
NEW YORK STATE
REGISTER

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State agencies must specify in each notice which proposes a rule the last date on which they will accept public comment. Agencies must always accept public comment: for a minimum of 45 days following publication in the *Register* of a Notice of Proposed Rule Making or a Notice of Emergency Adoption and Proposed Rule Making 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 8, 2017
- the 45-day period expires on December 24, 2016
- the 30-day period expires on December 9, 2016

**ANDREW M. CUOMO
GOVERNOR**

**ROSSANA ROSADO
SECRETARY OF STATE**

NEW YORK STATE DEPARTMENT OF STATE

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NEW YORK STATE REGISTER

Be a part of the rule making process!

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

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

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

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

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

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

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

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

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

Office of Children and Family Services

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Criminal History Checks of Prospective Foster and Adoptive Parents and Adult Household Members

I.D. No. CFS-45-16-00001-P

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

Proposed Action: Amendment of sections 421.11, 421.15, 421.19, 421.27, 443.2 and 443.8 of Title 18 NYCRR.

Statutory authority: Social Services Law, sections 20(3)(d), 34(3)(f), 378 and 378-a

Subject: Criminal history checks of prospective foster and adoptive parents and adult household members.

Purpose: To implement changes to the Social Services Law regarding criminal history checks.

Substance of proposed rule (Full text is posted at the following State website:<http://ocfs.ny.gov>): The proposed regulations would repeal the requirement set forth in of 18 NYCRR 421.11(g)(4), 421.19(a)(4), 421.27(c)(2), 443.2(b)(4), and 443.8(d)(2) that an individual, and any other person over the age 18 currently residing in the home of the individual, who applies to a voluntary authorized agency (VA) for approval as an adoptive parent or for certification or approval as a foster parent, sign a consent which would allow the disclosure of his or her criminal history information, provided by the Federal Bureau of Investigation (FBI), to a VA.

The proposed regulations would amend 18 NYCRR 421.15(c)(8) and

443.2(f)(13) to clarify that a VA may not approve an application for certification or approval as a foster or adoptive parent where the applicant has been convicted of a mandatory disqualifying crime or where directed by the Office of Children and Family Services (OCFS) to deny or hold the application in abeyance because of the results of the FBI criminal history record check.

The proposed regulations would add 18 NYCRR 421.27(c)(7)(i) and 443.8(d)(7)(i) to require OCFS to review the criminal history information provided by the Division of Criminal Justice Services (DCJS) and the FBI regarding a prospective adoptive or foster parent, and any person over the age of 18 who is currently residing in the home of the prospective adoptive or foster parent. OCFS must then provide to the local department of social services (LDSS) a summary of the criminal history record and advise the LDSS of the actions it must take regarding the prospective adoptive or foster parent.

The proposed regulations would add 18 NYCRR 421.27(c)(7)(ii) and 443.8(7)(ii) to address the actions that OCFS must take regarding the criminal history record information provided by DCJS for a prospective adoptive or foster parent, and any person over the age of 18 who is currently residing in the home of the prospective adoptive or foster parent who apply to a VA for approval or certification.

The proposed regulations would add 18 NYCRR §§ 421.27(c)(7)(iii) and 443.8(d)(7)(iii) to address the actions that OCFS must take regarding the criminal history record information provided by the FBI for a prospective adoptive or foster parent, and any person over the age of 18 who is currently residing in the home of the prospective adoptive or foster parent, who apply to a VA for approval or certification.

The proposed regulations would amend 18 NYCRR 421.27(d)(4) to require a VA to either deny or hold in abeyance an application for approval as an adoptive parent when the VA is notified by the OCFS to do so in accordance with 18 NYCRR 421.27(c)(7)(iii).

The proposed regulations would amend 18 NYCRR §§ 421.27(e)(1), 443.2(c)(7)(i), and 443.8(f)(1) to address the actions that an LDSS must take when denying or revoking the approval of a prospective or approved adoptive parent or a prospective or existing foster parent.

The proposed regulations would add 18 NYCRR §§ 421.27(e)(2), 443.2(c)(7)(ii), and 443.8(f)(2) to address the actions that a VA must take after denying an application of a prospective or approved adoptive parent or prospective or current foster parent based on the criminal history record information provided to OCFS by DCJS.

The proposed regulations would add 18 NYCRR §§ 421.27(e)(3), 443.2(c)(7)(ii), and 443.8(f)(3) to address the actions that OCFS must take when directing a VA to deny an application of a prospective adoptive or foster parent or revoke the approval of an adoptive parent or the certification or approval of a foster parent based on the review and evaluation of a criminal history record check from the FBI.

The proposed regulations would amend 18 NYCRR §§ 421.27(i) and 443.8(j) to remove the child care review service from the means by which an authorized agency must inform OCFS when an approved adoptive parent has completed an adoption or when a person is no longer certified or approved as a foster parent.

Text of proposed rule and any required statements and analyses may be obtained from: Public Information Office, New York State Office of Children and Family Services, 52 Washington Street, Rensselaer, New York 12144, (518) 473-7793, email: info@ocfs.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:

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

Section 34(3)(f) of the SSL requires the Commissioner of OCFS to es-

establish regulations for the administration of public assistance and care within the State.

Section 372-e of the SSL authorizes OCFS to promulgate regulations setting forth standards and procedures to be followed by authorized agencies in evaluating persons who have applied to such agencies for the adoption of a child.

Section 378(5) of the SSL authorizes OCFS to establish and amend regulations governing the issuance of certificates to board children.

2. Legislative objectives:

The proposed regulations would implement provisions set forth in Part M of Chapter 54 of the Laws of 2016, which are effective on December 30, 2016. Chapter 54 amended section 378-a(2) of the SSL which relates to Federal Bureau of Investigation (FBI) criminal history record checks of prospective foster and adoptive parents and adult household members of the prospective foster and adoptive parents who apply to voluntary authorized agencies (VAs) for certification or approval.

3. Needs and benefits:

The proposed regulations would make conforming changes to New York State adoptive parent approval and foster parent certification or approval regulations required by Part M of Chapter 54 of the Laws of 2016.

The proposed regulations address the role that the OCFS and VAs have in the review, evaluation, and notification of prospective foster and adoptive parents' FBI criminal history record checks. OCFS would become responsible for reviewing the criminal histories received from the FBI of applicants for certification or approval as foster or adoptive parents and their adult household members. OCFS would be responsible for determining, based on such history, whether the application for certification or approval must be denied, held in abeyance pending the receipt of further information or that the OCFS has no objection based on the FBI criminal history for the authorized agency to proceed with the application. The authorized agency to which the person applied would be bound by an OCFS determination to deny or to hold the application in abeyance.

4. Costs:

Because of the anticipated small volume of cases, the proposed regulations will not result in any additional staffing costs to the state. There will be some costs associated with modifications to current computer systems that support the criminal history review process within OCFS that are yet to be determined.

There will be no additional costs for local department of social services since the modifications to the criminal history check process do not apply to local governments. It is also anticipated that the proposed amendments will not have a fiscal impact on VAs.

5. Local government mandates:

The proposed regulations would not impact applications made to local departments of social services and would not impose any additional mandates on local governments.

6. Paperwork:

The requirements imposed by the proposed regulations will be recorded in CONNECTIONS and internal OCFS electronic systems.

7. Duplication:

The proposed regulations do not duplicate other state or federal requirements.

8. Alternatives:

No alternative approaches to implementing the changes to regulations were considered. These amendments are necessary to implement provisions of Part M of Chapter 54 of the Laws of 2016 and to conform to the SSL.

9. Federal standards:

The proposed regulations comply with applicable federal standards relating to the conducting of criminal history record checks of prospective foster or adoptive parents and the limitations on secondary dissemination of FBI criminal history information to non-government agencies.

10. Compliance schedule:

The proposed regulations will have a December 30, 2016 effective date to conform to the effective date of the Part M of Chapter 54 of the Laws of 2016.

Regulatory Flexibility Analysis

1. Effect on Small Business and Local Government:

These proposed regulations will have an effect on the 55 departments of social services (LDSSs) and 83 voluntary authorized agencies (VAs) with in New York State.

2. Compliance Requirements:

The proposed regulations would implement provisions set forth in Part M of Chapter 54 of the Laws of 2016, which are effective on December 30, 2016. Chapter 54 amended section 378-a(2) of the Social Services Law (SSL) which relates to Federal Bureau of Investigation (FBI) criminal history record checks of prospective foster and adoptive parents and adult household members of the prospective foster and adoptive parents who applied for certification or approval to VAs as foster or adoptive parents. The proposed regulations address the role that the Office of Chil-

dren and Family Services (OCFS) and VAs have in the review, evaluation, and notification of prospective foster and adoptive parents' FBI criminal history record checks.

3. Professional Services:

These proposed regulations do not create the need for additional professional services.

4. Compliance Costs:

Because of the anticipated small volume of cases, the proposed regulations will not result in any additional staffing costs to the state. There will be some costs associated with modifications to current computer systems that support the criminal history record check process within OCFS that are yet to be determined.

There will be no additional costs to local departments of social services since the modifications to the criminal history check process do not apply to local governments. It is also anticipated that the proposed regulations will not have a fiscal impact on VAs.

5. Economic and Technological Feasibility:

These proposed regulations would not have an adverse economic impact on LDSSs or VAs, and would not require the hiring of additional staff.

6. Minimizing Adverse Impact:

It is not anticipated that the proposed regulations will have an adverse impact on local government agencies or small businesses. The proposed regulations do not apply to local departments of social services and do not apply to criminal history record checks performed by the New York State Division of Criminal Justice Services.

7. Small Business and Local Government Participation:

These proposed regulations are a result of amendments made to the SSL which were enacted in Part M of Chapter 54 of the Laws of 2016. LDSSs and VAs will be notified via policy directive about the changes to the FBI criminal history record checks process for prospective foster and adoptive parents.

8. For Rules That Either Establish or Modify a Violation or Penalties:

These proposed regulations do not establish or modify a violation or penalty.

Rural Area Flexibility Analysis

1. Types and estimated number of rural areas:

The proposed regulations will affect the 44 local departments of social services (LDSSs) and approximately 35 voluntary authorized agencies (VAs) that are in rural areas.

2. Reporting, recordkeeping and other compliance requirements:

The proposed regulations would implement provisions set forth in Part M of Chapter 54 of the Laws of 2016, which are effective on December 30, 2016. Chapter 54 amended section 378-a(2) of the Social Services Law (SSL) which relates to Federal Bureau of Investigation (FBI) criminal history record checks of prospective foster and adoptive parents and adult household members of such prospective foster and adoptive parents who apply to VAs for certification or approval as foster or adoptive parents. The proposed regulations address the role that the Office of Children and Family Services (OCFS) and VAs have in the review, evaluation, and notification of prospective foster and adoptive parents in regard to FBI criminal history record checks. The proposed regulations would not impact applications made to LDSSs and would not impact criminal history record checks performed by the New York State Division of Criminal Justice Services.

3. Costs:

Because of the anticipated small volume of cases, the proposed regulations will not result in any additional staffing costs to the state. There will be some costs associated with modifications to the current computer systems that support the criminal history review process within OCFS that are yet to be determined.

There will be no additional costs to local departments of social services since the modifications to the criminal history record check process do not apply to local governments. It is also anticipated that the proposed amendments will not have a fiscal impact on VAs.

4. Minimizing adverse impact:

It is not anticipated that the proposed regulations will have an adverse impact on LDSSs or VAs that are in rural areas.

5. Rural area participation:

These proposed regulations reflect the amendments made to the SSL which were enacted in Part M of Chapter 54 of the Laws of 2016. LDSSs and VAs will be notified via policy directive about the changes to the FBI criminal history record checks process for prospective foster and adoptive parents.

Job Impact Statement

The proposed amendment to regulations will not have a negative impact on jobs or employment opportunities in either public or private child welfare agencies. A full job impact statement has not been prepared for the proposed regulations as it is assumed that the proposed regulations will not result in the loss of any jobs.

Education Department

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Annual Professional Performance Reviews (APPR) of Classroom Teachers and Building Principals

I.D. No. EDU-45-16-00005-EP

Filing No. 989

Filing Date: 2016-10-25

Effective Date: 2016-10-25

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

Proposed Action: Amendment of sections 30-3.4 and 30-3.5 of Title 8 NYCRR.

Statutory authority: Education Law, sections 101(not subdivided), 207(not subdivided), 215(not subdivided), 305(1), (2) and 3012-d

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

Specific reasons underlying the finding of necessity: The Department has over the course of the last year attempted to provide as much flexibility to districts as possible within the parameters of the law to comply with the requirements of the new law. The proposed amendment seeks to provide additional flexibility to the City School District of the City of New York relating to the growth targets for SLOs in the student performance category.

Education Law § 3012-d(4)(a) requires the Commissioner to set parameters for appropriate targets for student growth for both subcomponents of the student performance category, where there is no State-provided growth score. Sections 30-3.4(c)(3) and 30-3.5(c)(3) of the Rules of the Board of Regents require districts to calculate scores and ratings for SLOs in accordance with certain minimum percentages prescribed in the regulation. The current regulation provides an exception for teachers with courses with small "n" sizes as defined by the Commissioner in guidance.

