requirements, proposed rule was published in NYS Register and comment was accepted for 45 days. Additional guidance for schools/parents on superintendent determination is posted on SED’s website (<http://www.p12.nysed.gov/specialed/publications/superintendent-determination-of-graduation-with-a-local-diploma.htm>).

14. COMMENT:

Reopen consortium school application process to allow all high schools to apply using successful model of authentic project-based assessments.

DEPARTMENT RESPONSE:

Comment beyond scope of proposed rulemaking.

**NOTICE OF ADOPTION**

**Social Studies Regents Examinations**

**I.D. No.** EDU-27-16-00004-A

**Filing No.** 963

**Filing Date:** 2016-10-18

**Effective Date:** 2016-11-02

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

**Action taken:** Amendment of section 100.5(a)(5) of Title 8 NYCRR.

**Statutory authority:** Education Law, sections 101 (not subdivided), 207 (not subdivided), 208 (not subdivided), 209 (not subdivided), 305(1), (2), 308 (not subdivided) and 309 (not subdivided)

**Subject:** Social Studies Regents examinations.

**Purpose:** To provide additional pathway options for passing the social studies Regents examinations for a diploma.

**Text or summary was published** in the July 6, 2016 issue of the Register, I.D. No. EDU-27-16-00004-EP.

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

**Text of rule and any required statements and analyses may be obtained from:** Kirti Goswami, State Education Department, Office of Counsel, State Education Building, Room 148, 89 Washington Ave., Albany, NY 12234, (518) 474-6400, email: [legal@nysed.gov](mailto: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 2021, which is no later than the 3rd year after the year in which this rule is being adopted.

**Assessment of Public Comment**

The agency received no public comment.

**NOTICE OF ADOPTION**

**Community School Grants**

**I.D. No.** EDU-32-16-00002-A

**Filing No.** 956

**Filing Date:** 2016-10-18

**Effective Date:** 2016-10-24

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

**Action taken:** Amendment of section 100.19 of Title 8 NYCRR.

**Statutory authority:** Education Law, sections 207(not subdivided), 305(1), (2), 211-f, as added by L. 2015, ch. 56, subpart H, part EE and L. 2016, ch. 53

**Subject:** Community School Grants.

**Purpose:** To establish the criteria for community school grants to implement chapter 53 of the Laws of 2016.



*Text or summary was published* in the August 10, 2016 issue of the Register, I.D. No. EDU-32-16-00002-EP.

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

*Text of rule and any required statements and analyses may be obtained from:* Kirti Goswami, State Education Department, Office of Counsel, State Education Building, Room 148, 89 Washington Ave., 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 2021, which is no later than the 3rd year after the year in which this rule is being adopted.

#### Assessment of Public Comment

The agency received no public comment.

## PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

### Education Requirements for Occupational Therapists and Occupational Therapy Assistants

I.D. No. EDU-44-16-00012-P

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

**Proposed Action:** Amendment of sections 76.1 and 76.7 of Title 8 NYCRR.

**Statutory authority:** Education Law, sections 207(not subdivided), 6504(not subdivided), 6507(2)(a), 7904(2), 7904-a(b); and L. 2016, ch. 124

**Subject:** Education requirements for Occupational Therapists and Occupational Therapy Assistants.

**Purpose:** Provides that licenses may be granted to applicants who have completed education exceeding current requirements for licensure.

**Text of proposed rule:** 1. Section 76.1 of the Regulations of the Commissioner of Education is amended, effective November 18, 2016, as follows:

To meet the professional education requirement for licensure in this State, the applicant shall present evidence of:

(a) *at least a bachelor's or master's degree in occupational therapy from a program registered by the department or accredited by a national accreditation agency which is satisfactory to the department, or its equivalent, as determined by the department;* or

[(b) a certificate in occupational therapy from a program registered by the department or accredited by a national accreditation agency which is satisfactory to the department following the completion of a bachelor's degree from an institution acceptable to the department; or

(c)] *(b) completion of a program satisfactory to the department of not less than four years of postsecondary study which includes the professional study of occupational therapy and which culminates in the degree or diploma accepted by the civil authorities of the country in which the studies were completed as preparation in occupational therapy in that country.*

2. Subdivision (b) of section 76.7 of the Regulations of the Commissioner of Education is amended, effective November 18, 2016, as follows:

To qualify for licensure as an occupational therapy assistant pursuant to section 7904-a of the Education Law, an applicant shall fulfill the following requirements:

(a) . . .

[(b) have received an education as follows:

(1)] *(b) complete[ion of] at least a two-year associate degree program for occupational therapy assistants registered by the department or accredited by a national accreditation agency which is satisfactory to the department, or its equivalent, as determined by the department[; or*

(2) completion of a postsecondary program of at least two years duration that has been determined by the Board of Regents pursuant to Education Law section 6506(5) to substantially meet the requirements of Education Law section 7904-a(b)];

(c) . . .

(d) . . .

(e) . . .

(f) . . .

(g) . . .

**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.

Subdivision (2) of section 7904 of the Education Law, as amended by Chapter 124 of the Laws of 2016, allows an applicant for licensure as an occupational therapist to satisfy the education requirement by completing a baccalaureate or master's degree program or greater, or its equivalent, as determined by the Department.

Subdivision (b) of section of 7904-a of the Education Law, as amended by Chapter 124 of the Laws of 2016, allows an applicant for licensure as an occupational therapy assistant to satisfy the education requirement by completing an associate degree program or greater, or its equivalent, as determined by the Department.

##### 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 124 of the Laws of 2016, which amended Article 156 of the Education Law, by amending the education requirements for occupational therapists and occupational therapy assistants to provide the Department with the flexibility to grant licenses to applicants who have completed an education, or its equivalent, that exceeds the current requirements for licensure as either an occupational therapist or occupational therapy assistant.

The proposed amendment to section 76.1 of the Regulations of the Commissioner of Education provides that to meet the professional education requirement for licensure as an occupational therapist, the applicant must present evidence of: (1) at least a bachelor's or master's degree in occupational therapy from a program registered by the Department or accredited by a national accreditation agency which is satisfactory to the Department, or its equivalent, as determined by the Department; or (2) completion of a program satisfactory to the Department of not less than four years of postsecondary study which includes the professional study of occupational therapy and which culminates in the degree or diploma accepted by the civil authorities of the country in which the studies were completed as preparation in occupational therapy in that country.

The proposed amendment to subdivision (b) of section 76.7 of the Regulations of the Commissioner of Education provides that to meet the professional education requirement for licensure as an occupational therapy assistant, an applicant must complete at least a two-year associate degree program for occupational therapy assistants registered by the Department or accredited by a national accreditation agency which is satisfactory to the Department, or its equivalent, as determined by the Department.

Chapter 124 of the Laws of 2016 further authorizes the Department to develop regulations necessary to implement it.

##### 3. NEEDS AND BENEFITS:

Currently, pursuant to Education Law § 7904(2), the education requirement for occupational therapy licensure requires applicants to have satisfactorily completed an approved occupational therapy curriculum in a baccalaureate or master's program, or a certificate program satisfactory to the Department which is substantially equivalent to a baccalaureate degree program, in accordance with the Commissioner's Regulations. Additionally, pursuant to Education Law § 7904-a(b), the current education requirement for occupational therapy assistant licensure requires applicants to have received an education consisting of the completion of a two-year associate degree program for occupational therapy assistants registered by the Department or accredited by a national accreditation agency which is satisfactory to the Department.

However, the nationally recognized accrediting agency for the profession of occupational therapy, the American Occupational Therapy Association's Accreditation Council for Occupational Therapy Education (ACOTE), has determined that occupational therapist education programs may grant either a master's degree or a doctoral degree. Additionally,

ACOTE has determined that occupational therapy assistant education programs may grant either an associate degree or a baccalaureate degree.

Chapter 124 of the Laws of 2016, which takes effect on November 18, 2016, was enacted to amend the Education Law's education requirements for licensure as an occupational therapist and occupational therapy assistant to provide the Department with the flexibility to grant licenses to applicants who have completed an education that exceeds the current requirements for licensure as either an occupational therapist or occupational therapy assistant, in recognition of the changes made to the national accreditation standards.

The proposed rule amends section 76.1 and subdivision (b) of section 76.7 of the Regulations of the Commissioner of Education to provide the Department with the flexibility to grant licenses to applicants who have completed an education, or its equivalent, that exceeds the current requirements for licensure as either an occupational therapist or occupational therapy assistant.

The proposed amendment is necessary to conform the Regulations of the Commissioner of Education to Chapter 124 of the Laws of 2016.

#### 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 to regulated parties.

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

#### 5. LOCAL GOVERNMENT MANDATES:

The proposed rule implements the requirements of Chapter 124 of the Laws of 2016, by providing the Department with the flexibility to grant licenses to applicants who have completed an education, or its equivalent, that exceeds the current requirements for licensure as either an occupational therapist or occupational therapy assistant. It 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 124 of the Laws of 2016. 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 124 of the Laws of 2016. There are no significant alternatives to the proposed rule and none were considered.

#### 9. FEDERAL STANDARDS:

Since there are no applicable federal standards regarding the education requirements for occupational therapists and occupational therapy assistants, 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 Chapter 124 of the Laws of 2016. The proposed rule will become effective on November 18, 2016, which is the effective date of the statute. The proposed amendment does not impose any compliance schedules on regulated parties or local governments beyond the November 18, 2016 effective date.

#### *Regulatory Flexibility Analysis*

On July 21, 2016, Chapter 124 of the Laws of 2016 was enacted to amend the education requirements for occupational therapists and occupational therapy assistants to provide the Department with the flexibility to grant licenses to applicants who have completed an education that exceeds the current requirements for licensure as either an occupational therapist or occupational therapy assistant.

The proposed amendment to the Regulations of the Commissioner of Education is necessary to implement the provisions of Chapter 124 of the Laws of 2016. The proposed amendment to section 76.1 of the Regulations of the Commissioner of Education provides that to meet the professional education requirement for licensure as an occupational therapist, the applicant must present evidence of: (1) at least a bachelor's or master's degree in occupational therapy from a program registered by the Department or accredited by a national accreditation agency which is satisfactory to the Department, or its equivalent, as determined by the Department; or (2) completion of a program satisfactory to the Department of not less than four years of postsecondary study which includes the professional study of occupational therapy and which culminates in the degree or diploma accepted by the civil authorities of the country in which the studies were completed as preparation in occupational therapy in that country.

The proposed amendment to subdivision (b) of section 76.7 of the Regulations of the Commissioner of Education provides that to meet the professional education requirement for licensure as an occupational therapy assistant, an applicant must have completed at least a two-year associate degree program for occupational therapy assistants registered by the Department or accredited by a national accreditation agency which is satisfactory to the Department, or its equivalent, as determined by the Department.

The statutory education requirements for applicants for licensure as either an occupational therapist or occupational therapy assistant, which the proposed amendment implements, are comparable to the American Occupational Therapy Association's Accreditation Council for Occupational Therapy Education (ACOTE)'s education requirements for occupational therapist and occupational therapy assistant education programs. ACOTE is the nationally recognized accrediting agency for the profession of occupational therapy. Pursuant to ACOTE's standards, occupational therapist education programs may grant either a master's degree or a doctoral degree and occupational therapy assistant education programs may grant either an associate degree or a baccalaureate degree. Chapter 124 was enacted to amend the Education Law's educational requirements for licensure as an occupational therapist and occupational therapy assistant, in recognition of ACOTE's standards.

The proposed amendment will not impose any new reporting, record-keeping, or other compliance requirements, or 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*

Currently, pursuant to Education Law § 7904(2), the education requirement for licensure as an occupational therapist requires applicants to have satisfactorily completed an approved occupational therapy curriculum in a baccalaureate or master's program, or a certificate program satisfactory to the Department which is substantially equivalent to a baccalaureate degree program, in accordance with the Commissioner's Regulations. Additionally, pursuant to Education Law § 7904-a(b), the current education requirement for licensure as an occupational therapy assistant requires applicants to have received an education consisting of the completion of a two-year associate degree program for occupational therapy assistants registered by the Department or accredited by a national accreditation agency which is satisfactory to the Department.

However, the nationally recognized accrediting agency for the profession of occupational therapy, the American Occupational Therapy Association's Accreditation Council for Occupational Therapy Education (ACOTE), has determined that occupational therapist education programs may grant either a master's degree or a doctoral degree. Additionally, ACOTE has determined that occupational therapy assistant education programs may grant either an associate degree or a baccalaureate degree.

Chapter 124 of the Laws of 2016, which takes effect on November 18, 2016, was enacted to amend the Education Law's education requirements for licensure as an occupational therapist and occupational therapy assistant to provide the Department with the flexibility to grant licenses to applicants who have completed an education that exceeds the current requirements for licensure as either an occupational therapist or occupational therapy assistant, in recognition of the changes made to the national accreditation standards.

Chapter 124 amends Education Law § 7904(2) to allow an applicant for licensure as an occupational therapist to satisfy the education requirement by having a baccalaureate or master's degree or greater, or its equivalent as determined by the Department.

Chapter 124 amends Education Law § 7904-a(b) to allow an applicant for licensure as an occupational therapy assistant to satisfy the education requirement by having an associate degree or greater, or its equivalent as determined by the Department.

The proposed amendment to section 76.1 of the Regulations of the Commissioner of Education provides that to meet the professional education requirement for licensure as an occupational therapist, the applicant must present evidence of: (1) at least a bachelor's or master's degree in occupational therapy from a program registered by the Department or accredited by a national accreditation agency which is satisfactory to the Department, or its equivalent, as determined by the Department; or (2) completion of a program satisfactory to the Department of not less than four years of postsecondary study which includes the professional study of occupational therapy and which culminates in the degree or diploma accepted by the civil authorities of the country in which the studies were completed as preparation in occupational therapy in that country.

The proposed amendment to subdivision (b) of section 76.7 of the Regulations of the Commissioner of Education provides that to meet the



professional education requirement for licensure as an occupational therapy assistant, an applicant must have completed at least a two-year associate degree program for occupational therapy assistants registered by the Department or accredited by a national accreditation agency which is satisfactory to the Department, or its equivalent, as determined by the Department.

The proposed amendment is only applicable to applicants for licensure as either an occupational therapist or an occupational therapy assistant 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**

The proposed rule is required to implement Chapter 124 of the Laws of 2016, which amends the education requirements for occupational therapists and occupational therapy assistants to provide the Department with the flexibility to grant licenses to applicants who have completed an education that exceeds the current requirements for licensure as either an occupational therapist or occupational therapy assistant. Chapter 124 amends Education Law § 7904(2) to allow an applicant for licensure as an occupational therapist to satisfy the education requirement by having a baccalaureate or master's degree or greater, or its equivalent as determined by the Department. In addition, Chapter 124 amends Education Law § 7904-a(b) to allow an applicant for licensure as an occupational therapy assistant to satisfy the education requirement by having an associate degree or greater, or its equivalent as determined by the Department. The proposed amendment to section 76.1 of the Regulations of the Commissioner of Education provides that to meet the professional education requirement for licensure as an occupational therapist, the applicant must present evidence of: (1) at least a bachelor's or master's degree in occupational therapy from a program registered by the Department or accredited by a national accreditation agency which is satisfactory to the Department, or its equivalent, as determined by the Department; or (2) completion of a program satisfactory to the Department of not less than four years of post-secondary study which includes the professional study of occupational therapy and which culminates in the degree or diploma accepted by the civil authorities of the country in which the studies were completed as preparation in occupational therapy in that country. The proposed amendment to subdivision (b) section 76.7 of the Regulations of the Commissioner of Education provides that to meet the professional education requirement for licensure as an occupational therapy assistant, an applicant must have completed at least a two-year associate degree program for occupational therapy assistants registered by the Department or accredited by a national accreditation agency which is satisfactory to the Department, or its equivalent, as determined by the Department.

Although the proposed rule may increase the number of individuals who may be eligible for licensure as either an occupational therapist or occupational therapy assistant, it is not anticipated that the proposed rule will increase or decrease the number of jobs to be filled.

The 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**

#### **Posting of Child Abuse Hotline Number and Instructions to Use Office of Children and Family Services Website**

**I.D. No.** EDU-44-16-00023-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 100.2(nn) to Title 8 NYCRR.

**Statutory authority:** Education Law, sections 101 (not subdivided), 207 (not subdivided) and 409-II, as added by L. 2016, ch. 105

**Subject:** Posting of Child Abuse Hotline Number and Instructions to Use Office of Children and Family Services Website.

**Purpose:** To implement the requirements of chapter 105 of the Laws of 2016.

**Text of proposed rule:** 1. A new subdivision (nn) shall be added to section 100.2 of the Regulations of the Commissioner of Education, effective January 25, 2017, as follows:

(nn) Posting of child abuse telephone hotline number and directions for accessing the New York State Office of Children and Family Services website. Each public school and charter school shall post in English and Spanish the toll-free telephone number (1-800-342-3720) operated by the New York State Office of Children and Family Services (OCFS) to receive reports of child abuse or neglect and directions for accessing the OCFS website at <http://ocfs.ny.gov/main/cps/>. The Department also recommends that each public school and charter school post such information in the most common languages of the school community. The school must post such information in clearly visible locations so that it is readily accessible for students and employees by:

(1) posting such information on the district and/or school's website(s), if such a website exists; and

(2) posting such information in highly-visible areas of school buildings; and

(3) making such information available at the district and school building-level administrative offices, where applicable; and

(4) providing such information to parents and persons in parental relation at least once per school year in a manner as determined by the school, including, but not limited to, through electronic communication and/or sending such information home with students; and

(5) providing each teacher and administrator in the school with such information.

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

**Data, views or arguments may be submitted to:** Renee Rider, Acting Deputy Commissioner for P12 I, New York State Education Department, 2M West, Albany, NY 12234, (518) 474-5510, email: [regcomments@nysed.gov](mailto:regcomments@nysed.gov)

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

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

#### **Regulatory Impact Statement**

##### **1. STATUTORY AUTHORITY:**

Education Law 101(not subdivided) charges the Department with the general management and supervision 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 409-I, as added by Chapter 105 of the Laws of 2016, which requires that each public school, including charter schools, post the child abuse hotline number and ensure that it is clearly visible in a location that is readily accessible for students.

##### **2. LEGISLATIVE OBJECTIVES:**

The proposed rule implements Chapter 105 of the Laws of 2016, by requiring that each public school, including charter schools, post the child abuse hotline number and ensure that it is clearly visible in a location that is readily accessible for students pursuant to the Commissioner's regulations.

##### **3. NEEDS AND BENEFITS:**

On July 21, 2016, the Governor signed Chapter 105 of the Laws of 2016, which added a new section 409-I to the Education law to require that each public school, including charter schools, post the child abuse hotline number and ensure that it is clearly visible in a location that is readily accessible for students. Specifically, the new law requires every public school, including charter schools, to post in English and in Spanish the toll-free telephone number operated by the New York State Office of Children and Family Services (OCFS) to receive reports of child abuse or neglect and directions for accessing the OCFS website.

The proposed amendment implements Education Law § 409-I by requiring: each public school, including charter schools, to post in English and in Spanish the toll-free telephone number (1-800-342-3720) operated by OCFS to receive reports of child abuse or neglect and the following website link to access the OCFS website: <http://ocfs.ny.gov/main/cps/>. The Department also recommends that each public school and charter school post such information in the most common languages of the school community. Each school must post such information in clearly visible locations so that it is readily accessible for students and faculty by: posting such information on the district and schools' website(s), where one exists; posting such information in highly-visible areas of school buildings; and making such information available at the district and school building-level

administrative offices, where applicable; and providing such information to parents and persons in parental relation at least once per school year in a manner as determined by the school including, but not limited to, through electronic communication and/or sending such information home with students; and providing each teacher and administrator in the school with such information.

4. COSTS:

- a. Costs to State government: The amendment does not impose any costs on State government, including the State Education Department.
- b. Costs to local government: The amendment does not impose any costs on local government, including school districts and BOCES.
- 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 new law requires each public school, including charter schools, to post in English and in Spanish the toll-free telephone number (1-800-342-3720) operated by OCFS to receive reports of child abuse or neglect and the following website link to access the OCFS website: <http://ocfs.ny.gov/main/cps/>. Each school must post such information in clearly visible locations so that it is readily accessible for students and faculty by: posting such information on the district and schools' website(s), where one exists; posting such information in highly-visible areas of school buildings; and making such information available at the district and school building-level administrative offices, where applicable; and provide such information to parents and persons in parental relation at least once per school year in a manner as determined by the school including, but not limited to, through electronic communication and/or sending such information home with students; and providing each teacher and administrator in the school with such information.

6. PAPERWORK:

The proposed amendment requires school districts and charter schools to provide such information to parents and persons in parental relation at least once per school year in a manner as determined by the school including, but not limited to, through electronic communication and/or sending such information home with students; and providing each teacher and administrator in the school with such information.

7. DUPLICATION:

The rule does not duplicate existing State or Federal requirements.

8. ALTERNATIVES:

The proposed amendment was added in response to concerns raised by the Board of Regents. No alternatives were considered.

9. FEDERAL STANDARDS:

There are no applicable Federal standards related to the amendment.

10. COMPLIANCE SCHEDULE:

It is anticipated that the parties will be able to comply by its stated effective date.

**Regulatory Flexibility Analysis**

(a) Small businesses:

The proposed amendment revises sections 30-3.4(c)(3) and 30-3.5(c)(3) of the Rules of the Board of Regents to provide further flexibility to allow the City School District of the City of New York to calculate scores and ratings for SLOs pursuant to a methodology approved by the Commissioner in guidance. The New York City School District is the largest school district in the State of New York and the United States, serving more than 1.1 million students in over 1,800 schools. Given this size, the proposed flexibility is needed to allow the NYCDOE to use a standardized growth model to ensure an objective, consistent, district-level expectation for growth.

The amendment does not impose any new recordkeeping or other compliance requirements, and will not have an adverse economic impact, on small business. Because it is evident from the nature of the rule that it does not affect small businesses, 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.

(b) Local governments:

1. EFFECT OF RULE:

The City School District of the City of New York will be required to comply with the proposed amendment.

2. COMPLIANCE REQUIREMENTS:

The proposed amendment implements Education Law § 409-1 by requiring: each public school, including charter schools, to post in English and in Spanish the toll-free telephone number (1-800-342-3720) operated by OCFS to receive reports of child abuse or neglect and the following website link to access the OCFS website: <http://ocfs.ny.gov/main/cps/>. The Department also recommends that each public school and charter school post such information in the most common languages of the school community. Each school must post such information in clearly visible locations so that it is readily accessible for students and faculty by: posting

such information on the district and schools' website(s), where one exists; posting such information in highly-visible areas of school buildings; and making such information available at the district and school building-level administrative offices, where applicable; and providing such information to parents and persons in parental relation at least once per school year in a manner as determined by the school including, but not limited to, through electronic communication and/or sending such information home with students; and providing each teacher and administrator in the school with such information.

3. PROFESSIONAL SERVICES:

The proposed rule does not impose any additional professional services requirements on local governments beyond those imposed by statute.

4. COMPLIANCE COSTS:

There are no additional costs on local governments beyond those imposed by statute.

5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY:

The rule does not impose any additional technological requirements on districts or BOCES.

6. MINIMIZING ADVERSE IMPACT:

The proposed amendment implements Chapter 105 of the Laws of 2016. Therefore, no alternatives were considered.

7. LOCAL GOVERNMENT PARTICIPATION:

Copies of the rule have been provided to Superintendents and District Superintendents with the request that they distribute them to school districts within their supervisory districts for review and comment.

**Rural Area Flexibility Analysis**

1. TYPES AND ESTIMATED NUMBER OF RURAL AREAS:

This proposed amendment applies to all public schools and charter schools in New York employing substitute teachers, 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:

The proposed amendment implements Education Law § 409-1 by requiring: each public school, including charter schools, to post in English and in Spanish the toll-free telephone number (1-800-342-3720) operated by OCFS to receive reports of child abuse or neglect and the following website link to access the OCFS website: <http://ocfs.ny.gov/main/cps/>. The Department also recommends that each public school and charter school post such information in the most common languages of the school community. Each school must post such information in clearly visible locations so that it is readily accessible for students and faculty by: posting such information on the district and schools' website(s), where one exists; posting such information in highly-visible areas of school buildings; and making such information available at the district and school building-level administrative offices, where applicable; and providing such information to parents and persons in parental relation at least once per school year in a manner as determined by the school including, but not limited to, through electronic communication and/or sending such information home with students; and providing each teacher and administrator in the school with such information.

3. COSTS:

The proposed amendment does not impose any costs on schools or charter schools, including those located in rural areas of the State beyond those imposed by statute.

4. MINIMIZING ADVERSE IMPACT:

The proposed amendment implements the requirements of Chapter 105 of the Laws of 2016. Therefore, no alternatives were considered.

5. RURAL AREA PARTICIPATION:

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

**Job Impact Statement**

The proposed amendment implements Education Law § 409-1, as added by Chapter 105 of the Laws of 2016, by requiring: each public school, including charter schools, to post in English and in Spanish the toll-free telephone number (1-800-342-3720) operated by OCFS to receive reports of child abuse or neglect and the following website link to access the OCFS website: <http://ocfs.ny.gov/main/cps/>. Each school must post such information in clearly visible locations so that it is readily accessible for students and faculty by: posting such information on the district and schools' website(s), where one exists; posting such information in highly-visible areas of school buildings; and making such information available at the district and school building-level administrative offices, where applicable; and providing such information to parents and persons in parental relation at least once per school year in a manner as determined by the school including, but not limited to, through electronic communication and/or sending such information home with students; and providing each teacher and administrator in the school with such information.

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.

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## Department of Health

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### NOTICE OF ADOPTION

#### Practice of Radiologic Technology

**I.D. No.** HLT-30-15-00005-A

**Filing No.** 959

**Filing Date:** 2016-10-18

**Effective Date:** 2016-11-02

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

**Action taken:** Amendment of Part 89 of Title 10 NYCRR.

**Statutory authority:** Public Health Law, sections 3504, 3507(2), (7) and 3510(1)(g)

**Subject:** Practice of Radiologic Technology.

**Purpose:** To update regulations related to the practice of radiologic technology.

**Text or summary was published** in the July 29, 2015 issue of the Register, I.D. No. HLT-30-15-00005-P.

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

**Revised rule making(s) were previously published in the State Register** on August 17, 2016.

**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

#### Assessment of Public Comment

The agency received no public comment.

### NOTICE OF ADOPTION

#### Neurodegenerative Specialty Rate

**I.D. No.** HLT-24-16-00002-A

**Filing No.** 961

**Filing Date:** 2016-10-18

**Effective Date:** 2016-11-02

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

**Action taken:** Amendment of Subpart 86-2 of Title 10 NYCRR.

**Statutory authority:** Public Health Law, section 2802-2(c)

**Subject:** Neurodegenerative Specialty Rate.

**Purpose:** To authorize Medicaid rate of payment for providing quality of care to the neurodegenerative population.

**Text or summary was published** in the June 15, 2016 issue of the Register, I.D. No. HLT-24-16-00002-P.

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

**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

#### Assessment of Public Comment

The agency received no public comment.

### NOTICE OF ADOPTION

#### Specialized Programs for Residents with Neurodegenerative Diseases

**I.D. No.** HLT-24-16-00003-A

**Filing No.** 960

**Filing Date:** 2016-10-18

**Effective Date:** 2016-11-02

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

**Action taken:** Addition of section 415.41 to Title 10 NYCRR.

**Statutory authority:** Public Health Law, section 2803(2)

**Subject:** Specialized Programs for Residents with Neurodegenerative Diseases.

**Purpose:** To establish nursing home specialty units for residents with Huntington's Disease (HD) and Amyotrophic Lateral Sclerosis (ALS).

**Text or summary was published** in the June 15, 2016 issue of the Register, I.D. No. HLT-24-16-00003-P.

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

**Revised rule making(s) were previously published in the State Register** on August 24, 2016.

**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

#### Assessment of Public Comment

The agency received no public comment.

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## Department of Motor Vehicles

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### NOTICE OF ADOPTION

#### Notices of Hearing

**I.D. No.** MTV-35-16-00003-A

**Filing No.** 955

**Filing Date:** 2016-10-18

**Effective Date:** 2016-11-02

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

**Action taken:** Amendment of section 127.1 of Title 15 NYCRR.

**Statutory authority:** Vehicle and Traffic Law, sections 215(a), 303(f) and 415(9-a)

**Subject:** Notices of hearing.

**Purpose:** Provides for mailing by first class mail for most DMV hearings.

**Text or summary was published** in the August 31, 2016 issue of the Register, I.D. No. MTV-35-16-00003-P.

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

**Text of rule and any required statements and analyses may be obtained from:** Heidi Bazicki, Department of Motor Vehicles, 6 Empire State Plaza, Rm. 522A, Albany, NY 12228, (518) 575-0871, email: heidi.bazicki@dmv.ny.gov

#### Assessment of Public Comment

The agency received no public comment.



**Public Service Commission**

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

**Use of Escrow Funds for Repairs**

**I.D. No.** PSC-44-16-00010-EP  
**Filing Date:** 2016-10-13  
**Effective Date:** 2016-10-13

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

**Proposed Action:** The Commission, on October 13, 2016, adopted an order restricting the use of Arbor Hills Waterworks, Inc.’s escrow account without the prior approval of the Director of the Office of Electric, Gas and Water; and requiring the submission of a plan to supplement the Company’s water supply.

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

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

**Specific reasons underlying the finding of necessity:** On July 27, 2016, the Commission ordered Arbor Hills Waterworks, Inc. (the Company) to show cause why, under PSL § 112-a, the Commission should not appoint a temporary operator to manage the system, given the owner’s failure to adequately address ongoing infrastructure failures. On August 26, 2016, the Company filed a response, largely blaming the system’s current operator, JCO, Inc. (JCO), for the recent service failures and unaddressed repairs. The Commission found the Company’s response inadequate and that the public health and safety continued to be threatened by the owner’s inaction. For this reason, the Commission restricted use of the Company’s escrow account and required the Company to submit a plan to increase its water supply.

**Subject:** Use of escrow funds for repairs.

**Purpose:** To condition the use of escrow account funds for repairs.

**Substance of emergency/proposed rule:** The Commission, on October 13, 2016, adopted an order restricting the use of Arbor Hills Waterworks, Inc.’s escrow account without the prior approval of the Director of the Office of Electric, Gas and Water; and requiring the submission of a plan to supplement the Company’s water supply.

**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 10, 2017.

**Text of rule may be obtained from:** John Pitucci, Public Service Commission, Three 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, Department of Public Service, 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 amended rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(16-W-0415EP2)

**NOTICE OF ADOPTION**

**Complaint Relief and Tariff Revisions**

**I.D. No.** PSC-41-15-00007-A  
**Filing Date:** 2016-10-17  
**Effective Date:** 2016-10-17

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

**Action taken:** On 10/13/16, the PSC adopted an order granting Glenwyck Development, LLC (Glenwyck) relief for a complaint against Niagara

Mohawk Power Corporation d/b/a National Grid (NMPC) and ordering tariff revisions.

**Statutory authority:** Public Service Law, sections 31, 65 and 66

**Subject:** Complaint relief and tariff revisions.

**Purpose:** To grant Glenwyck relief for a complaint against NMPC and to order tariff revisions.

**Substance of final rule:** The Commission, on October 13, 2016, adopted an order granting Glenwyck Development, LLC relief for a complaint against Niagara Mohawk Power Corporation d/b/a National Grid’s (NMPC) tariff provisions and to order NMPC to revise Residential Distribution Contribution Statement No. 3, subject to the terms and conditions set forth in the order.

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

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

**Assessment of Public Comment**

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

(15-E-0560SA1)

**NOTICE OF ADOPTION**

**Transfer of Stock**

**I.D. No.** PSC-10-16-00010-A  
**Filing Date:** 2016-10-14  
**Effective Date:** 2016-10-14

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

**Action taken:** On 10/13/16, the PSC adopted an order approving Whistle Tree Development Corporation’s (Whistle Tree) petition to transfer full stock ownership to Scribners Catskill Lodge, LLC (Scribners).

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

**Subject:** Transfer of stock.

**Purpose:** To approve Whistle Tree’s petition to transfer full stock ownership to Scribners.

**Substance of final rule:** The Commission, on October 13, 2016, adopted an order approving Whistle Tree Development Corporation’s petition to transfer full stock ownership to Scribners Catskill Lodge, LLC, subject to the terms and conditions set forth in the order.

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

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

**Assessment of Public Comment**

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

(16-W-0078SA1)

**NOTICE OF ADOPTION**

**Tariff Filing to Effectuate Amendments to Public Service Law Section 70-a**

**I.D. No.** PSC-11-16-00010-A  
**Filing Date:** 2016-10-14  
**Effective Date:** 2016-10-14

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

**Action taken:** On 10/13/16, the PSC adopted an order approving Central Hudson Gas and Electric Corporation’s (Central Hudson) tariff filing, with modifications, to effectuate amendments to Public Service Law section 70-a.

**Statutory authority:** Public Service Law, sections 66(12) and 70-a

**Subject:** Tariff filing to effectuate amendments to Public Service Law section 70-a.

**Purpose:** To approve Central Hudson's tariff filing, with modifications, to effectuate amendments to Public Service Law section 70-a.