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.

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 February 2017 Regents meeting. Furthermore, pursuant to SAPA section 203(1), the earliest effective date of the proposed rule, if adopted at the February meeting, would be March 1, 2017, 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 adopt revisions to the proposed amendment to provide additional flexibility for the City School District of the City of New York to calculate scores for student learning objectives pursuant to a methodology approved by the Commissioner in guidance so that it can be used in the 2016-2017 school year once an annual professional performance review plan is approved by the Commissioner.

Subject: Annual Professional Performance Reviews (APPR) of classroom teachers and building principals.

Purpose: To provide New York City with flexibility in the student performance category for teacher and principal evaluations.

Text of emergency/proposed rule:

1. Paragraph (3) of subdivision (c) of section 30-3.4 shall be amended, effective October 25, 2016, to read as follows:

(3) Each measure used in the student performance category (State provided growth score, SLOs, State-designed supplemental assessments) must result in a score between 0 and 20. The State will generate scores of 0-20 for measures using a State-provided growth score. Districts shall calculate scores for SLOs in accordance with the minimum percentages prescribed in the table below; provided however that for teachers with courses with small "n" sizes as defined by the commissioner in guidance, districts shall calculate scores for SLOs using a methodology prescribed by the commissioner in guidance *and for teachers in the City School*

District of the City of New York, districts shall calculate scores for SLOs using the methodology approved by the commissioner in its APPR plan. For all other measures that are not State-provided growth measures, scores of 0-20 shall be computed locally in accordance with the State provided or approved growth model used.

2. Paragraph (3) of subdivision (c) of section 30-3.5 of the Rules of the Board of Regents shall be amended, effective October 25, 2016, to read as follows:

(3) Each measure used in the student performance category (State provided growth score, SLOs, State-designed supplemental assessments) must result in a score between 0 and 20. The State will generate scores of 0-20 for measures using a State-provided growth score. Districts shall calculate growth scores for SLOs in accordance with the minimum percentages prescribed in the table below; provided however that for principals of a building or program with small "n" sizes as defined by the commissioner in guidance, districts shall calculate scores for SLOs using a methodology prescribed by the commissioner in guidance *and for teachers in the City School District of the City of New York, districts shall calculate scores for SLOs using the methodology approved by the commissioner in its APPR plan. For all other measures that are not State-provided growth measures, scores of 0-20 shall be computed locally in accordance with the State provided or approved growth model used.*

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 22, 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 charges the Department with the general management and supervision of the educational work of the State and establishes the Regents as head of the Department.

Education Law § 207 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 § 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 § 3012-d, as added by Section 2 of Subpart E of Part EE of Chapter 56 of the Laws of 2015 establishes a new evaluation system for classroom teachers and building principals employed by school districts and BOCES for the 2015-16 school year and thereafter.

2. LEGISLATIVE OBJECTIVES:

The proposed rule is necessary to provide immediate notice to New York City of the additional flexibility in the student performance category, while they are negotiating their annual professional performance review plan under Education Law § 3012-d for the 2016-2017 school year and thereafter.

3. NEEDS AND BENEFITS:

On April 13, 2015, the Governor signed Chapter 56 of the Laws of 2015 to add a new Education Law § 3012-d, to establish a new evaluation system for classroom teachers and building principals. The Department implemented regulations to implement the new law in June 2015 and has revised those regulations over the course of the last year to provide school districts and BOCES with as much flexibility as possible to comply with the new law. Education Law § 3012-d(12) and the corresponding appropriation language require school districts to comply with the new law in order to receive their State aid increases.¹ The Department has over the course of the last year attempted to provide as much flexibility to districts as possible within the parameters of the law to comply with the requirements of the new law. The proposed amendment seeks to provide additional flexibility to the City School District of the City of New York relating to the growth targets for SLOs in the student performance category.

Education Law § 3012-d(4)(a) requires the Commissioner to set parameters for appropriate targets for student growth for both subcomponents of the student performance category, where there is no State-

provided growth score. Sections 30-3.4 (c)(3) and 30-3.5(c)(3) of the Rules of the Board of Regents require districts to calculate scores and ratings for SLOs in accordance with certain minimum percentages prescribed in the regulation. The current regulation provides an exception for teachers with courses with small "n" sizes as defined by the Commissioner in guidance.

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 its APPR plan. 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.

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 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 its APPR plan. 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.

6. PAPERWORK:

The proposed amendment does not impose any paperwork requirements.

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 field. 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.

¹ The Legislature subsequently extended this deadline until December 31, 2016 (see, Chapter 73 of the Laws of 2016).

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

2. COMPLIANCE REQUIREMENTS:

On April 13, 2015, the Governor signed Chapter 56 of the Laws of 2015 to add a new Education Law § 3012-d, to establish a new evaluation system for classroom teachers and building principals. The Department implemented regulations to implement the new law in June 2015 and has revised those regulations over the course of the last year to provide school districts and BOCES with as much flexibility as possible to comply with

the new law. Education Law § 3012-d(12) and the corresponding appropriation language require school districts to comply with the new law in order to receive their State aid increases.¹ The Department has over the course of the last year attempted to provide as much flexibility to districts as possible within the parameters of the law to comply with the requirements of the new law. The proposed amendment seeks to provide additional flexibility to the City School District of the City of New York relating to the growth targets for SLOs in the student performance category.

Education Law § 3012-d(4)(a) requires the Commissioner to set parameters for appropriate targets for student growth for both subcomponents of the student performance category, where there is no State-provided growth score. Sections 30-3.4 (c)(3) and 30-3.5(c)(3) of the Rules of the Board of Regents require districts to calculate scores and ratings for SLOs in accordance with certain minimum percentages prescribed in the regulation. The current regulation provides an exception for teachers with courses with small "n" sizes as defined by the Commissioner in guidance.

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 its APPR plan. 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.

3. PROFESSIONAL SERVICES:

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

4. COMPLIANCE COSTS:

There are no additional costs on local governments.

5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY:

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

6. MINIMIZING ADVERSE IMPACT:

No alternatives were considered.

7. LOCAL GOVERNMENT PARTICIPATION:

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

¹ The Legislature subsequently extended this deadline until December 31, 2016 (see, Chapter 73 of the Laws of 2016).

Rural Area Flexibility Analysis

1. TYPES AND ESTIMATED NUMBER OF RURAL AREAS:

This proposed amendment applies to the City School District of the City of New York and does not apply to any rural areas of the State.

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

On April 13, 2015, the Governor signed Chapter 56 of the Laws of 2015 to add a new Education Law § 3012-d, to establish a new evaluation system for classroom teachers and building principals. The Department implemented regulations to implement the new law in June 2015 and has revised those regulations over the course of the last year to provide school districts and BOCES with as much flexibility as possible to comply with the new law. Education Law § 3012-d(12) and the corresponding appropriation language require school districts to comply with the new law in order to receive their State aid increases.¹ The Department has over the course of the last year attempted to provide as much flexibility to districts as possible within the parameters of the law to comply with the requirements of the new law. The proposed amendment seeks to provide additional flexibility to the City School District of the City of New York relating to the growth targets for SLOs in the student performance category.

Education Law § 3012-d(4)(a) requires the Commissioner to set parameters for appropriate targets for student growth for both subcomponents of the student performance category, where there is no State-provided growth score. Sections 30-3.4 (c)(3) and 30-3.5(c)(3) of the Rules of the Board of Regents require districts to calculate scores and ratings for SLOs in accordance with certain minimum percentages prescribed in the regulation. The current regulation provides an exception for teachers with courses with small "n" sizes as defined by the Commissioner in guidance.

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 its APPR plan. 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.

3. COSTS:

The proposed amendment does not impose any costs on school districts located in rural areas of the State.

4. MINIMIZING ADVERSE IMPACT:

No alternatives were considered because it does not affect rural areas.

5. RURAL AREA PARTICIPATION:

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

¹ The Legislature subsequently extended this deadline until December 31, 2016 (see, Chapter 73 of the Laws of 2016).

Job Impact Statement

On April 13, 2015, the Governor signed Chapter 56 of the Laws of 2015 to add a new Education Law § 3012-d, to establish a new evaluation system for classroom teachers and building principals. The Department implemented regulations to implement the new law in June 2015 and has revised those regulations over the course of the last year to provide school districts and BOCES with as much flexibility as possible to comply with the new law. Education Law § 3012-d(12) and the corresponding appropriation language require school districts to comply with the new law in order to receive their State aid increases.¹ The Department has over the course of the last year attempted to provide as much flexibility to districts as possible within the parameters of the law to comply with the requirements of the new law. The proposed amendment seeks to provide additional flexibility to the City School District of the City of New York relating to the growth targets for SLOs in the student performance category.

Education Law § 3012-d(4)(a) requires the Commissioner to set parameters for appropriate targets for student growth for both subcomponents of the student performance category, where there is no State-provided growth score. Sections 30-3.4 (c)(3) and 30-3.5(c)(3) of the Rules of the Board of Regents require districts to calculate scores and ratings for SLOs in accordance with certain minimum percentages prescribed in the regulation. The current regulation provides an exception for teachers with courses with small “n” sizes as defined by the Commissioner in guidance.

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 its APPR plan. 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.

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.

¹ The Legislature subsequently extended this deadline until December 31, 2016 (see, Chapter 73 of the Laws of 2016).

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

Eligibility for Participation in Interscholastic Sports and Duration of Competition

I.D. No. EDU-45-16-00006-P

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

Proposed Action: Amendment of section 135.4(c)(7) of Title 8 NYCRR.

Statutory authority: Education Law, sections 101(not subdivided), 207(not subdivided), 305(1), (2), 803(not subdivided), 3204(2) and (3)

Subject: Eligibility for Participation in Interscholastic Sports and Duration of Competition.

Purpose: Clarifies when a student’s eligibility for athletic competition may be extended and the use of the athletic placement process.

Text of proposed rule: 1. Subclause (4) of clause (a) of subparagraph (ii) of paragraph (7) of subdivision (c) of section 135.4 of the Regulations of the Commissioner of Education is amended, effective July 1, 2017 to read as follows:

(ii) Provisions for interschool athletic activities for pupils in grades

7 through 12. It shall be the duty of the trustees and boards of education to conduct interschool athletic competition for grades 7 through 12 in accordance with the following:

(a) Interscholastic athletic competition for pupils in junior high school grades seven, eight and nine. Such competition shall be conducted in accordance with the following: Seventh and eighth grade teams may participate only with teams of like grade groups, with the following exceptions:

(1) In junior high school, competition may include grades seven through nine.

(2) In six-year high schools, competition may include grades seven through nine.

(3) In four-year high schools, ninth grade pupils may participate in junior high competition.

(4) (i) A board of education may permit pupils in grades no lower than seventh to compete on any senior high school team, or permit senior high school pupils to compete on any teams in grades no lower than seventh, provided the pupils are placed at levels of competition appropriate to their physiological maturity, physical fitness and skills in relationship to other pupils on those teams in accordance with standards established by the commissioner.

(ii) *Nothing in this subclause shall prohibit a bona fide seventh or eighth grade student, as defined by subdivision (g) of section 135.1, who is regularly enrolled in a public school district organized for pupils in kindergarten through eighth grade that contracts with a neighboring school district or districts on a tuition basis for the education of its high school students pursuant to Education Law sections 2040 and 2045 and section 174.4 of this Title, from seeking to participate in a high school team, in accordance with the standards described in item (i) of this subclause, provided that the boards of education of the sending school district (as such term is defined in section 174.4(a)(1) of this Title) and the receiving school district(s) (as such term is defined in section 174.4(a)(2) of this Title) adopt a resolution to permit such participation. In the case of seventh and eighth grade students attending a public school district organized for pupils in kindergarten through eighth grade that contracts with more than one neighboring school district for the education of its high school students, any such seventh or eighth grade student who participates in high school athletics pursuant to this subclause may select only one high school in which to compete during their seventh and eighth grade participation; if, following participation in a high school team during seventh and/or eighth grade, such student chooses to attend a different high school with which the student’s kindergarten through eighth grade school district contracts for the education of its high school students, such student shall be ineligible to participate in any interscholastic athletic contest in a particular sport for a period of one year.*

2. Clause (b) of subparagraph (ii) of paragraph (7) of subdivision (c) of section 135.4 of the Regulations of the Commissioner of Education shall be amended, effective July 1, 2017 to read as follows:

(b) Interscholastic athletic competition for pupils in senior high school grades 9, 10, 11 and 12. Inter-high school athletic competition shall be limited to competition between high school teams, composed of pupils in grades 9 to 12 inclusive, except as otherwise provided in subclause (a)(4) of this subparagraph. Such activities shall be conducted in accordance with the following:

(1) Duration of competition. A pupil shall be eligible for senior high school athletic competition in a sport during each of four consecutive seasons of such sport commencing with the pupil’s entry into the ninth grade and prior to graduation, except as otherwise provided in this subclause, or except as authorized by a waiver granted under clause (d) of this subparagraph to a student with a disability. If a board of education has adopted a policy, pursuant to subclause (a)(4) of this subparagraph, to permit pupils in the seventh and eighth grades to compete in senior high school athletic competition, such pupils shall be eligible for competition during five consecutive seasons of a sport commencing with the pupil’s entry into the eighth grade, or six consecutive seasons of a sport commencing with the pupil’s entry into the seventh grade. A pupil enters competition in a given year when the pupil is a member of the team in the sport involved, and that team has completed at least one contest. A pupil shall be eligible for interschool competition in grades 9, 10, 11 and 12 until the last day of the school year in which he or she attains the age of 19, except as otherwise provided in subclause (a)(4) or clause (d) of this subparagraph, or in this subclause. The eligibility for competition of a pupil who has not attained the age of 19 years prior to July 1st may be extended under the following circumstances.