**Substance of final rule:** The Commission, on October 13, 2016, adopted an order approving Central Hudson Gas and Electric Corporation's tariff filing, with modifications, to effectuate amendments to Public Service Law § 70-a – Transfer of Street Light Systems, contained in P.S.C. No. 15 – Electricity, subject to the terms and conditions set forth in the order.

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

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

**Assessment of Public Comment**

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

(15-E-0745SA1)

### NOTICE OF ADOPTION

#### Tariff Filing to Effectuate Amendments to Public Service Law Section 70-a

**I.D. No.** PSC-11-16-00011-A

**Filing Date:** 2016-10-14

**Effective Date:** 2016-10-14

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

**Action taken:** On 10/13/16, the PSC adopted an order approving New York State Electric and Gas Corporation's (NYSEG) tariff filing, with modifications, to effectuate amendments to Public Service Law section 70-a.

**Statutory authority:** Public Service Law, sections 66(12) and 70-a

**Subject:** Tariff filing to effectuate amendments to Public Service Law section 70-a.

**Purpose:** To approve NYSEG's tariff filing, with modifications, to effectuate amendments to Public Service Law section 70-a.

**Substance of final rule:** The Commission, on October 13, 2016, adopted an order approving New York State Electric and Gas Corporation's tariff filing, with modifications, to effectuate amendments to Public Service Law § 70-a – Transfer of Street Light Systems, contained in P.S.C. No. 121 – Electricity, subject to the terms and conditions set forth in the order.

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

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

**Assessment of Public Comment**

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

(15-E-0746SA1)

### NOTICE OF ADOPTION

#### Tariff Filing to Effectuate Amendments to Public Service Law Section 70-a

**I.D. No.** PSC-11-16-00012-A

**Filing Date:** 2016-10-14

**Effective Date:** 2016-10-14

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

**Action taken:** On 10/13/16, the PSC adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's (NMPC) tariff filing, with modifications, to effectuate amendments to Public Service Law section 70-a.

**Statutory authority:** Public Service Law, sections 66(12) and 70-a

**Subject:** Tariff filing to effectuate amendments to Public Service Law section 70-a.

**Purpose:** To approve NMPC's tariff filing, with modifications, to effectuate amendments to Public Service Law section 70-a.

**Substance of final rule:** The Commission, on October 13, 2016, adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's tariff filing, with modifications, to effectuate amendments to Public Service Law § 70-a – Transfer of Street Light Systems, contained in P.S.C. No. 214 – Electricity, subject to the terms and conditions set forth in the order.

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

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

**Assessment of Public Comment**

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

(15-E-0747SA1)

### NOTICE OF ADOPTION

#### Tariff Filing to Effectuate Amendments to Public Service Law Section 70-a

**I.D. No.** PSC-11-16-00014-A

**Filing Date:** 2016-10-14

**Effective Date:** 2016-10-14

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

**Action taken:** On 10/13/16, the PSC adopted an order approving Rochester Gas and Electric Corporation's (RG&E) tariff filing, with modifications, to effectuate amendments to Public Service Law section 70-a.

**Statutory authority:** Public Service Law, sections 66(12) and 70-a

**Subject:** Tariff filing to effectuate amendments to Public Service Law section 70-a.

**Purpose:** To approve RG&E's tariff filing, with modifications, to effectuate amendments to Public Service Law section 70-a.

**Substance of final rule:** The Commission, on October 13, 2016, adopted an order approving Rochester Gas and Electric Corporation's tariff filing, with modifications, to effectuate amendments to Public Service Law § 70-a – Transfer of Street Light Systems, contained in P.S.C. No. 18 – Electricity, subject to the terms and conditions set forth in the order.

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

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

**Assessment of Public Comment**

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

(15-E-0748SA1)

### NOTICE OF ADOPTION

#### Tariff Filing to Effectuate Amendments to Public Service Law Section 70-a

**I.D. No.** PSC-11-16-00015-A

**Filing Date:** 2016-10-14

**Effective Date:** 2016-10-14

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

**Action taken:** On 10/13/16, the PSC adopted an order approving Orange and Rockland Utilities, Inc.'s (O&R) tariff filing, with modifications, to effectuate amendments to Public Service Law section 70-a.

**Statutory authority:** Public Service Law, sections 66(12) and 70-a

**Subject:** Tariff filing to effectuate amendments to Public Service Law section 70-a.



**Purpose:** To approve O&R’s tariff filing, with modifications, to effectuate amendments to Public Service Law section 70-a.

**Substance of final rule:** The Commission, on October 13, 2016, adopted an order approving Orange and Rockland Utilities, Inc.’s tariff filing, with modifications, to effectuate amendments to Public Service Law § 70-a – Transfer of Street Light Systems, contained in P.S.C. No. 3 – Electricity, subject to the terms and conditions set forth in the order.

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

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

**Assessment of Public Comment**

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

(15-E-0749SA1)

**NOTICE OF ADOPTION**

**Transfer of Stock**

**I.D. No.** PSC-13-16-00011-A

**Filing Date:** 2016-10-14

**Effective Date:** 2016-10-14

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

**Action taken:** On 10/13/16, the PSC adopted an order approving Crystal Water Corporation’s (Crystal Water) petition to transfer 100 percent of stock to Bruce McNab.

**Statutory authority:** Public Service Law, section 89-h

**Subject:** Transfer of stock.

**Purpose:** To approve Crystal Water’s petition to transfer 100 percent of stock to Bruce McNab.

**Substance of final rule:** The Commission, on October 13, 2016, adopted an order approving Crystal Water Corporation’s petition to transfer 100 percent of stock to Bruce McNab, subject to the terms and conditions set forth in the order.

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

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

**Assessment of Public Comment**

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

(16-W-0126SA1)

**NOTICE OF ADOPTION**

**Petition Requesting Modification of the CCA Opt-Out Program to an Opt-In Program**

**I.D. No.** PSC-25-16-00011-A

**Filing Date:** 2016-10-13

**Effective Date:** 2016-10-13

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

**Action taken:** On 10/13/16, the PSC adopted an order denying, in part, National Fuel Gas Distribution Corporation’s (NFG) petition requesting modification of the Community Choice Aggregation (CCA) Opt-Out Program to an Opt-In Program.

**Statutory authority:** Public Service Law, sections 5(1)(b), (2), 22, 53, 65(1), (2), (3), 66(2) and (5)

**Subject:** Petition requesting modification of the CCA Opt-Out Program to an Opt-In Program.

**Purpose:** To deny, in part, NFG’s petition requesting modification of the CCA Opt-Out Program to an Opt-In Program.

**Substance of final rule:** The Commission, on October 13, 2016, adopted

an order denying, in part, National Fuel Gas Distribution Corporation’s (NFG) petition requesting modification of the Community Choice Aggregation (CCA) Opt-Out Program to an Opt-In Program. Reconsideration and clarification of the April 21, 2016 Order Authorizing Framework for Community Choice Aggregation Opt-Out Program is granted, subject to the terms and conditions set forth in the order.

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

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

**Assessment of Public Comment**

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

(14-M-0224SA3)

**NOTICE OF ADOPTION**

**Proposed Solutions to Meet the PPTN**

**I.D. No.** PSC-25-16-00012-A

**Filing Date:** 2016-10-13

**Effective Date:** 2016-10-13

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

**Action taken:** On 10/13/16, the PSC adopted an order directing the New York State Independent Operator, Inc. (NYISO) to evaluate proposed solutions to meet the Public Policy Transmission Need (PPTN) for Western New York.

**Statutory authority:** Public Service Law, sections 4(1), 5(1)(b), (2), 65(1), 66(1), (2) and (5)

**Subject:** Proposed solutions to meet the PPTN.

**Purpose:** To direct NYISO to evaluate proposed solutions to meet the PPTN.

**Substance of final rule:** The Commission, on October 13, 2016, adopted an order directing the New York State Independent Operator, Inc. to evaluate proposed solutions to meet the Public Policy Transmission Need for Western New York, subject to the terms and conditions set forth in the order.

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

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

**Assessment of Public Comment**

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

(14-E-0454SA2)

**NOTICE OF ADOPTION**

**Petition for Rehearing, Reconsideration and Clarification of Certain Aspects of the CCA Order**

**I.D. No.** PSC-25-16-00013-A

**Filing Date:** 2016-10-13

**Effective Date:** 2016-10-13

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

**Action taken:** On 10/13/16, the PSC adopted an order granting the Joint Utilities’ petition for rehearing, reconsideration and clarification of certain aspects of the Community Choice Aggregation (CCA) Opt-Out Program Order.

**Statutory authority:** Public Service Law, sections 5(1)(b), (2), 22, 53, 65(1), (2), (3), 66(2) and (5)

**Subject:** Petition for rehearing, reconsideration and clarification of certain aspects of the CCA Order.

**Purpose:** To grant the Joint Utilities’ petition for rehearing, reconsideration and clarification of certain aspects of the CCA Order.

**Substance of final rule:** The Commission, on October 13, 2016, adopted an order granting Consolidated Edison Company of New York, Inc., Orange and Rockland Utilities, Inc., Central Hudson Gas & Electric Corporation, National Fuel Gas Distribution Corporation, The Brooklyn Union Gas Company d/b/a National Grid NY, KeySpan Gas East Corporation d/b/a National Grid, Niagara Mohawk Corporation d/b/a National Grid, New York State Electric & Gas Corporation, and Rochester Gas and Electric Corporation's petition for rehearing, reconsideration and clarification of certain aspects of the April 21, 2016 Order Authorizing Framework for Community Choice Aggregation Opt-Out Program, subject to the terms and conditions set forth in the order.

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

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

**Assessment of Public Comment**

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

(14-M-0224SA2)

## NOTICE OF ADOPTION

### Revised Audit Implementation Plan

**I.D. No.** PSC-28-16-00014-A

**Filing Date:** 2016-10-13

**Effective Date:** 2016-10-13

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

**Action taken:** On 10/13/16, the PSC adopted an order approving Consolidated Edison Company of New York, Inc. (Con Edison) and Orange and Rockland Utilities, Inc.'s (O&R) Revised Audit Implementation Plan.

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

**Subject:** Revised Audit Implementation Plan.

**Purpose:** To approve Con Edison and O&R's Revised Audit Implementation Plan.

**Substance of final rule:** The Commission, on October 13, 2016, adopted an order approving Consolidated Edison Company of New York, Inc. and Orange and Rockland Utilities, Inc.'s Revised Audit Implementation Plan, subject to the terms and conditions set forth in the order.

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

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

**Assessment of Public Comment**

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

(14-M-0001SA1)

## NOTICE OF ADOPTION

### Tariff Amendments to SC No. 20—Gas Marketers, Contained in P.S.C. No. 9—Gas

**I.D. No.** PSC-32-16-00006-A

**Filing Date:** 2016-10-17

**Effective Date:** 2016-10-17

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

**Action taken:** On 10/13/16, the PSC adopted an order approving Consolidated Edison Company of New York, Inc.'s (Con Edison) tariff amendments to Service Classification (SC) No. 20—Gas Marketers, contained in P.S.C. No. 9—Gas.

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

**Subject:** Tariff amendments to SC No. 20—Gas Marketers, contained in P.S.C. No. 9—Gas.

**Purpose:** To approve Con Edison's tariff amendments to SC No. 20—Gas Marketers, contained in P.S.C. No. 9—Gas.

**Substance of final rule:** The Commission, on October 13, 2016, adopted an order approving Consolidated Edison Company of New York, Inc.'s tariff amendments to Service Classification No. 20 – Gas Marketers, contained in P.S.C. No. 9 – Gas, in regards to Daily Delivery Service and Winter Bundled Sales Service, subject to the terms and conditions set forth in the order.

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

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

**Assessment of Public Comment**

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

(16-G-0406SA1)

## NOTICE OF ADOPTION

### Deferral of Property Taxes

**I.D. No.** PSC-32-16-00021-A

**Filing Date:** 2016-10-17

**Effective Date:** 2016-10-17

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

**Action taken:** On 10/13/16, the PSC adopted an order approving New York American Water Company, Inc.'s (NYAW) petition to defer \$300,000 of excess property taxes.

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

**Subject:** Deferral of property taxes.

**Purpose:** To approve NYAW's petition to defer \$300,000 of excess property taxes.

**Substance of final rule:** The Commission, on October 13, 2016, adopted an order approving New York American Water Company, Inc.'s petition to defer \$300,000 of excess property taxes from its current Sea Cliff Revenue, Production Costs and Property Tax Reconciliation Filing, subject to the terms and conditions set forth in the order.

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

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

**Assessment of Public Comment**

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

(16-W-0410SA1)

## PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

### Surcharge to Recover Costs of Dynamic Load Management Programs

**I.D. No.** PSC-44-16-00015-P

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

**Proposed Action:** The Commission is considering a petition by Consolidated Edison Company of New York, Inc. to establish a surcharge mechanism to recover costs of Dynamic Load Management Programs.

**Statutory authority:** Public Service Law, sections 5(1), (2), 65(1), (5), 66(1), (12) and (14)

**Subject:** Surcharge to recover costs of Dynamic Load Management Programs.

**Purpose:** To consider a surcharge to recover costs of the Dynamic Load Management Programs.

**Substance of proposed rule:** The Public Service Commission is consider-

ing a petition by Con Edison Company of New York, Inc. (Con Edison) to establish a Dynamic Load Management (DLM) Surchage mechanism in compliance with the Commission's Order Adopting Dynamic Load Management Program Changes with Modifications, issued May 23, 2016 in this Case. Con Edison proposes to allocate the costs of DLM Programs to individual service classifications on a transmission demand basis, and recover such costs from customers on a dollar per kilowatt-hour basis for non-demand billed customers, and on a dollar per kilowatt basis for demand billed customers. 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](mailto:john.pitucci@dps.ny.gov)

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

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

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

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

(14-E-0423SP2)

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

**Consideration of Comments Made by NFG Regarding the Audit Process and the Use of Guidance Documents in Regulation**

**I.D. No.** PSC-44-16-00016-P

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

**Proposed Action:** The Commission is considering comments by National Fuel Gas Distribution Corporation regarding the audit process, rulemaking and guidance documents.

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

**Subject:** Consideration of comments made by NFG regarding the audit process and the use of guidance documents in regulation.

**Purpose:** To consider NFG's arguments and if the Commission should modify its practices.

**Substance of proposed rule:** The Public Service Commission is considering comments by National Fuel Gas Distribution Corporation (NFG), filed on September 16, 2016, regarding the Commission's current audit of the gas utility industry in New York State. NFG argues that the current audit improperly focuses on all gas utilities in New York State, rather than on an individual company, that the Commission is avoiding the statutory rule making process by imposing practices on the gas utility through the audit process and through the use of guidance documents. 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](mailto:John.Pitucci@dps.ny.gov)

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

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

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

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

(13-M-0314SP7)

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

**Valuation of and Compensation for Electricity Generated by Distributed Resources**

**I.D. No.** PSC-44-16-00017-P

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

**Proposed Action:** The Commission is considering Staff's proposal, including options and alternatives, for implementing a new valuation and compensation methodology for electricity generated by distributed generation resources owned or operated by customer-generators.

**Statutory authority:** Public Service Law, sections 5(1)(a), (2), 65(1)-(5), 66(1), (12), (14), 66-j and 66-l

**Subject:** Valuation of and compensation for electricity generated by distributed resources.

**Purpose:** To implement framework that will benefit ratepayers and customer-generators and further State policy.

**Substance of proposed rule:** The Public Service Commission (Commission) is considering the Staff Report and Recommendations (Report) filed by Department of Public Service Staff (Staff) in Case 15-E-0751. The Report presents recommendations, options, and alternatives for implementing a new valuation and compensation methodology for electricity generated by distributed generation resources owned or operated by customer-generators. The Commission may adopt, reject, or modify, in whole or in part, the recommendations, options, and alternatives presented in the Report, and may resolve related matters.

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

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

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

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

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

(15-E-0751SP1)

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

**Notice of Intent to Submeter Electricity**

**I.D. No.** PSC-44-16-00018-P

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

**Proposed Action:** The Public Service Commission is considering the Notice of Intent of 325 Kent LLC c/o Two Trees Management Co., LLC, to submeter electricity at 325 Kent Avenue, Brooklyn, New York.

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

**Subject:** Notice of Intent to submeter electricity.

**Purpose:** To consider the Notice of Intent to submeter electricity at 325 Kent Avenue, Brooklyn, New York.

**Substance of proposed rule:** The Commission is considering the Notice of Intent of 325 Kent LLC c/o Two Trees Management Co., LLC, filed July 13, 2016, to submeter electricity at 325 Kent Avenue, Brooklyn, New York, located in the service territory of Consolidated Edison Company of New York, Inc. The Commission may adopt, reject or modify, in whole or in part, the relief proposed and may resolve related matters.

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



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

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

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

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

(16-E-0399SP1)

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

**Transfer of Certain Streetlights Located in the City of Kingston**

**I.D. No.** PSC-44-16-00019-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 filed by Central Hudson Gas & Electric Corporation (Central Hudson) for the transfer of certain streetlights located in the City of Kingston, Ulster County, New York to the City of Kingston.

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

**Subject:** Transfer of certain streetlights located in the City of Kingston.

**Purpose:** To consider the transfer of certain streetlights from Central Hudson to the City of Kingston.

**Substance of proposed rule:** The Public Service Commission is considering a petition filed on October 5, 2016, by Central Hudson Gas & Electric Corporation (Central Hudson) for authorization to transfer 2,012 streetlights to the City of Kingston, a New York municipal corporation. Central Hudson asserts that the proposed transaction will not impact the reliability, safety, operation, or maintenance of Central Hudson's electric distribution system. 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, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

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

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

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

(16-E-0564SP1)

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

**Transfer of a Parcel of Property Located in the Town of North Castle**

**I.D. No.** PSC-44-16-00020-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 filed by Consolidated Edison Company of New York, Inc. (Con Edison) for authorization to transfer a parcel of property located in the Town of North Castle, Westchester County, New York to the Town of North Castle.

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

**Subject:** Transfer of a parcel of property located in the Town of North Castle.

**Purpose:** To consider the transfer of a parcel of property from Con Edison to the Town of North Castle.

**Substance of proposed rule:** The Public Service Commission is consider-

ing a petition filed on July 14, 2016, by Consolidated Edison Company of New York, Inc. (Con Edison) for authorization to transfer a parcel of property located at the corner of Long Pond Road and Windmill Road in New Castle to the Town of North Castle, a New York municipal corporation. Con Edison asserts that the proposed transaction will not impact the reliability, safety, operation, or maintenance of Con Edison's electric distribution system. 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, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

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

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

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

(16-M-0562SP1)

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

**Minor Rate Filing of Municipal Commission of Boonville**

**I.D. No.** PSC-44-16-00021-P

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

**Proposed Action:** The Commission is considering proposed tariff amendments filed by the Municipal Commission of Boonville, to P.S.C. No. 1 — Electricity, to increase its annual electric revenues by approximately \$161,477 or 4.2%.

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

**Subject:** Minor rate filing of Municipal Commission of Boonville.

**Purpose:** To consider an increase in annual revenues of about \$161,477 or 4.2%.

**Substance of proposed rule:** The Public Service Commission is considering proposed tariff amendments, filed by Municipal Commission of Boonville (Boonville), to P.S.C. No. 1 — Electricity, by which it would increase its annual electric revenues by approximately \$161,477 or 4.2%. Under the proposed rates, the average summer monthly bill of a residential customer using 875 kilowatt-hours of electricity would increase from \$37.72 to \$39.99 or 6.0%, and the average winter monthly bill of a residential customer using 1,725 kilowatt-hours of electricity would increase from \$76.63 to \$79.79 or 4.0%. Boonville also proposes to increase the monthly service charge for Service Classification (SC) No. 1 — Residential and SC No. 2 — Small Commercial from \$2.00 to \$6.50 per month, to be phased in over three years. In addition, Boonville proposes to update the Factor of Adjustment by using a six-year average, which has historically been the method used by the Commission. The proposed amendments have an effective date of February 1, 2017. The Commission may adopt, reject, or modify, in whole or in part, the relief proposed and may resolve related matters.

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

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

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

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

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

(16-E-0565SP1)

## Workers' Compensation Board

### NOTICE OF ADOPTION

#### Stipulations

**I.D. No.** WCB-45-15-00019-A

**Filing No.** 954

**Filing Date:** 2016-10-14

**Effective Date:** 2016-11-02

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

**Action taken:** Amendment of section 300.5 of Title 12 NYCRR.

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

**Subject:** Stipulations.

**Purpose:** Permitting parties to a workers' compensation claim to enter into stipulations in accordance with agreements reached outside hearing.

**Text of final rule:** Section 300.5 of Title 12 of the New York Codes Rules and Regulations is amended as follows:

(a) In controverted claims the Workers' Compensation Law Judge shall make a reasoned decision upon the contested points. This decision, outlining the evidence supporting said determination, may be made by an oral statement which shall be entered upon the minutes of the hearings, or may be in a written and signed statement which shall be filed with the papers in the record.

(b)(1) Parties to any claim before the board may stipulate to uncontested facts or proposed findings. [Such stipulation shall be in writing and shall be signed by all parties so stipulating] *When a claimant is represented, a stipulation may be made either as an oral statement on the record at a hearing or, in writing outside of a hearing. A written stipulation must be submitted using the form or format prescribed by the Chair. The stipulation must indicate that each party to the stipulation:*

(i) [have] has been advised of the legal effect of stipulating to the facts or proposed findings contained in said stipulation; and

(ii) [have] has affixed their signatures to said stipulation of their own free will. *If the stipulation is presented at a hearing, a [A] Workers' Compensation Law Judge shall verify the foregoing through questioning. [that all parties:]*

[If the claimant is not represented, the stipulation shall be signed in the presence of a Workers' Compensation Law Judge.]

(2) A stipulation [pursuant to this section shall be subject to the approval of] *made at a hearing and approved by a Workers' Compensation Law Judge [and, if approved,] shall be incorporated into the decision of the Workers' Compensation Law Judge and shall be binding upon the parties. A written stipulation made outside of a hearing entered into by a represented claimant and the employer or carrier shall be reviewed and if approved by a Workers' Compensation Law Judge or conciliator shall be incorporated into a decision of the Board. Such stipulation, as incorporated into [the] a decision of the Workers' Compensation Law Judge, shall be subject to the provisions of section 23 of the Workers' Compensation Law and section 300.13 of this Part, and to sections 22 and 123 of the Workers' Compensation Law. The Chair may direct that stipulations properly submitted in the prescribed format and approved by a Workers' Compensation Law Judge or conciliator constitute the decision of the Workers' Compensation Law Judge.*

(3) *When a claimant is not represented, he or she shall give a sworn statement on the record at a hearing indicating an understanding of the facts agreed to and the legal effect of the oral or written stipulation.*

(3)4 The provisions of this subdivision shall not be applicable to agreements settling upon and determining claims for compensation pursuant to section 32 of the Workers' Compensation Law and section 300.36 of this Part.

(c) In every claim where the disability exceeds seven days, the Workers' Compensation Law Judge shall make a finding as to whether or not an accident arising out of and in the course of employment or an occupational disease has been established [; and in every claim involving disability less than seven days, the Workers' Compensation Law Judge shall make such a finding where possible to do so on evidence before him or her. The finding of the Workers' Compensation Law Judge in such cases shall be incorporated in the notice of decision].

(d) The Workers' Compensation Law Judge may excuse the failure of a physician or other health providers to file reports in accordance with the requirements of subdivision (4) of section 13-a, subdivision (3) of section

13-k, subdivision (3) of section 13-l and subdivision (4) of section 13-m of the Workers' Compensation Law whenever after taking testimony the Workers' Compensation Law Judge finds it to be in the interest of justice to excuse such failure, and the decision of the Workers' Compensation Law Judge shall state the reasons therefor.

(e) A claim for reimbursement pursuant to section 15, subdivision 8 of the Workers' Compensation Law shall be filed on a form prescribed by the chair.

**Final rule as compared with last published rule:** Nonsubstantive changes were made in section 300.5(b)(1), (2) and (3).

**Text of rule and any required statements and analyses may be obtained from:** Heather MacMaster, Workers' Compensation Board, 328 State Street, Schenectady, NY 12305-2318, (518) 486-9564, email: regulations@wcb.ny.gov

#### Revised Regulatory Impact Statement

A revised Regulatory Impact Statement is not required because the changes made to the last published rule do not necessitate revision to the previously published document. The changes to the text are not substantial, do not change the meaning of any provision and therefore do not change any statements in the document. Specifically, the words "oral or written" were added and words reorganized to clarify that the stipulation may be either oral or written.

#### Revised Regulatory Flexibility Analysis

A revised Regulatory Flexibility Analysis for Small Business and Local Governments is not required because the changes made to the last published rule do not necessitate revision to the previously published document. The changes to the text are not substantial, do not change the meaning of any provision and therefore do not change any statements in the document. Specifically, the words "oral or written" were added and words reorganized to clarify that the stipulations may be either written or oral.

#### Revised Rural Area Flexibility Analysis

A revised Rural Area Flexibility Analysis is not required because the changes made to the last published rule do not necessitate revision to the previously published document. The changes to the text are not substantial, do not change the meaning of any provision and therefore do not change any statements in the document. Specifically, the words "oral or written" were added and words reorganized to clarify that the stipulation may be either written or oral.

#### Revised Job Impact Statement

A revised Job Impact Statement is not required because the changes made to the last published rule do not necessitate revision to the previously published document. The changes made to the text were not substantive, do not change the meaning of any provision and therefore do not change any statements in the document. Specifically, the changes clarify that the stipulations can be made outside the hearing and may be either oral or written.

#### Assessment of Public Comment

The agency received no public comment.

## PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

#### Administrative Appeals

**I.D. No.** WCB-44-16-00011-P

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

**Proposed Action:** This is a consensus rule making to amend section 300.13 of Title 12 NYCRR.

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

**Subject:** Administrative Appeals.

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

**Text of proposed rule:** Section 300.13 of Title 12 NYCRR is amended as follows:

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

a. Definitions

(1) "Administrative Review" means an administrative appeal from a decision of a Compensation Claims Referee, under section twenty-three of the workers' compensation law, or an administrative appeal of a finalized

administrative determination as set forth in part three-hundred [twelve] *thirteen* of this chapter.

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

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

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

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

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

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

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

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

(2) The application for administrative review:

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

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

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

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

(A) Proof of service in the format prescribed by the Chair shall specify the papers served, the person who was served, the date, and method of service including the actual address, email address or fax number where service was transmitted. An affidavit, affirmation, or other satisfactory proof of service as prescribed by the Chair, shall be submitted with the

Application for Administrative Review to the Board. The affidavit, affirmation, or other proof of service must certify that all service was completed within thirty days from the filing of the decision that is the subject of the Application for Administrative Review.

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

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

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

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

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

(3) Filing with the Board.

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

(ii) Method of filing the application:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

***Text of proposed rule and any required statements and analyses may be obtained from:*** Heather MacMaster, Workers' Compensation Board, Office of General Counsel, 328 State Street, Schenectady, NY 12305-2318, (518) 486-9564, email: regulations@wcb.ny.gov

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

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

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

The proposed amendment to section 300.13 corrects an incorrect reference in paragraph (1) from Part 312 to Part 313. The proposed amendment also adds an additional citation to section 25(3)(f) to paragraph (2)(iii). The proposed changes are ministerial. They do not change the meaning or function of any of the amended regulations. It is believed that there is no basis for objecting to the proposed amendments.

#### ***Job Impact Statement***

The proposed rule will not have an adverse impact on jobs. The proposed amendment of section 300.13 of Title 12 of the NYCRR simply corrects a typographical error and adds a statutory reference for accuracy. The rule does not eliminate any existing process, procedure, or program, and will not result in an adverse impact on jobs.

**HEARINGS SCHEDULED  
FOR PROPOSED RULE MAKINGS**

Agency I.D. No.	Subject Matter	Location—Date—Time
<b>Adirondack Park Agency</b>		
APA-39-16-00030-P .....	Access to agency records	Department of Environmental Conservation, 625 Broadway, Albany, NY—Nov. 14, 2016, 11:00 a.m.  Adirondack Park Agency, 1133 Rte. 86, Ray Brook, NY—Nov. 15, 2016, 7:00 p.m.
<b>Environmental Conservation, Department of</b>		
ENV-36-16-00002-P .....	Lake Champlain drainage basin	Plattsburgh Town Hall, 151 Banker Rd., Plattsburgh, NY—Nov. 2, 2016, 11:00 a.m.
<b>Labor, Department of</b>		
LAB-42-16-00016-P .....	Farm worker minimum wage	Department of Labor, Bldg. 2, State Campus, Albany, NY—Dec. 5, 2016, 10:00 a.m.
<b>Long Island Power Authority</b>		
LPA-41-16-00007-P .....	PSEG Long Island’s balanced billing program	H. Lee Dennison Bldg., 100 Veterans Memo- rial Hwy., Hauppauge, NY—Nov. 28, 2016, 10:00 a.m.  Long Island Power Authority, 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY—Nov. 28, 2016, 2:00 p.m.
LPA-41-16-00008-P .....	Authority’s power supply charge	H. Lee Dennison Bldg., 100 Veterans Memo- rial Hwy., Hauppauge, NY—Nov. 28, 2016, 10:00 a.m.  Long Island Power Authority, 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY—Nov. 28, 2016, 2:00 p.m.
LPA-41-16-00009-P .....	Authority’s smart grid small generator interconnection procedures	H. Lee Dennison Bldg., 100 Veterans Memo- rial Hwy., Hauppauge, NY—Nov. 28, 2016, 10:00 a.m.  Long Island Power Authority, 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY—Nov. 28, 2016, 2:00 p.m.
LPA-41-16-00010-P .....	Authority’s revenue decoupling mechanism	H. Lee Dennison Bldg., 100 Veterans Memo- rial Hwy., Hauppauge, NY—Nov. 28, 2016, 10:00 a.m.  Long Island Power Authority, 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY—Nov. 28, 2016, 2:00 p.m.
LPA-41-16-00011-P .....	Authority’s visual benefits assessment	H. Lee Dennison Bldg., 100 Veterans Memo- rial Hwy., Hauppauge, NY—Nov. 28, 2016, 10:00 a.m.  Long Island Power Authority, 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY—Nov. 28, 2016, 2:00 p.m.
<b>Power Authority of the State of New York</b>		
PAS-41-16-00013-P .....	Rates for the sale of power and energy	Power Authority of the State of New York, 123 Main St., White Plains, NY—Nov. 17, 2016, 11:00 a.m.
PAS-41-16-00014-P .....	Rates for the sale of power and energy	Power Authority of the State of New York, 123 Main St., White Plains, NY—Nov. 17, 2016, 11:00 a.m.
<b>Public Service Commission</b>		
PSC-38-16-00005-P .....	Disposition of tax refunds and other related matters	Department of Public Service, Three Empire State Plaza, 3rd Fl., Hearing Rm., Albany, NY—Nov. 16, 2016, 10:30 a.m., and continu- ing as needed. (Evidentiary Hearing)*

\*On occasion, there are requests to reschedule or postpone evidentiary hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website ([www.dps.ny.gov](http://www.dps.ny.gov)) under Case 16-M-0300.

PSC-38-16-00009-P ..... Disposition of tax refunds and other related matters

Department of Public Service, Three Empire State Plaza, 3rd Fl., Hearing Rm., Albany, NY—Nov. 16, 2016, 10:30 a.m., and continuing as needed. (Evidentiary Hearing)\*

\*On occasion, there are requests to reschedule or postpone evidentiary hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website ([www.dps.ny.gov](http://www.dps.ny.gov)) under Case 16-M-0362.

PSC-40-16-00023-P ..... Major gas rate filing

Department of Public Service, Agency Bldg. Three, 3rd Fl. Hearing Rm., Albany, NY—Dec. 5, 2016, 10:00 a.m., and daily on succeeding business days as needed. (Evidentiary Hearing)\*

\*On occasion, there are requests to reschedule or postpone evidentiary hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website ([www.dps.ny.gov](http://www.dps.ny.gov)) under Case 16-G-0369.

**State, Department of**

DOS-40-16-00029-EP ..... Signs on buildings utilizing truss type, pre-engineered wood or timber construction

Department of State, 99 Washington Ave., Rm. 505, Albany, NY—Nov. 21, 2016, 10:00 a.m.