(i) If sufficient evidence is presented by the chief school officer to the section to show that the pupil’s failure to enter competition during one or more seasons of a sport was caused by illness, [or] accident or other circumstances beyond the control of the pupil such pupil’s eligibility shall be extended accordingly in that sport. In order to be deemed sufficient, the evidence must [include documentation showing

that as a direct result of the illness or accident, the pupil will be required to attend school for one or more additional semesters in order to graduate] demonstrate that, (a) the pupil's failure to enter competition during one or more seasons of a sport was caused by illness, accident, or other circumstances beyond the control of the pupil; (b) as a direct result of such circumstances the pupil is required to attend school for one or more additional semesters in order to graduate; (c) the safety of the pupil or others is not at risk; and (d) that the pupil will not hold an unfair advantage in the competition. However, nothing herein shall be construed to extend a student's eligibility beyond the age of 19, except for a student with a disability pursuant to the requirements of clause (d) of subparagraph (ii).

(ii) If the chief school officer demonstrates to the satisfaction of the section that the pupil's failure to enter competition during one or more seasons of a sport is caused by such pupil's enrollment in a national or international student exchange program or foreign study program, that as a result of such enrollment the pupil will be required to attend school for one or more additional semesters in order to graduate, and that the pupil did not enter competition in any sport while enrolled in such program, such pupil's eligibility shall be extended accordingly in such sport.

(iii) If the section declines to extend the pupil's eligibility in accordance with this subclause, the section shall provide written notice of such determination to the chief school officer, with a copy to the pupil's parent, guardian or person in parental relation. Such notice shall include, as applicable: information regarding the athletic association's internal appeal process, including the name of the individual and address to which such appeal is to be directed; or a statement that the determination may be appealed to the Commissioner of Education, in accordance with Education Law section 310, within 30 days of the date of such determination and shall include the name and address of the section official upon whom such appeal shall be served. If the athletic association hears and denies an appeal, written notice of the determination shall be provided to the chief school officer, with a copy to the pupil's parent, guardian or person in parental relation. Such notice shall include a statement that the determination may be appealed to the Commissioner of Education, in accordance with Education Law, section 310, within 30 days of the date of such determination and shall include the name and address of the athletic association official upon whom such appeal shall be served.

(iv) Upon appeal pursuant to Education Law section 310, the commissioner shall review the record de novo and may extend the pupil's eligibility upon a finding based upon documentary evidence in the record that: (a) the pupil's failure to enter competition during one or more seasons of a sport was caused by illness, accident or circumstances beyond the control of the pupil; (b) as a direct result of such circumstances the pupil is required to attend school for one or more additional semesters in order to graduate; (c) the safety of the pupil or others is not at risk; and (d) that the pupil will not hold an unfair advantage in the competition. However, nothing herein shall be construed to extend a student's eligibility beyond the age of 19, except for a student with a disability pursuant to the requirements of clause (d) of subparagraph (ii).

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

Data, views or arguments may be submitted to: Angelica Infante-Green, Deputy Commissioner for P12 Instructional Support, New York State Education Department, 2M West, Albany, NY 12234, (518) 474-5510, 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 section 101 charges the Department with the general management and supervision of public schools and the educational work of the State.

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

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

Education Law section 803 provides the Board of Regents with overall authority over physical education instruction in schools.

Education Law section 3204(2) and (3) relate to compulsory education.

2. LEGISLATIVE OBJECTIVES:

The proposed amendment is consistent with the authority conferred by the above statutes and is necessary to implement policy enacted by the Board of Regents relating to the age and four-year duration of competition limitations for athletic competition and the athletic placement process which provides a protocol for districts that choose to allow students in grades 7 and 8 to play at the high school level, or for students in grades 9-12 to participate at the middle school level.

3. NEEDS AND BENEFITS:

Commissioner's regulation section 135.4(c)(7)(ii) establishes the parameters for participation in interscholastic athletic competition for students in grades 7 through 12. The underlying spirit of Commissioner's regulations governing interscholastic athletics is to provide for the safety and equal opportunity for participation for public school students. These principles guide athletic eligibility determinations for students in seventh or eighth grade who wish to participate in high school athletics pursuant to the athletic placement process (8 NYCRR § 135.4(c)(7)(ii)(a)); as well as students who seek to extend athletic eligibility to a fifth season when they have missed a season of the sport due to accident or injury (8 NYCRR § 135.4(c)(ii)(b)); for purposes of mixed competition (8 NYCRR § 135.4(c)(ii)(c)); and for students with disabilities who wish to extend eligibility to participate in non-contact sports (8 NYCRR § 135.4(c)(7)(ii)(d)).

Athletic Placement Process

In general, interscholastic athletics for students in grades 7 through 12 must be organized for students in like grade groups. However, pursuant to Commissioner's regulation § 135.4(c)(7)(ii)(a), a school district may choose to permit certain students to compete at a level of competition deemed appropriate to their physiological maturity, physical fitness, and skill level in relationship to other students at the desired level of competition. The current regulation provides as follows:

A board of education may permit pupils in grades no lower than seventh to compete on any senior high school team, or permit senior high school pupils to compete on any teams in grades no lower than seventh, provided the pupils are placed at levels of competition appropriate to their physiological maturity, physical fitness, and skills in relationship to other pupils on those teams in accordance with standards established the Commissioner.

The standards by which such participation is permitted are commonly referred to as the Athletic Placement Process (APP). The APP, which was last updated in 2015, provides a protocol for districts that choose to allow students in grades 7 and 8 to play at the high school level, or for students in grades 9-12 to participate at the middle school level. Such protocol ensures that student athletes are able to participate safely at an appropriate level of competition based upon physical and emotional readiness and athletic ability, rather than age and grade alone. See Athletic Placement Process for Interscholastic Athletic programs: <http://www.p12.nysed.gov/ciai/pe/documents/AthleticPlacementProcess2-11-15Revised.pdf>

Though not required, many school districts throughout the State employ the APP to provide appropriate interscholastic athletic opportunities for exceptional student athletes in grades 7 and 8 to play at the high school level. Existing regulations provide that to be eligible for participation in interscholastic athletic competition at any level during a semester, the student must, among other things, be a bona fide student, enrolled during the first 15 school days of such semester (8 NYCRR § 135.4[c][7][ii][b][2]). Commissioner's regulation § 135.1 defines a bona fide student as "a regularly enrolled student who is taking sufficient subjects to make an aggregate amount of three courses and who satisfies the physical education requirement."

Not all of the State's 728 school districts are traditional K-12 districts. Presently, there are 13 public school districts in the State that operate to serve students in grades K-8 only, and contract for the education of their high school students with other public school districts pursuant to the provisions of Education Law § § 2040, 2045 and Commissioner's regulation § 174.4. Because of their unique configuration, these 13 public school districts do not have their own "district high school," and as a result, questions have arisen regarding the ability of students who are enrolled in K-8 public school districts to participate in the APP because they are not "enrolled" in a district with its own high school.

The proposed regulation is therefore designed to clarify the conditions under which K-8 public school districts may employ the APP protocol to allow the opportunity for exceptional student athletes to participate in interscholastic sports at the high school(s) with which the K-8 school district contracts for the education of its high school students, when such students are bona fide students of the K-8 school district. However, in an effort to avoid recruitment or other efforts to entice middle-school students to play for a specific high school, the regulation provides for a year of ineligibility if, following participation on a high school team pursuant to APP, the student chooses to attend a different high school with which the K-8 district contracts for the 9th grade year.

The existing guidance relating to the APP protocol is comprehensive. However, additional revisions will be necessary to provide these few K-8 school districts and the districts with which they contract for the education of their high school students with the necessary guidance to safely and appropriately implement the APP, if they choose.

Duration of Competition

Commissioner’s regulation § 135.4(c)(7)(ii)(b)(1)(i), relating to the duration of competition, limits the participation of students in high school athletic competition to four consecutive seasons commencing with the student’s entry into the ninth grade and prior to graduation. However, the regulation provides that a request for an extension of duration of competition may be granted if sufficient evidence demonstrates that the student’s failure to enter competition during one or more seasons was directly caused by illness or accident, and such illness or accident will require the student to attend school for one or more additional semesters to graduate.

Prior to October 2014, this regulation also allowed students to seek an extension of eligibility when the student failed to enter competition for “other circumstances beyond the control of the student.” In response to confusion from the field, the Board of Regents amended the regulation to limit the eligibility extension for reasons only related to accident or illness. However, recognizing that extenuating circumstances may exist which do not neatly fit into the categories of accident or illness, but may still be suitable for extending a student’s athletic eligibility, the Department seeks to amend the regulation and provide that the eligibility of a student who has not attained the age of 19 years prior to July 1st may be extended not only based on accident or illness, but also if sufficient evidence is presented that the failure to enter competition was based on “other circumstances beyond the student’s control.” The proposed amendment also provides the Commissioner with the discretion to review a determination to grant or deny an extension of eligibility based on specific criteria. As proposed, the regulation would permit a student’s eligibility to be extended for illness, accident, or other circumstances beyond the control of the pupil if evidence in the record demonstrates that:

- (a) the pupil’s failure to enter competition during one or more seasons of a sport was caused by illness, accident, or other circumstances beyond the control of the pupil;
- (b) as a direct result of such circumstances the pupil is required to attend school for one or more additional semesters in order to graduate;
- (c) the safety of the pupil or others is not at risk; and
- (d) that the pupil will not hold an unfair advantage in the competition.

These proposed amendments are intended to provide greater clarity and to ensure safe and equitable interscholastic athletic competition for all public school students.

4. COSTS:

- (a) Costs to State government: none.
- (b) Costs to local government: none.
- (c) Costs to private regulated parties: none.
- (d) Costs to the regulating agency for implementation and administration of this rule: none.

The proposed amendment does not impose any costs on the State, local governments, private regulated parties or the State Education Department, but merely clarifies when a student’s eligibility for senior high school athletic competition may be extended for additional seasons for illness, accident or circumstances beyond the control of the pupil and for the utilization of the athletic placement process protocol for districts that choose to allow students in grades 7 and 8 to play at the high school level, or for students in grades 9-12 to participate at the middle school level.

5. LOCAL GOVERNMENT MANDATES:

The proposed amendment does not impose any additional program, service, duty or responsibility upon local governments. The proposed amendment merely clarifies when a student’s eligibility for senior high school athletic competition may be extended for additional seasons for illness, accident, or circumstances beyond the control of the pupil and for the utilization of the athletic placement process protocol for districts that choose to allow students in grades 7 and 8 to play at the high school level, or for students in grades 9-12 to participate at the middle school level.

6. PAPERWORK:

This proposed amendment does not impose any additional paperwork requirements. The proposed amendment merely clarifies when a student’s eligibility for senior high school athletic competition may be extended for additional seasons for illness, accident, or circumstances beyond the control of the pupil and for the utilization of the athletic placement process protocol for districts that choose to allow students in grades 7 and 8 to play at the high school level, or for students in grades 9-12 to participate at the middle school level.

7. DUPLICATION:

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

8. ALTERNATIVES:

The proposed amendment is necessary to clarify when a student’s

eligibility for senior high school athletic competition may be extended for additional seasons for illness, accident or other circumstances beyond the control of the pupil and for the utilization of the athletic placement process protocol for districts that choose to allow students in grades 7 and 8 to play at the high school level, or for students in grades 9-12 to participate at the middle school level. There were no significant alternatives considered.

9. FEDERAL STANDARDS:

There are no related federal standards.

10. COMPLIANCE SCHEDULE:

It is anticipated regulated parties will be able to achieve compliance with the proposed rule by its effective date. This proposed amendment does not impose any costs or compliance requirements, but merely clarifies when a student’s eligibility for senior high school athletic competition may be extended for additional seasons for illness, accident or other circumstances beyond the control of the pupil and for the utilization of the athletic placement process protocol for districts that choose to allow students in grades 7 and 8 to play at the high school level, or for students in grades 9-12 to participate at the middle school level.

Regulatory Flexibility Analysis

Small Businesses:

The proposed amendment merely clarifies when a student’s eligibility for senior high school athletic competition may be extended for additional seasons for illness, accident, or circumstances beyond the control of the pupil and for the utilization of the athletic placement process protocol for districts that choose to allow students in grades 7 and 8 to play at the high school level, or for students in grades 9-12 to participate at the middle school level. The proposed amendment does not impose any adverse economic impact, reporting, record keeping or any other compliance requirements on small businesses. 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.