**ACTION PENDING INDEX**

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

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

For additional information concerning any of the proposals listed

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

Agency code	Issue number	Year published	Serial number	Action Code
<b>AAM</b>	<b>01</b>	<b>12</b>	<b>0001</b>	<b>P</b>

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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**ADIRONDACK PARK AGENCY**

APA-09-16-00005-P	..... 03/02/17	Access to Agency Records	To conform Adirondack Park Agency rules to the Public Officers Law and rules promulgated by the Committee on Open Government
APA-39-16-00030-P	..... 11/15/17	Access to Agency Records	To conform Adirondack Park Agency rules to the Public Officers Law and rules promulgated by the Committee on Open Government

**AGRICULTURE AND MARKETS, DEPARTMENT OF**

AAM-23-16-00005-P	..... 06/08/17	National Institute of Standards and Technology ("NIST") Handbook 44; receipts issued by taxicab operators, digital scales	To incorporate NIST Handbook 44 (2016 edition); to allow handwritten taxicab receipts; to liberalize scale requirements
AAM-34-16-00003-P	..... 08/24/17	Firewood (all hardwood species), nursery stock, logs, green lumber, stumps, roots, branches and debris of half an inch or more	To modify the ALB quarantine to prevent the further spread of the beetle and to modify the list of regulated articles
AAM-35-16-00017-P	..... 08/31/17	Program rules for New York State Grown & Certified	Inform interested parties of the program, its purpose, participation requirements, qualifying product & rules of participation
AAM-42-16-00006-P	..... 10/19/17	Sanitation in retail food stores and method of sale, at retail, of certain food	To cause the republication of regulations governing retail food stores and the method of sale of certain foods at retail

**AUDIT AND CONTROL, DEPARTMENT OF**

AAC-37-16-00005-P	..... 09/14/17	Pre-employment physicals for presumption provisions	To address requirement that records of a pre-employment physical be submitted in the event that such records no longer exist
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**CHILDREN AND FAMILY SERVICES, OFFICE OF**

CFS-23-16-00004-ERP	..... 06/08/17	Requirements regarding the cooperation of school districts with investigations of suspected child abuse or maltreatment	To clarify requirements for the cooperation of school districts with investigations of suspected child abuse or maltreatment
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## Action Pending Index

NYS Register/November 2, 2016

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CHILDREN AND FAMILY SERVICES, OFFICE OF</b>			
CFS-24-16-00001-P	06/15/17	Child care for children experiencing homelessness.	To reduce barriers for children experiencing homelessness to receive child care assistance and to attend child care.
CFS-39-16-00002-P	09/28/17	Provisions relating to the revocation, suspension, limitation or denial of an operating certificate for an adult care facility	To conform the provisions for actions taken on operating certificates for adult care facilities to State law
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
CVS-44-15-00006-P	11/03/16	Jurisdictional Classification	To classify positions in the exempt class
CVS-44-15-00008-P	11/03/16	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-44-15-00010-P	11/03/16	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-44-15-00012-P	11/03/16	Jurisdictional Classification	To classify a subheading and positions in the non-competitive class
CVS-44-15-00014-P	11/03/16	Jurisdictional Classification	To delete a position from and classify a position in the non-competitive class
CVS-44-15-00017-P	11/03/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-44-15-00018-P	11/03/16	Jurisdictional Classification	To classify positions in the exempt class and to classify a position from the non-competitive class
CVS-07-16-00006-P	02/16/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-07-16-00009-P	02/16/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-11-16-00001-P	03/16/17	Jurisdictional Classification	To delete positions from and classify positions in the exempt and non-competitive classes
CVS-11-16-00002-P	03/16/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-11-16-00003-P	03/16/17	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-14-16-00005-P	04/06/17	Supplemental military leave benefits	To extend the availability of supplemental military leave benefits for certain New York State employees until December 31, 2016
CVS-15-16-00004-P	04/13/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-15-16-00005-P	04/13/17	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-15-16-00006-P	04/13/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-15-16-00007-P	04/13/17	Jurisdictional Classification	To delete positions from and classify positions in the exempt and non-competitive classes
CVS-15-16-00008-P	04/13/17	Jurisdictional Classification	To classify a position in the non-competitive class



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
CVS-20-16-00005-P	05/18/17	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-20-16-00006-P	05/18/17	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-26-16-00003-P	06/29/17	Jurisdictional Classification	To classify positions in the exempt class and to delete positions from the non-competitive class
CVS-26-16-00004-P	06/29/17	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-26-16-00005-P	06/29/17	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-26-16-00006-P	06/29/17	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-26-16-00007-P	06/29/17	Jurisdictional Classification	To classify positions in the non-competitive classes
CVS-26-16-00008-P	06/29/17	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-26-16-00009-P	06/29/17	Jurisdictional Classification	To classify positions in the exempt class
CVS-26-16-00010-P	06/29/17	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-26-16-00011-P	06/29/17	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-29-16-00001-P	07/20/17	Jurisdictional Classification	To classify positions in the exempt class
CVS-29-16-00002-P	07/20/17	Jurisdictional Classification	To delete subheading & positions from; to add heading, subheading & positions in exempt and non-competitive classes
CVS-29-16-00003-P	07/20/17	Jurisdictional Classification	To delete positions from the exempt and non-competitive classes
CVS-29-16-00004-P	07/20/17	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-29-16-00005-P	07/20/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-29-16-00006-P	07/20/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-29-16-00007-P	07/20/17	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-29-16-00008-P	07/20/17	Jurisdictional Classification	To classify a position in the exempt class and to delete a position from the non-competitive class
CVS-29-16-00009-P	07/20/17	Jurisdictional Classification	To classify positions in the exempt class
CVS-29-16-00010-P	07/20/17	Jurisdictional Classification	To classify positions in the exempt class
CVS-29-16-00011-P	07/20/17	Jurisdictional Classification	To classify a position in the exempt class

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
CVS-29-16-00012-P	07/20/17	Jurisdictional Classification	To classify positions in the exempt class
CVS-29-16-00013-P	07/20/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-29-16-00014-P	07/20/17	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-29-16-00015-P	07/20/17	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-29-16-00016-P	07/20/17	Jurisdictional Classification	To delete positions from the exempt and non-competitive classes
CVS-29-16-00017-P	07/20/17	Jurisdictional Classification	To classify a position in the exempt class and to delete a position from the non-competitive class
CVS-29-16-00018-P	07/20/17	Jurisdictional Classification	To delete subheading & positions from; to add heading, subheading & positions in exempt and non-competitive classes
CVS-35-16-00004-P	08/31/17	Jurisdictional Classification	To classify positions in the exempt class
CVS-35-16-00005-P	08/31/17	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class.
CVS-35-16-00006-P	08/31/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-35-16-00007-P	08/31/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-35-16-00008-P	08/31/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-35-16-00009-P	08/31/17	Jurisdictional Classification	To classify positions in the exempt class
CVS-35-16-00010-P	08/31/17	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-35-16-00011-P	08/31/17	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-35-16-00012-P	08/31/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-44-16-00001-P	11/02/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-44-16-00002-P	11/02/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-44-16-00003-P	11/02/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-44-16-00004-P	11/02/17	Jurisdictional Classification	To classify a position in the exempt class and to delete a position from the non-competitive class
CVS-44-16-00005-P	11/02/17	Jurisdictional Classification	To delete a position from and classify a position in the non-competitive class
CVS-44-16-00006-P	11/02/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-44-16-00007-P	11/02/17	Jurisdictional Classification	To classify a position in the exempt class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
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
<b>CORRECTION, STATE COMMISSION OF</b>			
CMC-44-16-00022-P	11/02/17	Annual report of pregnant inmate restraint.	To prescribe a form and manner for local correctional facilities to submit a statutorily required annual report.
<b>CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF</b>			
CCS-39-16-00004-P	09/28/17	Parole Board decision making	To clearly establish what the Board must consider when conducting an interview and rendering a decision
<b>CRIMINAL JUSTICE SERVICES, DIVISION OF</b>			
CJS-25-16-00004-P	06/22/17	Handling of Ignition Interlock Cases Involving Certain Criminal Offenders.	To promote public/traffic safety, offender accountability and quality assurance through the establishment of minimum standards.
<b>EDUCATION DEPARTMENT</b>			
EDU-06-16-00004-P	02/09/17	School counseling, certification requirements for school counselors and the school counselor program registration requirements.	To implement policy enacted by the Board of Regents to enhance existing public school district guidance programs to require comprehensive developmental counseling programs for all students in grades prekindergarten through 12 by certified school counselors
EDU-10-16-00018-RP	03/09/17	Dental Anesthesia Certification Requirements for Licensed Dentists	To conform regulations to the current practice of dental anesthesia administration
EDU-22-16-00006-EP	06/01/17	Teacher certification in career and technical education	Establishes a new pathway for Transitional A certificate
EDU-26-16-00016-ERP	06/29/17	Teacher certification in career and technical education	Establishes new pathways for Transitional A certificate
EDU-39-16-00009-P	09/28/17	Substitute Teachers	To provide a sunset date for the amendments made to 80-5.4 at the July Regents meeting
EDU-39-16-00033-EP	09/28/17	Assessments for the New York State Career Development and Occupational Studies (CDOS) Commencement Credential	Establish conditions and procedures for approval of work-readiness assessments for the CDOS credential
EDU-39-16-00034-P	09/28/17	Uniform Violent or Disruptive Incident Reporting System (VADIR)	To revise the categories of violent and disruptive incidents for VADIR reporting
EDU-42-16-00001-EP	10/19/17	Establishment of tuition rates	To clarify that the Education Department maintains discretion in establishing tuition rates based on a financial audit
EDU-44-16-00012-P	11/02/17	Education requirements for Occupational Therapists and Occupational Therapy Assistants	Provides that licenses may be granted to applicants who have completed education exceeding current requirements for licensure



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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>EDUCATION DEPARTMENT</b>			
EDU-44-16-00013-EP	11/02/17	Teacher certification examination requirements.	To establish additional safety nets for the content specialty examinations.
EDU-44-16-00023-P	11/02/17	Posting of Child Abuse Hotline Number and Instructions to Use Office of Children and Family Services Website	To implement the requirements of Chapter 105 of the Laws of 2016.
<b>ENVIRONMENTAL CONSERVATION, DEPARTMENT OF</b>			
ENV-45-15-00028-P	11/09/16	Science-based State sea-level rise projections	To establish a common source of sea-level rise projections for consideration in relevant programs and decision-making
ENV-51-15-00004-P	02/10/17	Distributed generation (DG) sources that feed the distribution grid or produce electricity for use at host facilities or both	Establish emission limits for distributed generation sources
ENV-51-15-00005-P	12/22/16	Big bore air rifles	To allow big bore air rifles as legal implements for hunting big game
ENV-52-15-00010-P	12/29/16	Procedures for modifying or extinguishing a conservation easement held by the NYS DEC	Establish standards for the DEC to follow when modifying or extinguishing a CE and provide for a formal public review process
ENV-11-16-00004-P	06/07/17	Solid Waste Management Regulations	Amend the rules that implement the solid waste program in New York State to incorporate changes in law and technology
ENV-19-16-00006-EP	06/30/17	Chemical Bulk Storage (CBS)	To amend Part 597 of the CBS regulations
ENV-26-16-00002-P	06/29/17	To amend 6 NYCRR Part 40 pertaining to recreational party and charter boat regulations for striped bass	To allow filleting of striped bass aboard party and charter boats
ENV-26-16-00013-P	06/29/17	Rule making to implement ECL 17-0826-a	To implement the reporting, notification and record keeping requirements of ECL 17-0826-a
ENV-31-16-00003-P	09/30/17	Waste Fuels	Update permit references, rule citations, monitoring, record keeping, reporting requirements, and incorporate federal standards
ENV-36-16-00002-P	11/02/17	Lake Champlain drainage basin	To reclassify certain surface waters in Lake Champlain Drainage Basin, in Clinton, Essex, Franklin, Warren, Washington counties
ENV-39-16-00011-P	09/28/17	Sportfishing (freshwater) and associated activities	To revise sportfishing regulations and associated activities
<b>FINANCIAL SERVICES, DEPARTMENT OF</b>			
DFS-03-16-00003-ERP	01/19/17	Standard financial aid award information sheet for institutions of higher education	Provides guidance to institutions of higher education for the implementation of a financial aid award information sheet
DFS-17-16-00003-P	exempt	Plan of Conversion by Commercial Travelers Mutual Insurance Company	To convert a mutual accident and health insurance company to a stock accident and health insurance company
DFS-24-16-00004-P	06/15/17	Financial statement filings and accounting practices and procedures	To update citations in Part 83 to the Accounting Practices and Procedures Manual as of March 2014 (instead of 2013).

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>FINANCIAL SERVICES, DEPARTMENT OF</b>			
DFS-29-16-00020-EP	07/20/17	Workers' Compensation Safe Patient Handling Program	To implement Part A of Chapter 60 of the Laws of 2014
DFS-36-16-00001-EP	09/07/17	Minimum Standards For Form, Content And Sale Of Health Insurance, Including Standards Of Full And Fair Disclosure	To allow blanket accident insurance policy issued in accordance with GBL section 1015.11 to be excess to any plan
DFS-39-16-00007-P	09/28/17	Charges for Professional Health Services	Limit reimbursement of no-fault health care services provided outside NYS to highest fees in fee schedule for services in NYS
DFS-39-16-00008-P	09/28/17	CYBERSECURITY REQUIREMENTS FOR FINANCIAL SERVICES COMPANIES	To require effective cybersecurity to protect consumers and ensure the safe and sound operation of Department-regulated entities
DFS-41-16-00006-P	10/12/17	Inspecting, Securing and Maintaining Vacant and Abandoned Residential Real Property	To implement the requirements imposed by the recent additions to the Real Property Actions and Proceedings Law
DFS-41-16-00012-P	10/12/17	Commercial Crime Coverage Exclusions	To prohibit certain insurance exclusions for loss/damage caused by an employee previously convicted of criminal offense
<b>GAMING COMMISSION, NEW YORK STATE</b>			
SGC-37-16-00007-P	09/14/17	Require thoroughbred horse trainers to complete four hours of continuing education each year	To preserve the integrity of pari-mutuel racing while generating reasonable revenue for the support of government
SGC-37-16-00016-P	09/14/17	Accounting standards for a licensed gaming facility	To govern a gaming facility licensee's procedures in regard to accounting and record keeping
SGC-37-16-00017-P	09/14/17	Electronic Gaming Devices and Equipment	To set forth the practices and procedures for the conduct and operation of electronic gaming devices and equipment
SGC-37-16-00018-P	09/14/17	Slot Tournaments and Progressive Gaming Devices	To to prescribe the technical standards for the certification of slot tournaments and progressive gaming devices
SGC-37-16-00019-P	09/14/17	Table game rules	To set forth the practices and procedures for the conduct and operation of table games
SGC-37-16-00020-P	09/14/17	Monitoring, control systems and validation	To prescribe the technical standards for the certification of online monitoring and control and validation systems
SGC-37-16-00021-P	09/14/17	To set forth the standards for the gaming devices	To prescribe the technical standards for the certification of gaming devices
SGC-37-16-00022-P	09/14/17	To set forth the practice and procedures for the cage and count standards	To regulate the procedures for the cage and count standards
SGC-38-16-00004-P	09/21/17	Definition of the "wire" at the finish of a harness race	To preserve the integrity of pari-mutuel racing while generating reasonable revenue for the support of government
SGC-42-16-00002-P	10/19/17	Casino alcoholic beverage licenses	To regulate the presence and sale of alcoholic beverages on the premises of gaming facilities

## Action Pending Index

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>GAMING COMMISSION, NEW YORK STATE</b>			
SGC-42-16-00003-P	10/19/17	Prescribing methods of notice to applicants, registrants, and licensees and restrictions on employee wagering	To set forth the methods of notice and restrict employee wagering
SGC-42-16-00004-P	10/19/17	To set forth the standards for electronic table game systems	To prescribe the technical standards for the testing and certification of electronic table game systems
<b>HEALTH, DEPARTMENT OF</b>			
*HLT-14-94-00006-P	exempt	Payment methodology for HIV/AIDS outpatient services	To expand the current payment to incorporate pricing for services
HLT-46-15-00006-P	12/20/16	Early Intervention Program	To conform existing program regulations to federal regulations and state statute
HLT-15-16-00016-P	04/13/17	Zika Action Plan; Performance Standards.	To require local health departments to develop a Zika Action Plan as a condition of State Aid
HLT-16-16-00002-P	04/20/17	NYS Medical Indemnity Fund	To provide additional guidance and clarity to the Fund's requirements and operations
HLT-35-16-00018-P	08/31/17	All Payer Database (APD)	To define the parameters for operating the APD regarding mandatory data submission by healthcare payers as well as data release
HLT-37-16-00023-P	09/14/17	Medical Use of Marihuana	To authorize nurse practitioners to register with DOH in order to issue certifications to patients with qualifying conditions
HLT-37-16-00024-P	09/14/17	Medical Use of Marihuana	To comprehensively regulate the manufacture, sale and use of medical marihuana
HLT-39-16-00031-P	09/28/17	Non-prescription Emergency Contraceptives Drugs	Allow pharmacies to dispense non-prescription emerg. contraceptive drugs for Medicaid female recipients without a written order
HLT-39-16-00032-P	09/28/17	Expanded Syringe Access Program	To eliminate the word "demonstration"
HLT-40-16-00030-P	10/05/17	Transgender Related Care and Services	To amend provisions regarding Medicaid coverage of transition-related transgender care and services
HLT-41-16-00002-EP	10/12/17	Residential Health Care Facility Quality Pool	To reward NYS facilities with the highest quality outcomes as determined by methodology developed by regulation
HLT-41-16-00005-P	10/12/17	Compounded Trend to Cost of Living Adjustments (COLAs) for Direct Care Workers	To update the methodology to reflect a compounded cost of living adjustment and to remove a superfluous component
<b>JOINT COMMISSION ON PUBLIC ETHICS, NEW YORK STATE</b>			
JPE-37-16-00002-EP	09/14/17	Source of funding reporting	To implement legislative changes made to the source of funding disclosure requirements
JPE-37-16-00003-EP	09/14/17	Adjudicatory proceedings and appeals procedures for matters under the Commission's jurisdiction	To implement legislative changes made to the Commission's adjudicatory proceedings



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>LABOR, DEPARTMENT OF</b>			
LAB-03-16-00009-P	01/19/17	Employer Imposed Limitations on the Inquiry, Discussion, and Disclosure of Wages	This regulation sets forth standards for limitations on inquiry, discussion, or the disclosure of wages amongst employees
LAB-42-16-00015-P	10/19/17	Minimum Wage	To comply with chapter 54 of the Laws of 2016 that increased the minimum wage
LAB-42-16-00016-P	12/05/17	Farm Worker Minimum Wage	To comply with chapter 54 of the Laws of 2016 that increased the minimum wage
<b>LIQUOR AUTHORITY, STATE</b>			
LQR-02-16-00002-P	01/12/17	Update outdated Freedom of Information Law procedures utilized by Authority	To update Authority procedures and ensure compliance with Freedom of information Law requirements under Pub. Off. Law., art. 6
LQR-17-16-00002-P	04/27/17	Updated price posting rules, license durations, and recordkeeping requirements, and rescinding of whiskey dividend rules	To update price posting rules, license durations, recordkeeping, and joint advertising rules for certain license types
<b>LONG ISLAND POWER AUTHORITY</b>			
*LPA-08-01-00003-P	exempt	Pole attachments and related matters	To approve revisions to the authority's tariff
*LPA-41-02-00005-P	exempt	Tariff for electric service	To revise the tariff for electric service
*LPA-04-06-00007-P	exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan
*LPA-03-10-00004-P	exempt	Residential late payment charges	To extend the application of late payment charges to residential customers
LPA-41-16-00007-P	exempt	PSEG Long Island's balanced billing program	To implement improvements to the balanced billing program
LPA-41-16-00008-P	exempt	The Authority's Power Supply Charge	To move certain capacity related power supply costs from base rates to the Authority's Power Supply Charge
LPA-41-16-00009-P	exempt	The Authority's Smart Grid Small Generator Interconnection Procedures	To update the Authority's Smart Grid Small Generator Interconnection Procedures
LPA-41-16-00010-P	exempt	The Authority's Revenue Decoupling Mechanism	To change the RDM from a semi-annual to an annual rate resetting process
LPA-41-16-00011-P	exempt	The Authority's Visual Benefits Assessment	To effectuate a settlement between the Authority and the Town of Southampton regarding collection of arrears
<b>NIAGARA FALLS WATER BOARD</b>			
*NFW-04-13-00004-EP	exempt	Adoption of Rates, Fees and Charges	To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders
*NFW-13-14-00006-EP	exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>POWER AUTHORITY OF THE STATE OF NEW YORK</b>			
*PAS-01-10-00010-P	..... exempt	Rates for the sale of power and energy	Update ECSB Programs customers' service tariffs to streamline them/include additional required information
PAS-41-16-00013-P	..... exempt	Rates for the Sale of Power and Energy	To recover the Authority's Fixed Costs
PAS-41-16-00014-P	..... exempt	Rates for the Sale of Power and Energy	To align rates and costs
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-28-97-00032-P	..... exempt	General service by Central Hudson Gas & Electric Corporation	To limit certain special provisions
*PSC-34-97-00009-P	..... exempt	Collection agency fees by Consolidated Edison Company of New York, Inc.	To pass collection agency fees on to the customer
*PSC-04-98-00015-P	..... exempt	Interconnection service overcharges by Niagara Mohawk Power Corporation	To consider a complaint by Azure Mountain Power Co.
*PSC-19-98-00008-P	..... exempt	Call forwarding by CPU Industries Inc./MKL Net, et al.	To rehear the petition
*PSC-02-99-00006-EP	..... exempt	Intralata freeze plan by New York Telephone Company	To approve the plan
*PSC-09-99-00012-P	..... exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	..... exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-50-99-00009-P	..... exempt	Retail access uniform business practices by The Brooklyn Union Gas Company and KeySpan Gas East Corporation d/b/a Brooklyn Union of Long Island	To approve a joint petition requesting a waiver extension of a requirement set forth in the commission's order
*PSC-52-99-00006-P	..... exempt	Wide area rate center calling	To implement number conservation measures
*PSC-12-00-00001-P	..... exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-14-00-00004-EP	..... exempt	NXX code in the 716 NPA by Broadview Networks	To assign an NXX code in Buffalo
*PSC-14-00-00026-P	..... exempt	Interconnection agreement between New York Telephone Company d/b/a Bell Atlantic-New York and Media Log, Inc.	To review the terms and conditions of the negotiated agreement
*PSC-14-00-00027-P	..... exempt	Interconnection agreement between New York Telephone Company d/b/a Bell Atlantic-New York and Pilgrim Telephone, Inc.	To review the terms and conditions of the negotiated agreement
*PSC-14-00-00029-P	..... exempt	Interconnection agreement between New York Telephone Company d/b/a Bell Atlantic-New York and CoreComm New York, Inc.	To review the terms and conditions of the negotiated agreement
*PSC-16-00-00012-P	..... exempt	Termination of local telecommunications traffic by Hyperion Communications of New York, Inc.	To determine appropriate compensation levels

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-21-00-00007-P	..... exempt	Initial tariff schedule by Drew Road Association	To set forth the rates, charges, rules and regulations
*PSC-31-00-00026-P	..... exempt	Water service by Windover Water Works	To abandon the water system
*PSC-33-00-00010-P	..... exempt	Electric rate and restructuring plan by Rochester Gas and Electric Corporation	To evaluate possible modifications
*PSC-36-00-00039-P	..... exempt	Steam increase by Consolidated Edison Company of New York, Inc.	To provide for an annual increase in the first year of a proposed four-year rate plan
*PSC-37-00-00001-EP	..... exempt	Interruptible gas customers	To ensure customers have an adequate supply of alternative fuel available
*PSC-39-00-00004-P	..... exempt	Blockable central office codes by PaeTec Communications, Inc.	To review the commission's requirements for assignment of numbering resources
*PSC-44-00-00014-P	..... exempt	Recovery of costs through adjustment mechanisms by Consolidated Edison Company of New York, Inc.	To permit the recovery of certain costs
*PSC-49-00-00007-P	..... exempt	Gas sales and purchases by Corning Natural Gas Corporation	To determine whether certain gas sales and purchases were in the public interest and whether customers should bear the resulting costs
*PSC-01-01-00023-P	..... exempt	Installation, maintenance and ownership of service laterals by Rochester Gas and Electric Corporation	To update and clarify the provisions
*PSC-06-01-00009-P	..... exempt	Uniform system of accounts by Rochester Gas and Electric Corporation	To defer an item of expense beyond the end of the year in which it was incurred
*PSC-13-01-00001-P	..... exempt	Request for accounting authorization by Rochester Gas and Electric Corporation	To defer an item of expense beyond the end of the year in which it was incurred
*PSC-13-01-00002-P	..... exempt	Request for accounting authorization by Rochester Gas and Electric Corporation	To defer an item of expense beyond the end of the year in which it was incurred
*PSC-13-01-00003-P	..... exempt	Request for accounting authorization by Rochester Gas and Electric Corporation	To defer an item of expense beyond the end of the year in which it was incurred
*PSC-15-01-00012-P	..... exempt	Transfer of a controlling leasehold interest by Huntley Power LLC	To approve the transfer
*PSC-22-01-00006-P	..... exempt	Con Edison's phase 4 plan for retail access by AES Energy, Inc.	To review the request for rehearing
*PSC-26-01-00012-P	..... exempt	Interconnection of networks between Sprint PCS and Verizon New York Inc.	To review the terms and conditions of the negotiated agreement
*PSC-36-01-00010-P	..... exempt	Competitive metering by eBidenergy.com	To clarify meter ownership rules and requirements
*PSC-44-01-00005-P	..... exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-01-02-00007-P	..... exempt	Accounting and rate treatment of proceeds by Consolidated Edison Company of New York, Inc.	To consider proceeds from sale of nuclear generating facilities



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-05-02-00005-P	..... exempt	Uniform system of accounts by Consolidated Edison Company of New York, Inc.	To defer expenditures incurred in connection with emergency response services affected by the World Trade Center disaster
*PSC-06-02-00015-P	..... exempt	Network reliability performance mechanism by Consolidated Edison Company of New York, Inc.	To earn rewards for meeting the targets of the network reliability performance mechanism
*PSC-07-02-00032-P	..... exempt	Uniform business practices	To consider modification
*PSC-29-02-00014-P	..... exempt	Financing by Valley Energy, Inc.	To issue a note and allocate costs
*PSC-49-02-00021-P	..... exempt	Requests for lightened regulation by PSEG Power Bellport, LLC	To consider the company's request
*PSC-08-03-00009-P	..... exempt	Provision of gas service to World Kitchen Incorporated	To establish terms and conditions
*PSC-09-03-00012-P	..... exempt	Incremental service line installations by New York State Electric & Gas Corporation	To revise the current flat rate per foot charged
*PSC-09-03-00014-P	..... exempt	Deferral accounting by Consolidated Edison Company of New York, Inc. and Orange and Rockland Utilities, Inc.	To defer expense items beyond the end of the year(s) in which they were incurred
*PSC-11-03-00012-P	..... exempt	Economic development plan by New York State Electric & Gas Corporation	To consider the plan
*PSC-18-03-00004-P	..... exempt	Lightened regulation by East Hampton Power and Light Corporation (EHPLC)	To provide for lightened regulation and grant financing approval
*PSC-22-03-00020-P	..... exempt	Inter-departmental gas pricing by Consolidated Edison Company of New York, Inc.	To revise the method used in steam and steam-electric generating stations
*PSC-32-03-00020-P	..... exempt	Issuance of debt and approval of surcharge by Rainbow Water Company	To approve necessary financing
*PSC-34-03-00019-P	..... exempt	Issuance of securities by KeySpan East Corporation d/b/a KeySpan Energy Delivery Long Island	To obtain authorization to issue securities
*PSC-35-03-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and MCIMetro Access Transmission Services LLC	To amend the agreement
*PSC-36-03-00010-P	..... exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-39-03-00013-P	..... exempt	Complaint by State University of New York (SUNY) regarding a NYSEG operating agreement	To consider the complaint
*PSC-40-03-00015-P	..... exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00008-P	..... exempt	Lightened regulation by Sterling Power Partners, L.P.	To consider granting lightened regulation
*PSC-41-03-00010-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-41-03-00011-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-42-03-00005-P	..... exempt	Interest rate by the Bath Electric, Gas, and Water Systems	To use an alternate interest rate
*PSC-43-03-00036-P	..... exempt	Merchant function backout credit and transition balancing account by KeySpan Gas East Corporation	To continue the credit and account until May 31, 2005
*PSC-43-03-00037-P	..... exempt	Merchant function backout credit and transition balancing account by The Brooklyn Union Gas Company	To continue the credit and account until May 31, 2005
*PSC-44-03-00009-P	..... exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates
*PSC-47-03-00024-P	..... exempt	Lightened regulation and financing approval by Medford Energy LLC	To consider the requests
*PSC-02-04-00008-P	..... exempt	Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York	To rehear the Nov. 25, 2003 order
*PSC-06-04-00009-P	..... exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC
*PSC-10-04-00005-P	..... exempt	Temporary protective order	To consider adopting a protective order
*PSC-10-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement
*PSC-14-04-00008-P	..... exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway
*PSC-15-04-00022-P	..... exempt	Submetering of electricity by Glenn Gardens Associates, L.P.	To permit submetering at 175 W. 87th St., New York, NY
*PSC-21-04-00013-P	..... exempt	Verizon performance assurance plan by Metropolitan Telecommunications	To clarify the appropriate performance level
*PSC-22-04-00010-P	..... exempt	Approval of new types of electricity meters by Powell Power Electric Company	To permit the use of the PE-1250 electronic meter
*PSC-22-04-00013-P	..... exempt	Major gas rate increase by Consolidated Edison Company of New York, Inc.	To increase annual gas revenues
*PSC-22-04-00016-P	..... exempt	Master metering of water by South Liberty Corporation	To waive the requirement for installation of separate water meters
*PSC-25-04-00012-P	..... exempt	Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P.	To amend the agreement
*PSC-27-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-27-04-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-28-04-00006-P	..... exempt	Approval of loans by Dunkirk & Fredonia Telephone Company and Cassadaga Telephone Corporation	To authorize participation in the parent corporation's line of credit
*PSC-31-04-00023-P	..... exempt	Distributed generation service by Consolidated Edison Company of New York, Inc.	To provide an application form
*PSC-34-04-00031-P	..... exempt	Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc.	To set appropriate level of permanent rates
*PSC-35-04-00017-P	..... exempt	Application form for distributed generation by Orange and Rockland Utilities, Inc.	To establish a new supplementary application form for customers
*PSC-43-04-00016-P	..... exempt	Accounts receivable by Rochester Gas and Electric Corporation	To include in its tariff provisions for the purchase of ESCO accounts receivable
*PSC-46-04-00012-P	..... exempt	Service application form by Consolidated Edison Company of New York, Inc.	To revise the form and make housekeeping changes
*PSC-46-04-00013-P	..... exempt	Rules and guidelines governing installation of metering equipment	To establish uniform statewide business practices
*PSC-02-05-00006-P	..... exempt	Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc.	To consider imposing remedial actions against the company and its owners, officers and directors
*PSC-09-05-00009-P	..... exempt	Submetering of natural gas service by Hamlet on Olde Oyster Bay	To consider submetering of natural gas to a commercial customer
*PSC-14-05-00006-P	..... exempt	Request for deferred accounting authorization by Freeport Electric Inc.	To defer expenses beyond the end of the fiscal year
*PSC-18-05-00009-P	..... exempt	Marketer Assignment Program by Consolidated Edison Company of New York, Inc.	To implement the program
*PSC-20-05-00028-P	..... exempt	Delivery point aggregation fee by Allied Frozen Storage, Inc.	To review the calculation of the fee
*PSC-25-05-00011-P	..... exempt	Metering, balancing and cashout provisions by Central Hudson Gas & Electric Corporation	To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11
*PSC-27-05-00018-P	..... exempt	Annual reconciliation of gas costs by New York State Electric & Gas Corporation	To consider the manner in which the gas cost incentive mechanism has been applied
*PSC-41-05-00013-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities	To consider the filings
*PSC-45-05-00011-P	..... exempt	Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation	To defer certain costs
*PSC-46-05-00015-P	..... exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*PSC-39-06-00018-P	..... exempt	Order establishing rate plan by Central Hudson Gas & Electric Corporation and the Consumer Protection Board	To consider the petitions for rehearing
*PSC-39-06-00019-P	..... exempt	Investigation of Richard M. Osborne by Corning Natural Gas Corporation	To determine the interests, plans and commitments that will be in place if he is successful in blocking the merger of Corning Gas and C&T Enterprises
*PSC-39-06-00022-P	..... exempt	Uniform business practices and related matters by U.S. Energy Savings Corporation	To establish a contest period