Local Government:

1. EFFECT OF RULE:

The proposed amendment applies to each of the 695 school districts within the State.

2. COMPLIANCE REQUIREMENTS:

The proposed amendment does not impose any additional compliance requirements, but merely clarifies when a student’s eligibility for senior high school athletic competition may be extended for additional seasons for illness, accident, or circumstances beyond the control of the pupil and for the utilization of the athletic placement process protocol for districts that choose to allow students in grades 7 and 8 to play at the high school level, or for students in grades 9-12 to participate at the middle school level.

Commissioner’s regulation section 135.4(c)(7)(ii) establishes the parameters for participation in interscholastic athletic competition for students in grades 7 through 12. The underlying spirit of Commissioner’s regulations governing interscholastic athletics is to provide for the safety and equal opportunity for participation for public school students. These principles guide athletic eligibility determinations for students in seventh or eighth grade who wish to participate in high school athletics pursuant to the athletic placement process (8 NYCRR § 135.4(c)(7)(ii)(a)); as well as students who seek to extend athletic eligibility to a fifth season when they have missed a season of the sport due to accident or injury (8 NYCRR § 135.4(c)(ii)(b)); for purposes of mixed competition (8 NYCRR § 135.4(c)(ii)(c)); and for students with disabilities who wish to extend eligibility to participate in non-contact sports (8 NYCRR § 135.4(c)(7)(ii)(d)).

Athletic Placement Process

In general, interscholastic athletics for students in grades 7 through 12 must be organized for students in like grade groups. However, pursuant to Commissioner’s regulation § 135.4(c)(7)(ii)(a), a school district may choose to permit certain students to compete at a level of competition deemed appropriate to their physiological maturity, physical fitness, and skill level in relationship to other students at the desired level of competition. The current regulation provides as follows:

A board of education may permit pupils in grades no lower than seventh to compete on any senior high school team, or permit senior high school pupils to compete on any teams in grades no lower than seventh, provided the pupils are placed at levels of competition appropriate to their physiological maturity, physical fitness, and skills in relationship to other pupils on those teams in accordance with standards established the Commissioner.

The standards by which such participation is permitted are commonly referred to as the Athletic Placement Process (APP). The APP, which was last updated in 2015, provides a protocol for districts that choose to allow students in grades 7 and 8 to play at the high school level, or for students in grades 9-12 to participate at the middle school level. Such protocol

ensures that student athletes are able to participate safely at an appropriate level of competition based upon physical and emotional readiness and athletic ability, rather than age and grade alone. See Athletic Placement Process for Interscholastic Athletic programs: <http://www.p12.nysed.gov/ciaipe/documents/AthleticPlacementProcess2-11-15Revised.pdf>

Though not required, many school districts throughout the State employ the APP to provide appropriate interscholastic athletic opportunities for exceptional student athletes in grades 7 and 8 to play at the high school level. Existing regulations provide that to be eligible for participation in interscholastic athletic competition at any level during a semester, the student must, among other things, be a bona fide student, enrolled during the first 15 school days of such semester (8 NYCRR § 135.4(c)(7)(ii)(b)(2)). Commissioner's regulation § 135.1 defines a bona fide student as "a regularly enrolled student who is taking sufficient subjects to make an aggregate amount of three courses and who satisfies the physical education requirement."

Not all of the State's 728 school districts are traditional K-12 districts. Presently, there are 13 public school districts in the State that operate to serve students in grades K-8 only, and contract for the education of their high school students with other public school districts pursuant to the provisions of Education Law § § 2040, 2045 and Commissioner's regulation § 174.4. Because of their unique configuration, these 13 public school districts do not have their own "district high school," and as a result, questions have arisen regarding the ability of students who are enrolled in K-8 public school districts to participate in the APP because they are not "enrolled" in a district with its own high school.

The proposed regulation is therefore designed to clarify the conditions under which K-8 public school districts may employ the APP protocol to allow the opportunity for exceptional student athletes to participate in interscholastic sports at the high school(s) with which the K-8 school district contracts for the education of its high school students, when such students are bona fide students of the K-8 school district. However, in an effort to avoid recruitment or other efforts to entice middle-school students to play for a specific high school, the regulation provides for a year of ineligibility if, following participation on a high school team pursuant to APP, the student chooses to attend a different high school with which the K-8 district contracts for the 9th grade year.

The existing guidance relating to the APP protocol is comprehensive. However, additional revisions will be necessary to provide these few K-8 school districts and the districts with which they contract for the education of their high school students with the necessary guidance to safely and appropriately implement the APP, if they choose.

Duration of Competition

Commissioner's regulation § 135.4(c)(7)(ii)(b)(1)(i), relating to the duration of competition, limits the participation of students in high school athletic competition to four consecutive seasons commencing with the student's entry into the ninth grade and prior to graduation. However, the regulation provides that a request for an extension of duration of competition may be granted if sufficient evidence demonstrates that the student's failure to enter competition during one or more seasons was directly caused by illness or accident, and such illness or accident will require the student to attend school for one or more additional semesters to graduate.

Prior to October 2014, this regulation also allowed students to seek an extension of eligibility when the student failed to enter competition for "other circumstances beyond the control of the student." In response to confusion from the field, the Board of Regents amended the regulation to limit the eligibility extension for reasons only related to accident or illness. However, recognizing that extenuating circumstances may exist which do not neatly fit into the categories of accident or illness, and may still be suitable for extending a student's athletic eligibility, the Department seeks to amend the regulation and provide that the eligibility of a student who has not attained the age of 19 years prior to July 1st may be extended not only based on accident or illness, but also if sufficient evidence is presented that the failure to enter competition was based on "other circumstances beyond the student's control." The proposed amendment also provides the Commissioner with the discretion to review a determination to grant or deny an extension of eligibility based on specific criteria. As proposed, the regulation would permit a student's eligibility to be extended for illness, accident, or other circumstances beyond the control of the pupil if evidence in the record demonstrates that:

- (a) the pupil's failure to enter competition during one or more seasons of a sport was caused by illness, accident, or other circumstances beyond the control of the pupil;
- (b) as a direct result of such circumstances the pupil is required to attend school for one or more additional semesters in order to graduate;
- (c) the safety of the pupil or others is not at risk; and
- (d) that the pupil will not hold an unfair advantage in the competition.

3. PROFESSIONAL SERVICES:

The proposed amendment imposes no additional professional service requirements.

4. COMPLIANCE COSTS:

The proposed amendment does not impose any costs, but merely clarifies when a student's eligibility for senior high school athletic competition may be extended for additional seasons for illness, accident, or circumstances beyond the control of the pupil and for the utilization of the athletic placement process protocol for districts that choose to allow students in grades 7 and 8 to play at the high school level, or for students in grades 9-12 to participate at the middle school level.

5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY:

The proposed amendment does not impose any technological requirements or costs on school districts.

6. MINIMIZING ADVERSE IMPACT:

The proposed amendments are intended to provide greater clarity and to ensure safe and equitable interscholastic athletic competition for all public school students.

7. LOCAL GOVERNMENT PARTICIPATION:

Copies of the proposed amendment have been provided to District Superintendents with the request that they distribute them to school districts within their supervisory districts for review and comment. Copies were also provided for review and comment to the chief school officers of the five big city school districts.

Rural Area Flexibility Analysis

1. TYPES AND ESTIMATED NUMBER OF RURAL AREAS:

The proposed rule applies to all school districts in the State, 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.

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

The proposed amendment does not impose any additional reporting, recordkeeping or other compliance requirements on school districts in rural areas, but merely clarifies when a student's eligibility for senior high school athletic competition may be extended for additional seasons for illness, accident, or circumstances beyond the control of the pupil and for the utilization of the athletic placement process protocol for districts that choose to allow students in grades 7 and 8 to play at the high school level, or for students in grades 9-12 to participate at the middle school level.

Commissioner's regulation section 135.4(c)(7)(ii) establishes the parameters for participation in interscholastic athletic competition for students in grades 7 through 12. The underlying spirit of Commissioner's regulations governing interscholastic athletics is to provide for the safety and equal opportunity for participation for public school students. These principles guide athletic eligibility determinations for students in seventh or eighth grade who wish to participate in high school athletics pursuant to the athletic placement process (8 NYCRR § 135.4(c)(7)(ii)(a)); as well as students who seek to extend athletic eligibility to a fifth season when they have missed a season of the sport due to accident or injury (8 NYCRR § 135.4(c)(ii)(b)); for purposes of mixed competition (8 NYCRR § 135.4(c)(ii)(c)); and for students with disabilities who wish to extend eligibility to participate in non-contact sports (8 NYCRR § 135.4(c)(7)(ii)(d)).

Athletic Placement Process

In general, interscholastic athletics for students in grades 7 through 12 must be organized for students in like grade groups. However, pursuant to Commissioner's regulation § 135.4(c)(7)(ii)(a), a school district may choose to permit certain students to compete at a level of competition deemed appropriate to their physiological maturity, physical fitness, and skill level in relationship to other students at the desired level of competition. The current regulation provides as follows:

A board of education may permit pupils in grades no lower than seventh to compete on any senior high school team, or permit senior high school pupils to compete on any teams in grades no lower than seventh, provided the pupils are placed at levels of competition appropriate to their physiological maturity, physical fitness, and skills in relationship to other pupils on those teams in accordance with standards established the Commissioner.

The standards by which such participation is permitted are commonly referred to as the Athletic Placement Process (APP). The APP, which was last updated in 2015, provides a protocol for districts that choose to allow students in grades 7 and 8 to play at the high school level, or for students in grades 9-12 to participate at the middle school level. Such protocol ensures that student athletes are able to participate safely at an appropriate level of competition based upon physical and emotional readiness and athletic ability, rather than age and grade alone. See Athletic Placement Process for Interscholastic Athletic programs: <http://www.p12.nysed.gov/ciaipe/documents/AthleticPlacementProcess2-11-15Revised.pdf>

Though not required, many school districts throughout the State employ the APP to provide appropriate interscholastic athletic opportunities for exceptional student athletes in grades 7 and 8 to play at the high school level. Existing regulations provide that to be eligible for participation in

interscholastic athletic competition at any level during a semester, the student must, among other things, be a bona fide student, enrolled during the first 15 school days of such semester (8 NYCRR § 135.4[c][7][ii][b][2]). Commissioner's regulation § 135.1 defines a bona fide student as "a regularly enrolled student who is taking sufficient subjects to make an aggregate amount of three courses and who satisfies the physical education requirement."

Not all of the State's 728 school districts are traditional K-12 districts. Presently, there are 13 public school districts in the State that operate to serve students in grades K-8 only, and contract for the education of their high school students with other public school districts pursuant to the provisions of Education Law § § 2040, 2045 and Commissioner's regulation § 174.4. Because of their unique configuration, these 13 public school districts do not have their own "district high school," and as a result, questions have arisen regarding the ability of students who are enrolled in K-8 public school districts to participate in the APP because they are not "enrolled" in a district with its own high school.

The proposed regulation is therefore designed to clarify the conditions under which K-8 public school districts may employ the APP protocol to allow the opportunity for exceptional student athletes to participate in interscholastic sports at the high school(s) with which the K-8 school district contracts for the education of its high school students, when such students are bona fide students of the K-8 school district. However, in an effort to avoid recruitment or other efforts to entice middle-school students to play for a specific high school, the regulation provides for a year of ineligibility if, following participation on a high school team pursuant to APP, the student chooses to attend a different high school with which the K-8 district contracts for the 9th grade year.

The existing guidance relating to the APP protocol is comprehensive. However, additional revisions will be necessary to provide these few K-8 school districts and the districts with which they contract for the education of their high school students with the necessary guidance to safely and appropriately implement the APP, if they choose.

Duration of Competition

Commissioner's regulation § 135.4(c)(7)(ii)(b)(1)(i), relating to the duration of competition, limits the participation of students in high school athletic competition to four consecutive seasons commencing with the student's entry into the ninth grade and prior to graduation. However, the regulation provides that a request for an extension of duration of competition may be granted if sufficient evidence demonstrates that the student's failure to enter competition during one or more seasons was directly caused by illness or accident, and such illness or accident will require the student to attend school for one or more additional semesters to graduate.

Prior to October 2014, this regulation also allowed students to seek an extension of eligibility when the student failed to enter competition for "other circumstances beyond the control of the student." In response to confusion from the field, the Board of Regents amended the regulation to limit the eligibility extension for reasons only related to accident or illness. However, recognizing that extenuating circumstances may exist which do not neatly fit into the categories of accident or illness, but may still be suitable for extending a student's athletic eligibility, the Department seeks to amend the regulation and provide that the eligibility of a student who has not attained the age of 19 years prior to July 1st may be extended not only based on accident or illness, but also if sufficient evidence is presented that the failure to enter competition was based on "other circumstances beyond the student's control." The proposed amendment also provides the Commissioner with the discretion to review a determination to grant or deny an extension of eligibility based on specific criteria. As proposed, the regulation would permit a student's eligibility to be extended for illness, accident, or other circumstances beyond the control of the pupil if evidence in the record demonstrates that:

- (a) the pupil's failure to enter competition during one or more seasons of a sport was caused by illness, accident, or other circumstances beyond the control of the pupil;
- (b) as a direct result of such circumstances the pupil is required to attend school for one or more additional semesters in order to graduate;
- (c) the safety of the pupil or others is not at risk; and
- (d) that the pupil will not hold an unfair advantage in the competition.

The proposed amendment imposes no additional professional service requirements.

3. COMPLIANCE COSTS:

The proposed amendment does not impose any costs on school districts in rural areas, but merely clarifies when a student's eligibility for senior high school athletic competition may be extended for additional seasons for illness, accident, or circumstances beyond the control of the pupil and for the utilization of the athletic placement process protocol for districts that choose to allow students in grades 7 and 8 to play at the high school level, or for students in grades 9-12 to participate at the middle school level.

4. MINIMIZING ADVERSE IMPACT:

The proposed amendments are intended to provide greater clarity around the athletic placement process and to ensure safe and equitable interscholastic athletic competition for all public school students, including those located in rural areas of this State. Therefore, no alternatives were considered.

5. RURAL AREA PARTICIPATION:

Comments on the proposed amendment were solicited from the Department's Rural Advisory Committee, whose membership includes school districts located in rural areas.

Job Impact Statement

The proposed amendment clarifies when a student's eligibility for senior high school athletic competition may be extended for additional seasons for illness, accident, or circumstances beyond the control of the pupil and for the utilization of the athletic placement process protocol for districts that choose to allow students in grades 7 and 8 to play at the high school level, or for students in grades 9-12 to participate at the middle school level.

The proposed amendment will not have an adverse impact on jobs or employment opportunities. Because it is evident from the nature of the amendment that it will have no impact on jobs or employment opportunities, no further steps were needed to ascertain those facts and none were taken. Accordingly, a job impact statement is not required and one has not been prepared.

Department of Environmental Conservation

NOTICE OF ADOPTION

Rule Making to Implement Environmental Conservation Law Section 17-0826-a

I.D. No. ENV-26-16-00013-A

Filing No. 986

Filing Date: 2016-10-20

Effective Date: 2016-11-09

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

Action taken: Amendment of Parts 621 and 750 of Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 1-0101(3)(b), 3-0301(1)(b), (t), (2)(m), 17-0303(3), 17-0803, 17-0804 and 17-0826-a

Subject: Rule making to implement Environmental Conservation Law section 17-0826-a.

Purpose: Implementation of the reporting, notification and recordkeeping requirements described in Environmental Conservation Law section 17-0826-a.

Substance of final rule: The final rule revises provisions of 6 NYCRR Part 750 to implement ECL section 17-0826-a, known as the Sewage Pollution Right to Know Act (SPRTK). Under SPRTK, publicly owned treatment works (POTWs) and operators of publicly owned sewer systems (POSSs) are required to report untreated and partially treated sewage discharges to the New York State Department of Environmental Conservation (DEC) and the local health department, or if there is none, the New York State Department of Health, immediately, but in no case later than two hours from discovery of the discharge. Partially treated sewage discharged directly from a POTW that is in compliance with a DEC approved plan or permit does not need to be reported. SPRTK specifies the necessary minimum content of these two hour reports to the extent the information is knowable with existing systems and models. Furthermore, SPRTK requires POTWs and operators of POSSs to notify the chief elected official, or authorized designee, of the municipality in which the discharge occurred and the chief elected official, or authorized designee, of any adjoining municipality that may be affected of untreated and partially treated sewage discharges as soon as possible, but no later than four hours from discovery of the discharge. For discharges that may present a threat to public health, the same notification must also be provided to the general public within the same time frame through appropriate electronic media as determined by DEC. The rule making provisions to implement SPRTK are summarized below.

750-1.1

Subdivision (f) of section 750-1.1 is amended to reference POSS registrations which are the new regulatory mechanism for POSSs.

750-1.2

New definitions are added to section 750-1.2 to clarify the scope and meaning of the rule. Some paragraphs within subdivision (a) of this section are renumbered as a result of these new definitions. Paragraph (20) of subdivision (a) defines the term 'Combined Sewer Overflow (CSO)' and paragraph (21) of subdivision (a) defines the term 'Combined Sewer System (CSS)'. SPRTK reporting and notification requirements apply to CSO discharges from CSSs to the extent these discharges are knowable with existing systems and models, so it is necessary to define these terms. The term 'Publicly Owned Sewer System (POSS)' is defined in paragraph (70) of subdivision (a). Under this definition, a 'POSS' means "a sewer system owned by a municipality and which discharges to a POTW owned by another municipality." The existing definition of 'municipality' in current 6 NYCRR 750-1.2(a)(51) applies to the new definition of 'POSS' and continues to apply to the current definition of 'POTW' which remains unchanged. Thus, both POTWs and POSSs include systems that are owned by a "county, town, city, village, district corporation, special improvement district, sewer authority or agency thereof." The new definition of 'POSS,' however, distinguishes POSSs from POTWs because POTWs are defined to include sewers that discharge to the POTW only if those sewers are owned by the same municipality that owns the POTW. Finally, paragraphs (63) and (96) of subdivision (a) define the terms 'partially treated sewage' and 'untreated sewage' to specify the type of waste addressed by the rule. The new definition of 'partially treated sewage' replaces the definition of 'partially treated' since Part 750 only uses the term 'partially treated' when referring to sewage. The new definition for 'partially treated sewage' is at least as stringent as the previous definition of 'partially treated' and aligns with SPRTK's goal to protect public health. The final rule revises the definitions of 'untreated sewage' and 'partially treated sewage' slightly from the previously proposed rule to clarify these terms.

750-1.22

The rule adds a new Section 750-1.22 to establish a registration program for POSSs and obligates owners and operators of these facilities to comply with specified reporting and notification requirements in amended Section 750-2.7. New Section 750-1.22 requires owners of existing POSSs to register the facility with DEC within 30 days from the effective date of the rule. This section also obligates owners of POSSs to obtain DEC approval and a new or amended registration before commencing construction of a new or modified POSS. Furthermore, this section requires owners of POSSs to notify DEC 30 days prior to a transfer in ownership or operation of the facility; establishes registration procedures regarding POSSs; and provides DEC authorized representatives with express authority to inspect POSSs and their records. Finally, this section requires owners and operators of POSSs to comply with the applicable reporting and notification provisions in subdivisions (b) and (d) of Section 750-2.7. Current Section 750-1.22 and subsequent sections of Subpart 750-1 are renumbered to accommodate this new section.

750-2.6

Subdivisions (a) and (b) of Section 750-2.6 are amended to specify that this section applies to SPDES permittees that are not POTWs. POSSs are only required to obtain registrations, not SPDES permits. Thus, the revisions make clear that the special reporting requirements in Section 750-2.6 continue to apply to non-POTW SPDES permittees (such as privately-owned commercial and industrial facilities), but that this section does not address POTWs or POSSs.

750-2.7

Subdivision (b) of section 750-2.7 is amended to implement the new reporting and notification obligations that apply to owners and operators of POTWs and POSSs.

Amended paragraph (b)(1) continues to limit two hour reporting for non-POTW SPDES permittees to discharges that would affect bathing areas during the bathing season, shellfishing or public drinking water intakes. A small number of minor revisions have been made to this paragraph and Subparagraphs (i) through (v) to eliminate obsolete language and to clarify that the content of two hour reports filed by non-POTW SPDES permittees is the same as that for POTWs and POSSs.

Amended paragraph (b)(2) provides that POTWs and POSSs are in compliance with the rule's electronic reporting and notification requirements if they register to use the DEC approved electronic media and submit timely and sufficient reports and notifications when required. The final rule also now clarifies in this paragraph that a CSO is considered untreated sewage for purposes of two hour reporting, four hour notifications and CSO advisories.

Amended subparagraph (b)(2)(i) requires owners and operators of POTWs and POSSs to report untreated and partially treated sewage discharges to DEC and the local health department, or if there is none, the New York State Department of Health, immediately, but in no case later than two hours from discovery of the discharge. Partially treated sewage discharged directly from a POTW that is in compliance with a DEC approved plan or permit does not need to be reported. Clauses (a) through (e)

of this subparagraph set forth the necessary content of the reports to the extent the information is knowable with existing systems and models. Consistent with SPRTK, clause (d) in the final rule now contains an exception for wet weather CSO discharges from the requirement to provide a brief description of the measures taken and planned to contain the discharge.

Amended clause (b)(2)(ii)(a) implements SPRTK's four hour notification requirement with respect to municipalities. This provision requires owners and operators of POTWs and POSSs to notify the chief elected official, or authorized designee, of the municipality in which the discharge occurred and the chief elected official, or authorized designee, of any adjoining municipality that may be affected of untreated and partially treated sewage discharges to surface water as soon as possible, but no later than four hours from discovery of the discharge. However, this notification does not apply to partially treated sewage discharged directly from a POTW that is in compliance with a DEC approved plan or permit. For purposes of this clause, a 'municipality' means "a city, town or village" and an 'adjoining municipality' means "any municipality that is adjacent to the municipality in which the discharge occurred."

Amended clause (b)(2)(ii)(b) implements SPRTK's four hour notification requirement for the general public. This provision obligates owners and operators of POTWs and POSSs to notify the general public as soon as possible, but no later than four hours from discovery of discharges of untreated and partially treated sewage to surface water, except that this notification is not required for partially treated sewage discharged directly from a POTW that is in compliance with a DEC approved plan or permit.

Amended subparagraph (b)(2)(iii) of the final rule now provides that "[f]or combined sewer overflows for which real-time telemetered discharge monitoring and detection does not exist, owners and operators of POTWs and POSSs must expeditiously issue advisories to the general public through appropriate electronic media as determined by the department when, based on actual rainfall data or predictive models, enough rain has fallen that combined sewer overflows may discharge." Under this subparagraph, these advisories may be made on a waterbody basis rather than by individual combined sewer overflow points.

Amended Subdivision (b), Subparagraph (2)(iv) requires owners and operators of POTWs and POSSs to submit daily reports for each day that the discharge continues after the date that the initial discharge report is made. On the day the discharge terminates, a termination report may be made in lieu of the daily report. Daily and termination reports must be made within 24 hours of the previous report and include the same content as the initial discharge report, except that the DEC may modify or waive daily and termination reports on a case by case basis if acceptable alternate reporting methods are available. Daily and termination reports are not required for wet weather CSO events.

Subdivision (c) is amended to eliminate 24 hour oral reporting by POTW SPDES permittees of those discharges that are covered by the new two hour reporting. The other existing 24 hour oral reporting requirements for POTWs that are not affected by SPRTK have been left unchanged. Consistent with this approach, the final rule relocates subparagraph (1)(ii) to subparagraph (2)(i) within this subdivision, while excepting sewage discharges already reported within two hours. Furthermore, the current 24 hour oral reporting requirements for non-POTW SPDES permittees are not impacted by SPRTK and remain the same.

Subdivision (d) is amended to extend the requirement to file a five-day written incident report to owners and operators of POSSs; provides that these reports must be submitted to DEC (rather than the regional water engineer specifically); and requires that such reports be submitted on a form prescribed by DEC. Furthermore, this subdivision provides that DEC may waive the requirement for a five-day written incident report for both SPDES permittees and POSSs in situations where applicable reporting requirements have been satisfied. The final rule also now expressly specifies that five day written incident reports are not required for wet weather CSOs that are in compliance with a DEC approved plan or permit.

750-2.8

New Subdivision (g) is added to Section 750-2.8 to set forth operation and maintenance requirements for POSSs.

750-2.10

New Subdivision (j) is added to Section 750-2.10 to provide that owners of new or modified POSSs must comply with the registration requirements of Section 750-1.22 before construction and connection to any existing POTW or POSS.

Other Revisions

Various United States Environmental Protection Agency guidance documents and federal regulations are listed as references in current section 750-1.24. The rule renumbers this section to be section 750-1.25. Consequently, the rule also amends the various provisions throughout Subpart 750-1, Subpart 750-2, and Part 621 that cross reference this section to denote the proper renumbered section. In addition, the headings of Subpart 750-1 and 750-2 are amended to reference POSS Registrations.

The Table of Contents for Subpart 750-1 is also amended to reflect the addition of new section 750-1.22 and renumbering of subsequent sections of this Subpart. Furthermore, the Table of Contents for Subpart 750-2 is amended to modify the heading language for sections 750-2.6 and 750-2.7 to clarify the scope of the rule making. This heading language is also amended at the locations where these sections appear in the regulations.

Final rule as compared with last published rule: Nonsubstantive changes were made in sections 750-1.1, 750-1.2, 750-1.22, 750-2.7 and 750-2.8.

Text of rule and any required statements and analyses may be obtained from: Robert J. Simson, New York State Department of Environmental Conservation, 625 Broadway, 4th Floor, Albany, NY 12233-3505, (518) 402-8271, email: robert.simson@dec.ny.gov

Summary of Revised Regulatory Impact Statement

1. Statutory authority. The rule is authorized by Environmental Conservation Law (ECL) 17-0826-a, known as the Sewage Pollution Right to Know Act (SPR TK), which took effect on May 1, 2013 and expressly directs the Department of Environmental Conservation (DEC) to promulgate regulations that are necessary to implement this statute (ECL 17-0826-a (2), (4)). In addition to the specific statutory authority for the rule contained in SPR TK, DEC has general rule making authority pursuant to ECL 3-0301(2)(m) to effectuate the purposes of the ECL and authority to promulgate regulations with respect to the SPDES program in ECL 17-0303(3), 17-0803 and 17-0804.