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-40-06-00005-P	..... exempt	Orion Integral automatic meter reading transmitter by New York State Electric and Gas Corporation	To permit gas utilities in NYS to use the Badger Meter Incorporated Orion Integral transmitters
*PSC-42-06-00011-P	..... exempt	Submetering of electricity by 225 5th LLC	To submeter electricity at 255 Fifth Ave., New York, NY
*PSC-43-06-00014-P	..... exempt	Electric delivery services by Strategic Power Management, Inc.	To determine the proper mechanism for the rate-recovery of costs
*PSC-44-06-00014-P	..... exempt	Electric power outages in Northwest Queens by Consolidated Edison Company of New York, Inc.	To review the terms and conditions of the agreement
*PSC-45-06-00007-P	..... exempt	Alleged failure to provide electricity by Robert Andrews	To assess validity of allegations and appropriateness of fines
*PSC-01-07-00031-P	..... exempt	Enforcement mechanisms by National Fuel Gas Distribution Corporation	To modify enforcement mechanisms
*PSC-04-07-00012-P	..... exempt	Petition for rehearing by Orange and Rockland Utilities, Inc.	To clarify the order
*PSC-06-07-00015-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for electric service
*PSC-06-07-00020-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for gas service
*PSC-11-07-00010-P	..... exempt	Investigation of the electric power outages by the Consolidated Edison Company of New York, Inc.	To implement the recommendations in the staff's investigation
*PSC-11-07-00011-P	..... exempt	Storm-related power outages by Consolidated Edison Company of New York, Inc.	To modify the company's response to power outages, the timing for any such changes and other related matters
*PSC-17-07-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc.	To amend the agreement
*PSC-18-07-00010-P	..... exempt	Existing electric generating stations by Independent Power Producers of New York, Inc.	To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation
*PSC-20-07-00016-P	..... exempt	Tariff revisions and making rates permanent by New York State Electric & Gas Corporation	To seek rehearing
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-24-07-00012-P	..... exempt	Gas Efficiency Program by the City of New York	To consider rehearing a decision establishing a Gas Efficiency Program
*PSC-39-07-00017-P	..... exempt	Gas bill issuance charge by New York State Electric & Gas Corporation	To create a gas bill issuance charge unbundled from delivery rates
*PSC-41-07-00009-P	..... exempt	Submetering of electricity rehearing	To seek reversal
*PSC-42-07-00012-P	..... exempt	Energy efficiency program by Orange and Rockland Utilities, Inc.	To consider any energy efficiency program for Orange and Rockland Utilities, Inc.'s electric service
*PSC-42-07-00013-P	..... exempt	Revenue decoupling by Orange and Rockland Utilities, Inc.	To consider a revenue decoupling mechanism for Orange and Rockland Utilities, Inc.
*PSC-45-07-00005-P	..... exempt	Customer incentive programs by Orange and Rockland Utilities, Inc.	To establish a tariff provision
*PSC-02-08-00006-P	..... exempt	Additional central office codes in the 315 area code region	To consider options for making additional codes
*PSC-03-08-00006-P	..... exempt	Rehearing of the accounting determinations	To grant or deny a petition for rehearing of the accounting determinations
*PSC-04-08-00010-P	..... exempt	Granting of easement rights on utility property by Central Hudson Gas & Electric Corporation	To grant easement rights to Millennium Pipeline Company, L.L.C.
*PSC-04-08-00012-P	..... exempt	Marketing practices of energy service companies by the Consumer Protection Board and New York City Department of Consumer Affairs	To consider modifying the commission's regulation over marketing practices of energy service companies
*PSC-08-08-00016-P	..... exempt	Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al.	To consider the transfer
*PSC-12-08-00019-P	..... exempt	Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-12-08-00021-P	..... exempt	Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-13-08-00011-P	..... exempt	Waiver of commission policy and NYSEG tariff by Turner Engineering, PC	To grant or deny Turner's petition
*PSC-13-08-00012-P	..... exempt	Voltage drops by New York State Electric & Gas Corporation	To grant or deny the petition
*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



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-25-08-00007-P	..... exempt	Policies and procedures regarding the selection of regulatory proposals to meet reliability needs	To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs
*PSC-25-08-00008-P	..... exempt	Report on Callable Load Opportunities	Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years
*PSC-28-08-00004-P	..... exempt	Con Edison's procedure for providing customers access to their account information	To consider Con Edison's implementation plan and timetable for providing customers access to their account information
*PSC-31-08-00025-P	..... exempt	Recovery of reasonable DRS costs from the cost mitigation reserve (CMR)	To authorize recovery of the DRS costs from the CMR
*PSC-32-08-00009-P	..... exempt	The ESCO referral program for KEDNY to be implemented by October 1, 2008	To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program
*PSC-33-08-00008-P	..... exempt	Noble Allegany's request for lightened regulation	To consider Noble Allegany's request for lightened regulation as an electric corporation
*PSC-36-08-00019-P	..... exempt	Land Transfer in the Borough of Manhattan, New York	To consider petition for transfer of real property to NYPH
*PSC-39-08-00010-P	..... exempt	RG&E's economic development plan and tariffs	Consideration of the approval of RG&E's economic development plan and tariffs
*PSC-40-08-00010-P	..... exempt	Loans from regulated company to its parent	To determine if the cash management program resulting in loans to the parent should be approved
*PSC-41-08-00009-P	..... exempt	Transfer of control of cable TV franchise	To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved
*PSC-43-08-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-50-08-00018-P	..... exempt	Market Supply Charge	A study on the implementation of a revised Market Supply Charge
*PSC-51-08-00006-P	..... exempt	Commission's October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458	To consider a Petition for rehearing of the Commission's October 27, 2008 Order in Case 07-M-0458
*PSC-51-08-00007-P	..... exempt	Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078	To consider Petitions for rehearing of the Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078
*PSC-53-08-00011-P	..... exempt	Use of deferred Rural Telephone Bank funds	To determine if the purchase of a softswitch by Hancock is an appropriate use of deferred Rural Telephone Bank funds
*PSC-53-08-00012-P	..... exempt	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY
*PSC-53-08-00013-P	..... exempt	To transfer common stock and ownership	To consider transfer of common stock and ownership
*PSC-01-09-00015-P	..... exempt	FCC decision to redefine service area of Citizens/Frontier	Review and consider FCC proposed redefinition of Citizens/Frontier service area
*PSC-02-09-00010-P	..... exempt	Competitive classification of independent local exchange company, and regulatory relief appropriate thereto	To determine if Chazy & Westport Telephone Corporation more appropriately belongs in scenario 1 rather than scenario 2
*PSC-05-09-00008-P	..... exempt	Revenue allocation, rate design, performance metrics, and other non-revenue requirement issues	To consider any remaining non-revenue requirement issues related to the Company's May 9, 2008 tariff filing
*PSC-05-09-00009-P	..... exempt	Numerous decisions involving the steam system including cost allocation, energy efficiency and capital projects	To consider the long term impacts on steam rates and on public policy of various options concerning the steam system
*PSC-06-09-00007-P	..... exempt	Interconnection of the networks between Frontier Comm. and WVT Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier Comm. and WVT Comm.
*PSC-07-09-00015-P	..... exempt	Transfer certain utility assets located in the Town of Montgomery from plant held for future use to non-utility property	To consider the request to transfer certain utility assets located in the Town of Montgomery to non-utility assets
*PSC-07-09-00017-P	..... exempt	Request for authorization to defer the incremental costs incurred in the restoration work resulting from the ice storm	To allow the company to defer the incremental costs incurred in the restoration work resulting from the ice storm
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-14-09-00014-P	..... exempt	The regulation of revenue requirements for municipal utilities by the Public Service Commission	To determine whether the regulation of revenue requirements for municipal utilities should be modified
*PSC-16-09-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of AMPS on behalf of Park Imperial to submeter electricity at 230 W. 56th Street, in New York, New York
*PSC-16-09-00020-P	..... exempt	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity
*PSC-17-09-00010-P	..... exempt	Whether to permit the use of Elster REX2 solid state electric meter for use in residential and commercial accounts	To permit electric utilities in New York State to use the Elster REX2
*PSC-17-09-00011-P	..... exempt	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes
*PSC-17-09-00012-P	..... exempt	Petition for the submetering of gas at commercial property	To consider the request of Turner Construction, to submeter natural gas at 550 Short Ave., & 10 South St., Governors Island, NY
*PSC-17-09-00014-P	..... exempt	Benefit-cost framework for evaluating AMI programs prepared by the DPS Staff	To consider a benefit-cost framework for evaluating AMI programs prepared by the DPS Staff
*PSC-17-09-00015-P	..... exempt	The construction of a tower for wireless antennas on land owned by National Grid	To approve, reject or modify the petition to build a tower for wireless antennas in the Town of Onondaga
*PSC-18-09-00012-P	..... exempt	Petition for rehearing of Order approving the submetering of electricity	To consider the request of Frank Signore to rehear petition to submeter electricity at One City Place in White Plains, New York
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-25-09-00007-P	..... exempt	Electric rates for Consolidated Edison Company of New York, Inc	Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc
*PSC-27-09-00011-P	..... exempt	Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access.	To review the terms and conditions of the negotiated agreement between Vernon and tw telecom of new york l.p.
*PSC-27-09-00014-P	..... exempt	Billing and payment for energy efficiency measures through utility bill	To promote energy conservation
*PSC-27-09-00015-P	..... exempt	Interconnection of the networks between Oriskany and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Oriskany and tw telecom of new york l.p.
*PSC-29-09-00011-P	..... exempt	Consideration of utility compliance filings	Consideration of utility compliance filings
*PSC-32-09-00009-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-34-09-00016-P	..... exempt	Recommendations made in the Management Audit Final Report	To consider whether to take action or recommendations contained in the Management Audit Final Report
*PSC-34-09-00017-P	..... exempt	To consider the transfer of control of Plattsburgh Cablevision, Inc. d/b/a Charter Communications to CH Communications, LLC	To allow the Plattsburgh Cablevision, Inc. to distribute its equity interest in CH Communications, LLC
*PSC-36-09-00008-P	..... exempt	The increase in the non-bypassable charge implemented by RG&E on June 1, 2009	Considering exemptions from the increase in the non-bypassable charge implemented by RG&E on June 1, 2009
*PSC-37-09-00015-P	..... exempt	Sale of customer-generated steam to the Con Edison steam system	To establish a mechanism for sale of customer-generated steam to the Con Edison steam system
*PSC-37-09-00016-P	..... exempt	Applicability of electronic signatures to Deferred Payment Agreements	To determine whether electronic signatures can be accepted for Deferred Payment Agreements
*PSC-39-09-00015-P	..... exempt	Modifications to the \$5 Bill Credit Program	Consideration of petition of National Grid to modify the Low Income \$5 Bill Credit Program
*PSC-39-09-00018-P	..... exempt	The offset of deferral balances with Positive Benefit Adjustments	To consider a petition to offset deferral balances with Positive Benefit Adjustments
*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



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-52-09-00008-P	..... exempt	Approval for the New York Independent System Operator, Inc. to incur indebtedness and borrow up to \$50,000,000	To finance the renovation and construction of the New York Independent System Operator, Inc.'s power control center facilities
*PSC-05-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY
*PSC-05-10-00015-P	..... exempt	Petition for the submetering of electricity	To consider the request of 243 West End Avenue Owners Corp. to submeter electricity at 243 West End Avenue, New York, NY
*PSC-06-10-00022-P	..... exempt	The Commission's Order of December 17, 2009 related to redevelopment of Consolidated Edison's Hudson Avenue generating facility	To reconsider the Commission's Order of December 17, 2009 related to redevelopment of the Hudson Avenue generating facility
*PSC-07-10-00009-P	..... exempt	Petition to revise the Uniform Business Practices	To consider the RESA petition to allow rescission of a customer request to return to full utility service
*PSC-08-10-00007-P	..... exempt	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847
*PSC-08-10-00009-P	..... exempt	Consolidated Edison of New York, Inc. energy efficiency programs	To modify approved energy efficiency programs
*PSC-12-10-00015-P	..... exempt	Recommendations made by Staff intended to enhance the safety of Con Edison's gas operations	To require that Con Edison implement the Staff recommendations intended to enhance the safety of Con Edison's gas operations
*PSC-14-10-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of 61 Jane Street Owners Corporation to submeter Electricity at 61 Jane Street, Manhattan, NY
*PSC-16-10-00005-P	..... exempt	To consider adopting and expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-16-10-00007-P	..... exempt	Interconnection of the networks between TDS Telecom and PAETEC Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between TDS Telecom and PAETEC Communications
*PSC-16-10-00015-P	..... exempt	Interconnection of the networks between Frontier and Choice One Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier and Choice One Communications
*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

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<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-24-10-00009-P	..... exempt	Verizon New York Inc. tariff regulations relating to voice messaging service	To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff
*PSC-25-10-00012-P	..... exempt	Reassignment of the 2-1-1 abbreviated dialing code	Consideration of petition to reassign the 2-1-1 abbreviated dialing code
*PSC-25-10-00015-P	..... exempt	To allow NYWC to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2009	Consideration of NYWC's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2009
*PSC-27-10-00016-P	..... exempt	Petition for the submetering of electricity	To consider the request of 9271 Group, LLC to submeter electricity at 960 Busti Avenue, Buffalo, New York
*PSC-31-10-00007-P	..... exempt	Waiver of the Attachment 23 requirement in 2001 Rate Order that NMPC Board of Directors consist of "outside directors"	To consider the waiver of the requirement that a majority of NMPC Board of directors consist of "outside directors"
*PSC-34-10-00003-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-34-10-00005-P	..... exempt	Approval of a contract for \$250,000 in tank repairs that may be a financing	To decide whether to approve a contract between the parties that may be a financing of \$250,000 for tank repairs
*PSC-34-10-00006-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-36-10-00010-P	..... exempt	Central Hudson's procedures, terms and conditions for an economic development plan	Consideration of Central Hudson's procedures, terms and conditions for an economic development plan
*PSC-40-10-00014-P	..... exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by National Grid
*PSC-40-10-00021-P	..... exempt	Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall	To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall
*PSC-41-10-00018-P	..... exempt	Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter	Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers
*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

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<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-51-10-00018-P	..... exempt	Commission proceeding concerning three-phase electric service by all major electric utilities	Investigate the consistency of the tariff provisions for three-phase electric service for all major electric utilities
*PSC-11-11-00003-P	..... exempt	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service
*PSC-12-11-00008-P	..... exempt	To allow NYWC to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2010	Consideration of NYWC's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2010
*PSC-13-11-00005-P	..... exempt	Exclude the minimum monthly bill component from the earnings test calculation	Exclude the minimum monthly bill component from the earnings test calculation
*PSC-13-11-00007-P	..... exempt	Budget allocations and use of System Benefits Charge funds to pay State Cost Recovery Fee	To encourage cost effective gas and electric energy conservation in the State
*PSC-14-11-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York
*PSC-16-11-00011-P	..... exempt	The Energy Efficiency Portfolio Standard	To promote gas and electricity energy conservation programs in New York
*PSC-19-11-00007-P	..... exempt	Utility price reporting requirements related to the Commission's "Power to Choose" website	Modify the Commission's utility electric commodity price reporting requirements related to the "Power to Choose" website
*PSC-20-11-00012-P	..... exempt	Petition for the submetering of electricity	To consider the request of KMW Group LLC to submeter electricity at 122 West Street, Brooklyn, New York
*PSC-20-11-00013-P	..... exempt	Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges	To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable
*PSC-22-11-00004-P	..... exempt	Whether to permit the use of the Sensus accWAVE for use in residential gas meter applications	To permit gas utilities in New York State to use the Sensus accWAVE diaphragm gas meter
*PSC-23-11-00018-P	..... exempt	NYSEERDA's energy efficiency program for low-income customers	To promote energy conservation in New York State
*PSC-26-11-00007-P	..... exempt	Water rates and charges	To approve an increase in annual revenues by about \$25,266 or 50%
*PSC-26-11-00009-P	..... exempt	Petition for the submetering of electricity at commercial property	To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York
*PSC-26-11-00012-P	..... exempt	Waiver of generation retirement notice requirements	Consideration of waiver of generation retirement notice requirements
*PSC-29-11-00011-P	..... exempt	Petition requesting the Commission reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order.	To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing.
*PSC-35-11-00011-P	..... exempt	Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8	Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-36-11-00006-P	..... exempt	To consider expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-38-11-00002-P	..... exempt	Operation and maintenance procedures pertaining to steam trap caps	Adopt modified steam operation and maintenance procedures
*PSC-38-11-00003-P	..... exempt	Waiver of certain provisions of the electric service tariffs of Con Edison	Consideration of waiver of certain provisions of the electric service tariffs of Con Edison
*PSC-40-11-00010-P	..... exempt	Participation of regulated local exchange carriers in the New York Data Exchange, Inc. (NYDE)	Whether to partially modify its order requiring regulated local exchange carriers' participation NYDE
*PSC-40-11-00012-P	..... exempt	Granting of transfer of plant in-service to a regulatory asset	To approve transfer and recovery of unamortized plant investment
*PSC-42-11-00018-P	..... exempt	Availability of telecommunications services in New York State at just and reasonable rates	Providing funding support to help ensure availability of affordable telecommunications service throughout New York
*PSC-43-11-00012-P	..... exempt	Transfer of outstanding shares of stock	Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC
*PSC-47-11-00007-P	..... exempt	Remedying miscalculations of delivered gas as between two customer classes	Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations
*PSC-48-11-00007-P	..... exempt	Transfer of controlling interests in generation facilities from Dynegy to PSEG	Consideration of the transfer of controlling interests in electric generation facilities from Dynegy to PSEG
*PSC-48-11-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York
*PSC-51-11-00010-P	..... exempt	The Total Resource Cost (TRC) test, used to analyze measures in the Energy Efficiency Portfolio Standard program	Petitioners request that the TRC test and/or its application to measures should be revised
*PSC-52-11-00017-P	..... exempt	Reparations and refunds	Reparations and refunds
*PSC-01-12-00007-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-01-12-00008-P	..... exempt	Transfer of real property and easements from NMPNS to NMP3	Consideration of the transfer of real property and easements from NMPNS to NMP3
*PSC-01-12-00009-P	..... exempt	Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove	To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered
*PSC-11-12-00002-P	..... exempt	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff
*PSC-11-12-00005-P	..... exempt	Transfer of land and water supply assets	Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-13-12-00005-P	..... exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-17-12-00007-P	..... exempt	Whether a proposed agreement for the provision of water service by Saratoga Water Services, Inc. is in the public interest	Whether the Commission should issue an order approving the proposed provision of water service
*PSC-17-12-00008-P	..... exempt	Whether a proposed agreement for the provision of water service by Saratoga Water Services, Inc. is in the public interest	Whether the Commission should issue an order approving the proposed provision of water service
*PSC-17-12-00009-P	..... exempt	Whether a proposed agreement for the provision of water service by Saratoga Water Services, Inc. is in the public interest	Whether the Commission should issue an order approving the proposed provision of water service
*PSC-19-12-00019-P	..... exempt	EEPS programs administered by New York State Electric & Gas Corporation and Rochester Gas and Electric Corporation	To modify the C&I sector by combining multiple approved C&I programs into a single C&I program for each PA
*PSC-19-12-00022-P	..... exempt	Approval of a combined heat and power performance program funding plan administered by 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.
*PSC-21-12-00006-P	..... exempt	Tariff filing requirements and refunds	To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted
*PSC-21-12-00011-P	..... exempt	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47
*PSC-23-12-00005-P	..... exempt	EEPS multifamily programs administered by Consolidated Edison Company of New York, Inc.	To redesign the multifamily electric and gas programs and modify the budgets and targets
*PSC-23-12-00007-P	..... exempt	The approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility	To consider the approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility
*PSC-23-12-00009-P	..... exempt	Over earnings sharing between rate payers and shareholders	To establish an Earnings Sharing Mechanism to be applied following the conclusion of Corning's rate plan
*PSC-27-12-00012-P	..... exempt	Implementation of recommendations made in a Management Audit Report	To consider implementation of recommendations made in a Management Audit Report
*PSC-28-12-00013-P	..... exempt	Exemption of reliability reporting statistics for the purpose of the 2012 Reliability Performance Mechanism	Consideration of Orange and Rockland Utilities request for exemption of the 2012 reliability reporting statistics
*PSC-29-12-00019-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Hamden to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-30-12-00010-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Andes to waive certain preliminary franchising procedures to expedite the franchising process

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-33-12-00009-P	..... exempt	Telecommunications companies ability to attach to utility company poles	Consideration of Tech Valley's ability to attach to Central Hudson poles
*PSC-35-12-00014-P	..... exempt	To implement an abandonment of White Knight's water system	To approve the implementation of abandonment of White Knight's water system
*PSC-37-12-00009-P	..... exempt	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers
*PSC-42-12-00009-P	..... exempt	Regulation of Gipsy Trail Club, Inc.'s long-term financing agreements	To exempt Gipsy Trail Club, Inc. from Commission regulation of its financing agreements
*PSC-45-12-00008-P	..... exempt	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff
*PSC-45-12-00010-P	..... exempt	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District
*PSC-50-12-00003-P	..... exempt	Affiliate standards for Corning Natural Gas Corporation	To resolve issues raised by Corning Natural Gas Corporation in its petition for rehearing
*PSC-04-13-00006-P	..... exempt	Expansion of mandatory day ahead hourly pricing for customers of Orange and Rockland Utilities with demands above 100 kW	To consider the expansion of mandatory day ahead hourly pricing for customers with demands above 100 kW
*PSC-04-13-00007-P	..... exempt	Authorization to transfer certain real property.	To decide whether to approve the transfer of certain real property.
*PSC-06-13-00008-P	..... exempt	Verizon New York Inc.'s retail service quality	To investigate Verizon New York Inc.'s retail service quality
*PSC-08-13-00012-P	..... exempt	Filing requirements for certain Article VII electric facilities	To ensure that applications for certain electric transmission facilities contain pertinent information
*PSC-08-13-00014-P	..... exempt	Uniform System of Accounts - Request for Accounting Authorization	To allow the company to defer an item of expense or capital beyond the end of the year in which it was incurred
*PSC-12-13-00007-P	..... exempt	Protecting company water mains	To allow the company to require certain customers to make changes to the electrical grounding system at their homes
*PSC-13-13-00008-P	..... exempt	The potential waiver of 16 NYCRR 255.9221(d) completion of integrity assessments for certain gas transmission lines.	To determine whether a waiver of the timely completion of certain gas transmission line integrity assessments should be granted.
*PSC-17-13-00008-P	..... exempt	Provision of historical utility pricing information for comparison purposes for residential ESCO customers	Provision of historical utility pricing information for comparison purposes for residential ESCO customers
*PSC-17-13-00010-P	..... exempt	Provision of historical pricing information for comparison purposes for residential ESCO customers	Provision of historical pricing information for comparison purposes for residential ESCO customers

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-18-13-00007-P	..... exempt	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes
*PSC-21-13-00003-P	..... exempt	To consider policies that may impact consumer acceptance and use of electric vehicles	To consider and further develop policies that may impact consumer acceptance and use of electric vehicles
*PSC-21-13-00005-P	..... exempt	To implement an abandonment of Windover's water system	To approve the implementation of abandonment of Windover's water system
*PSC-21-13-00008-P	..... exempt	Rates of National Fuel Gas Distribution Corporation	To make the rates of National Fuel Gas Distribution Corporation temporary, subject to refund, if they are found to be excessive
*PSC-21-13-00009-P	..... exempt	Reporting requirements for natural gas local distribution companies	To help ensure efficient and economic expansion of the natural gas system as appropriate
*PSC-22-13-00009-P	..... exempt	On remand from New York State court litigation, determine the recovery of certain deferred amounts owed NFG by ratepayers	On remand, to determine the recovery of certain deferral amounts owed NFG from ratepayers
*PSC-23-13-00005-P	..... exempt	Waiver of partial payment, directory database distribution, service quality reporting, and service termination regulations	Equalize regulatory treatment based on level of competition and practical considerations
*PSC-24-13-00009-P	..... exempt	Repowering options for the Cayuga generating station located in Lansing, New York, and alternatives	To establish whether utility plans should include repowering options for the Cayuga generating station, or other alternatives
*PSC-24-13-00010-P	..... exempt	Repowering options for the Dunkirk generating station located in Dunkirk, New York, and alternatives	To establish whether utility plans should include repowering options for the Dunkirk generating station, or other alternatives
*PSC-25-13-00008-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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.
*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.



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-47-13-00012-P	..... exempt	Conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.	Consideration of conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.
*PSC-49-13-00008-P	..... exempt	Authorization to transfer all of Crystal Water Supply Company, Inc. stocks to Essel Infra West Inc.	To allow Crystal Water Supply Company, Inc to transfer all of its issued and outstanding stocks to Essel Infra West Inc.
*PSC-51-13-00009-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00010-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00011-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-52-13-00012-P	..... exempt	The development of reliability contingency plan(s) to address the potential retirement of Indian Point Energy Center (IPEC).	To address the petition for rehearing and reconsideration/motion for clarification of the IPEC reliability contingency plan(s).
*PSC-52-13-00015-P	..... exempt	To enter into a loan agreement with the banks for up to an amount of \$94,000.	To consider allowing Knolls Water Company to enter into a long-term loan agreement.
*PSC-01-14-00017-P	..... exempt	Residential Time-of-Use Rates	To establish residential optional time of use delivery and commodity rates
*PSC-03-14-00009-P	..... exempt	disposition of tax refunds and other related matters	to determine the disposition of tax refunds and other related matters
*PSC-04-14-00005-P	..... exempt	National Fuel Gas Corporation's Conservation Incentive Programs.	To modify National Fuel Gas Corporation's Non-Residential Conservation Incentive Program.
*PSC-05-14-00010-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-07-14-00008-P	..... exempt	Petition for submetering of electricity	To consider the request of Greater Centennial Homes HDFC, Inc. to submeter electricity at 102, 103 and 106 W 5th Street, et al.
*PSC-07-14-00012-P	..... exempt	Water rates and charges	Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project
*PSC-08-14-00015-P	..... exempt	Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities	To improve Verizon New York Inc.'s service quality andthe Customer Trouble Report Rate levels at certain central office entities
*PSC-10-14-00006-P	..... exempt	Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance	To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance
*PSC-11-14-00003-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-26-14-00020-P	..... exempt	New electric utility backup service tariffs and standards for interconnection may be adopted.	To encourage development of microgrids that enhance the efficiency, safety, reliability and resiliency of the electric grid.
*PSC-26-14-00021-P	..... exempt	Consumer protections, standards and protocols pertaining to access to customer data may be established.	To balance the need for the information necessary to support a robust market with customer privacy concerns.
*PSC-28-14-00014-P	..... exempt	Petition to transfer systems, franchises and assets.	To consider the Comcast and Charter transfer of systems, franchise and assets.
*PSC-30-14-00023-P	..... exempt	Whether to permit the use of the Sensus iPERL Fire Flow Meter.	Pursuant to 16 NYCRR Part 500.3 , it is necessary to permit the use of the Sensus iPERL Fire Flow Meter.
*PSC-30-14-00025-P	..... exempt	Allocation of uncommitted Technology and Market Development Funds to the Combined Heat & Power Performance Program.	To consider allocation of uncommitted Technology & Market Development Funds to the Combined Heat & Power Performance Program.
*PSC-30-14-00026-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of Renaissance Corporation of to master meter electricity at 100 Union Drive,Albany, NY.
*PSC-31-14-00004-P	..... exempt	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross
*PSC-32-14-00009-P	..... exempt	Refueling options for the Dunkirk generating station located in Dunkirk, New York, and alternatives	To address the joint petition for rehearing of the Commission's Order related to refueling the Dunkirk generating station
*PSC-32-14-00012-P	..... exempt	Whether to grant or deny, in whole or in part, the Connect New York Coalition's petition	To consider the Connect New York Coalition's petition seeking a formal investigation and hearings
*PSC-34-14-00009-P	..... exempt	Whether to approve the Quadlogic S10N residential submeter.	Approval of the Quadlogic S10N Smart Meter for use in residential electric submetering is required by 16 NYCRR Parts 93 and 96.
*PSC-35-14-00004-P	..... exempt	Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY	To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY
*PSC-35-14-00005-P	..... exempt	Whether to permit the use of the Sensus iConA electric meter	Pursuant to 16 NYCRR Parts 92 and 93, Commission approval is necessary to permit the use of the Sensus iConA electric meter
*PSC-36-14-00009-P	..... exempt	Modification to the Commission's Electric Safety Standards.	To consider revisions to the Commission's Electric Safety Standards.
*PSC-36-14-00010-P	..... exempt	The procurement of Main Tier renewable resources will become the responsibility of the State's electric utilities.	To ensure the development of large-scale renewables in New York State to promote fuel diversity and reduce carbon emissions.
*PSC-36-14-00011-P	..... exempt	To defer pension settlement losses associated with retirements in the year ended March 31, 2014.	To resolve the ratemaking of the pension settlement loss.
*PSC-38-14-00003-P	..... exempt	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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.
*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



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-48-14-00014-P	..... exempt	Considering the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.	To consider the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.
*PSC-52-14-00019-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of 614 South Crouse Avenue, LLC to master meter electricity at 614 South Crouse Avenue, Syracuse, NY..
*PSC-01-15-00014-P	..... exempt	State Universal Service Fund Disbursements	To consider Edwards Telephone Company's request for State Universal Service Fund disbursements
*PSC-01-15-00017-P	..... exempt	Reimbursement of costs for construction under 16 NYCRR 230	To determine proper reimbursement for costs related to trenching and construction
*PSC-03-15-00002-P	..... exempt	Waiver of tariff provisions related to SC 14 Non-Core Transportation Services for Electric Generation	To determine whether a waiver is warranted
*PSC-04-15-00008-P	..... exempt	Re-billing SC No. 2 customers from March 2008 through March 2014.	To determine whether re-billing SC No. 2 customers by the Companies' proposed methodology customers is appropriate.
*PSC-04-15-00010-P	..... exempt	To modify the retail access program under SC No. 19 - Seller Transportation Aggregation Service.	To modify the retail access program to implement Tier 2A - Storage Capacity Release and make other tariff changes.
*PSC-04-15-00011-P	..... exempt	To modify the retail access program under SC No. 8 - Seller Services.	To modify the retail access program to implement Tier 2A - Storage Capacity Release and make other tariff changes.
*PSC-04-15-00012-P	..... exempt	Disposition of tax refunds and other related matters.	To determine the disposition of tax refunds and other related matters.
*PSC-07-15-00006-P	..... exempt	Whether to order a remand regarding payphone rates	Whether to order a remand regarding payphone rates and award refunds
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-13-15-00026-P	..... exempt	Whether to permit the use of the Sensus Smart Point Gas AMR/AMI product	To permit the use of the Sensus Smart Point Gas AMR/AMI product
*PSC-13-15-00027-P	..... exempt	Whether to permit the use of the Measurlogic DTS 310 electric submeter	To permit the use of the Measurlogic DTS 310 submeter
*PSC-13-15-00028-P	..... exempt	Whether to permit the use of the SATEC EM920 electric meter	To permit necessary to permit the use of the SATEC EM920 electric meter
*PSC-13-15-00029-P	..... exempt	Whether to permit the use the Triacta Power Technologies 6103, 6112, 6303, and 6312 electric submeters	To permit the use of the Triacta submeters
*PSC-17-15-00004-P	..... exempt	Rehearing of the Commission's Order Adopting Regulatory Policy Framework and Implementation Plan	Consideration of a petition for rehearing
*PSC-17-15-00007-P	..... exempt	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million
*PSC-18-15-00004-P	..... exempt	National Grid's electric Economic Development Programs	To revise the economic development assistance to qualified businesses
*PSC-18-15-00005-P	..... exempt	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism
*PSC-18-15-00007-P	..... exempt	National Grid's Economic Development Programs	To authorize a new economic development program for National Grid's natural gas service territory
*PSC-19-15-00011-P	..... exempt	Gas Safety Performance Measures and associated negative revenue adjustments	To update the performance measures applicable to KeySpan Gas East Corporation d/b/a National Grid
*PSC-20-15-00006-P	..... exempt	Implementation of the proposed Microgrid Business Model as a reliability and demand management resource	Consider implementation of the proposed Microgrid Business Model as a reliability and demand management resource
*PSC-22-15-00015-P	..... exempt	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)
*PSC-23-15-00005-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-23-15-00006-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-25-15-00008-P	..... exempt	Notice of Intent to Submeter electricity.	To consider the request of 165 E 66 Residences, LLC to submeter electricity at 165 East 66th Street, New York, New York.
*PSC-26-15-00014-P	..... exempt	To consider the request for partial waiver of the energy audit requirements in 16 NYCRR Section 96.5(k)	To consider the request for partial waiver of the energy audit requirements in 16 NYCRR Section 96.5(k)
*PSC-26-15-00016-P	..... exempt	Petition to Submeter electricity	To consider the request of 39 Plaza Housing Corporation to submeter electricity at 39 Plaza Street West, Brooklyn, New York

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-27-15-00014-P	..... exempt	Authorization for NYAW to accrue interest on internal reserve debit balances	To allow NYAW to accrue interest on internal reserve debit balances
*PSC-28-15-00006-P	..... exempt	The minor electric rate filing of Mohawk Municipal Commission	Whether to increase Mohawk Municipal Commission's annual electric revenues by approximately \$113,119 or 13.74%
*PSC-29-15-00018-P	..... exempt	Approval of ratemaking related to amendment a certificate of public convenience and necessity	To approve or reject the ratemaking aspects of SLG's petition to amend its certificate of public convenience and necessity
*PSC-29-15-00025-P	..... exempt	Joint Petition for authority to transfer real property located at 624 West 132nd Street, New York, NY	Whether to authorize the proposed transfer of real property located at 624 West 132nd Street, New York, NY
*PSC-31-15-00007-P	..... exempt	Plan to convert petroleum pipeline into a natural gas pipeline	Whether to approve the proposed conversion plan submitted by NIC Holding Corp
*PSC-32-15-00005-P	..... exempt	Petition for rehearing of the Order Adopting Dynamic Load Management Filings with Modifications	To consider a petition for rehearing of the Order Adopting Dynamic Load Management Filings with Modifications
*PSC-32-15-00006-P	..... exempt	Development of a Community Solar Demonstration Project.	To approve the development of a Community Solar Demonstration Project.
*PSC-32-15-00012-P	..... exempt	Proposed standards for Commission oversight of Distributed Energy Resource suppliers.	To consider proposed standards for Commission oversight of Distributed Energy Resource suppliers.
*PSC-33-15-00009-P	..... exempt	Remote net metering of a demonstration community net metering program.	To consider approval of remote net metering of a demonstration community net metering program.
*PSC-33-15-00012-P	..... exempt	Remote net metering of a Community Solar Demonstration Project.	To consider approval of remote net metering of a Community Solar Demonstration Project.
*PSC-34-15-00021-P	..... exempt	Petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs	To consider the petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs
*PSC-35-15-00011-P	..... exempt	Demand based Standby Service Charges levied upon Offset Tariff customers accounts	To consider a revision to demand based Standby Service Charges levied upon Offset Tariff customers accounts
*PSC-35-15-00014-P	..... exempt	Consideration of consequences against Light Power & Gas, LLC for violations of the UBP	To consider consequences against Light Power & Gas, LLC for violations of the UBP
*PSC-37-15-00007-P	..... exempt	Submetered electricity	To consider the request of 89 Murray Street Ass. LLC, for clarification of the submetering order issued December 20, 2007
*PSC-38-15-00008-P	..... exempt	Notice of Intent to submeter electricity	To consider the request of Community Counseling and Mediation to submeter electricity at 226 Linden Blvd., Brooklyn, New York
*PSC-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-41-15-00009-P	..... exempt	Main Tier of the Renewable Portfolio Standard program	To consider allocating funding from the Main Tier to an eligible hydroelectric facility
*PSC-41-15-00011-P	..... exempt	Deferral of incremental costs incurred in 2014 associated with increased gas leak response and repair activities	To consider a petition by Con Edison to defer certain incremental costs associated with gas leak response and repair activities
*PSC-42-15-00006-P	..... exempt	Deferral of incremental expenses associated with NERC's new Bulk Electric System (BES) compliance requirements approved by FERC.	Consideration of Central Hudson's request to defer incremental expenses associated with new BES compliance requirements.
*PSC-42-15-00013-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.
PSC-44-15-00028-P	..... exempt	Deferral of incremental expenses associated with new compliance requirements	Consideration of Central Hudson's request to defer incremental expenses associated with new compliance requirements
PSC-44-15-00030-P	..... exempt	System Improvement Plan mechanism	To consider Bath's petition to implement a SIP mechanism
PSC-47-15-00012-P	..... exempt	Reimbursement of costs for construction under 16 NYCRR 230	To determine proper reimbursement for costs related to trenching and construction
PSC-47-15-00013-P	..... exempt	Whitepaper on Implementing Lightened Ratemaking Regulation.	Consider Whitepaper on Implementing Lightened Ratemaking Regulation.
PSC-48-15-00010-P	..... exempt	Lightened and incidental regulation of a 55 MW electric and steam generating facility.	Consider the lightened and incidental regulation of a 55 MW electric and steam generating facility.
PSC-48-15-00011-P	..... exempt	Proposal to retire Huntley Units 67 and 68 on March 1, 2016.	Consider the proposed retirement of Huntley Units 67 and 68.
PSC-49-15-00009-P	..... exempt	Petition for rehearing of the Order Establishing Interim Ceilings on the Interconnection of Net Metered Generation	To consider a Petition for rehearing of the Order Establishing Interim Ceilings on the Interconnection of Net Metered Generation
PSC-50-15-00006-P	..... exempt	The reduction of rates.	To consider the reduction of rates charged by Independent Water Works, Inc.
PSC-50-15-00008-P	..... exempt	The transfer of 1,064 utility poles.	To consider the transfer of 1,064 utility poles from Orange and Rockland Utilities, Inc. to Frontier Communications Corp.
PSC-50-15-00009-P	..... exempt	Notice of Intent to submeter electricity.	To consider the request to submeter electricity at 31-33 Lincoln Road and 510 Flatbush Avenue, Brooklyn, New York.
PSC-51-15-00010-P	..... exempt	Modification of the EDP	To consider modifying the EDP
PSC-51-15-00011-P	..... exempt	National Grid's electric Economic Development Programs	To consider modifications to the economic development assistance to qualified businesses
PSC-52-15-00015-P	..... exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP).	To consider whether to impose consequences on Astral for its apparent non-compliance with Commission requirements.