SPR TK requires publicly owned treatment works (POTWs) and operators of publicly owned sewer systems (POSSs) to report untreated and partially treated sewage discharges to DEC and the local health department, or if there is none, the New York State Department of Health (NYSDOH) immediately, but in no case later than two hours from discovery of the discharge. Partially treated sewage discharged directly from a POTW that is in compliance with a DEC approved plan or permit does not have to be reported. Under existing regulations, two hour reporting is limited to discharges by State Pollutant Discharge Elimination System (SPDES) permittees (consisting primarily of POTWs and privately-owned commercial and industrial facilities) that would affect bathing areas during the bathing season, shellfishing or public drinking water intakes. Therefore, it is necessary to revise the regulations to be consistent with the new expansive two hour reporting obligation. SPR TK also requires POTWs and operators of POSSs to notify the chief elected official of the municipality where the discharge occurred and adjoining municipalities that may be affected of untreated and partially treated sewage discharges as soon as possible, but no later than four hours from discovering the discharge. The general public must also be notified within the same timeframe of any discharges that may present a public health threat. The rule implements the new reporting and notification obligations through language that aligns with SPR TK.

The rule defines a 'POSS' as "a sewer system owned by a municipality and which discharges to a POTW owned by another municipality" because under current regulations those sewer systems that discharge to a POTW owned by the same municipality are considered part of the POTW and are covered by the SPDES permit for the POTW. The rule requires owners of POSSs to register their facilities and notify DEC of a change in facility ownership or operation. Furthermore, owners and operators of POSSs are obligated to properly operate and maintain their facilities; file five day written incident reports; and allow DEC to conduct inspections and copy records.

2. Legislative objectives. The rule accords with the public policy objectives that the Legislature sought to advance by enacting SPR TK. One public policy objective of the Legislature was to protect the public health and the environment. Untreated and partially treated sewage contains pathogens that can cause acute illnesses.

3. Needs and benefits. The purpose of the rule is to implement ECL 17-0826-a which is intended to facilitate prompt responses to untreated and partially treated sewage discharges by state and local authorities and inform the public of these discharges so that they may avoid exposure. The rule helps protect the public health and environment by obligating owners and operators of POTWs and POSSs to report untreated and partially treated sewage discharges to DEC and health authorities immediately, but in no case later than two hours from discovery of the discharge and for each day until the discharge terminates, irrespective of the area impacted by the discharge. The rule also requires owners and operators of POTWs and POSSs to notify the municipality where the discharge occurred and adjoining municipalities that may be affected as soon as possible, but no later than four hours from discovery of surface water discharges. The same notification must also be made within the same timeframe to the general public for surface water discharges. Furthermore, the rule accords with the legislative objective to bring POSSs into DEC's regulatory program by requiring registrations for POSSs.

The rule does not obligate municipalities to upgrade the infrastructure of POTWs and POSSs or install monitoring equipment because SPR TK

expressly limits reporting and notification requirements to discharges that are "knowable with existing systems and models" (ECL 17-0826-a (1)). The rule, however, does require owners and operators of POTWs and POSSs in specified situations to expeditiously issue CSO advisories. These advisories may be made on a waterbody basis.

Sewage discharge reports may be used by DEC to make decisions regarding closing of shellfish lands and prohibiting shellfish activities. DEC may also use reported information to take enforcement action against wastewater utilities, seeking penalties and permanent corrective measures. Furthermore, NYSDOH and local health departments may use reported information to assess the potential impact on public and private water supplies and to make determinations about regulating bathing beaches.

The rule is necessary to implement SPR TK's reporting and notification requirements and to establish a registration program for POSSs. The rule will benefit the public health and the environment by obligating owners and operators of POTWs and POSSs to report and disclose untreated and partially treated sewage discharges.

4. Costs. Some municipalities that have POTWs or POSSs (or their contractors) may need to upgrade their computer systems at a cost of approximately \$1,000 to comply with the rule's electronic reporting and notification provisions and incur employee expenses to comply with the rule at the average pay rate for a POTW or POSS operator in the locality. Some local health departments are also expected to incur expenses of approximately \$1,000 to upgrade their computer systems as well as minimal annual expenses associated with employee services. Furthermore, DEC will need to incur expenses to develop the electronic media to be used by owners and operators of POTWs and POSSs to carry out the rule's electronic reporting and notification requirements. DEC has currently selected the NY-ALERT system maintained by the Department of Homeland Security and Emergency Services (DHSES) for this purpose. The necessary upgrade to NY-ALERT is expected to cost DEC approximately \$50,000. This estimate was supplied by Buffalo Computer Graphics, the NY-ALERT consultant for DHSES. Moreover, NYS Information Technology Services estimates that DEC will need to spend approximately \$125,000 to upgrade its own computer systems so that it may post reported information expeditiously to its website as required by SPR TK. This rule imposes no cost on POTWs and POSSs to develop CSO reporting systems.

5. Local government mandates. The rule requires owners and operators of POTWs and POSSs to report untreated and partially treated sewage discharges to DEC and health authorities immediately, but in no case later than two hours from discovery of the discharge, irrespective of the area impacted by the discharge, except partially treated sewage discharged directly from a POTW that is in compliance with a DEC approved plan or permit. POTWs and POSSs include systems that are owned by "a county, town, city, village, district corporation, special improvement district, sewer authority or agency thereof."

The rule also obligates owners and operators of POTWs and POSSs to notify the chief elected official of the municipality where the discharge occurred and adjoining municipalities that may be affected of untreated and partially treated sewage discharges to surface water as soon as possible, but no later than four hours from discovery of the discharge and provides that these entities must also notify the general public of surface water discharges within the same timeframe. As with the two hour reporting requirement, four hour notifications will not apply to partially treated sewage discharged directly from a POTW that is in compliance with a DEC approved plan or permit. For purposes of the municipal notification, the rule defines 'municipality' to mean "a city, town or village," and an 'adjoining municipality' to be "any municipality that is adjacent to the municipality in which the discharge occurred." Furthermore, the rule requires owners of POSSs to register their facilities and notify DEC of a change in facility ownership or operation. Finally, the rule obligates owners and operators of POSSs to file five day written incident reports; properly operate and maintain their facilities; and allow DEC to conduct inspections and copy records.

6. Paperwork. The rule requires POTWs and POSSs to use the Department approved form of electronic media (currently NY-ALERT) to carry out all of the electronic reporting and notification provisions described in new 6 NYCRR 750-2.7(b)(2)(i)-(iv). Registrations for POSSs, five day written incident reports, and notifications of a change in POSS ownership or operation need to be completed on forms prescribed by or acceptable to DEC. The rule's reporting, notification and paperwork requirements are necessary to implement SPR TK which expressly mandates two hour reporting and four hour notifications and establishes POSSs as a new group of regulated entities.

7. Duplication. Under existing regulations, SPDES permittees are only required to report untreated and partially treated sewage discharges to DEC and the local health department within two hours of discovery if the discharge would affect a bathing area during the bathing season, shellfishing or a public drinking water intake, whereas untreated and partially

treated sewage discharges affecting other areas must be orally reported to DEC, in most instances, within 24 hours of discovery (6 NYCRR 750-2.7(b), (c)). Under the rule, two hour reporting by owners and operators of POTWs and POSSs generally applies to all untreated and partially treated sewage discharges that have been discovered, irrespective of the area impacted by the discharge. The rule prevents duplication by eliminating 24 hour oral reporting by POTW SPDES permittees of those discharges currently described in 6 NYCRR 750-2.7(c) that will now be covered by the new two hour reporting. NY-ALERT eliminates the current need to report separately to regulatory agencies listed in the POTW permit by replacing telephone and paper reporting with a single NY-ALERT report.

8. Alternatives. DEC considered requiring owners of POSSs to obtain SPDES permits rather than registrations. This alternative was rejected because registrations are sufficient to implement SPRTK's requirements for POSSs. DEC also considered requiring municipalities to develop their own systems to comply with SPRTK. This alternative was also rejected due to the many benefits of NY-ALERT. NY-ALERT will be easy for owners and operators of POTWs and POSSs to use and will allow them to satisfy all of the rule's electronic reporting and notification obligations at the same time through a common system. By using NY-ALERT, DEC will be able to track discharges, control computer system security, maintain data quality and satisfy its statutory obligations efficiently. NY-ALERT will also save municipalities the expense of developing their own systems. If DEC switches from NY-ALERT to another electronic system in the future, it will seek a system that provides similar attributes.

9. Federal standards. The rule exceeds federal standards for the same or similar subject areas. The rule extends the requirement to file five day written incident reports to owners and operators of POSSs which are not currently subject to federal or state five day reporting (40 CFR 122.41(l)(6); 6 NYCRR 750-2.7(d)). Furthermore, there is no federal requirement that owners and operators of POTWs and POSSs report untreated and partially treated sewage discharges to the government within two hours of discovery or that they notify the municipality where the discharge occurred, adjoining municipalities that may be affected, or the general public of discharges within four hours of discovery. Federal law also does not provide for expeditious issuance of CSO advisories by owners and operators of POTWs and POSSs. Finally, owners of POSSs are not required by federal law to obtain registrations or inform the government of a change in facility ownership or operation. The rule exceeds federal standards because SPRTK mandates the specific reporting and notification requirements imposed by this rule.

10. Compliance schedule. The rule takes effect upon filing of the rule with the secretary of state and publication of the notice of adoption in the State Register. Regulated entities will be able to comply with the rule as soon as it takes effect.

Revised Regulatory Flexibility Analysis

1. Effect of rule. All counties, towns, cities, villages, district corporations, special improvement districts, sewer authorities and agencies thereof in the state that own or operate a publicly owned treatment works (POTW) or a publicly owned sewer system (POSS) will be subject to the requirements of this rule. There are approximately 620 POTWs that will be affected, and the Department of Environmental Conservation (DEC) estimates that there are approximately 300 POSSs that will be affected. The rule extends regulatory oversight to POSSs as DEC does not currently regulate POSSs through its SPDES program. Cities, towns and villages that have POTWs or POSSs or that adjoin these entities will be beneficially affected by the rule as they will benefit from the notification requirements imposed by the rule. No small businesses will be affected by this rule.

2. Compliance requirements. The rule requires owners and operators of POTWs and POSSs to report untreated and partially treated sewage discharges to the DEC and the local health department, or if there is none, the New York State Department of Health immediately, but in no case later than two hours from discovery of the discharge. Partially treated sewage discharged directly from a POTW that is in compliance with a DEC approved plan or permit does not have to be reported. Owners and operators of POTWs and POSSs will also be required to continue reporting for each day after the initial report is made until the discharge terminates, except that on the day the discharge terminates, a report documenting termination of the previously reported discharge may be made in lieu of the daily report. The definition of 'municipality' in the current regulations (6 NYCRR 750-1.2 (a) (51)) will apply to the rule's definition of 'POSS' and continue to apply to the existing definition of 'POTW' which has been left unchanged. Thus, both POTWs and POSSs will include systems that are owned by a "county, town, city, village, district corporation, special improvement district, sewer authority or agency thereof." The rule, however, distinguishes a POSS from a POTW by defining a POSS as "a sewer system owned by a municipality and which discharges to a POTW owned by another municipality." In contrast, a POTW does not include a municipally owned sewer system unless the

sewer system that discharges to the POTW is owned by the same municipality. The rule also describes the necessary content of two hour reports to the extent knowable with existing systems and models as prescribed by Environmental Conservation Law (ECL) 17-0826-a (1) (a)-(f).

Furthermore, the rule obligates owners and operators of POTWs and POSSs to notify the chief elected official, or authorized designee, of the municipality where the discharge occurred and the chief elected official, or authorized designee, of any adjoining municipality that may be affected of untreated and partially treated sewage discharges to surface water as soon as possible, but no later than four hours from discovery of the discharge. The municipal notification requirement does not apply to partially treated sewage discharged directly from a POTW that is in compliance with a DEC approved plan or permit. For purposes of the municipal notification requirement, a 'municipality' is limited to mean "a city, town or village" and an 'adjoining municipality' means "a municipality that is adjacent to the municipality in which the discharge occurred."

In addition, the rule requires owners and operators of POTWs and POSSs to notify the general public as soon as possible, but no later than four hours from discovery of discharges of untreated and partially treated sewage to surface water, except that no notification is required for partially treated sewage discharged directly from a POTW that is in compliance with a DEC approved plan or permit.

The rule does not require POTWs or POSSs to upgrade their infrastructure or install monitoring equipment. However, for combined sewer overflows for which real-time telemetered discharge monitoring and detection does not exist, the rule requires owners and operators of POTWs and POSSs to expeditiously issue advisories to the general public through appropriate electronic media as determined by the department when, based on actual rainfall data or predictive models, enough rain has fallen that combined sewer overflows may discharge. These advisories may be made on a waterbody basis rather than by individual combined sewer overflow points.

Under the rule, owners of POSSs need to obtain registrations for these facilities and notify DEC of a change in facility ownership or operation. Furthermore, owners and operators of POSSs are required to properly operate and maintain their facilities; file five day written incident reports (as currently required for POTW SPDES permittees and other SPDES permittees); and allow DEC to conduct inspections and copy records.

3. Professional services. Municipalities that own POTWs and POSSs may need to employ professional services to comply with the rule if existing employees are not sufficient to handle these duties. The services needed under the rule consist of two hour reporting and four hour notification of untreated and partially treated sewage discharges by owners and operators of POTWs and POSSs; continued reporting by owners and operators of POTWs and POSSs for each day after the initial report is made until the discharge terminates; expeditious advisories to the public by owners and operators of POTWs and POSSs regarding certain combined sewer overflows; filing five day written incident reports by owners and operators of POSSs (as currently required for POTW SPDES permittees and other SPDES permittees); registering of POSSs; and notifying DEC of a change in ownership or operation of POSSs.

4. Compliance costs. There may be some initial capital costs to municipalities (or their contractors) to comply with the rule. These costs would consist of upgrades to computer systems to meet the rule's electronic reporting and notification requirements if existing computer systems are not adequate. It is estimated that the cost to a municipality (or its contractor) to upgrade its computer system to comply with the rule would be a single expenditure of about \$1,000. Approximately 140 smaller municipalities in rural areas (or their contractors) will need to upgrade their computer systems to comply with the rule. It may also be necessary for some municipalities to hire additional employees or to extend the work hours of current employees on an annual basis to comply with the rule if existing staff are unable to handle these duties during current work hours. The pay rate of a qualified employee to handle the duties associated with the rule is estimated to be \$34.80 to \$60.85 per hour. Some local health departments are also expected to incur expenses of approximately \$1,000 to upgrade their computer systems as well as minimal annual expenses associated with employee services.

There are approximately 620 permitted POTWs and 300 identified POSSs statewide. DEC estimates that 890 municipalities own a single POTW or POSS and that the remaining 30 POTWs and POSSs are owned by municipalities that own more than one of these facilities. DEC anticipates that each POTW and POSS will have, on average, two (2) reportable sanitary sewer overflow events per year at a de minimis cost for reporting and record keeping and that 570 of these POTWs and POSSs will be located in smaller rural municipalities. Some communities, however, are expected to have a considerable number of combined sewer overflow events each year. The rule, however, imposes no cost on POTWs and POSSs to develop CSO reporting systems. DEC based the above labor

costs on use of the department approved alert system that will notify DEC, NYSDOH, local health departments, elected officials, adjoining municipalities, and the general public. The rule requires that POTWs and POSSs use the department approved form of electronic media (currently NY-ALERT) to carry out all of the rule's electronic reporting and notification requirements. The department acknowledges that initial capital costs and annual costs will vary depending on the municipality and the circumstances regarding each sewage release event.

5. Economic and technological feasibility. Compliance with the rule is expected to be feasible for local governments both economically and technologically. It is expected that local governments will have the ability to finance the costs associated with the rule. Two hour reporting to DEC and health authorities under the rule (as well as daily and termination reports) will be accomplished by electronic entry of information into the NY-ALERT system which will forward the entered information to DEC and health authorities. The NY-ALERT system will also accommodate four hour notification to the chief elected official of the municipality where the discharge occurred, adjoining municipalities that may be affected and the general public. The NY-ALERT system will not be technologically complex to use and will not require substantial upgrades to the existing computer systems of local governments. If DEC switches to a system other than NY-ALERT in the future, it will seek a system that provides similar attributes.

6. Minimizing adverse impact. The rule is designed to minimize adverse economic impacts to local governments within the context of the statutory mandate. The timeframes for two hour reporting and four hour notification in the rule match the timeframes set forth in the enabling statute (Environmental Conservation Law (ECL) section 17-0826-a). There are not expected to be any significant costs to local governments to comply with the rule. It is expected that local governments will be able to use existing computer systems to comply with the rule without needing substantial upgrades to these systems. The approaches for minimizing adverse economic impact suggested in SAPA 202-b (1) and other similar approaches were considered, but ECL 17-0826-a does not provide for exemptions from coverage, or for differing compliance or reporting requirements or timetables, based upon the resources of the local government. Therefore, no such approaches are contained in the rule. Nevertheless, the rule is written and will be implemented in a manner that minimizes adverse economic impacts to local governments within the parameters of the statutory authority.

7. Small business and local government participation. DEC has complied with SAPA 202 (b) (6) by assuring that small businesses and local governments have had an opportunity to participate in the rule making process. This occurred through posting notice of the proposed rule making on the DEC website; maintaining a public website informing public and private interests of the impact of the rule; and through interaction with owners and operators of POTWs and POSSs, environmental groups, and others. DEC also held Water Management Advisory Committee (WMAC) meetings on the rule which were attended by various stakeholders. Furthermore, the proposed rule was published in the State Register and the public was provided with an opportunity to comment on the proposed rule. The Department has reviewed the comments received and has completed an Assessment of Public Comments.

8. For rules that either establish or modify a violation or penalties associated with a violation. The entities regulated by the rule will have the ability to satisfy the requirements of the rule and thereby prevent the imposition of penalties as soon as the rule takes effect. No cure period or opportunity for ameliorative action beyond the language already contained in the rule is necessary to provide regulated entities with the ability to immediately comply with the rule.

Revised Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas. The rule will apply to all towns and villages in rural areas throughout the state that have publicly owned treatment works (POTWs) or publicly owned sewer systems (POSSs) or that adjoin communities that have POTWs or POSSs.

2. Reporting, recordkeeping and other compliance requirements; and professional services. The rule requires owners and operators of POTWs and POSSs to report untreated and partially treated sewage discharges to the New York State Department of Environmental Conservation (DEC) and the local health department, or if there is none, the New York State Department of Health immediately, but in no case later than two hours from discovery of the discharge, except partially treated sewage discharged directly from a POTW that is in compliance with a DEC approved plan or permit does not have to be reported. Owners and operators of POTWs and POSSs also need to continue reporting for each day after the initial report is made until the discharge terminates, except that on the day the discharge terminates, a report documenting termination of the previously reported discharge may be made in lieu of the daily report. Daily and termination reports must be made within 24 hours of the previous report. The definition of 'municipality' in the existing regulations (6 NYCRR

750-1.2 (a) (51)) will apply to the rule's definition of 'POSS' and continue to apply to the current definition of 'POTW' which has been left unchanged. Thus, both POTWs and POSSs will include systems that are owned by a "county, town, city, village, district corporation, special improvement district, sewer authority or agency thereof." The rule, however, distinguishes a POSS from a POTW by defining a POSS as "a sewer system owned by a municipality and which discharges to a POTW owned by another municipality." In contrast, a POTW does not include a municipally owned sewer system unless the sewer system that discharges to the POTW is owned by the same municipality. The rule also describes the necessary content of two hour reports to the extent knowable with existing systems and models as prescribed by Environmental Conservation Law (ECL) 17-0826-a (1) (a)-(f).

Furthermore, the rule obligates owners and operators of POTWs and POSSs to notify the chief elected official, or authorized designee, of the municipality where the discharge occurred and the chief elected official, or authorized designee, of any adjoining municipality that may be affected of untreated and partially treated sewage discharges to surface water as soon as possible, but no later than four hours from discovery of the discharge. The municipal notification requirement does not apply to partially treated sewage discharged directly from a POTW that is in compliance with a DEC approved plan or permit. For purposes of the municipal notification requirement, the rule defines a 'municipality' to be "a city, town or village" and an 'adjoining municipality' to mean "a municipality that is adjacent to the municipality in which the discharge occurred."

In addition, the rule requires owners and operators of POTWs and POSSs to notify the general public as soon as possible, but no later than four hours from discovery of discharges of untreated and partially treated sewage to surface water, except that no notification is required for partially treated sewage discharged directly from a POTW that is in compliance with a DEC approved plan or permit.

The rule does not require POTWs or POSSs to upgrade their infrastructure or install monitoring equipment. However, for combined sewer overflows for which real-time telemetered discharge monitoring and detection does not exist, the rule requires owners and operators of POTWs and POSSs to expeditiously issue advisories to the general public through appropriate electronic media as determined by the department when, based on actual rainfall data or predictive models, enough rain has fallen that combined sewer overflows may discharge. These advisories may be made on a waterbody basis rather than by individual combined sewer overflow points.

Finally, the rule establishes a registration program for POSSs; requires owners and operators of POSSs to properly operate and maintain their facilities; obligates owners and operators of POSSs to file five day written incident reports (as currently required for POTW SPDES permittees and other SPDES permittees); directs owners of POSSs to notify DEC of a change in ownership or operation of their facilities; and provides that DEC has authority to inspect POSSs and copy records. It may be necessary for municipalities in rural areas to employ professional services to carry out the responsibilities associated with the rule if existing staff are insufficient to handle these duties.

3. Costs. There may be some initial capital costs to municipalities or their contractors (including those in rural areas) to comply with the rule. These costs would consist of upgrades to computer systems to comply with the rule's electronic reporting and notification requirements if existing computer systems are not adequate. It is estimated that the cost to a municipality (or its contractor) to upgrade its computer system to comply with the rule would be a single expenditure of about \$1,000. Approximately 140 municipalities (or their contractors) will need to upgrade their computer systems to comply with the rule, all of which are located in rural areas. It may also be necessary for some municipalities to hire additional employees or to extend the work hours of current employees on an annual basis to comply with the rule if existing staff are unable to handle these duties during current work hours. The rule imposes two hour reporting and four hour notification requirements on owners and operators of POTWs and POSSs (along with daily and termination reports); requires POTWs and POSSs to issue advisories for certain combined sewer overflows; establishes a registration program for POSSs and obligates them to file five day written incident reports; and requires owners of POSSs to notify DEC of a change in ownership or operation of the facility. The pay rate of an employee to handle the duties associated with the rule is estimated to be \$34.80 to \$60.85 per hour. Some local health departments are also expected to incur expenses of approximately \$1,000 to upgrade their computer systems as well as minimal annual expenses associated with employee services.

There are approximately 620 permitted POTWs and 300 identified POSSs statewide. DEC estimates that 890 municipalities own a single POTW or POSS and that the remaining 30 POTWs and POSSs are owned by municipalities that own more than one of these facilities. DEC

anticipates that each POTW and POSS will have, on average, two (2) reportable sanitary sewer overflow events per year at a de minimis cost for reporting and record keeping and that 570 of these POTWs and POSSs will be located in rural areas. Some communities, however, are expected to have a considerable number of combined sewer overflow events each year. The rule, however, imposes no cost on POTWs and POSSs to develop CSO reporting systems. DEC based the above labor costs on use of the department approved alert system that will notify DEC, NYSDOH, local health departments, elected officials, adjoining municipalities, and the general public. The rule requires that POTWs and POSSs use the department approved form of electronic media (currently NY-ALERT) to carry out all of the rule's electronic reporting and notification requirements. The department acknowledges that initial capital costs and annual costs will vary depending on the municipality, including those in rural areas, and the circumstances regarding each sewage release event.

4. Minimizing adverse impact. There are no adverse environmental, public health or other impacts to rural areas associated with the rule. The rule imposes the same compliance, reporting and notification requirements (and associated timeframes) upon all owners and operators of POTWs and POSSs statewide. The rule is being carried out in this manner because the enabling legislation, ECL section 17-0826-a, does not distinguish between POTWs and POSSs located in rural areas and those located elsewhere. The approaches suggested by SAPA 202-bb (2) and other similar approaches were considered, but the statutory authority does not provide for exemptions and imposes the same requirements and timetables on all POTWs and POSSs throughout the state irrespective of their location.

5. Rural area participation. DEC complied with SAPA 202-bb (7) by providing public and private interests in rural areas with the opportunity to participate in the rule making process. This occurred through posting notice of the proposed rulemaking on the DEC website; maintaining a public website informing public and private interests of the impact of the rule; and through interaction with owners and operators of POTWs and POSSs, environmental groups, and others. The Department also held Water Management Advisory Committee (WMAC) meetings on the rule which were attended by various stakeholders. Furthermore, notice of the proposed rule was published in the State Register and the public was provided with an opportunity to comment on the proposed rule. The Department has reviewed the comments received and has completed an Assessment of Public Comments.

Revised Job Impact Statement

The rule will not have any substantial adverse impact on jobs or employment opportunities as apparent from the rule's nature and purpose. The rule reiterates and implements the requirements set forth in ECL section 17-0826-a (the Sewage Pollution Right to Know Act) and establishes a registration program for publicly owned sewer systems. As evident from its subject matter, the rule will not have any adverse impact on jobs or employment opportunities as the new requirements will not hinder jobs or employment opportunities, but rather could necessitate the hiring of additional personnel or the extension of work hours for current employees to meet the requirements of the rule.