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-01-16-00002-P	..... exempt	Revenue assurance calculations	To consider whether the revenue assurance National Grid is requiring of Tiashoke for the upgraded service is appropriate
PSC-01-16-00003-P	..... exempt	Deferral of expenses	To consider a petition for the deferral of expenses
PSC-01-16-00005-P	..... exempt	Proposed amendment to Section 5, Attachment 1.A of the Uniform Business Practices	To consider amendment to Section 5, Attachment 1.A of the Uniform Business Practices
PSC-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-04-16-00010-P	..... exempt	Proposed revisions to add and clarify provisions related to electric generators under SC No. 14.	To consider revisions to SC No. 14 and align the electric generator provisions with its downstate companies, KEDLI and KEDNY.
PSC-04-16-00011-P	..... exempt	Investigation that certain practices of Central Hudson Gas and Electric Corporation resulted in violations of HEFPA.	To consider the Petition of Nobody Leaves Mid-Hudson to investigate Central Hudson for claims of HEFPA violations.
PSC-04-16-00012-P	..... exempt	Proposal to mothball three gas turbines located at the Astoria Gas Turbine Generating Station.	Consider the proposed mothball of three gas turbines located at the Astoria Gas Turbine Generating Station.
PSC-04-16-00013-P	..... exempt	Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.	Consider whether three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.
PSC-06-16-00007-P	..... exempt	Transfer of water supply assets.	To consider the sale of water supply assets of Northeast Water Services to Suez Water Owego-Nichols, Inc.
PSC-06-16-00010-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-07-16-00018-P	..... exempt	The use of the Open Way Centron 3.5 commercial meter, with 4G LTE cellular or modem communications for electric metering	To consider the use of the Itron Open Way Centron 3.5 meter
PSC-08-16-00007-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of BOP MW Residential Market LLC and BOP MW Residential Affordable LLC to submeter electricity.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-11-16-00013-P	..... exempt	Leakage survey and corrosion inspection requirements	To establish protocols and timeframes for completing leakage surveys and corrosion inspections on gas service lines
PSC-11-16-00016-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent of 504 Myrtle Residential Owner LLC to submeter electricity at 504 Myrtle Avenue, Brooklyn, NY
PSC-11-16-00017-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent of 140 West Street Condominium to submeter electricity at 100 Barclay Street, New York, NY
PSC-11-16-00018-P	..... exempt	Rolling Meadows Water Corporation's rates for the provision of water	To consider an increase in Rolling Meadows Water Corporation's annual water revenues by approximately \$169,841 or 34.05%
PSC-12-16-00003-P	..... exempt	The use of the GE Energy low voltage transformers	To consider the use of the GE Energy low voltage transformers
PSC-12-16-00004-P	..... exempt	The option to opt out of using an AMR device, and substitute an electro-mechanical meter, at no additional charge	To consider the option to opt out of using an AMR device, and substitute an electro-mechanical meter, at no additional charge
PSC-12-16-00005-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent of 3475 Third Avenue Owner Realty LLC to submeter electricity at 3475 Third Avenue, Bronx, NY
PSC-12-16-00007-P	..... exempt	Deferral of incremental costs incurred in 2015 associated with increased gas leak response and repair activities	To consider a petition by Con Edison to defer certain incremental costs associated with gas leak response and repair activities
PSC-12-16-00008-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of Promenade Global LLC to submeter electricity at 150 West 225th Street, Bronx, New York.
PSC-13-16-00008-P	..... exempt	Standby rate exemption for Offset Tariff customers	Consideration of the standby rate exemption for Offset Tariff customers
PSC-13-16-00009-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent of Franklin Place Condominium to submeter electricity at 5 Franklin Place, New York, New York
PSC-14-16-00007-P	..... exempt	Regulation of customer name changes on pending interconnection applications for grandfathered projects.	To consider regulation of customer name changes on pending interconnection applications for grandfathered projects.
PSC-14-16-00008-P	..... exempt	Resetting retail markets for ESCO mass market customers.	To ensure consumer protections with respect to residential and small non-residential ESCO customers.
PSC-15-16-00010-P	..... exempt	Proposed financial incentives for projects undertaken through the Targeted Demand Management program	To consider financial incentives for projects undertaken through the Targeted Demand Management program
PSC-15-16-00012-P	..... exempt	Adequate service of Verizon New York, Inc.	To consider the adequacy of Verizon New York Inc.'s service quality
PSC-17-16-00004-P	..... exempt	Major electric rate filing	To consider an increase in Con Edison's electric delivery revenues of approximately \$482 million or 9.5%

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-17-16-00005-P	..... exempt	Major gas rate filing	To consider an increase in KEDNY's gas delivery revenues by approximately \$290 million or 32%
PSC-17-16-00006-P	..... exempt	Proposal to revise General Rule 20 Standby Service	To consider proposed tariff revisions related to standby service multi-party offset under General Rule 20
PSC-17-16-00007-P	..... exempt	Major gas rate filing	To consider an increase in Con Edison's gas delivery revenues of approximately \$154 million or 13.4%
PSC-17-16-00008-P	..... exempt	Major gas rate filing	To consider an increase in KEDLI's gas delivery revenues by approximately \$175 million or 27%
PSC-18-16-00013-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
PSC-18-16-00014-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
PSC-18-16-00015-P	..... exempt	Petitions for rehearing of the Order Resetting Retail Energy Markets and Establishing Further Process.	To ensure consumer protections for ESCO customers.
PSC-18-16-00016-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
PSC-18-16-00018-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
PSC-19-16-00010-P	..... 05/11/17	Technical Amendments of State regulations	To align State regulations with their corollary Federal regulations
PSC-19-16-00011-P	..... exempt	Public Street Lighting - LED Options	To consider the addition of LED options to O&R's SC No. 4 - Public Street Lighting
PSC-19-16-00012-P	..... exempt	Proposed corporate reorganization and transfer of ownership interests between members in Cricket Valley Energy Center, LLC	To consider corporate reorganization and transfer of ownership interests between members in Cricket Valley Energy Center, LLC
PSC-20-16-00007-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of BAM GO Developers, LLC to submeter electricity at 250 Ashland Place, Brooklyn, New York.
PSC-20-16-00008-P	..... exempt	Consideration of consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).	To consider consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).
PSC-20-16-00009-P	..... exempt	Standards for affiliate relationships.	To consider whether to permit the expansion of employees who are permitted to perform services on behalf of affiliates.
PSC-20-16-00010-P	..... exempt	Deferral and recovery of incremental expense.	To consider deferring costs of conducting leak survey and repairs for subsequent recovery.
PSC-20-16-00011-P	..... exempt	Enetics LD-1120 Non-Intrusive Load Monitoring Device in the Statewide Residential Appliance Metering Study.	To consider the use of the Enetics LD-1120 Non-Intrusive Load Monitoring Device.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-21-16-00007-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent to submeter electricity at 206 Outer Main Street, Building #67, Potsdam, New York
PSC-21-16-00008-P	..... exempt	GE I-210+c with Silver Spring Network Interface Card (NIC) 510	To consider the use of the GE I-210+c with Silver Spring Networks Interface Card (NIC) 510
PSC-22-16-00010-P	..... exempt	Notice of Intent to submeter electricity and waiver of 16 NYCRR § 96.5(k)(3).	To consider the Notice of Intent to submeter electricity and waiver of 16 NYCRR § 96.5(k)(3).
PSC-22-16-00011-P	..... exempt	Petition for rehearing of the Order Modifying Standardized Interconnection Requirements and alternative enforcement mechanisms.	To ensure compliance with the Standardized Interconnection Requirements.
PSC-22-16-00013-P	..... exempt	Disposition of tax refunds and other related matters.	To consider the disposition of tax refunds and other related matters.
PSC-22-16-00015-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 100 Willoughby Street and 210 Duffield Street, Brooklyn, New York.
PSC-23-16-00008-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent to submeter electricity at 135 West 52nd Street, New York, New York
PSC-23-16-00009-P	..... exempt	Transfer of assets and dissolution of Birch Hill Water Company Inc.	To consider the transfer of assets and dissolution of the Birch Hill Water Company Inc.
PSC-23-16-00010-P	..... exempt	Minor water rate filing	To consider an increase in Pheasant Hill Water Corporation's annual water revenues by approximately \$66,325 or 126%
PSC-23-16-00011-P	..... exempt	Notification concerning tax refunds	To consider Verizon New York Inc.'s request to retain a portion of a property tax refund
PSC-23-16-00013-P	..... exempt	Acquisition of all of the assets of Beaver Dam Lake Water Corporation	To consider the acquisition of all assets of Beaver Dam Lake Water Corporation by New York American Water Company Inc.
PSC-24-16-00008-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 220 Central Park South, New York, New York.
PSC-24-16-00009-P	..... exempt	Petition to submeter gas service.	To consider the Petition of New York City Economic Development Corp. to submeter gas at Pier 17, 89 South Street, New York, NY.
PSC-25-16-00008-P	..... exempt	Consideration of the Avangrid Implementation Plan and audit recommendations.	To consider Avangrid's Implementation Plan.
PSC-25-16-00009-P	..... exempt	To delay Companies' third-party assessments of customer personally identifiable information until 2018.	To extend the time period between the Companies' third-party assessments of customer personally identifiable information.
PSC-25-16-00010-P	..... exempt	Consideration of Consolidated Edison Company of New York, Inc.'s Implementation Plan and audit recommendations.	To consider Consolidated Edison Company of New York, Inc.'s Implementation Plan.
PSC-25-16-00014-P	..... exempt	Consideration of the National Grid companies' Implementation Plan and audit recommendations.	To consider the National Grid companies' Implementation Plan.



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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-26-16-00021-P	..... exempt	To extend the implementation date for its retail access program cash-out process.	To consider an extension for the implementation of the retail access program cash-out process.
PSC-28-16-00013-P	..... exempt	Initial Tariff Schedule which includes rates, charges, rules and regulations for water service.	To consider the proposed Initial Tariff Schedule and initial rate for water service.
PSC-28-16-00015-P	..... exempt	Major water rate filing.	To consider a proposal to increase revenues by approximately \$8.49 million or 8.3% and consolidate tariffs and rates.
PSC-28-16-00016-P	..... exempt	A petition for reconsideration of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework.	To determine appropriate rules for and calculation of the distributed generation reliability credit.
PSC-28-16-00017-P	..... exempt	A petition for rehearing of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework.	To determine appropriate rules for and calculation of the distributed generation reliability credit.
PSC-29-16-00021-P	..... exempt	Use of the Silver Spring Network Commercial Gas Interface Management Unit - IMU 200.	To consider the use of the Silver Spring Network Commercial Gas Interface Management Unit - IMU 200.
PSC-29-16-00022-P	..... exempt	Petitions for Rehearing of the Commission's Order Adopting Low Income Program Modifications and Directing Utility Filings.	To establish rates, terms, and conditions for low income utility programs.
PSC-29-16-00023-P	..... exempt	Use of the Silver Spring Network Residential Gas Interface Management Unit - IMU 300 and IMU 300A.	To consider the use of the Silver Spring Network Residential Gas Interface Management Unit - IMU 300 and IMU 300A.
PSC-29-16-00024-P	..... exempt	Participation of NYPA customers in surcharge-funded clean energy programs.	To consider participation of NYPA customers in surcharge-funded clean energy programs.
PSC-29-16-00025-P	..... exempt	Proposed modifications to gas safety violations metric adopted in Case 12-G-0202.	To consider NMPC's petition to modify gas safety violations metric.
PSC-30-16-00005-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent of 616 First Avenue LLC to submeter electricity at 626 First Avenue, New York, New York
PSC-30-16-00006-P	..... exempt	The application of NYSEG's tariff to a remote net metering host account owned by Cornell University	To determine the appropriate tariff treatment for the Cornell account
PSC-30-16-00007-P	..... exempt	The Municipal Electric and Gas Alliance's Community Choice Aggregation Implementation Plan	To ensure appropriate consumer protections
PSC-31-16-00004-P	..... exempt	Proposed acquisition of 100% of the assets of WBA by NYAW and to address other matters related to the acquisition.	To consider the proposed acquisition of all assets of WBA by NYAW and other matters related to the acquisition.
PSC-32-16-00003-P	..... exempt	Performance Assurance Plan waiver for certain wholesale service quality metrics.	To consider Verizon's waiver petition concerning certain wholesale service quality results.
PSC-32-16-00004-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of 58 Corner LLC to submeter electricity at 600 W. 58th Street, New York, New York.

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<b>PUBLIC SERVICE COMMISSION</b>			
PSC-32-16-00005-P	..... exempt	Major gas rate filing.	To consider an increase in National Fuel's gas delivery revenues of approximately \$41.7 million or 15.27%.
PSC-32-16-00007-P	..... exempt	Utility DSIPs to achieve the Commission's Reforming the Energy Vision (REV) initiative.	Development of utility DSIPs for improving utility planning and operations functions under REV.
PSC-32-16-00008-P	..... exempt	Proposed revisions to add and clarify provisions related to electric generators under SC No. 14.	To consider revisions to SC No. 14 - Daily Balancing Service.
PSC-32-16-00009-P	..... exempt	Proposed acquisition of 100% of the assets of New Vernon and Whitlock Farms by NYAW.	To consider the proposed acquisition of assets of New Vernon and Whitlock Farms by NYAW.
PSC-32-16-00010-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 30 Park Place, New York, New York.
PSC-32-16-00011-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 138-35 39th Avenue, Flushing, New York.
PSC-32-16-00012-P	..... exempt	Benefit-Cost Analysis Handbooks.	To evaluate proposed methodologies of benefit-cost evaluation.
PSC-33-16-00001-EP	..... 08/17/17	Use of escrow funds for repairs.	To authorize the use of escrow account funds for repairs.
PSC-33-16-00003-P	..... exempt	Use of the Silver Spring Network communication device in utility metering applications.	To consider the use of the Silver Spring Network communication device.
PSC-33-16-00004-P	..... exempt	Design and implementation of Low-Income Energy Efficiency Program proposed by Massena Electric Department.	To consider the design and implementation of a Low-Income Energy Efficiency Program proposed by Massena Electric Department.
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-33-16-00006-P	..... exempt	Lightened regulatory regime applicable to Indeck Corinth Limited Partnership.	To determine the extent to which Indeck Corinth Limited Partnership will be regulated under the Public Service Law.
PSC-34-16-00004-P	..... exempt	Proposed revisions to the General Information Section III.8(W) - AMR/AMI Meter Opt-out.	To consider revisions to AMR/AMI meter opt-out and manual meter reading charge provisions.
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-34-16-00007-P	..... exempt	Proposed revisions to the General Rule 6.10 - AMR/AMI Meter Opt-out.	To consider revisions to AMR/AMI meter opt-out and manual meter reading charge provisions.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
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-34-16-00014-P	..... exempt	Petition to submeter electricity.	To consider the petition of Elmo Homes, Inc. to submeter electricity at 728 41st Street, Brooklyn, New York.
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-34-16-00016-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of Snowplow LH LLC to submeter electricity at 252 East 57th Street, New York, NY.
PSC-34-16-00017-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of 212 Fifth Avenue Venture LLC to submeter electricity at 212 Fifth Avenue, New York, NY.
PSC-34-16-00018-P	..... exempt	Standby Service.	To consider the implementation of a standby reliability credit and an offset tariff provision.
PSC-34-16-00019-P	..... exempt	Standby Service.	To consider the implementation of a standby reliability credit and an offset tariff provision.
PSC-34-16-00020-P	..... exempt	Standby Service.	To consider the implementation of a standby reliability credit and an offset tariff provision.
PSC-34-16-00021-P	..... exempt	Standby Service.	To consider the implementation of a standby reliability credit and an offset tariff provision.
PSC-34-16-00022-P	..... exempt	Standby Service.	To consider the implementation of a standby reliability credit and an offset tariff provision.
PSC-35-16-00014-P	..... exempt	Proposed acquisition of 100% of the assets of Hoey-DeGraw by NYAW and to address other matters related to the acquisition	To consider the proposed acquisition of 100% of assets of Hoey-DeGraw by NYAW and other matters related to the acquisition
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-36-16-00005-P	..... exempt	Disposition of tax refunds received by New York American Water Company, Inc.	To determine the disposition of tax refunds and other related matters.
PSC-37-16-00008-P	..... exempt	Sources and mechanisms of funding related to the Clean Energy Standard.	To promote and maintain renewable and zero-emission electric energy resources.



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-37-16-00009-P	..... exempt	Transfer of the James A. FitzPatrick Nuclear Power Plant from Entergy Nuclear FitzPatrick, LLC to Exelon Generation Company, LLC	To ensure safe and adequate electric generation facilities.
PSC-37-16-00010-P	..... exempt	Zero Emission Credit requirement of the Clean Energy Standard.	To avoid adverse air emissions from fossil-fueled generation that would replace nuclear generation.
PSC-37-16-00011-P	..... exempt	Temperature Controlled and Interruptible Provisions.	To consider proposed revisions to tariff provisions related to temperature controlled and interruptible customers.
PSC-37-16-00012-P	..... exempt	Sources and mechanisms of funding related to the Clean Energy Standard.	To promote and maintain renewable and zero-emission electric energy resources.
PSC-37-16-00013-P	..... exempt	Temperature Controlled and Interruptible Provisions.	To consider proposed revisions to tariff provisions related to temperature controlled and interruptible customers.
PSC-37-16-00014-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 301 East 61st Street, New York, New York.
PSC-37-16-00015-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of 10 Sullivan Condominium to submeter electricity at 10 Sullivan Street, New York, New York.
PSC-38-16-00005-P	..... exempt	Disposition of tax refunds and other related matters	To consider the disposition of tax refunds and other related matters
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-38-16-00008-P	..... exempt	The capacity limit for net energy metering of farm waste electric generating equipment	Increase in the capacity threshold, from 1 MW to 2 MW, for net energy metering of farm waste electric generation
PSC-38-16-00009-P	..... exempt	Disposition of tax refunds and other related matters	To consider the disposition of tax refunds and other related matters
PSC-39-16-00012-P	..... exempt	The Clean Energy Standard.	To promote and maintain renewable and zero-emission electric energy resources.
PSC-39-16-00013-P	..... exempt	The Clean Energy Standard.	To promote and maintain renewable and zero-emission electric energy resources.
PSC-39-16-00014-P	..... exempt	The Clean Energy Standard.	To promote and maintain renewable and zero-emission electric energy resources.
PSC-39-16-00015-P	..... exempt	The Clean Energy Standard.	To promote and maintain renewable and zero-emission electric energy resources.
PSC-39-16-00016-P	..... exempt	The Clean Energy Standard.	To promote and maintain renewable and zero-emission electric energy resources.
PSC-39-16-00017-P	..... exempt	The Clean Energy Standard.	To promote and maintain renewable and zero-emission electric energy resources.
PSC-39-16-00018-P	..... exempt	The Clean Energy Standard.	To promote and maintain renewable and zero-emission electric energy resources.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-39-16-00019-P	..... exempt	The Clean Energy Standard.	To promote and maintain renewable and zero-emission electric energy resources.
PSC-39-16-00020-P	..... exempt	The Clean Energy Standard.	To promote and maintain renewable and zero-emission electric energy resources.
PSC-39-16-00021-P	..... exempt	The Clean Energy Standard.	To promote and maintain renewable and zero-emission electric energy resources.
PSC-39-16-00022-P	..... exempt	The Clean Energy Standard.	To promote and maintain renewable and zero-emission electric energy resources.
PSC-39-16-00023-P	..... exempt	The Clean Energy Standard.	To promote and maintain renewable and zero-emission electric energy resources.
PSC-39-16-00024-P	..... exempt	The Clean Energy Standard.	To promote and maintain renewable and zero-emission electric energy resources.
PSC-39-16-00025-P	..... exempt	The Clean Energy Standard.	To promote and maintain renewable and zero-emission electric energy resources.
PSC-39-16-00026-P	..... exempt	The Clean Energy Standard.	To promote and maintain renewable and zero-emission electric energy resources.
PSC-39-16-00027-P	..... exempt	The Clean Energy Standard.	To promote and maintain renewable and zero-emission electric energy resources.
PSC-39-16-00028-P	..... exempt	Consolidated Edison Company of New York, Inc.'s replevin acts and practices.	To review Consolidated Edison Company of New York, Inc.'s replevin acts and practices.
PSC-39-16-00029-P	..... exempt	Minor rate filing.	To consider an increase in annual revenues of about \$158,709 or 20%.
PSC-40-16-00001-EP	..... exempt	Prohibition on enrollments, and de-enrollment requirements, on energy service companies (ESCOs) regarding low-income customers.	To protect low-income residential customers from unnecessary costs and to conserve low-income assistance program funds.
PSC-40-16-00003-P	..... exempt	Low income program implementation plan filed by New York State Electric and Gas Corp. and Rochester Gas & Electric Corp.	To establish rates, terms, and conditions for the Companies' low income utility programs.
PSC-40-16-00004-P	..... exempt	Low income program implementation plan filed by KeySpan Gas East Corp. d/b/a National Grid.	To establish rates, terms, and conditions for the Company's low income utility programs.
PSC-40-16-00005-P	..... exempt	Cost recovery for Non-Wire Alternative (NWA) Project.	To consider Central Hudson's proposed revisions regarding the recovery of costs and incentives associated with NWA Project.
PSC-40-16-00006-P	..... exempt	Petition to waive the ECAM proration billing method for SC No. 5 customers.	To consider the request of Central Hudson to waive the ECAM proration billing method for SC No. 5 customers.
PSC-40-16-00007-P	..... exempt	Low income program implementation plan filed by National Fuel Gas Distribution Corporation.	To establish rates, terms, and conditions for the Company's low income utility programs.
PSC-40-16-00008-P	..... exempt	Low income program implementation plan filed by Consolidated Edison Company of New York, Inc.	To establish rates, terms, and conditions for the Company's low income utility programs.

## Action Pending Index

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-40-16-00009-P	..... exempt	Low income program implementation plan filed by Niagara Mohawk Power Corporation.	To establish rates, terms, and conditions for the Company's low income utility programs.
PSC-40-16-00010-P	..... exempt	Low income program implementation plan filed by Orange and Rockland Utilities, Inc..	To establish rates, terms, and conditions for the Company's low income utility programs.
PSC-40-16-00011-P	..... exempt	Low income program implementation plan filed by the Brooklyn Union Gas Company d/b/a National Grid NY.	To establish rates, terms, and conditions for the Company's low income utility programs.
PSC-40-16-00012-P	..... exempt	Low income program implementation plan filed by Central Hudson Gas & Electric Corporation.	To establish rates, terms, and conditions for the Company's low income utility programs.
PSC-40-16-00013-P	..... exempt	Surcharge to recover costs of Dynamic Load Management Programs.	To consider a surcharge to recover costs of the Dynamic Load Management Programs.
PSC-40-16-00014-P	..... exempt	Surcharge to recover costs of Dynamic Load Management Programs.	To consider a surcharge to recover costs of the Dynamic Load Management Programs.
PSC-40-16-00015-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 175 Huguenot Street, New Rochelle, New York.
PSC-40-16-00016-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 301 East 50th Street, New York, 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-40-16-00022-P	..... exempt	The addition of LED lighting options to SC No. 4 - Off-Street Lighting and SC No. 5 - Municipal Street Lighting Service.	To consider the addition of LED lighting options for Jamestown's street and off-street lighting service classifications.
PSC-40-16-00023-P	..... exempt	Major gas rate filing.	To consider an increase in Corning's gas delivery revenues of approximately \$5.9 million or 44.7%.
PSC-40-16-00024-P	..... exempt	Tariff revisions regarding National Grid's LED lighting option wattages.	To consider National Grid's proposed revisions updating its LED lighting option wattages in its street lighting tariff.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
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-40-16-00027-P	..... exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP).	To consider whether to impose consequences on Marathon for its apparent non-compliance with Commission requirements.
PSC-40-16-00028-P	..... exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP).	To consider whether to impose consequences on ABC for its apparent non-compliance with Commission requirements.
PSC-41-16-00015-P	..... exempt	To consider proposed amendments to the original criteria to grandfathering established in the Transition Plan	To modify the Transition Plan in response to new and unanticipated conditions
PSC-41-16-00016-P	..... exempt	Proposed revision to Rule 25.5 - Meter Reading (Rule 25.5)	To consider a revision to Rule 25.5 regarding the costs for telephone circuits for distributed generation projects
PSC-41-16-00017-P	..... exempt	Utility tariffs to implement the Clean Energy Standard	To promote and maintain renewable and zero-emission electric energy resources
PSC-41-16-00018-P	..... exempt	Rider T - Commercial Demand Response Programs (Rider T)	To consider modifications to Rider T regarding its Commercial System Relief Program and Distribution Load Relief Program
PSC-42-16-00005-EP	..... exempt	Appointment of a temporary operator for Whitlock Farms Water Company and New Vernon Water Company	To ensure the provision of safe and adequate water service to customers by appointment of a temporary operator
PSC-42-16-00007-P	..... exempt	New communications protocols for interruptible customers.	To establish new communications protocols to ensure that interruptible customers have sufficient back-up fuel.
PSC-42-16-00008-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	To consider filings of LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.
PSC-42-16-00009-P	..... exempt	Petition to submeter electricity.	To consider the petition to submeter electricity at 549-561 41st Street, Brooklyn, New York.
PSC-42-16-00010-P	..... exempt	Request for a limited waiver of certain tariff provisions.	To consider a request for a limited waiver of the tariff's unauthorized gas usage and non-compliance penalty provisions.
PSC-42-16-00011-P	..... exempt	Petition for modifications to the New York State Standardized Interconnection Requirements and Application Process.	To update the SIR to clear the backlog, implement cost sharing, and streamline interconnection.
PSC-42-16-00012-P	..... exempt	Transfer of certain streetlights located in the Town of Orangetown.	To consider the transfer of certain streetlights from Orange and Rockland to the Town of Orangetown.
PSC-42-16-00013-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	To consider a request for a waiver of certain tariff provisions and 16 NYCRR Section 720-6.5(g).
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.



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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-43-16-00003-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of Haus LLC to submeter electricity at 152 Freeman Street, Brooklyn, New York.
PSC-43-16-00004-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of 50 West Street Condominium to submeter electricity at 50 West Street, New York, New York.
PSC-43-16-00005-P	..... exempt	NYSRC's revisions to its rules and measurements.	To consider revisions to various rules and measurements of the NYSRC.
PSC-44-16-00010-EP	..... exempt	Use of escrow funds for repairs.	To condition the use of escrow account funds for repairs.
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-44-16-00016-P	..... exempt	Consideration of comments made by NFG regarding the audit process and the use of guidance documents in regulation	To consider NFG's arguments and if the Commission should modify its practices
PSC-44-16-00017-P	..... exempt	Valuation of and compensation for electricity generated by distributed resources	To implement framework that will benefit ratepayers and customer-generators and further State policy
PSC-44-16-00018-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent to submeter electricity at 325 Kent Avenue, Brooklyn, New York
PSC-44-16-00019-P	..... exempt	Transfer of certain streetlights located in the City of Kingston	To consider the transfer of certain streetlights from Central Hudson to the City of Kingston
PSC-44-16-00020-P	..... exempt	Transfer of a parcel of property located in the Town of North Castle.	To consider the transfer of a parcel of property from Con Edison to the Town of North Castle.
PSC-44-16-00021-P	..... exempt	Minor rate filing of Municipal Commission of Boonville.	To consider an increase in annual revenues of about \$161,477 or 4.2%.
<b>STATE, DEPARTMENT OF</b>			
DOS-39-16-00005-P	..... 09/28/17	Requirements regarding brokers receiving funds, course subjects and hours, and business cards	To provide clarity regarding brokers obligations when receiving compensation, instruction requirements, and business cards
DOS-40-16-00029-EP	..... 11/21/17	Signs on buildings utilizing truss type, pre-engineered wood or timber construction	To update references
<b>STATE UNIVERSITY OF NEW YORK</b>			
SUN-37-16-00006-P	..... 09/14/17	State University of New York's Patents and Inventions Policy	Model best practices in the areas of innovation & technology transfer & comply with federal law re: intellectual property rights
<b>TAXATION AND FINANCE, DEPARTMENT OF</b>			
TAF-34-16-00023-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, 2016 through December 31, 2016

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF</b>			
TDA-46-15-00005-P	11/17/16	Storage of furniture and personal belongings	Provide clarification regarding allowances for the storage of furniture and personal belongings
TDA-36-16-00006-P	09/07/17	Supplemental Nutrition Assistance Program (SNAP)	Update State regulations to reflect federal requirements regarding the trafficking of SNAP benefits
TDA-37-16-00001-P	09/14/17	Child Support	To help ensure the State's compliance with federal rules for safeguarding confidential information, disclosing said information, where appropriate, to authorized persons and entities; and report delinquent child support payors to credit reporting agencies
TDA-37-16-00004-P	09/14/17	Public Assistance (PA) Use of Resources - General Policy	To update current PA resource exemptions related to automobiles
TDA-39-16-00006-P	09/28/17	Operational Plans for Uncertified Shelters for the Homeless	See attached
TDA-39-16-00010-EP	09/28/17	Standard Utility Allowances (SUAs) for the Supplemental Nutrition Assistance Program (SNAP)	These regulatory amendments set forth the federally mandated and approved SUAs as of 10/1/16
<b>TRANSPORTATION, DEPARTMENT OF</b>			
TRN-41-16-00001-P	10/12/17	Provisions applicable to administrative hearings in Office of Proceedings	Update of rules applicable to administrative hearings and repeal of obsolete provisions in Part 558
<b>TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY</b>			
TBA-08-16-00005-P	02/23/17	Proposal to strengthen toll violation enforcement on TBTA bridges and tunnels	To deter toll evasion
<b>WORKERS' COMPENSATION BOARD</b>			
WCB-45-15-00025-P	11/09/16	Medical Treatment Guideline variances	Permit the Chair to require submission of variance requests via an electronic medical portal
WCB-45-15-00026-P	11/09/16	Medical Authorizations	Permit the Chair to require submission of medical authorization requests via an electronic medical portal
WCB-45-15-00027-P	11/09/16	Medical Treatment Guideline optional prior approval	Change the time to respond from business days to calendar days
WCB-44-16-00011-P	11/02/17	Administrative Appeals	Update the process for requesting administrative review of decisions by a law judge



# NOTICE OF AVAILABILITY OF STATE AND FEDERAL FUNDS

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Housing Trust Fund Corporation  
Office of Community Renewal  
Hampton Plaza  
38-40 State St., 4th Fl. South  
Albany, NY 12207

## LOCAL PROGRAM ADMINISTRATORS

### Mobile and Manufactured Home Replacement Program (MMHR)

The Housing Trust Fund Corporation (HTFC) through the Office of Community Renewal (OCR), announces the availability of approximately \$2,000,000 In New York State funds for the following program:

#### PROGRAM DESCRIPTION:

The Housing Trust Fund Corporation (HTFC) through the Office of Community Renewal (OCR), invites Local Program Administrators (LPAs) to submit applications for the Mobile and Manufactured Home Replacement Program (MMHR). The program will assist homeowners to replace dilapidated mobile or manufactured homes that are sited on land owned by the homeowner, with a new manufactured, modular or site built home. The funds made available in this NOFA represent 2016 State program year funds that have been set aside for the MMHR Program.

#### ELIGIBLE APPLICANTS:

Eligible LPAs are defined to include units of local government or not-for profit corporations with substantial experience in affordable housing. To be eligible to apply, applicants must have been in existence and providing recent and relevant residential affordable housing services to the community for at least one year prior to application.

#### ELIGIBLE ACTIVITY:

Applications will be accepted for the MMHR Program to provide an existing homeowner of a dilapidated mobile or manufactured home with the replacement of that home with a new manufactured, modular or site built home. Replaced units must meet NYS and/or Local Code upon completion and if a manufactured product, be installed according to the Manufactured Home Construction and Safety Standards at 24 CFR Part 3280 and Federal HOME Program Permanent Foundation Requirements at 24 CFR 92.251(e) and HTFC Manufactured Home Replacement Design Standards upon completion. Rehabilitation of a mobile or manufactured home is not an eligible activity.

#### FUNDING LIMITS:

The minimum award amount is \$100,000. The maximum award amount is \$500,000. The total payment to include all costs to replace a mobile or manufactured home pursuant to any one property is capped at \$100,000.

#### APPLICATION FOR FUNDING:

The MMHR Program application for funds available through this NOFA and corresponding RFP will be available on the NYS Homes and Community Renewal website, [www.nyshcr.org/Funding/](http://www.nyshcr.org/Funding/), on Tuesday, November 8, 2016. Applications are due no later than 4:00 PM (EST) on Tuesday, January 17, 2017. Applications must be submitted using the Community Development Online Application System (CDOL) at: <http://www.nyshcr.org/Apps/CDOnline/>.

The above-stated application deadline is firm as to date and hour. In the interest of fairness to all competing applicants, applications received after the specified date and time will be deemed ineligible

and will not be considered for funding. Applicants should make early submission of their applications to avoid risks of ineligibility resulting from unanticipated delays or other delivery-related problems.

Applicants may make a request, based on demonstrated need, to submit a paper application in lieu of using the CDOL application system. Requests for approval to submit a paper application must be received by the OCR no later than Tuesday, November 22, 2016 at the following address: Homes and Community Renewal, Office of Community Renewal, Hampton Plaza, 4th Fl. South, 38-40 State St., Albany, NY 12207, ATTN: MMHR 2016.

## NEW YORK STATE GRANTS GATEWAY PREQUALIFICATION:

New York State Grants Gateway is a statewide effort that will improve the way New York State administers grants by simplifying and streamlining the grants management process. Effective August 1, 2013, not-for-profit organizations must be prequalified in order to do business with New York State. To prequalify, not-for-profit organizations must submit an online Prequalification Application through the Grants Gateway. The Prequalification Application is comprised of five components to gauge your organizational structure and the types of services you provide. The required forms and document uploads are all part of the Grants Gateway Document Vault. Resources to complete the application and associated document vault can be found in the Quick Links Section of the Grants Gateway page at <http://grantsreform.ny.gov/>.

#### CONTACT INFORMATION:

*For inquiries or technical assistance regarding the MMHR Program, please contact:* Stephanie Galvin-Riley, Office of Community Renewal, at the above address, or call (518) 474-2057





# MISCELLANEOUS NOTICES/HEARINGS

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## Notice of Abandoned Property Received by the State Comptroller

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

1-800-221-9311  
or visit our web site at:  
[www.osc.state.ny.us](http://www.osc.state.ny.us)

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

## NOTICE OF ANNULMENT OF DISSOLUTION OF CERTAIN BUSINESS CORPORATIONS

Under the Provisions of Section 203-a of the Tax Law, As Amended

The Secretary of State hereby provides notice that the following corporations, which were duly dissolved in the manner prescribed by Section 203-a of the Tax Law, have complied with the provisions of subdivision (7) of Section 203-a of the Tax Law, annulling all of the proceedings theretofore taken for the dissolution of each such corporation. The appropriate entries have been made on the records of the Department of State.

### COUNTY: ALBANY

ENTITY NAME: ERE GROUP, INC.  
REINSTATE: 07/01/16  
DIS BY PROC: 10/26/11

ENTITY NAME: GK TECHNOLOGIES INC.  
REINSTATE: 09/07/16  
DIS BY PROC: 06/29/16

### COUNTY: BRONX

ENTITY NAME: CND MAPPING, INC.  
REINSTATE: 07/14/16  
DIS BY PROC: 01/26/11

ENTITY NAME: DREAM TEAM ELECTRICAL CORP.  
REINSTATE: 08/26/16  
DIS BY PROC: 07/27/11

ENTITY NAME: HEAVEN & EARTH FUNERAL HOME, INC.  
REINSTATE: 08/23/16  
DIS BY PROC: 06/30/04

ENTITY NAME: JNA CONSTRUCTION INC.  
REINSTATE: 07/21/16  
DIS BY PROC: 01/25/12

ENTITY NAME: MAYA CONTRACTING INC.  
REINSTATE: 09/15/16  
DIS BY PROC: 01/25/12

ENTITY NAME: MINAYA SHIPPING CORP.  
REINSTATE: 08/18/16  
DIS BY PROC: 10/26/11

ENTITY NAME: SO FRESH & SO CLEAN INC.  
REINSTATE: 09/22/16  
DIS BY PROC: 01/27/10

ENTITY NAME: 1307 CORP.  
REINSTATE: 08/12/16  
DIS BY PROC: 06/29/16

ENTITY NAME: 2918 BOSTON POST ROAD REALTY CORP.  
REINSTATE: 07/15/16  
DIS BY PROC: 07/28/10

### COUNTY: CATTARAUGUS

ENTITY NAME: C & M ENTERPRISES, INC.  
REINSTATE: 08/12/16  
DIS BY PROC: 01/25/12

### COUNTY: DUTCHESS

ENTITY NAME: LAIDMAN FABRICATIONS INC.  
REINSTATE: 09/14/16  
DIS BY PROC: 10/26/11

ENTITY NAME: LOUIS DAVID NUNEZ, P.C.  
REINSTATE: 07/08/16  
DIS BY PROC: 10/28/09

### COUNTY: ERIE

ENTITY NAME: BUFFALO PROPERTIES, LTD.  
REINSTATE: 07/25/16  
DIS BY PROC: 06/30/04

ENTITY NAME: INOLIFE TECHNOLOGIES, INC.  
REINSTATE: 09/27/16  
DIS BY PROC: 06/29/16

### COUNTY: ESSEX

ENTITY NAME: MADDEN'S TRANSFER & STORAGE, INC.  
REINSTATE: 09/02/16  
DIS BY PROC: 12/30/81

**COUNTY: GENESEE**

ENTITY NAME: JAZZ EXCAVATING, INC.  
 REINSTATE: 08/09/16  
 DIS BY PROC: 03/28/01

**COUNTY: GREENE**

ENTITY NAME: MAGGIE'S KROOKED REALTY CORP.  
 REINSTATE: 07/15/16  
 DIS BY PROC: 12/31/03

**COUNTY: KINGS**

ENTITY NAME: AJ MARC INC.  
 REINSTATE: 08/17/16  
 DIS BY PROC: 07/27/11

ENTITY NAME: ALAN'S SNACKS INC.  
 REINSTATE: 09/12/16  
 DIS BY PROC: 12/29/99

ENTITY NAME: CHAMY INCORPORATED  
 REINSTATE: 09/07/16  
 DIS BY PROC: 01/25/12

ENTITY NAME: FIVE STAR TRAVEL, INC.  
 REINSTATE: 07/12/16  
 DIS BY PROC: 07/28/10

ENTITY NAME: FLAMINGO FUNDING INC.  
 REINSTATE: 08/22/16  
 DIS BY PROC: 10/26/11

ENTITY NAME: FORTUNE KITCHEN SUPPLIES INC.  
 REINSTATE: 07/26/16  
 DIS BY PROC: 01/25/12

ENTITY NAME: GIZMINDA INC.  
 REINSTATE: 07/05/16  
 DIS BY PROC: 04/27/11

ENTITY NAME: HAE SUNG CORP.  
 REINSTATE: 08/15/16  
 DIS BY PROC: 01/26/11

ENTITY NAME: HERKIMER REALTY ONE, INC.  
 REINSTATE: 08/24/16  
 DIS BY PROC: 04/27/11

ENTITY NAME: JP SMART START INC.  
 REINSTATE: 08/22/16  
 DIS BY PROC: 04/27/11

ENTITY NAME: KELLECON ENTERTAINMENT INC.  
 REINSTATE: 07/18/16  
 DIS BY PROC: 10/26/11

ENTITY NAME: LUIGI TILE & MARBLE CO., LTD.  
 REINSTATE: 07/19/16  
 DIS BY PROC: 12/31/03

ENTITY NAME: MITCHELL IRON WORKS, INC.  
 REINSTATE: 07/19/16  
 DIS BY PROC: 01/26/11

ENTITY NAME: NOSTRAND DENTAL CARE, P.C.  
 REINSTATE: 08/30/16  
 DIS BY PROC: 01/27/10

ENTITY NAME: NY BUILDERS SOLUTIONS INC.  
 REINSTATE: 09/13/16  
 DIS BY PROC: 01/25/12

ENTITY NAME: OMEGA DIAGNOSTIC IMAGING, P.C.  
 REINSTATE: 08/18/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: PARK SLOPE 6TH AVE. CORP.  
 REINSTATE: 08/05/16  
 DIS BY PROC: 01/27/10

ENTITY NAME: UTICA BROKERAGE INC.  
 REINSTATE: 08/17/16  
 DIS BY PROC: 12/29/04

ENTITY NAME: Y LEVY CONTRACTING CORP.  
 REINSTATE: 09/13/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: 1557 PARK PLACE REALTY CORP.  
 REINSTATE: 09/23/16  
 DIS BY PROC: 07/29/09

ENTITY NAME: 209 M CORP  
 REINSTATE: 08/18/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: 784 ST JOHNS INC.  
 REINSTATE: 07/15/16  
 DIS BY PROC: 06/29/16

**COUNTY: MONROE**

ENTITY NAME: COLLINS BUILDING CONTRACTORS INC.  
 REINSTATE: 09/14/16  
 DIS BY PROC: 01/26/11

**COUNTY: NASSAU**

ENTITY NAME: BEATS BEING BROKE, INC.  
 REINSTATE: 07/01/16  
 DIS BY PROC: 04/27/11

ENTITY NAME: BOOMERANG ASSOCIATES INC.  
 REINSTATE: 09/23/16  
 DIS BY PROC: 04/27/11

ENTITY NAME: BRONX PARK SP CORP.  
 REINSTATE: 08/22/16  
 DIS BY PROC: 07/27/11

ENTITY NAME: CARL C. BURNETT FUNERAL HOME INC.  
 REINSTATE: 08/01/16  
 DIS BY PROC: 01/25/12

ENTITY NAME: CSC INTERNATIONAL INC.  
 REINSTATE: 07/18/16  
 DIS BY PROC: 04/29/09

ENTITY NAME: ERL MANAGEMENT CORP.  
 REINSTATE: 08/26/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: L.I. YELLOW AIRPORT SERVICE, INC.  
 REINSTATE: 08/30/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: M&G AFFORDABLE HOMES LTD.  
 REINSTATE: 09/06/16  
 DIS BY PROC: 10/26/11

ENTITY NAME: RICHARD S. PINNOCK, D.P.M., P.C.  
 REINSTATE: 08/18/16  
 DIS BY PROC: 10/26/11

ENTITY NAME: SARATOGA EQUITY, LTD.  
 REINSTATE: 07/28/16  
 DIS BY PROC: 01/27/10

ENTITY NAME: WHELAN ROUTE CORP.  
 REINSTATE: 08/26/16  
 DIS BY PROC: 10/27/10

ENTITY NAME: 1099 C. FRONT STREET, INC.  
 REINSTATE: 07/13/16  
 DIS BY PROC: 01/25/12

ENTITY NAME: 2-BZ MEDIA, INC.  
 REINSTATE: 07/26/16  
 DIS BY PROC: 03/28/01

**COUNTY: NEW YORK**

ENTITY NAME: ACCEL MOTORS, INC.  
 REINSTATE: 09/27/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: ALLAN C. SILVERSTEIN, D.D.S., P.C.  
 REINSTATE: 07/15/16  
 DIS BY PROC: 12/30/81

ENTITY NAME: ANITA J. PRODUCTION, INC.  
 REINSTATE: 09/28/16  
 DIS BY PROC: 07/27/11

ENTITY NAME: CARL MARKS & CO. INC.  
 REINSTATE: 08/16/16  
 DIS BY PROC: 01/25/12

ENTITY NAME: CHANDELIERS CREATIVE, INC.  
 REINSTATE: 09/08/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: DIPCHIP CORP.  
 REINSTATE: 08/30/16  
 DIS BY PROC: 07/28/10

ENTITY NAME: EVELINA BERMAN INC  
 REINSTATE: 08/09/16  
 DIS BY PROC: 01/25/12

ENTITY NAME: EZRA COHEN CORPORATION  
 REINSTATE: 07/05/16  
 DIS BY PROC: 12/28/94

ENTITY NAME: GRACING PILLAR CORP.  
 REINSTATE: 08/25/16  
 DIS BY PROC: 07/27/11

ENTITY NAME: J & J GROUP PROPERTIES INC.  
 REINSTATE: 09/27/16  
 DIS BY PROC: 07/29/09

ENTITY NAME: JACQUES STEIGRAD, INC.  
 REINSTATE: 08/08/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: JSRZ CORP.  
 REINSTATE: 07/26/16  
 DIS BY PROC: 10/26/11

ENTITY NAME: KAFFCO & COMPANY, INC.  
 REINSTATE: 08/12/16  
 DIS BY PROC: 07/28/10

ENTITY NAME: KAORU MC CORPORATION  
 REINSTATE: 08/25/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: L & K 61 ST, INC.  
 REINSTATE: 09/28/16  
 DIS BY PROC: 09/25/02

ENTITY NAME: LA REINA RECORDS, INC.  
 REINSTATE: 09/09/16  
 DIS BY PROC: 10/26/11

ENTITY NAME: MARY K. MAC, INC.  
 REINSTATE: 07/25/16  
 DIS BY PROC: 06/26/96

ENTITY NAME: MEDIASIGHT INC  
 REINSTATE: 09/28/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: MEGANALYTICS INC.  
 REINSTATE: 09/09/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: MKI INSURANCE BROKERS, INC.  
 REINSTATE: 08/25/16  
 DIS BY PROC: 04/27/11

ENTITY NAME: MONUMENTS BY EFFIE, INC.  
 REINSTATE: 08/18/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: NOUJAIM FILMS, INC.  
 REINSTATE: 08/25/16  
 DIS BY PROC: 06/30/04

ENTITY NAME: POLESHUCK DESIGN, INC.  
 REINSTATE: 07/19/16  
 DIS BY PROC: 10/26/11

ENTITY NAME: RAGHEB RADWAN REALTY CORP.  
 REINSTATE: 08/10/16  
 DIS BY PROC: 06/26/96

ENTITY NAME: RIVERSIDE MEDICAL, P.C.  
 REINSTATE: 09/16/16  
 DIS BY PROC: 10/27/10

ENTITY NAME: ROBERT CRAIG SALON PRODUCTS, LTD.  
 REINSTATE: 09/28/16  
 DIS BY PROC: 01/26/11

ENTITY NAME: ROGER PAUL, INC.  
 REINSTATE: 07/19/16  
 DIS BY PROC: 07/27/11

ENTITY NAME: SHAWN KORMAN INC.  
 REINSTATE: 09/28/16  
 DIS BY PROC: 01/26/11

ENTITY NAME: SILLY PICKLES, INC.  
 REINSTATE: 09/20/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: SIMPLE PLEASURES BEAUTY SPA II, INC.  
 REINSTATE: 08/22/16  
 DIS BY PROC: 01/26/11

ENTITY NAME: SUPER VALUE MEAT MARKET CORP.  
 REINSTATE: 09/12/16  
 DIS BY PROC: 04/25/12

ENTITY NAME: T.A.G. MANAGEMENT, INC.  
 REINSTATE: 08/02/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: THE MANHATTAN WIG WAM COMPANY,  
 INC.  
 REINSTATE: 07/06/16  
 DIS BY PROC: 12/27/00

ENTITY NAME: THE MAPAMA CORPORATION  
 REINSTATE: 07/05/16  
 DIS BY PROC: 01/25/12

ENTITY NAME: THE UNIVERSITY WOMEN'S REALTY COR-  
 PORATION  
 REINSTATE: 07/28/16  
 DIS BY PROC: 09/28/94

ENTITY NAME: TOGETHER FOR EVER INC.  
 REINSTATE: 07/01/16  
 DIS BY PROC: 01/25/12

ENTITY NAME: VASS MOUS REALTY CORP.  
 REINSTATE: 07/29/16  
 DIS BY PROC: 04/27/11

ENTITY NAME: WE THREE MUSIC, INC.  
 REINSTATE: 07/06/16  
 DIS BY PROC: 01/25/12

ENTITY NAME: WEST SIDE AMERICAN, INC.  
 REINSTATE: 08/08/16  
 DIS BY PROC: 01/27/10

ENTITY NAME: WILLIAM C. BOOZAN M.D., P.C.  
 REINSTATE: 08/09/16  
 DIS BY PROC: 07/29/09

ENTITY NAME: WWW.INTELLEGES.COM, INC.  
 REINSTATE: 08/05/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: 1038 2ND AVENUE REALTY CORP.  
 REINSTATE: 09/16/16  
 DIS BY PROC: 01/25/12

ENTITY NAME: 131 WEST 3RD STREET INC.  
 REINSTATE: 08/12/16  
 DIS BY PROC: 01/25/12

ENTITY NAME: 152 WEST REALTY CORP.  
 REINSTATE: 08/25/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: 722 CHICKEN CORP.  
 REINSTATE: 08/04/16  
 DIS BY PROC: 10/27/10

ENTITY NAME: 991 FULTON STREET MEAT CORP.  
 REINSTATE: 08/30/16  
 DIS BY PROC: 06/23/99

**COUNTY: NIAGARA**

ENTITY NAME: VALERI CONCRETE CONSTRUCTION, INC.  
 REINSTATE: 08/18/16  
 DIS BY PROC: 06/29/16

**COUNTY: ONONDAGA**

ENTITY NAME: ALIMENTOS RESTAURANT, INC.  
 REINSTATE: 07/13/16  
 DIS BY PROC: 01/26/11

ENTITY NAME: ANDERSON PROPERTIES, INC.  
 REINSTATE: 08/30/16  
 DIS BY PROC: 06/30/04

ENTITY NAME: CHUCK TAYLOR'S BODY SHOP, INC.  
 REINSTATE: 08/16/16  
 DIS BY PROC: 01/25/12

ENTITY NAME: LAST CHANCE RECYCLING INC.  
 REINSTATE: 09/12/16  
 DIS BY PROC: 06/30/04

ENTITY NAME: PRESSURE PRO, INC.  
 REINSTATE: 08/22/16  
 DIS BY PROC: 09/23/98

**COUNTY: ORANGE**

ENTITY NAME: RAMIE ASSOCIATES, INC.  
 REINSTATE: 09/21/16  
 DIS BY PROC: 06/29/16

**COUNTY: PUTNAM**

ENTITY NAME: CARL RAGAMUFFIN, INC.  
 REINSTATE: 08/18/16  
 DIS BY PROC: 01/27/10

**COUNTY: QUEENS**

ENTITY NAME: ALL-RITE ELECTRIC CORP. OF NY  
 REINSTATE: 09/12/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: ALLURE LIMOUSINE INTERNATIONAL INC.  
 REINSTATE: 07/19/16  
 DIS BY PROC: 07/29/09

ENTITY NAME: B. W. GOTTSCHEE ESTATE, INC.  
 REINSTATE: 07/06/16  
 DIS BY PROC: 01/25/12

ENTITY NAME: BOAT KEYBY LTD  
 REINSTATE: 07/05/16  
 DIS BY PROC: 07/27/11

ENTITY NAME: GIROLAMO RESTORATION CORP.  
 REINSTATE: 07/19/16  
 DIS BY PROC: 10/26/11

ENTITY NAME: GYMBELLE GYMNASTICS, INC.  
 REINSTATE: 07/22/16  
 DIS BY PROC: 07/28/10

ENTITY NAME: HANDCO WELDING CORP.  
 REINSTATE: 07/13/16  
 DIS BY PROC: 04/27/11

ENTITY NAME: J & L CIER'S INC.  
 REINSTATE: 09/26/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: JOAN VIKTORY, INC.  
 REINSTATE: 09/30/16  
 DIS BY PROC: 07/25/12

ENTITY NAME: MJB ALE HOUSE, INC.  
 REINSTATE: 09/01/16  
 DIS BY PROC: 07/29/09

ENTITY NAME: N.E.L. CORP.  
 REINSTATE: 08/17/16  
 DIS BY PROC: 10/27/10

ENTITY NAME: NITA EUROPEAN BAKERY, INC.  
 REINSTATE: 07/29/16  
 DIS BY PROC: 09/25/91

ENTITY NAME: OHM'S ELECTRICAL CORP.  
 REINSTATE: 09/14/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: PEBBLES TRANSPORTATION CO., INC.  
 REINSTATE: 09/29/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: QUEENS LIGHTING DEPOT, INC.  
 REINSTATE: 08/08/16  
 DIS BY PROC: 07/27/11

ENTITY NAME: SOLAR ENERGY N.Y. CORP.  
 REINSTATE: 08/16/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: TWENTY EIGHT 41ST REALTY CORP.  
 REINSTATE: 07/29/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: U&U FOOD, INC.  
 REINSTATE: 09/19/16  
 DIS BY PROC: 01/26/11

ENTITY NAME: YAILIN FOOD CORP.  
 REINSTATE: 07/14/16  
 DIS BY PROC: 01/25/12

ENTITY NAME: 1310 ASSOCIATES REAL ESTATE CORP.  
 REINSTATE: 08/30/16  
 DIS BY PROC: 06/25/03

ENTITY NAME: 58-85 REALTY CORP.  
 REINSTATE: 09/30/16  
 DIS BY PROC: 01/28/09

ENTITY NAME: 62-10 39 AVE. CORP.  
 REINSTATE: 07/18/16  
 DIS BY PROC: 01/25/12

ENTITY NAME: 832 QUINCY CORP.  
 REINSTATE: 07/19/16  
 DIS BY PROC: 10/26/11

**COUNTY: RICHMOND**

ENTITY NAME: AFFORDABLE BUSINESS CONSULTANTS INC.  
 REINSTATE: 09/02/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: CEKOVIC REALTY, INC.  
 REINSTATE: 09/30/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: RIGATONI REALTY CORP.  
 REINSTATE: 07/19/16  
 DIS BY PROC: 10/26/11

ENTITY NAME: XP GLOBAL, INC.  
 REINSTATE: 07/12/16  
 DIS BY PROC: 01/25/12

**COUNTY: ROCKLAND**

ENTITY NAME: ADVANCED MEDICAL BILLING SYSTEMS, INC.  
 REINSTATE: 08/30/16  
 DIS BY PROC: 04/27/11

ENTITY NAME: EN DEE REALTY CORP.  
 REINSTATE: 08/17/16  
 DIS BY PROC: 04/25/12

ENTITY NAME: PRODIGY MORTGAGE CORP.  
 REINSTATE: 08/25/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: ROUTE 59 BEVERAGE DISCOUNT CENTER, INC.  
 REINSTATE: 07/26/16  
 DIS BY PROC: 12/29/82

ENTITY NAME: SR VIDEO PICTURES LTD.  
 REINSTATE: 08/30/16  
 DIS BY PROC: 09/25/02

**COUNTY: ST. LAWRENCE**

ENTITY NAME: ALTERI BREAD COMPANY, INC.  
 REINSTATE: 08/18/16  
 DIS BY PROC: 06/29/16

**COUNTY: SARATOGA**

ENTITY NAME: FOCUS CONSTRUCTION GROUP, INC.  
 REINSTATE: 08/30/16  
 DIS BY PROC: 04/27/11

**COUNTY: SUFFOLK**

ENTITY NAME: C&R BEAUTY INC.  
 REINSTATE: 07/01/16  
 DIS BY PROC: 07/27/11

ENTITY NAME: DIRT DIGGERS EQUIPMENT INC.  
 REINSTATE: 07/13/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: GRAND GENERAL PARTNER, INC.  
 REINSTATE: 07/22/16  
 DIS BY PROC: 07/27/11



ENTITY NAME: HI-HOOK BAIT AND TACKLE INC.  
 REINSTATE: 08/02/16  
 DIS BY PROC: 07/27/11

ENTITY NAME: SHAZIA REALTY CORP.  
 REINSTATE: 08/15/16  
 DIS BY PROC: 04/27/11

ENTITY NAME: SUBURBAN WATERGARDENS INC.  
 REINSTATE: 07/21/16  
 DIS BY PROC: 07/28/10

ENTITY NAME: THE PATIO BUILDING CONDOMINIUM CORPORATION  
 REINSTATE: 07/28/16  
 DIS BY PROC: 06/26/91

ENTITY NAME: WESTHAMPTON TREE WORKS, INC.  
 REINSTATE: 09/08/16  
 DIS BY PROC: 03/20/96

ENTITY NAME: WYNE ENTERPRISES INC.  
 REINSTATE: 08/23/16  
 DIS BY PROC: 04/27/11

ENTITY NAME: ZABELL & ASSOCIATES, P.C.  
 REINSTATE: 08/08/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: 1322 5TH AVENUE HOLDING COMPANY, INC.  
 REINSTATE: 07/27/16  
 DIS BY PROC: 10/26/11

**COUNTY: WESTCHESTER**

ENTITY NAME: BRICKEY VALLEY REALTY INC.  
 REINSTATE: 07/19/16  
 DIS BY PROC: 07/27/11

ENTITY NAME: C.H. MARTIN OF YONKERS, INC.  
 REINSTATE: 07/28/16  
 DIS BY PROC: 12/24/91

ENTITY NAME: JACKSON OVERLOOK CORP.  
 REINSTATE: 08/17/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: MCGRATH REALTY INC.  
 REINSTATE: 08/18/16  
 DIS BY PROC: 07/29/09

ENTITY NAME: MONARCH BUTTERFLY, INC.  
 REINSTATE: 07/19/16  
 DIS BY PROC: 01/26/11

ENTITY NAME: NEW ROCHELLE TRUCK REPAIRS, INC.  
 REINSTATE: 09/22/16  
 DIS BY PROC: 06/23/93

ENTITY NAME: PRIVATE CAPITAL ADVISERS, INC.  
 REINSTATE: 07/08/16  
 DIS BY PROC: 12/27/00

ENTITY NAME: RMS ACCOUNTING SERVICES, INC.  
 REINSTATE: 08/25/16  
 DIS BY PROC: 01/25/12

ENTITY NAME: T & J FOODMART INC.  
 REINSTATE: 07/22/16  
 DIS BY PROC: 01/27/10

ENTITY NAME: THE TAX DOCTOR, INC.  
 REINSTATE: 07/19/16  
 DIS BY PROC: 01/25/12

**NOTICE OF ERRONEOUS INCLUSION  
 IN DISSOLUTION BY PROCLAMATION OF  
 CERTAIN BUSINESS CORPORATIONS**

Under the Provisions of Section 203-a of the Tax Law, As Amended  
 The Secretary of State hereby provides notice that the following corporations were erroneously included in proclamations declaring certain business corporations dissolved. The State Tax Commission has duly certified to the Secretary of State that the names of these corporations were erroneously included in such proclamations. The appropriate entries have been made on the records of the Department of State.

**COUNTY: BRONX**

ENTITY NAME: BONILLA'S TRUCKING, INC.  
 REINSTATE: 09/16/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: BRONX COMMUNITY REALTY LTD.  
 REINSTATE: 09/19/16  
 DIS BY PROC: 01/25/12

ENTITY NAME: LOCKS ARE LOVE, INC  
 REINSTATE: 08/24/16  
 DIS BY PROC: 07/27/11

ENTITY NAME: LUCY'S CARE, INC.  
 REINSTATE: 08/03/16  
 DIS BY PROC: 04/27/11

ENTITY NAME: SATURNIA INC.  
 REINSTATE: 09/07/16  
 DIS BY PROC: 08/31/16

**COUNTY: COLUMBIA**

ENTITY NAME: NOBLETOWN CORNERS LTD.  
 REINSTATE: 07/14/16  
 DIS BY PROC: 06/29/16

**COUNTY: CORTLAND**

ENTITY NAME: PEAK RESORTS, INC.  
 REINSTATE: 07/14/16  
 DIS BY PROC: 06/29/16

**COUNTY: DUTCHESS**

ENTITY NAME: AUTOFIRME INC.  
 REINSTATE: 09/20/16  
 DIS BY PROC: 06/29/16

**COUNTY: ERIE**

ENTITY NAME: DAVIS LOGISTICS INC.  
 REINSTATE: 09/19/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: DAVIS LOGISTICS INC.  
 REINSTATE: 09/19/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: IPC HOSPITALIST SERVICES OF NEW YORK, P.C.  
 REINSTATE: 09/12/16  
 DIS BY PROC: 08/31/16

**COUNTY: GREENE**

ENTITY NAME: DIONYSOS'S ITALIAN RESTAURANT INC  
 REINSTATE: 09/19/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: HUDSON RIVER SERVERS INC.  
 REINSTATE: 09/19/16  
 DIS BY PROC: 06/29/16

**COUNTY: KINGS**

ENTITY NAME: # ONE NEW YORK FURNITURE INC  
 REINSTATE: 09/15/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: A.L.O.Y.D INC.  
 REINSTATE: 09/19/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: AKOTA HOME IMPROVEMENT, INC.  
 REINSTATE: 09/02/16  
 DIS BY PROC: 04/27/11

ENTITY NAME: ALDO 187 REALTY CORP.  
 REINSTATE: 09/26/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: AUTUMN SUNSHINE CORPORATION  
 REINSTATE: 09/21/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: CHARLESSTRONG REALTY & BUILDING  
 MANAGEMENT, INC.  
 REINSTATE: 08/03/16  
 DIS BY PROC: 01/26/11

ENTITY NAME: DOMINICAN EXPRESS CAR SERVICE INC.  
 REINSTATE: 09/16/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: EL NUEVO CASTILLO DE ORO, CORP.  
 REINSTATE: 09/22/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: EXCELLENCE HOME INSPECTIONS, INC  
 REINSTATE: 09/19/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: KC TRADING INC.  
 REINSTATE: 09/26/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: M.G.B.U. RETAIL, INC  
 REINSTATE: 09/15/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: SJ SOLUTIONS SECURITY & PROTECTION  
 SERVICES INC.  
 REINSTATE: 09/14/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: VISION WIDE INC.  
 REINSTATE: 09/07/16  
 DIS BY PROC: 08/31/16

**COUNTY: MONROE**

ENTITY NAME: CHEF'S CATERING OF UPSTATE NEW YORK,  
 INC.  
 REINSTATE: 09/16/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: COMS WORLDWIDE INC.  
 REINSTATE: 09/16/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: SOUTHPAW SOFTWARE SYSTEMS, INC.  
 REINSTATE: 09/09/16  
 DIS BY PROC: 07/28/10

**COUNTY: NASSAU**

ENTITY NAME: BEST RESTAURANT & BUFFET, INC.  
 REINSTATE: 09/14/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: KUMAR GAS & AUTO REPAIRS INC.  
 REINSTATE: 09/21/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: NEW YORK 786 INC.  
 REINSTATE: 09/02/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: RAINBOW STARS DAY CARE, INCORPORATED  
 REINSTATE: 09/19/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: SENRA HOME INSPECTIONS INC.  
 REINSTATE: 09/21/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: TOUCHDOWN DELIVERY SERVICES INC.  
 REINSTATE: 09/16/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: VERITECH CORPORATION  
 REINSTATE: 09/16/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: 195 BETHPAGE-SWEET HOLLOW ROAD  
 CORP.  
 REINSTATE: 09/19/16  
 DIS BY PROC: 09/25/02

ENTITY NAME: 195 BETHPAGE-SWEET HOLLOW ROAD  
 CORP.  
 REINSTATE: 09/20/16  
 DIS BY PROC: 09/25/02

**COUNTY: NEW YORK**

ENTITY NAME: A. FORD INC.  
 REINSTATE: 09/26/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: ARCH+EQUILIBRIUM STUDIO INC.  
 REINSTATE: 09/26/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: AROMA FRANCHISE COMPANY INC.  
 REINSTATE: 08/22/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: AROMA TRADE COMPANY INC.  
REINSTATE: 07/08/16  
DIS BY PROC: 06/29/16

ENTITY NAME: CARIBBEAN EXPRESS CORP.  
REINSTATE: 09/29/16  
DIS BY PROC: 06/29/16

ENTITY NAME: CITICARE INC.  
REINSTATE: 09/21/16  
DIS BY PROC: 01/26/11

ENTITY NAME: EL POTE ESPANOL, INC.  
REINSTATE: 07/13/16  
DIS BY PROC: 06/29/16

ENTITY NAME: HORSEQUEST NA INC.  
REINSTATE: 09/26/16  
DIS BY PROC: 08/31/16

ENTITY NAME: KENT SENIOR CARE INC.  
REINSTATE: 09/30/16  
DIS BY PROC: 08/31/16

ENTITY NAME: KRASNAYA GRUPPA CORP  
REINSTATE: 09/14/16  
DIS BY PROC: 06/29/16

ENTITY NAME: L&I COMMODITIES, INC.  
REINSTATE: 09/22/16  
DIS BY PROC: 09/28/94

ENTITY NAME: MARIN CONSULTANTS CORP.  
REINSTATE: 08/05/16  
DIS BY PROC: 06/29/16

ENTITY NAME: MICHELE L COHEN JEWELRY INC.  
REINSTATE: 09/16/16  
DIS BY PROC: 08/31/16

ENTITY NAME: OINK INC.  
REINSTATE: 09/02/16  
DIS BY PROC: 08/31/16

ENTITY NAME: ORGANIZATIONAL RENEWAL DYNAMIC  
INC.  
REINSTATE: 08/18/16  
DIS BY PROC: 01/27/10

ENTITY NAME: PHYSICALMIND, INC.  
REINSTATE: 08/11/16  
DIS BY PROC: 01/26/11

ENTITY NAME: SASNY CORP.  
REINSTATE: 09/14/16  
DIS BY PROC: 08/31/16

ENTITY NAME: SLLNYC, INC.  
REINSTATE: 09/26/16  
DIS BY PROC: 06/29/16

ENTITY NAME: TRIBECA ACUPUNCTURE P.C.  
REINSTATE: 09/08/16  
DIS BY PROC: 08/31/16

ENTITY NAME: US INTERNATIONAL CALLIGRAPHY ART  
CORP.  
REINSTATE: 08/05/16  
DIS BY PROC: 07/27/11

ENTITY NAME: VIP FASHION, INC.  
REINSTATE: 08/16/16  
DIS BY PROC: 06/29/16

ENTITY NAME: YASHA RAMAN CORP.  
REINSTATE: 09/29/16  
DIS BY PROC: 08/31/16

ENTITY NAME: 2001 QUAIL LANE INC.  
REINSTATE: 09/12/16  
DIS BY PROC: 08/31/16

**COUNTY: ORANGE**

ENTITY NAME: BARROS CONSTRUCTION & REMODELING  
INCORPORATED  
REINSTATE: 09/07/16  
DIS BY PROC: 08/31/16

ENTITY NAME: DYNAMIK OF ORANGE COUNTY INC.  
REINSTATE: 09/16/16  
DIS BY PROC: 08/31/16

**COUNTY: QUEENS**

ENTITY NAME: DAVON ETC ENTERPRISE, INC  
REINSTATE: 07/06/16  
DIS BY PROC: 01/25/12

ENTITY NAME: DREAM WORLD OF AMERICA CORP.  
REINSTATE: 09/21/16  
DIS BY PROC: 08/31/16

ENTITY NAME: DRIVEN GLOBAL INC.  
REINSTATE: 09/16/16  
DIS BY PROC: 08/31/16

ENTITY NAME: FL AGNANTI CORP.  
REINSTATE: 09/21/16  
DIS BY PROC: 08/31/16

ENTITY NAME: FRESH FARM AND HALAL PRODUCTS CORP.  
REINSTATE: 09/09/16  
DIS BY PROC: 08/31/16

ENTITY NAME: HESH MANAGEMENT CORPORATION  
REINSTATE: 09/29/16  
DIS BY PROC: 08/31/16

ENTITY NAME: JEFFERSON 1648 REALTY CORP.  
REINSTATE: 09/19/16  
DIS BY PROC: 06/29/16

ENTITY NAME: LASHED NYC INC.  
REINSTATE: 09/21/16  
DIS BY PROC: 08/31/16

ENTITY NAME: LINDEN EXPRESS CAR SERVICES INC.  
REINSTATE: 08/15/16  
DIS BY PROC: 06/29/16

ENTITY NAME: ORIGINAL BLACK STAR LINES CORP.  
REINSTATE: 09/20/16  
DIS BY PROC: 08/31/16

ENTITY NAME: SHEN MEI HAIR SALON INC  
REINSTATE: 09/15/16  
DIS BY PROC: 08/31/16

ENTITY NAME: URBAN GIFT SHOP INC  
 REINSTATE: 09/20/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: 2102 LIC FOOD CORP.  
 REINSTATE: 09/26/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: 227-02 LINDEN REST. CORP.  
 REINSTATE: 09/19/16  
 DIS BY PROC: 08/31/16

**COUNTY: RICHMOND**

ENTITY NAME: FOREVER YOUNG SOCIAL ADULT DAY CARE, INC.  
 REINSTATE: 09/30/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: JAM PLANNING & CONSULTING INC.  
 REINSTATE: 09/30/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: LAW OFFICE OF NICHOLAS M. MOCCIA, P.C.  
 REINSTATE: 09/26/16  
 DIS BY PROC: 06/29/16

**COUNTY: ROCKLAND**

ENTITY NAME: CIGARETTE ENTERPRISES INCORPORATED  
 REINSTATE: 09/28/16  
 DIS BY PROC: 06/29/16

**COUNTY: SARATOGA**

ENTITY NAME: DALCO CONSULTING INC.  
 REINSTATE: 09/16/16  
 DIS BY PROC: 08/31/16

**COUNTY: SCHOHARIE**

ENTITY NAME: PPF SEAMLESS AND HOME IMPROVEMENT CORPORATION  
 REINSTATE: 09/12/16  
 DIS BY PROC: 08/31/16

**COUNTY: SUFFOLK**

ENTITY NAME: ALL ISLAND PREMIER TENTS, INC.  
 REINSTATE: 07/07/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: CDG DISTRIBUTION, INC.  
 REINSTATE: 08/18/16  
 DIS BY PROC: 01/26/11

ENTITY NAME: DOUBLE A PRINTING & GRAPHIC DESIGN INC.  
 REINSTATE: 07/19/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: DOWN & DIRTY CLEANING INC.  
 REINSTATE: 09/20/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: FULL TORQUE INC.  
 REINSTATE: 09/19/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: K & S TRUCK TIRE SERVICE, INC.  
 REINSTATE: 09/20/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: SOUTH BAY AUTOWORKS, INC.  
 REINSTATE: 09/26/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: T.K. CONSTRUCTION CORP.  
 REINSTATE: 07/27/16  
 DIS BY PROC: 07/28/10

**COUNTY: TOMPKINS**

ENTITY NAME: DIEDRICH K. WILLERS, INC.  
 REINSTATE: 08/03/16  
 DIS BY PROC: 06/27/01

**COUNTY: ULSTER**

ENTITY NAME: WELLNESS CENTER OF THE HUDSON VALLEY, INC.  
 REINSTATE: 08/09/16  
 DIS BY PROC: 01/26/11

**COUNTY: WESTCHESTER**

ENTITY NAME: ALLWAYS EAST TRANSPORTATION INC.  
 REINSTATE: 09/01/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: PELOTON GROUP INC.  
 REINSTATE: 07/25/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: WESTCHESTER NY MOTORS CORP.  
 REINSTATE: 08/11/16  
 DIS BY PROC: 06/29/16

**NOTICE OF ERRONEOUS INCLUSION  
 IN ANNULMENT OF AUTHORITY OF  
 CERTAIN FOREIGN CORPORATIONS**

Under the Provisions of Section 203-b of the Tax Law, As Amended  
 The Secretary of State hereby provides notice that the following foreign corporations were erroneously included in proclamations declaring their authority to do business in this state annulled. The State Tax Commission has duly certified to the Secretary of State that the names of the following foreign corporations were erroneously included in such proclamations. The appropriate entries have been made on the records of the Department of State.

**COUNTY: ALBANY**

ENTITY NAME: M S INTERNATIONAL, INC.  
 FICT NAME: M S INTERNATIONAL OF CALIFORNIA  
 JURIS: INDIANA  
 REINSTATE: 09/19/16  
 ANNUL OF AUTH: 06/29/16

**COUNTY: ERIE**

ENTITY NAME: CP VI MT, INC.  
 JURIS: DELAWARE  
 REINSTATE: 07/14/16  
 ANNUL OF AUTH: 06/29/16

ENTITY NAME: NIAGARA FULFILLMENT (USA) INC.  
 JURIS: DELAWARE  
 REINSTATE: 09/02/16  
 ANNUL OF AUTH: 06/29/16

**COUNTY: FULTON**

ENTITY NAME: RANBAXY PHARMACEUTICALS INC.  
 JURIS: FLORIDA  
 REINSTATE: 09/20/16  
 ANNUL OF AUTH: 08/31/16

**COUNTY: KINGS**

ENTITY NAME: FURTHER FITNESS, INC.  
 JURIS: DELAWARE  
 REINSTATE: 09/28/16  
 ANNUL OF AUTH: 08/31/16

**COUNTY: MONROE**

ENTITY NAME: RILCON, INC.  
 JURIS: DELAWARE  
 REINSTATE: 08/15/16  
 ANNUL OF AUTH: 06/29/16

**COUNTY: NASSAU**

ENTITY NAME: GEN-PROBE INCORPORATED  
 JURIS: DELAWARE  
 REINSTATE: 07/18/16  
 ANNUL OF AUTH: 06/29/16

ENTITY NAME: THE LEXINGTON COMPANY  
 FICT NAME: THE LEXINGTON CLOTHING COMPANY  
 JURIS: DELAWARE  
 REINSTATE: 09/08/16  
 ANNUL OF AUTH: 08/31/16

ENTITY NAME: UNI-TECH DRILLING, INC.  
 JURIS: NEW JERSEY  
 REINSTATE: 09/30/16  
 ANNUL OF AUTH: 10/27/10

**COUNTY: NEW YORK**

ENTITY NAME: AIR METHODS CORPORATION  
 JURIS: DELAWARE  
 REINSTATE: 08/23/16  
 ANNUL OF AUTH: 06/29/16

ENTITY NAME: BROWN AND RIDING INSURANCE SERVICES, INC.  
 JURIS: CALIFORNIA  
 REINSTATE: 08/15/16  
 ANNUL OF AUTH: 06/29/16

ENTITY NAME: CREDIT SUISSE FIRST BOSTON STRUCTURED ASSETS, INC.  
 JURIS: DELAWARE  
 REINSTATE: 07/14/16  
 ANNUL OF AUTH: 12/27/00

ENTITY NAME: F&S RADIOLOGY P.C.  
 JURIS: CALIFORNIA  
 REINSTATE: 09/22/16  
 ANNUL OF AUTH: 08/31/16

ENTITY NAME: ITS GREEK TO ME, INC.  
 FICT NAME: GTM SPORTSWEAR  
 JURIS: KANSAS  
 REINSTATE: 09/14/16  
 ANNUL OF AUTH: 08/31/16

ENTITY NAME: INGERMAN CONSULTING CO., INC.  
 JURIS: DELAWARE  
 REINSTATE: 08/11/16  
 ANNUL OF AUTH: 06/29/16

ENTITY NAME: LIEBESKIND USA INC.  
 JURIS: DELAWARE  
 REINSTATE: 09/22/16  
 ANNUL OF AUTH: 08/31/16

ENTITY NAME: MULTIPLAN SERVICES CORPORATION  
 JURIS: DELAWARE  
 REINSTATE: 07/07/16  
 ANNUL OF AUTH: 06/29/16

ENTITY NAME: OUTRIGGER MEDIA, INC.  
 JURIS: DELAWARE  
 REINSTATE: 07/15/16  
 ANNUL OF AUTH: 06/29/16

ENTITY NAME: SCIQUEST, INC.  
 FICT NAME: SCIQUEST PROCUREMENT SOFTWARE  
 JURIS: DELAWARE  
 REINSTATE: 09/26/16  
 ANNUL OF AUTH: 08/31/16

ENTITY NAME: SEI ENGINEERING, P.C.  
 JURIS: MASSACHUSETTS  
 REINSTATE: 08/25/16  
 ANNUL OF AUTH: 06/29/16

ENTITY NAME: TODD HARRIS COMPANY, INC.  
 JURIS: NEW JERSEY  
 REINSTATE: 09/26/16  
 ANNUL OF AUTH: 10/26/11

ENTITY NAME: VOX MEDIA, INC.  
 JURIS: DELAWARE  
 REINSTATE: 09/08/16  
 ANNUL OF AUTH: 08/31/16

**COUNTY: SUFFOLK**

ENTITY NAME: BEMIS COMPANY, INC.  
 FICT NAME: MISBE  
 JURIS: MISSOURI  
 REINSTATE: 09/26/16  
 ANNUL OF AUTH: 06/29/16

**COUNTY: WESTCHESTER**

ENTITY NAME: D.W. VAN DYKE & CO., INC.  
 JURIS: CONNECTICUT  
 REINSTATE: 07/13/16  
 ANNUL OF AUTH: 04/27/11

**NOTICE OF CANCELLATION  
 OF ANNULMENT OF AUTHORITY OF  
 CERTAIN FOREIGN CORPORATIONS**

Under the Provisions of Section 203-b of the Tax Law, As Amended  
 The Secretary of State hereby provides notice that the following foreign corporations, which had their authority to do business in this state annulled in the manner prescribed by Section 203-b of the Tax Law, have complied with the provisions of subdivision (7) of Section 203-b of the Tax Law, annulling all of the proceedings theretofore taken for the annulment of authority of each such corporation. The appropriate entries have been made on the records of the Department of State.



**COUNTY: ALBANY**

ENTITY NAME: HI FI PROJECT, INC.  
 JURIS: CALIFORNIA  
 REINSTATE: 09/02/16  
 ANNUL OF AUTH: 04/27/11

ENTITY NAME: JONES MASONRY RESTORATION CORPORATION  
 JURIS: PENNSYLVANIA  
 REINSTATE: 07/19/16  
 ANNUL OF AUTH: 01/26/11

**COUNTY: KINGS**

ENTITY NAME: VTL ELECTRIC CO.  
 JURIS: NEW JERSEY  
 REINSTATE: 08/03/16  
 ANNUL OF AUTH: 01/26/11

**COUNTY: NEW YORK**

ENTITY NAME: AUROBINDO PHARMA USA, INC.  
 JURIS: DELAWARE  
 REINSTATE: 08/05/16  
 ANNUL OF AUTH: 01/26/11

ENTITY NAME: CNC INSURANCE ASSOCIATES, INC.  
 JURIS: DELAWARE  
 REINSTATE: 08/24/16  
 ANNUL OF AUTH: 07/27/11

ENTITY NAME: GASSEARCH DRILLING SERVICES CORPORATION  
 JURIS: WEST VIRGINIA  
 REINSTATE: 09/20/16  
 ANNUL OF AUTH: 10/26/11

ENTITY NAME: JPMORGAN DISTRIBUTION SERVICES, INC.  
 JURIS: DELAWARE  
 REINSTATE: 08/16/16  
 ANNUL OF AUTH: 10/27/10

ENTITY NAME: PARKSTONE PRESS U.S.A. LTD.  
 JURIS: VERMONT  
 REINSTATE: 08/11/16  
 ANNUL OF AUTH: 07/28/10

ENTITY NAME: SPECIALTY INSURANCE AGENCY, INC.  
 JURIS: NEW JERSEY  
 REINSTATE: 07/08/16  
 ANNUL OF AUTH: 09/26/01

ENTITY NAME: V. LEHMANN CONSTRUCTION CO., INC.  
 JURIS: NEW JERSEY  
 REINSTATE: 09/02/16  
 ANNUL OF AUTH: 01/25/12

ENTITY NAME: WILLDAN ENERGY SOLUTIONS  
 JURIS: CALIFORNIA  
 REINSTATE: 08/30/16  
 ANNUL OF AUTH: 06/29/16

**COUNTY: QUEENS**

ENTITY NAME: AIR SERV CORPORATION  
 JURIS: GEORGIA  
 REINSTATE: 09/22/16  
 ANNUL OF AUTH: 07/25/12

ENTITY NAME: G.S AND SON'S TRUCKING INC.  
 FICT NAME: G.S AND SON'S TRUCKING OF CENTRAL FLORIDA  
 JURIS: FLORIDA  
 REINSTATE: 07/19/16  
 ANNUL OF AUTH: 04/25/12

**COUNTY: RICHMOND**

ENTITY NAME: NATIONAL FENCE SYSTEMS INCORPORATED  
 JURIS: NEW JERSEY  
 REINSTATE: 08/04/16  
 ANNUL OF AUTH: 09/27/95

**COUNTY: SUFFOLK**

ENTITY NAME: A2Z INVESTIGATIONS, INC.  
 JURIS: NEW JERSEY  
 REINSTATE: 09/19/16  
 ANNUL OF AUTH: 10/26/11

**COUNTY: WESTCHESTER**

ENTITY NAME: ASSET SECURITY, INC.  
 FICT NAME: ASSET SECURITY MANAGERS  
 JURIS: CONNECTICUT  
 REINSTATE: 09/28/16  
 ANNUL OF AUTH: 07/27/11

**NOTICE OF PUBLIC HEARING**

Department of Agriculture and Markets

In the Matter of Considering Adoption of Part 207 of Title One of the Official Compilation of Codes, Rules, and Regulations of the State of New York, to be entitled "New York State Grape Research and Development Program"

TO WHOM IT MAY CONCERN:

PLEASE TAKE NOTICE that public hearings will be held, on the following dates and at the following locations, at which the President of the Urban Development Corporation ("President"), in consultation with the Commissioner of Agriculture and Markets ("Commissioner"), will consider, pursuant to section 6266-y of the Unconsolidated Laws of the State of New York, whether a referendum should be held to determine whether certain grape growers located in New York ("grape growers") approve the adoption of the "New York State Grape Research and Development Program" ("GRDP"), to be placed in Part 207 of Title One of the Official Compilation of Codes, Rules, and Regulations of the State of New York ("1 NYCRR"). If the President, in consultation with the Commissioner, decides to hold a referendum, the GRDP shall be deemed approved and the President may thereafter adopt the GRDP if growers approve by a margin that meets any of the standards set forth in section 6266-y(3)(b) of the Unconsolidated Laws of the State of New York.

PLEASE TAKE FURTHER NOTICE that the GRDP, if adopted, would require grape growers to pay into a fund, established pursuant to the GRDP, which the President could use to support research relevant to grape production, harvesting, processing, storage and marketing. A copy of the express terms of the GRDP may be obtained from Mr. Mark McMullen, Marketing Order Administrator, Division of Agricultural Development, New York State Department of Agriculture and Markets, 10B Airline Drive, Albany, New York 12235.

PLEASE TAKE FURTHER NOTICE that the hearings referred to above will be held on the following dates, at the following locations:

- November 10, 2016, between 10:00 a.m. – 12:00 p.m., at the Cornell Cooperative Extension, 423 Griffing Ave., Suite 100, Riverhead, NY
- November 14, 2016, between 6:30 p.m. – 8:30 p.m., at the Cornell Lake Erie Laboratory, 6592 W. Main Rd., Portland, NY

- November 15, 2016, between 10:00 a.m. – 12:00 p.m., at the Cornell Lake Erie Laboratory, 6592 W. Main Rd., Portland, NY
- November 16, 2016, between 10:00 a.m. – 12:00 a.m., at the New York State Agriculture Experiment Station, Jordan Hall Auditorium, North Street, Geneva, NY
- November 29, 2016, between 1:00 p.m. – 3:00 p.m., at the New York State Department of Agriculture and Markets, 10 B Airline Dr., Albany, NY

PLEASE TAKE FURTHER NOTICE that at the hearings any interested person may appear and may present data, views, and arguments regarding the GRDP. The location of the GRPD in the Official Compilation of Codes, Rules, and Regulations of the State of New York is subject to change. Written statements regarding the GRDP will be received until December 9, 2016; such written statements may be submitted to Mr. McMullen, at the foregoing address.

Mark McMullen  
Division of Agricultural Development

### 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 2016 will be conducted on November 15 and November 16 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

Town of North Hempstead  
Solid Waste Management Authority

Pursuant to Section 120-w of the New York General Municipal Law, the Town of North Hempstead Solid Waste Management Authority (the "Authority") hereby gives notice of the following:

The Authority has drafted a Request for Proposals for the Management and Maintenance of the Landfill Gas Collection System and Control Systems at the Authority's Port Washington Landfills (L-4 and L-5), 802 West Shore Rd., Port Washington, New York. A copy of the draft Request for Proposals is on file with the Office of the Town Clerk of the Town of North Hempstead, 200 Plandome Rd., Manhasset, New York, where a copy of the draft Request for Proposals can be obtained during regular business hours. Comments on the draft Request for Proposals will be accepted by the Authority until Tuesday, January 3, 2017 at 5:00pm.

*Comments may be submitted to:* Robert Lange, Executive Director of the Authority, by email at [langer@northhempsteadny.gov](mailto:langer@northhempsteadny.gov)

### 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 8th, 2016 at 10:30 a.m. at Tech Valley Center of Gravity, 30 3rd Street (enter on Broadway), Troy, NY 12180

The following properties will be considered:

1. Lakeview Avenue Historic District, Jamestown, Chautauqua County

2. St. Rose of Lima Roman Catholic Church Complex, Buffalo, Erie County
3. St. Thomas Aquinas Roman Catholic Church Complex, Buffalo, Erie County
4. The Mentholatum Company Building, Buffalo, Erie County
5. Niagara Power Project Historic District, Niagara County
6. Frederick and Emma Hartman Noyes House, Dansville, Livingston County
7. Offerman Building, Brooklyn, Kings County
8. DuBois Farmhouse, Poughkeepsie, Dutchess County
9. Silver Lake Cemetery, Staten Island, Richmond County
10. Soldiers Memorial Fountain and Park, Poughkeepsie, Dutchess County
11. Bridgehampton Presbyterian Church, Southampton, Suffolk County
12. Woodstock Music Festival Site, Bethel Vicinity, Sullivan County
13. Waterloo Downtown Historic District, Seneca County
14. Lakeview Cemetery, Skaneateles, Onondaga County
15. South Presbyterian Church, Syracuse, Onondaga County
16. Walworth Methodist Church, Wayne County
17. Watrous Peck House, West Bloomfield, Ontario County
18. St. Matthew's Episcopal Church, Horseheads, Chemung County
19. Biggs Cottage, Ithaca Vicinity, Tompkins County
20. Phillips-Manning House, Coventry, Chenango County
21. Onderdonk-Tallman and Traphagen Houses, Clarkstown, Rockland County
22. Henry's Garage, Port Henry, Essex County
23. Henry Whitney House, Whitney Point, Broome County
24. Tilley Ladder Company, Watervliet, Albany County
25. Bleecker Stadium and Swinburne Park, Albany, Albany County
26. Lincoln Park, Albany, Albany County
27. Normanskill Farm, Albany, Albany County
28. George T. Robinson House, Clayton, Jefferson County
29. Forest Hill Cemetery, Utica, Oneida County
30. Camp Taiga, Long Lake, Hamilton County
31. Dollar Island, Inlet, Hamilton County

To be considered by the board, comments may be submitted to Ruth L. Pierpont, Deputy Commissioner for Historic Preservation, Division for Historic Preservation, Peebles Island, P.O. Box 189, Waterford, NY 12188-0189, no later than Wednesday, December 7th or may be submitted in person at the meeting by contacting Ruth L. Pierpont at the same address no later than December 7th.

*For further information, contact:* Ruth L. Pierpont, Deputy Commissioner for Historic Preservation, Peebles Island, P.O. Box 189, Waterford, NY 12188-0189, (518) 237-8643

### PUBLIC NOTICE

New York State and Local Retirement System

Pursuant to Retirement and Social Security Law, the New York State and Local Employees' Retirement System hereby gives public notice of the following:

The persons whose names and last known addresses are set forth below appear from records of the above named Retirement System to be entitled to accumulated contributions held by said retirement system whose membership terminated pursuant to Section 517-a of the Retirement and Social Security Law on or before September 30, 2016. This notice is published pursuant to Section 109 of the Retirement and Social Security Law of the State of New York. A list of the names contained in this notice is on file and open to public inspection at the office of the New York State and Local Retirement System located at the 110 State St., in the City of Albany, New York. At the expiration of six months from the date of the publication of this notice. The accumulated contributions of the persons so listed shall be deemed

abandoned and shall be placed in the pension accumulation fund to be used for the purpose of said fund. Any accumulated contributions so deemed abandoned and transferred to the pension accumulation fund may be claimed by the persons who made such accumulated contributions or, in the event of his death, by his estate or such person as he shall have nominated to receive such accumulated contributions, by filing a claim with the State Comptroller in such form and in such a manner as may be prescribed by him, seeking the return of such abandoned contributions. In the event such claim is properly made the State Comptroller shall pay over to the person or persons or estate making the claim such amount of such accumulated contributions without interest.

Covington, Shekia - Brooklyn, NY

Crawford, Charlotte J - Darien Center, NY

## PUBLIC NOTICE

### New York State and Local Retirement System

Pursuant to Retirement and Social Security Law, the New York State and Local Employees' Retirement System hereby gives public notice of the following:

The persons whose names and last known addresses are set forth below appear from records of the above named Retirement System to be entitled to accumulated contributions held by said retirement system whose membership terminated pursuant to Section 613 of the Retirement and Social Security Law on or before September 30, 2016. This notice is published pursuant to Section 109 of the Retirement and Social Security Law of the State of New York. A list of the names contained in this notice is on file and open to public inspection at the office of the New York State and Local Retirement System located at the 110 State St., in the City of Albany, New York. At the expiration of six months from the date of the publication of this notice. The accumulated contributions of the persons so listed shall be deemed abandoned and shall be placed in the pension accumulation fund to be used for the purpose of said fund. Any accumulated contributions so deemed abandoned and transferred to the pension accumulation fund may be claimed by the persons who made such accumulated contributions or, in the event of his death, by his estate or such person as he shall have nominated to receive such accumulated contributions, by filing a claim with the State Comptroller in such form and in such a manner as may be prescribed by him, seeking the return of such abandoned contributions. In the event such claim is properly made the State Comptroller shall pay over to the person or persons or estate making the claim such amount of such accumulated contributions without interest.

Abobo, Racquel - Odessa, TX

Ackley, Shantel M - Big Flats, NY

Addeo, Barbara - Huntington Station, NY

Agnew, Sarah M - Peru, NY

Albright, Trevan C - Voorheesville, NY

Alexander, Alexander Y - Brooklyn, NY

Alighieri, Jessica M - Syracuse, NY

Allen, Jeremy J - Cortland, NY

Allgier, Jaclyn M - Long Beach, NY

Amiri, Afsaneh T - East Meadow, NY

Anderson, Kaitlyn M - Babylon, NY

Angley, Jonathan D - Stephentown, NY

Anwar, Muhammad - Morris Plains, NJ

Arce, Janet - Bronx, NY

Arthur, Lindsay M - Ravena, NY

Ashe, Tracilyn - Kingston, NY

Ayers, Wade K - Stanley, NY

Babalis, Antigone E - Astoria, NY

Baird, Connor E - Rensselaer, NY

Bajaj, Leena - Round Rock, TX

Bali, Divya - Manalapan, NJ

Banks, Caitlin N - Mount Morris, NY

Barada, Conor M - Delmar, NY

Bark, Rachel C - York, PA

Barreda, Nicholas L - Rockville Ctr, NY

Barrett, Patrice V - Mt Vernon, NY

Bates, Vanessa R - Sparrow Bush, NY

Beach, Brice S - Sayville, NY

Beach, John T - Orlando, FL

Beckford, Dirk D - Yonkers, NY

Beigert, Kim - Montrose, NY

Bennett, Devon G - Kissimmee, FL

Benshoff, Alexandra E - Clifton Park, NY

Benton, Andrew C - Rosedale, NY

Berben, Kirstin S - North Charleston, SC

Betts, Jolene M - Marathon, NY

Bhatia, Bina - Nanuet, NY

Bianchi, Christopher M - Schenectady, NY

Bierl, Jonathan F - Elma, NY

Birch, Stephanie M - Scotia, NY

Bishop, Schuyler M - Schenectady, NY

Blomquist, Kimberly A - Holtsville, NY

Blunt, Brandyn W - Sauquoit, NY

Bollentin, Andrea M - Voorheesville, NY

Bolson, Donna M - Apalachin, NY

Boris, Lindsay L - Amsterdam, NY

Bourque, Brian P - Huntersville, NC

Bowler, Kevin G - Mahwah, NJ

Boyle, Matthew P - Glenwood, NY

Brand, Sherry L - Binghamton, NY

Breitenbach, Tuesday L - Schenectady, NY

Breton, Eric W - Latham, NY

Brick, Hodaya - Brooklyn, NY

Briggs, Jordan L - Gouverneur, NY

Brodmerkel, Kayla - Lindenhurst, NY

Brooks, Robert - Portville, NY

Brophy, Kirsten R - Mt Kisco, NY

Brown, Aaron A - Mayville, NY

Brown, Paul Kevin - Nanuet, NY

Brown, Reginald K - Brooklyn, NY

Buckley, Devon D - East Greenbush, NY

Burke, Dennis J - Yorktown Heights, NY

Burke, Laura S - Leesburg, VA

Burns, Kevin R - Goodfellow Afb, TX

Busier, Katy E - Ballston Spa, NY

Buss, Gretchen R - Brackney, PA

Butler, Adam - Oswego, NY

Cahoon, Lynnda R - Ithaca, NY

Calabrese, Matthew P - Grahamsville, NY

Caldarazzo, Dominick J - Schenectady, NY

Canniff, Jonathon W - Chenango Forks, NY

Carney, Catherine L - Ilion, NY

Carney, Evan - West Winfield, NY

Carr, Brittany A - Carle Place, NY

Carro, Kathy J - Oceanside, NY

Carroll, Jordan E - Potsdam, NY

Carter, Jonathan M - Buffalo, NY

Casiano, Edgar - Bronx, NY

Castillo, Maria Del Pilar - Philadelphia, PA

Castren, Chris M - Voorheesville, NY

Catalano, Alecia R - Farmington, NY

Cerne,Carlie S - North Collins, NY  
Cernilli,Matthew F - Greenlawn, NY  
Charvat,Kathryn R - Latham, NY  
Charvat,Michael S - Latham, NY  
Chen,Megan Y - Miller Place, NY  
Chtchekine,Eugeni - Garden City, NY  
Cioppa,Peter A - Minoa, NY  
Cisco,Ray C - Seneca Falls, NY  
Clark,Katherine L - Goshen, NY  
Clarke,Sonia - Coral Springs, FL  
Claude,Laura A - Eaton, NY  
Coapman,Robert J - Wampsville, NY  
Coker,La Quana - Rochester, NY  
Cole,Lindsey J - Brockport, NY  
Condon,Christopher M - Tarrytown, NY  
Conklin,PAul W - Palmyra, NY  
Contino,Jason - Tampa, FL  
Cooney,Alissa J - Ilion, NY  
Corso,August M - Syracuse, NY  
Cortright,Jennifer - Alden, NY  
Cosgrove,Elizabeth A - Latham, NY  
Costable,Mary Ann - Carmel, NY  
Costanzo,Nicole M - Seaford, NY  
Coyne,Lynn - Sarasota, FL  
Crosdale,Louis L - Brooklyn, NY  
Cullen,Megan E - Lake View, NY  
Cunningham,Amy L - Enfield,CT  
Curley,Shawn P - Madrid, NY  
D'Auguste,Leslie - New York, NY  
Daley,Jack T - Glenmont, NY  
Daniell,Kelly A - Little Falls, NY  
Danto,Michael D - Altamont, NY  
Danussi,Mitchell R - West Chazy, NY  
Daoust,Andrea C - Burke, NY  
Davidson,Brooke A - Philadelphia, NY  
De La Cruz,Brian - New York, NY  
De Traglia,John P - Utica, NY  
Dean,Robert L - Queensbury, NY  
Deeley,Joshua J - Westmoreland, NY  
Del Vecchio,Nicole F - Prt Jefferson, NY  
Delaney,Octavia C - Bronx, NY  
Delisio,Christian - Stony Point, NY  
Dewan,Benjamin G - Delhi, NY  
Di Fiore,Courtney G - Ausable Forks, NY  
Digioia,Christopher J - Patchogue, NY  
Dillon,Sherice M - Troy, NY  
Dini,Elizabeth M - Sayville, NY  
Dodge,Stephanie L - Fulton, NY  
Dollard,Jevan R - Voorheesville, NY  
Dorsey,Meghan R - Westport, NY  
Dostilio,Jenna M - Holmes, NY  
Drennan,Michael J - Seneca Falls, NY  
Drummond,Robert P - Bridgeport, NY  
Drymond,Jared M - Clayville, NY  
Du Bois,Robert J - Amsterdam, NY  
Ducatte,Aaron J - West Chazy, NY  
Durecko,Claire A - Stewart Manor, NY  
Dutcher,Melissa M - Gloversville, NY  
Eagan,William F - Hamburg, NY  
Eckelman,Sarah J - Staatsburg, NY  
Edwards,Lauren B - Ozone Park, NY  
Egnasher,Cory M - Kinderhook, NY  
Ells,Matthew J - Angola, NY  
Engel,Constance M - Garnerville, NY  
Erath,Christopher J - Amityville, NY  
Esposito,Olivia G - Rome, NY  
Evans,Brittany L - Estero, FL  
Fairbrother,Cherie L - New York Mills, NY  
Farrell,Christopher J - Slingerlands, NY  
Favata,Cristina - Harrison, NY  
Feeney,Brigit A - Albany, NY  
Ferguson,Deanna J - Mountain Home Afb,ID  
Fernandez,Hector J - Rochester, NY  
Finnerty,David J - Walden, NY  
Foley,Fiona A - Middletown, NY  
Ford,Aricka O - Albany, NY  
Forget,Edward M - Milford,CT  
Forman,Ann M - Hauppauge, NY  
Fortes,Nicholas O - Croton, NY  
Fox,Julie L - Boonville, NY  
Foye,Molly C - Westernville, NY  
Frank,Erika L - Mohawk, NY  
Freeman,Adam M - Cuba, NY  
Fregoe,April S - Massena, NY  
Gaffney,Mayme - Temple, PA  
Galella,Kristeen H - Oakdale, NY  
Garcia,Anthony J - Johnson City, NY  
Garcia,Kenny A - New York, NY  
Gardner,Katie A - Bellmore, NY  
Gardy,Nicholas M - Schenectady, NY  
Gates,Maureen A - Pittsford, NY  
Gavilanes,Hernan R - East Elmhurst, NY  
George,Heather L - Almond, NY  
Germano,Kara A - Rochester, NY  
Gibson,Davina L - Buffalo, NY  
Gibson,Lindsey A - Ridgeland, SC  
Gilbert,Wilbert - Spring Valley, NY  
Glickman,Laurence T - Port Washington, NY  
Goetz,Hilary C - Voorheesville, NY  
Gogan,Bobbi L - Virginia Beach,VA  
Goldberg,Lisa A - Cincinnati,OH  
Gong,Sean W - Cheektowaga, NY  
Gonzalez,Omar A - Dix Hills, NY  
Gorham,Morgan L - Fort Edward, NY  
Graham,Katherine J - Pavilion, NY  
Gratton,Sara B - New Bedford,MA  
Green,Kelley A - Niagara Falls, NY  
Greene,Colleen M - Orlando, FL  
Greevy,Damien J - Cornwall On Hudson, NY  
Gregoire,Jason P - Watervliet, NY  
Griffen,Stephen J - Loudonville, NY  
Groves,Alex J - Beaver Dams, NY  
Gublo,Billie Jo A - Nichols, NY  
Guerette,Michael J - Voorheesville, NY  
Gugino,Rasella M - North Collins, NY  
Guo,Li-Wu - Little Rock,AK  
Guy,Christopher C - Glens Falls, NY  
Guzman,Kristy M - Stony Point, NY



Hagen,Lisa M - Charlotte,NC  
 Haigh,Kristie L - Geneseo, NY  
 Halliburton,Philip A - Laurelton, NY  
 Hanford,Kimberly E - Fairport, NY  
 Hanlon,Robert P - Cedarhurst, NY  
 Hanson,Carol L - West Hempstead, NY  
 Hardy,Corey - Riverhead, NY  
 Hargrove,Shanell N - Rochester, NY  
 Harrington,Steven P - Caledonia, NY  
 Harstad,Mark N - Webster, NY  
 Hartnett,Meghan K - Gloversville, NY  
 Hauser,Sarah J - Johnstown, NY  
 Hayden,Apollo K - Catskill, NY  
 Heater,Jessica L - Newark Valley, NY  
 Heathwood,Kevin B - East Islip, NY  
 Heiberg,Carl E - Brooklyn, NY  
 Hemmer,Christopher J - Vestal, NY  
 Hemsley,Gordon P - Wayne, PA  
 Hendershot,Derek P - Nunda, NY  
 Hensel,Christopher J - Brooklyn, NY  
 Heptig, SCott M - Remsenburg, NY  
 Hernandez-Selmon,Arika L - Yorktown,VA  
 Herne,Sonya L - Tonawanda, NY  
 Hershman,Elizabeth J - Levittown, NY  
 Hickey,Vincent - Ronkonkoma, NY  
 Higgins,Kevin E - Waterloo, NY  
 Hill,Richard E - Niagara Falls, NY  
 Hill,Vergia - Wyandanch, NY  
 Hiller,Jared S - Brooklyn, NY  
 Hodgkinson,Bridget C - Delmar, NY  
 Hogan,Jessica R - Auburn, NY  
 Holmes,Erik F - Cobleskill, NY  
 Holze,Christopher A - West Hempstead, NY  
 Hooley,Hilary C - Fayetteville, NY  
 Horace,Christopher J - Rockville Centre, NY  
 Hornbeck,Chad J - Stamford, NY  
 Horner,Melissa M - Mechanicville, NY  
 Horrigan,Thomas E - Hudson Falls, NY  
 Howard,Chanta M - Far Rockaway, NY  
 Howe,Amanda M - Utica, NY  
 Huang,Kuanhua - Rego Park, NY  
 Hughes, SCott - East Amherst, NY  
 Hughes,William K - Sayville, NY  
 Hulbert,Jeremy A - Newfield, NY  
 Hung-Yap,Katy - Hopewell Junction, NY  
 Hunt,Deborah - Buffalo, NY  
 Hurley, PATricia A - Fort Salonga, NY  
 Illig,Dina A - West Seneca, NY  
 Jaboin,Joseette - Powder Spgs,GA  
 Jackson,Erin K - Rochester, NY  
 Jackson,Timothy T - Rochester, NY  
 Jacobs, PATricia F - Mineville, NY  
 James-Archie,Nola E - Wappingers Falls, NY  
 Jamison,Antonine - Brooklyn, NY  
 Jeanty-Rouchon,Nadine V - Highland Mills, NY  
 Jeselnik,Jaelyn F - Pound Ridge, NY  
 John,Agnes E - Staten Island, NY  
 Johnson,Ashley N - North Collins, NY  
 Johnson,Michael P - Coram, NY  
 Jolls,Deborah S - Gowanda, NY  
 Jones,Stephanie E - Johnstown, NY  
 Kane,Donald E - Katonah, NY  
 Karst,Stephanie N - Raleigh,NC  
 Keida Goodson,Amanda L - Sauquoit, NY  
 Kelberer,William A - Youngstown, NY  
 Keller,Justin R - Fairport, NY  
 Kendrick,Sjene N - Brooklyn, NY  
 Keys,Leterrence M - Sunnyside, NY  
 Kimble, SCott L - Woodhull, NY  
 Kimmerling,Richard N - Shirley, NY  
 King,Austin S - Stephentown, NY  
 Kinney,Joseph C - Frankfort, NY  
 Knox,Mitchell D - Columbia, SC  
 Korkin,Joseph S - Esperance, NY  
 Korol,Tris - Hurley, NY  
 Kurian,Sheejo - San Antonio, TX  
 La Duke,Joshua R - Watertown, NY  
 Laboy,David J - Sound Beach, NY  
 Laveglia,Domenico - Ronkonkoma, NY  
 Le Clair,Curtis A - Altamont, NY  
 Leaver,Ryan W - Largo, FL  
 Lento,Winifred M - Wading River, NY  
 Lesser,Stefanie M - Syosset, NY  
 Levine,Allison S - Miami, FL  
 Levine,Helisse E - Stamford,CT  
 Lewis,Valerie A - Walden, NY  
 Lieb,Carey J - Fulton, NY  
 Lipscomb,Nicole M - Staten Island, NY  
 Lissade, PATricia - North Bellmore, NY  
 Littlefield,Brett P - Hilton, NY  
 Lochard,Princess B - Brentwood, NY  
 Lord,Tracy A - E Worcester, NY  
 Loris,Trish M - Middle Island, NY  
 Lossowski,Vincent W - Rochester, NY  
 Loucks,Richard V - Rome, NY  
 Love,Josh M - Brooklyn, NY  
 Love,Nicholas J - Wesley Chapel, FL  
 Lukas,Meredith G - New Lebanon, NY  
 Lurenz, PATrick M - Johnstown, NY  
 Lyle,Katherine M - Baldwin, NY  
 Mac Donald,Matthew B - Carmel, NY  
 Mac Intosh,Siobhaun K - Medford,MA  
 Mack,David L - West Henrietta, NY  
 Magistrale,Lynn M - Lancaster, NY  
 Malone,Suzanne L - Albany, NY  
 Marbury,Jon - Jamaica, NY  
 Marfone,Jacquelyn D - Syracuse, NY  
 Marro,Robert P - Melville, NY  
 Martin,Lindsay M - North Syracuse, NY  
 Martin,Regina A - Syracuse, NY  
 Matthews,Nathaniel A - North Chili, NY  
 Maxwell,Elisia - Albany, NY  
 Mayer,Elizabeth A - N Tonawanda, NY  
 Maynard,Christopher M - East Rockaway, NY  
 Mayweather,Brittany S - Albany, NY  
 Mazza,David E - Middle Island, NY  
 Mc Allister,Matthew P - Holley, NY  
 Mc Cabe,Blake P - Vestal, NY



Mc Eneaney, Jacquelin - New York, NY  
Mc Ginley, M Allen - Red Bank, NJ  
Mc Lean, Marcus J - Peru, NY  
Mc Reynolds, Veronica - Huntington Station, NY  
Mehmel, Dyann M - Middle Island, NY  
Mellitt, John P - New Paltz, NY  
Mendoza, Eric A - Goshen, NY  
Mentry, Edward M - Watertown, NY  
Mercurio, Cassandra A - Babylon, NY  
Merle, Emily S - W Hempstead, NY  
Mescall, Matthew D - Lancaster, NY  
Messina, Joseph E - Dix Hills, NY  
Middleton, Zora N - Albany, NY  
Miller, Jason A - Lockport, NY  
Mineo, Gregory M - Dix Hills, NY  
Mitchell, David B - Brooklyn, NY  
Mitola, Breanna M - Latham, NY  
Mogavero, Kristen D - Massapequa, NY  
Monette, Stephen C - Oswego, NY  
Monte, Laura D - E Aurora, NY  
Mooney, Nolan P - Syracuse, NY  
Moore, Bruce D - Voorheesville, NY  
Moore, Morgan D - Albany, NY  
Morone-Crocitto, Jennifer F - Albany, NY  
Morris, Connor T - Center Moriches, NY  
Moses, Jessica - Queens Village, NY  
Mosher, Aimee M - Gardiner, NY  
Murray, Amanda E - Chittenango, NY  
Nagel, Kurt P - Cheektowaga, NY  
Napier, Shelly T - Brooklyn, NY  
Natoli, Joanne - Suffern, NY  
Neal, Renee L - Passaic, NJ  
Nebush, Theresa M - Frankfort, NY  
Nehring, Christopher W - Amityville, NY  
Newby, Vicki L - Fort Worth, TX  
Nguyen, Nguyet T - Castle Creek, NY  
Nixon, Heather M - Torrington, CT  
Nogue, Joshua M - New Paltz, NY  
Norman, Ashley R - Mt Vernon, NY  
Norris, Dominick C - Heber City, UT  
Nostrand, Troy - Craryville, NY  
Novak, Jennifer E - Wantagh, NY  
Nunnery, Richard A - Lyndonville, NY  
Nuzzo, Stephanie M - Geneva, NY  
O Hanlon, Kaleigh R - Schenectady, NY  
O'Bryan, Elizabeth M - Seattle, WA  
O'Neill, Kathryn R - Deer Park, NY  
O'Neill, Kimberly A - Wingdale, NY  
Oates, Glenda - Hudson, OH  
Okayo, Asha G - Tucker, GA  
Oldenburgh, Thomas J - Massena, NY  
Olszewski, Nathan P - West Seneca, NY  
Ostrowski, Kathleen M - Buffalo, NY  
Paddock, Colleen M - Ballston Spa, NY  
Paff, Carissa M - Watervliet, NY  
Palma, Duane A - Hilton, NY  
Palmer, John J - East Syracuse, NY  
Palmer, Renee D - Troy, NY  
Paoff, April L - Auburn, NY  
Pashayan, Laura - Garden City, NY  
Patterson, Jeremy C - Herkimer, NY  
Peale, Christie E - New York, NY  
Pearson, Kevin C - Amityville, NY  
Pellerin, Kelly S - Queensbury, NY  
Pericak, Arlene M - Fairfax, VA  
Perry, Matthew P - New York, NY  
Philip, Timmy S - Bronx, NY  
Phillips, Jesse N - Valatie, NY  
Pierre, Fritz - Hempstead, NY  
Pinder, Shelton I - Freeport, NY  
Piszczatowski, Joseph - Glen Cove, NY  
Platania, Paul A - Greenvale, NY  
Poidevin, Antonella - Carmel, NY  
Polden, Jacqueline R - Carmel, NY  
Pollock, John C - Uniondale, NY  
Pomella, Bruce A - San Francisco, CA  
Ponce De Leon, Raymond I - Brooklyn, NY  
Ponticelli, Peter O - Miller Place, NY  
Poore, Glendon E - Lisbon, NY  
Preischel, Ann E - Hamburg, NY  
Provencher, Emily C - Barker, NY  
Quelis, Ambar L - Albany, NY  
Quinn, Daniel P - Clifton Park, NY  
Raguckas, Leilani - Taylor, PA  
Rathbun, Cameron J - Plattsburgh, NY  
Raymond, Kimberly A - Whitehall, NY  
Rebello, Joshua C - Friendsville, PA  
Redhead, Dwayne - Roosevelt, NY  
Reed, Jessica H - Salamanca, NY  
Regan, Catherine R - New York, NY  
Regan, Robert F - Long Beach, NY  
Reichardt, Kristin J - Ballston Spa, NY  
Reichen, Bethany M - Queensbury, NY  
Reidy, Jana L - Pine City, NY  
Reilly, Kristen E - Latham, NY  
Reimann, Jacqueline H - Buffalo, NY  
Reinisch, Kevin E - Selkirk, NY  
Reiter, Sheena M - New York, NY  
Reyes, Kathy - Yorktown Heights, NY  
Reynold, Tamika N - Roslindale, MA  
Rhoney, Kevin P - Lewiston, NY  
Rice, Christopher J - Levittown, NY  
Richards, Linda M - West Babylon, NY  
Robins, William G - Greenport, NY  
Robinson, Patricia - Middle Island, NY  
Rodgers, Kyle S - Centereach, NY  
Rodgers, Matthew R - Lindenhurst, NY  
Rodriguez, Alyssa J - Middletown, NY  
Rommel, Jacob R - Little Meadows, PA  
Root, Helen K - Rochester, NY  
Rosen, Ian M - Flushing, NY  
Rosenberg, Benjamin E - New York, NY  
Ross, Leighann - Centereach, NY  
Rowley, David J - Menands, NY  
Roy, Elizabeth K - Averill Park, NY  
Rozboril, Michael G - Port Crane, NY  
Rudinger, Rachel E - Albany, NY  
Russell, Darcy L - Brushton, NY

Russell,James H - East Northport, NY  
 Ryan,John P - Auburn, NY  
 Ryan,Kyle M - Clifton Park, NY  
 Sacco,Matthew A - Ithaca, NY  
 Salfas,Brian - Brooklyn, NY  
 Salters,Adam - Stony Point, NY  
 Sanfilippo,Matthew J - Hicksville, NY  
 Sawyer,Alexandria - Paul Smiths, NY  
 Sawyer,Nedhy E - Ossining, NY  
 Scaccia,Anthony - Lakeview, NY  
 Schell,Tyler L - Schoharie, NY  
 Schettino,Caitlin A - Alexandria,VA  
 Schlegel,Ann M - Medina, NY  
 Schlossberg,Kelly - Ardsley, NY  
 Schmidt,Henry W - Lockport, NY  
 Schneible,Christopher L - North Syracuse, NY  
 Schrack,William E - Bayville, NY  
 Schuler,Margaret A - Lockport, NY  
 Schwarz,Christopher H - Massapequa Pk, NY  
 Schweichler,John T - Caledonia, NY  
 Scott,Megan M - Massena, NY  
 Scott,Sara K - Minot Afb,ND  
 Sears,Kelsey M - Westport, NY  
 Shann,Kaila J - Centereach, NY  
 Sheehan,Earle J - Niagara Falls, NY  
 Sherbino,Theresa M - Plessis, NY  
 Short,Lakisha D - Lawrenceville,GA  
 Sieracki,Daniel J - Lackawanna, NY  
 Silver,Elizabeth R - Kinderhook, NY  
 Simeone,Rebecca E - Delmar, NY  
 Skinner,Garrett - Penn Yan, NY  
 Smaldino,Marc A - Chantilly,VA  
 Smith,Ian R - New York, NY  
 Smith,Kyris S - Ticonderoga, NY  
 Snowden,Denise M - Ellenwood,GA  
 Snyder,William A - Canastota, NY  
 Soares,Teresa G - Miller Place, NY  
 Soblosky,Nicole A - Albany, NY  
 Spears,Steven C - Brocton, NY  
 Speedling,Claire M - New Paltz, NY  
 Spring,Joseph J - Rochester, NY  
 Springer,Lynn M - Queensbury, NY  
 St John,Jennifer A - Suffern, NY  
 Stavroulakis,Hrisovalantis - Milton, NY  
 Stearns,Benjamin P - Buffalo, NY  
 Steed,Colleen A - Newport News,VA  
 Stehlin,Karen A - Saratoga Springs, NY  
 Stellwagen,Thomas W - Holly Ridge,NC  
 Stephens,Craig A - Massapequa, NY  
 Stevens,Janet L - Scottsville, NY  
 Stevenson,Michelle - Tappan, NY  
 Stone,Daniel J - N Syracuse, NY  
 Stone,Jennifer L - Tonawanda, NY  
 Straub,Rebecca M - Rochester, NY  
 Suero,Christopher - Bronx, NY  
 Sullivan,Kevin M - Albany, NY  
 Sutton,Earl D - Troy, NY  
 Sylvester,Rosemarie - Latham, NY  
 Tamburrino,Michael A - Auburn, NY

Thomas,Deborah S - Potsdam, NY  
 Tilley,Gary J - Troy, NY  
 Tomaino,Matthew P - Rome, NY  
 Torre,Andrew J - West Babylon, NY  
 Torres,Andrew - West Haverstraw, NY  
 Torres,Francisco J - Bronx, NY  
 Tremblay,Chelsea E - Saranac Lake, NY  
 Trilhe,Barbara D - Staten Island, NY  
 Trimmer,Helena D - Washington,DC  
 Tringali,Debra A - Smithtown, NY  
 Trippodo,Danielle L - New Windsor, NY  
 Tsou,Ashley A - Valatie, NY  
 Tucker,Kristina M - Utica, NY  
 Tufano,Cory - Hilton, NY  
 Tullar,Lara A - Amityville, NY  
 Turner,Danielle K - Farmingville, NY  
 Turner,Juno E W - Brooklyn, NY  
 Tyo,Amy M - Pensacola, FL  
 Ulscht,Christina S - Athens, NY  
 Underwood,Robert J - Kattskill Bay, NY  
 Valencia,Claudia - West Harrison, NY  
 Valsaint,Marie M - New York, NY  
 Van Deusen,Daniel R - New York, NY  
 Van Meter,Katherine C - Little Falls, NY  
 Varin,Jordhan J - Plattsburgh, NY  
 Vasquez,Ariana R - Patchogue, NY  
 Vassell,Germie A - Middletown, NY  
 Villanova,Angela N - Clifton Park, NY  
 Wagner,Keith - Poestenkill, NY  
 Waldron,Donald R - Saranac, NY  
 Walker,Troy L - Coram, NY  
 Ward,Justin M - Allegany, NY  
 Wells,Stacy A - Mastic Beach, NY  
 Wellspeak,Alanna M - Albany, NY  
 Wen,Jacky - Middle Village, NY  
 Wendell,Fred C - Dryden, NY  
 Wenner,Garsha K - Central Islip, NY  
 West,Stacy L - Saratoga Spgs, NY  
 White,Christine F - Garden City, NY  
 Wilchcombe,Basil - Elmont, NY  
 Williams,Agatha P - Uniondale, NY  
 Williams,Melissa R - Brooklyn, NY  
 Williams,Sharon C - Brooklyn, NY  
 Williamson,Peter A - Floral Park, NY  
 Winterling,Tracey A - Middletown, NY  
 Witman,Wynn D - Barton, NY  
 Wolfe,Brian W - Clifton Park, NY  
 Wood,Jamie - Troy, NY  
 Wood,Jordan C - Williamson, NY  
 Wright,Alexander B - Fayetteville, NY  
 Wright,Courtney D - Durham,NC  
 Wright,Rebecca A - Watertown, NY  
 Wyatt,Tiffany N - Troy, NY  
 Young,Kimberly E - Durham, NY  
 Young,Meredith L - Lowville, NY  
 Yousey,Bryan B - Croghan, NY  
 Zipprich,Bernard P - Cortlandt Manor, NY  
 Zugibe,Thomas P - Somerville,MA

*For further information contact: Marriane Miller, New York State*

Retirement Systems, 110 State St., Albany, NY 12244, (518) 474-3502

## PUBLIC NOTICE

Department of State  
F-2016-0586

Date of Issuance – November 2, 2016

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

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

In F-2016-0586, or "27-41 West Street, Block 2570, Lot 1", the applicant, M&H Realty, LLC, proposes construction of a mixed-use development of an underutilized waterfront site of approximately 2 million gross square feet in the Greenpoint neighborhood of Brooklyn. The 7.2 acre project site is bounded by Oak Street to the north, West Street to the east, and Quay Street and the East River to the west and is situated just north of the Bushwick Inlet. The site is currently an asphalt paved lot used as a lumber warehouse and truck rental facility. The proposed project includes upland development of three base buildings and four towers, associated private drives, public access areas including a 40 feet wide continuous shore public walkway, a waterfront park, and shoreline stabilization. The waterfront access, walkway, and park elements will be developed to be consistent with the Greenpoint-Williamsburg Waterfront Access Plan (WAP).

Some of the work in support of the shore public walkway would occur within state regulated tidal wetland adjacent areas, requiring a tidal wetlands permit from the New York State Department of Environmental Conservation (NYS DEC). According to the information submitted to the DOS, portions of the public walkway would extend waterward of the current mean high water mark.

Shoreline stabilization activities subject to federal permitting requirements include removal of construction and demolition debris and deteriorated riprap and bulkhead remains below mean high water and/ or spring high water, installation of a new sheet pile bulkhead, concrete headwall with riprap revetment, three pile supported outlooks extending over the new riprap revetment, gravel beach and beach grass planted areas inboard of a low riprap revetment. Federal permits are requested under the U.S. Army Corps of Engineers Nationwide Permit Program for the bank stabilization work and for installation of two new outfall structures handling storm water discharges to the East River. The project is anticipated to result in approximately 100 cubic yards of new waterway in the East River.

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 2, 2016.

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

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

## PUBLIC NOTICE

Department of State  
F-2016-0634

Date of Issuance – November 2, 2016

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities

described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

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

In F-2016-0634, Village of Amityville, is proposing to construct a new 105 linear foot vinyl bulkhead. The bulkhead height will be at an elevation of 4.9 feet (ten year storm). The purpose of the proposed is to provide resiliency against storm surge and rising tides and to prevent sedimentation of the creek. The proposed bulkhead is located in Amityville Creek, Corner of Perkins Avenue and Riverside Avenue, Village of Amityville, 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., 15 days from the date of publication of this notice, or, November 17, 2016.

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

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

## PUBLIC NOTICE

Department of State  
F-2016-0793

Date of Issuance – November 2, 2016

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

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

In F-2016-0793, or "Randall's Island Living Shoreline Project", the applicant, New York City Department of Parks and Recreation (NYCDPR), is proposing to create 1,000 linear feet of intertidal and multiple-purposed shoreline along the Harlem River. The project site includes environmentally degraded areas and areas exhibiting deterioration and underuse, presently offering limited appeal and safe public accessibility to the waterfront.

The project proposes to revitalize the shoreline environment across a 2.5 acre portion of the northwest corner of Randall's Island through implementing a combination of structural and non-structural or nature-based design elements. Among the project goals is to create an accessible, appealing design for improved public shoreline accessibility and enjoyment while also maximizing ecological and habitat values, improve water quality, and perform flood/erosion control functions. Historically, this shoreline was characterized by salt marsh, sandy beaches, and rocky shoals. The project proposes to grade a portion of the existing shore to add a beach and a series of bio-engineered terraces designed to enhance the overall intertidal structure and diversity, add shallow water habitat, and improve shoreline resilience to vessel wakes, high-energy storm waves, and changing water levels.

The project will involve removal of unstable portions of a collapsing seawall comprised of stacked stones dating to the 1870s. According to the information received by the Department of State, to avoid potential for disturbance of contaminated fill, the current proposal will remove this seawall without excavation of soils. The site's exposed



and eroding surfaces will then be treated with a thick planting of diverse, salt-tolerant native species. Historic stone from the old seawall will be reused in creating the terraces. The construction in this southwest corner of the site will be overseen by an archaeologist due to potential to uncover 19th century structures.

Upland plantings of native trees, meadow, and shrub thicket species will transition to the water's edge and the intertidal environment. Additionally, approximately 9 square yards of the site will be regarded to create a more stable slope in the area beneath the RFK Bridge.

Overall, the design is intended to make a park space safer for the public, with greener, more diverse intertidal and coastal habitat. The project will offer further opportunities for public education and interpretation. The project is funded in part through a Title 11 Environmental Protection Fund (EPF) grant award through the New York State Department of State.

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 17, 2016.

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

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

**PUBLIC NOTICE**

Department of State  
F-2016-0849

Date of Issuance – November 2, 2016

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

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

In F-2016-0849, National Park Service, is proposing to add armoring to the barge landing beach on the southwest side of Liberty Island to correct damage done by Hurricane Sandy. The project is located within Manhattan, New York County. Substrate will be excavated and the armoring will be placed with zero net fill at existing grade. The armoring will cover an area approximately 36 feet wide by 48 feet long (1,697 sq. ft.), with approximately 40 feet of the length being below the mean high water level. The concept for the armoring is an articulated concrete block system. The proposed structures are intended to prevent future similar impacts to facilities resulting from wind and storm surge.

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 2, 2016.

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

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

**PUBLIC NOTICE**

Susquehanna River Basin Commission

Projects Rescinded for Consumptive Uses of Water

SUMMARY: This notice lists the approved by rule projects

rescinded by the Susquehanna River Basin Commission during the period set forth in "DATES."

DATES: September 1-30, 2016.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front St., Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436; e-mail: joyler@srbc.net. Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, being rescinded for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR § 806.22(e) and § 806.22(f) for the time period specified above:

Rescinded ABRs Issued

1. Seneca Resources Corporation, Pad ID: DCNR 007 Pad H, ABR-201110012, Delmar Township, Tioga County, Pa.; Rescind Date: September 7, 2016.

2. Seneca Resources Corporation, Pad ID: DCNR 595 Pad A, ABR-201405001, Covington Township, Tioga County, Pa.; Rescind Date: September 7, 2016.

AUTHORITY: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: October 14, 2016.

Stephanie L. Richardson,  
Secretary to the Commission.

**PUBLIC NOTICE**

Susquehanna River Basin Commission

Projects Approved for Consumptive Uses of Water

SUMMARY: This notice lists the projects approved by rule by the Susquehanna River Basin Commission during the period set forth in "DATES."

DATES: September 1-30, 2016.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front St., Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436; e-mail: joyler@srbc.net. Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR § 806.22(f) for the time period specified above:

Approvals By Rule Issued Under 18 CFR 806.22(f):

1. Atlas Resources, LLC, Pad ID: Rhodes Well Pad, ABR-201201018.R1, Gamble Township, Lycoming County, PA; Consumptive Use of Up to 3.6000 mgd; Approval Date: September 2, 2016.

2. Chesapeake Appalachia, LLC, Pad ID: Krise, ABR-201111022.R1, Leroy Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: September 2, 2016.

3. Chesapeake Appalachia, LLC, Pad ID: Schlapfer, ABR-201202006.R1, Albany Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: September 2, 2016.

4. Chesapeake Appalachia, LLC, Pad ID: Moyer, ABR-201202019.R1, Overton Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: September 2, 2016.

5. Chief Oil & Gas LLC, Pad ID: L & L Construction A Drilling Pad #1, ABR-201202014.R1, Wilmot Township, Bradford County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: September 6, 2016.

6. SWN Production Company LLC, Pad ID: Shively Pad, ABR-201108011.R1, Lenox Township, Susquehanna County, PA; Consumptive Use of Up to 4.9900 mgd; Approval Date: September 6, 2016.

7. Range Resources – Appalachia, LLC, Pad ID: Gulf USA 40H-

42H, ABR-201609001, Snow Shoe Township, Centre County, PA; Consumptive Use of Up to 1.0000 mgd; Approval Date: September 15, 2016.

8. Chief Oil & Gas, LLC, Pad ID: Stasiak Drilling Pad #1, ABR-201203025.R1, Pike Township, Bradford County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: September 19, 2016.

9. SWN Production Company LLC, Pad ID: SKELLY, ABR-201112005.R1, New Milford Township, Susquehanna County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: September 19, 2016.

10. SWN Production Company LLC, Pad ID: TNT 1 LIMITED PARTNERSHIP, ABR-201112006.R1, New Milford Township, Susquehanna County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: September 19, 2016.

11. SWN Production Company LLC, Pad ID: INNES, ABR-201111032.R1, New Milford Borough, Susquehanna County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: September 19, 2016.

12. Chief Oil & Gas, LLC, Pad ID: Muzzy Drilling Pad #1, ABR-201202027.R1, Ulster Township, Bradford County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: September 21, 2016.

13. Chief Oil & Gas, LLC, Pad ID: Ober Drilling Pad #1, ABR-201203026.R1, Asylum Township, Bradford County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: September 21, 2016.

14. Cabot Oil & Gas Corporation, Pad ID: EllsworthA P1, ABR-201110015.R1, Bridgewater Township, Susquehanna County, PA; Consumptive Use of Up to 3.5750 mgd; Approval Date: September 22, 2016.

15. Cabot Oil & Gas Corporation, Pad ID: Lippincoff P1, ABR-201110014.R1, Brooklyn Township, Susquehanna County, PA; Consumptive Use of Up to 3.5750 mgd; Approval Date: September 22, 2016.

16. Cabot Oil & Gas Corporation, Pad ID: WellsP P1, ABR-201111023.R1, Bridgewater Township, Susquehanna County, PA; Consumptive Use of Up to 3.5750 mgd; Approval Date: September 22, 2016.

17. Cabot Oil & Gas Corporation, Pad ID: HessR P1, ABR-201111034.R1, Dimock Township, Susquehanna County, PA; Consumptive Use of Up to 3.5750 mgd; Approval Date: September 22, 2016.

AUTHORITY: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: October 14, 2016.

Stephanie L. Richardson,  
Secretary to the Commission.

## PUBLIC NOTICE

### Uniform Code Regional Boards of Review

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

2016-0234 Matter of Syosset Industrial Park, LLC., Leon Reich, 1061 E. 19th Street, Brooklyn, NY 11230 for an appeal and or variances concerning safety requirements, including accessibility requirements.

Involved is an existing building with a shirt washing operation, located at 235 G Robbins Lane, Town of Oyster Bay, Nassau County, New York.

2016-0336 Matter of Carlie Hanson, R.A, LEED, for COR Develop-

ment Company, LLC, 540 Towne Drive, Fayetteville, NY 13066 for a variance concerning fire safety and building code requirements including an appeal and/or variance for fire separation distance and exterior wall openings.

Involved is the construction of four mixed occupancy buildings with new streets as part of the development, known as "Syracuse Inner Harbor Development Project, Parcel B", located at 720 and 750 Van Rensselaer Street, Syracuse, Onondaga County, New York.