Assessment of Public Comment

Introduction

In June of 2015, the New York State Department of Environmental Conservation ("DEC") filed a Notice of Proposed Rulemaking to revise provisions of 6 NYCRR Parts 750 and 621 to implement ECL 17-0826-a, known as the Sewage Pollution Right to Know Act ("SPRTRK"). DEC accepted public comments from June 17, 2015 until the close of business on August 3, 2015. DEC re-filed the identical proposed rule on June 13, 2016 and accepted additional public comments from June 29, 2016 until the close of business on August 15, 2016.

The Assessment of Public Comments responds to all substantive comments received during both public comment periods. Changes were made to the proposed rule based upon comments received. The changes made are non-substantive and do not require a revised or new rule making. DEC recognizes the time, effort, and dedication taken by the individuals and groups who have participated in this process.

This is a Summary of the full Assessment of Public Comments which can be found at the DEC website: <http://www.dec.ny.gov/regulations/39559.html>. The comments have been consolidated and grouped by subject category.

I. CSO Reporting Requirements

A. Wet Weather CSO Reporting

Comments

A number of comments were received regarding wet weather CSO reporting and whether or not such reporting should be required under the rule.

Response

Consistent with SPRTRK, the final rule requires CSOs to be reported by

POTWs and POSSs immediately, but in no case later than two hours from discovery of the discharge. Likewise, four hour notifications to municipalities and the general public include CSOs. The final rule as modified in response to comments also requires expeditious issuance of CSO advisories by POTWs and POSSs based upon actual rainfall data or predictive models in situations where there is no monitoring equipment to detect CSOs when they may occur. These advisories may be made on a waterbody basis.

II. Implementation of the Law

A. Common Electronic Reporting System

Comments

Several commenters urged DEC to mandate use of the same reporting system to satisfy all of the rule's electronic reporting and notification requirements. Other commenters noted the difficulty associated with keeping track of the contact information for municipalities that are entitled to be notified of untreated and partially treated sewage discharges.

Response

In response to these comments, the rule has been changed to require use of the DEC approved electronic system (currently NY-Alert) for all of the rule's electronic reporting and notification requirements. In addition, the final rule now expressly provides that POTWs and POSSs are in compliance with the rule's electronic reporting and notification requirements if they register to use the DEC approved electronic system and submit timely and sufficient reports and notifications when required. NY-Alert has been developed so that anyone can sign up to receive alerts without charge. Therefore, it is unnecessary to obligate POTWs and POSSs to keep track of the contact information for municipalities.

B. Registration Program for POSSs

Comments

Some commenters wanted clarification whether the rule required POSSs to obtain registrations rather than SPDES permits. Commenters also wanted to ensure that POSSs obtained the required registrations.

Response

POSSs are only required to obtain registrations, not SPDES permits (See, new 750-1.22). POSS operation and maintenance requirements have been relocated to new 750-2.8(g). The final rule revises the headings of 6 NYCRR Subparts 750-1 and 750-2 to reference POSS registrations. DEC has determined that 98% of POTWs and an estimated 70% POSSs have registered with DEC to be authorized to report using NY-Alert.

C. Scope of Reporting Requirements

Comments

Some comments raised questions about what precise sewage releases needed to be reported citing examples of various scenarios and asking for clarification.

Response

Under SPRTRK and these regulations, all untreated and partially treated sewage discharges to surface and ground water, irrespective of volume, must be reported immediately, but in no case later than two hours from discovery of the discharge, except that partially treated sewage discharged directly from a POTW that is in compliance with a DEC approved plan or permit does not need to be reported. The final rule clarifies that CSOs are considered to be untreated sewage for purposes of § 750-2.7 and that they are subject to two hour reporting and four hour notifications. The modified provision regarding CSO advisories also applies to those CSOs for which real-time telemetered discharge monitoring and detection does not exist. See, new 750-2.7(b)(2)(iii).

D. Implementation Costs

Comments

Some commenters asserted that DEC's assessment of the costs was too low, especially for employee services necessary to satisfy the requirements of the rule.

Response

DEC's assessment was based upon the average treatment plant operator hourly wage (\$34.80 to \$60.85 per hour) and the estimated time for reporting each SSO event. DEC estimates that POTWs and POSSs will have, on average, two SSO events per year. DEC acknowledges that some communities with combined sewer systems will have a considerable number CSO events each year and that the pay rate for a qualified individual to report these events will be comparable. Costs will vary based upon the municipality and circumstances associated with each sewage release event. There is no charge to use NY-Alert, but some regulated entities may also need to incur expenses of about \$1,000 to purchase computers to use NY-Alert.

E. Enforcement

Comments

Some commenters wanted to know how penalties would be assessed for those that violated the new regulations.

Response

ECL Article 71, Title 19 contains penalty provisions under the law that apply to violations of SPRTRK and the new regulations. DEC will refer to applicable enforcement guidance when pursuing enforcement.

III. Draft Regulations and Process

A. Steps Taken to Contain the Discharge

Comments

Commenters pointed out that under SPRTK, there is no requirement to report the steps taken to contain the discharge if the discharge is a wet weather combined sewer overflow discharge.

Response

The rule has been revised in response to these comments and now aligns more closely with SPRTK.

B. Timeframe for Reports and Notifications

Comments

Some commenters indicated that the language in the proposed rule should be revised to include the words “immediately, but in no case later than” for two hour reporting and “as soon as possible, but no later than” with respect to four hour notifications to match SPRTK.

Response

In response to these comments, the rule has been revised to include the above language.

C. Daily and Termination Reports

Comments

DEC received several comments about daily and termination reports. Issues raised by the comments included: CSOs should be exempted; who could make these reports; the timeframe for making reports; authority for the requirement; burdens associated with these reports; and concern that the public could misinterpret reports.

Response

In response to the comments, the final rule now specifies that daily and termination reports are not required for wet weather CSO events and that these reports must be made within 24 hours of the previous report. Daily and termination reports may be made by any authorized notifier and the notifier does not need to be the same person that made the initial discharge report or a previous daily report. Daily and termination reports are consistent with DEC’s authority to promulgate rules and regulations that are necessary to implement SPRTK. Although there is some burden associated with these reports, DEC believes the reports provide an important benefit to DEC, health authorities and the general public since they track the status of a discharge until it terminates. The New York State Department of Health (“DOH”) and local health departments will assess the public health risk.

D. Volume of the Discharge

Comments

Some commenters asserted that there should be a minimum volume for the reporting of untreated and partially treated sewage discharges.

Response

DEC considered these comments, but decided to leave the rule unchanged in this regard because SPRTK does not specify a minimum volume. DEC also consulted with DOH regarding this aspect of the rule and it was decided not to specify a minimum volume since even a small volume may present some public health threat.

E. Five Day Written Incident Reports

Comments

Some comments pointed out that there is no requirement that five day written incident reports be made for wet weather combined sewer overflow events.

Response

DEC agrees that under the prior version of 6 NYCRR 750-2.7(b)-(d) there is no requirement to file a five day written incident report for wet weather combined sewer overflows in accordance with a DEC approved plan or permit and that SPRTK does not change this aspect of the law. The final rule expressly clarifies that five day written incident reports are not required for wet weather CSO events that are in compliance with a DEC approved plan or permit. See, revised 750-2.7(d).

Comments

Some commenters stated that five day written incident reports should not be required if termination reports are required.

Response

DEC has not eliminated the requirement to file five day written incident reports. Termination reports do not have a legal certification statement. Under the final rule, DEC may waive five day written incident reports in certain circumstances.

IV. Clarification of Definitions

A. “Adjoining Municipality”

Comments

A number of commenters indicated that they believed that the scope of the municipal notification requirement was too narrow and urged DEC to extend the notification requirement to all potentially impacted downstream communities and media outlets. Other organizations commenting on behalf of the regulated community felt that the definition was too broad and that a notification should not be required for an upstream adjacent community, but rather only for downstream adjacent communities in the flow path of a sewage discharge.

Response

SPRTK requires notification to adjoining municipalities “that may be affected.” Consistent with SPRTK, the final regulations add the words “that may be affected.” The definition of “adjoining municipality” in the final rule has not been changed from the definition previously proposed in 750-2.7(b)(2)(ii)(a). Although only adjacent municipalities that may be affected by a surface water discharge must be notified, anyone including downstream communities that are not adjacent to the municipality where the discharge occurred and the media may sign up to receive alerts at no charge.

B. “Discharge”

Comments

Some commenters stated that clarification was needed regarding definition of the term “discharge.”

Response

DEC believes that the definition of “discharge” in 6 NYCRR 750-1.2(a)(26), re-numbered to be 750-1.2(a)(28), is clear and has left this definition unchanged.

C. “Partially Treated Sewage” and “Untreated Sewage”

Comments

Some comments questioned the meaning of the definitions of “partially treated sewage” and “untreated sewage.”

Response

DEC has revised the definitions of “partially treated sewage” and “untreated sewage” to clarify the meaning of these terms.

D. Impact of Definition of “Partially Treated Sewage”

Comments

Some commenters expressed concern about the previously proposed definition of “partially treated sewage.” SPRTK does not require reporting for “partially treated sewage discharged directly from a POTW that is in compliance with a department approved plan or permit.” These commenters indicated concern that any type of treatment, such as chlorination in the collection system, could have the unintended consequence of rendering a discharge occurring before the treatment plant something other than raw sewage, thereby placing it beyond the scope of SPRTK reporting.

Response

The final rule revises the definition of “partially treated sewage” to mean “sewage that is diverted around any portion of the treatment plant of a sewage treatment works after it enters the treatment plant.” Furthermore, the final rule adds language to 750-2.7(b)(2) explaining that a CSO is considered to be untreated sewage for purposes of the requirement to make two hour reports, four hour notifications, and CSO advisories. This eliminates the concern raised by the comment by clarifying that a discharge before the treatment plant is considered untreated sewage rather than partially treated sewage even if there is some treatment in the collection system.

Department of Financial Services

NOTICE OF ADOPTION

Financial Statement Filings and Accounting Practices and Procedures

I.D. No. DFS-24-16-00004-A

Filing No. 985

Filing Date: 2016-10-19

Effective Date: 2016-11-09

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

Action taken: Amendment of Part 83 (Regulation 172) of Title 11 NYCRR.

Statutory authority: Financial Services Law, sections 202 and 302; Insurance Law, sections 107(a)(2), 301, 307, 308, 1109, 1301, 1302, 1308, 1404, 1405, 1407, 1411, 1414, 1501, 1505, 3233, 4117, 4233, 4239, 4301, 4310, 4321-a, 4322-a, 4327 and 6404; Public Health Law, sections 4403, 4403-a, 4403-c(12) and 4408-a; and L. 2002, ch. 599; L. 2008, ch. 311

Subject: Financial Statement Filings and Accounting Practices and Procedures.

Purpose: To update citations in Part 83 to the Accounting Practices and Procedures Manual as of March 2016.

Text or summary was published in the June 15, 2016 issue of the Register, I.D. No. DFS-24-16-00004-P.

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

Text of rule and any required statements and analyses may be obtained from: Sally Geisel, New York State Department of Financial Services, One State Street, New York, NY 10004, (212) 480-7608, email: sally.geisel@dfs.ny.gov

Revised Job Impact Statement

The Department of Financial Services (“Department”) does not believe that this rulemaking will have any impact on jobs and employment opportunities, including self-employment opportunities. The amendment adopts the most recent edition published by the National Association of Insurance Commissioners (“NAIC”) of the Accounting Practices and Procedures Manual As of March 2016 (“2016 Accounting Manual”), replacing the rule’s current reference to the Accounting Practices and Procedures Manual As of March 2015.

All states require insurers to comply with the 2016 Accounting Manual, which establishes uniform practices and procedures for U.S.-licensed insurers. Adoption of the rule is necessary for the Department to maintain its accreditation status with the NAIC. The NAIC accreditation standards require that state insurance regulators have adequate statutory and administrative authority to regulate insurers’ corporate and financial affairs, and that they have the necessary resources to carry out that authority.

Assessment of Public Comment

The agency received no public comment.

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

Agent Training Allowance Subsidies

I.D. No. DFS-45-16-00003-P

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

Proposed Action: Amendment of section 12.2 (Regulation 50) of Title 11 NYCRR.

Statutory authority: Financial Services Law, sections 202 and 302; Insurance Law, sections 301 and 4228

Subject: Agent Training Allowance Subsidies.

Purpose: To update the limits of training allowance subsidies contained in 11 NYCRR 12 (Regulation 50).

Text of proposed rule: Section 12.2 is amended as follows:

Insurance Law Section 4228(e)(3)(G) provides that the superintendent shall periodically adjust the cumulative maximum training allowance subsidy limits to agents set forth in sections 4228(e)(3)(C) through (E) for agents with respect to the types of policies specified in Insurance Law Section 4228(a). Accordingly, the amounts as specified in section 4228(e)(3)(C) through (E) are adjusted as follows:

(a) Subparagraph (e)(3)(C): an agent may receive a training allowance subsidy, provided:

(1) the agent has earned less than [\$26,000] \$30,000 from the sale of policies and contracts cumulatively during the three years prior to such agent’s appointment; or

(2) less than 25 percent of the agent’s earned income has been received from the sale of policies and contracts during each of the three years prior to appointment.

(b) Subparagraph (e)(3)(D): an agent may not receive a training allowance subsidy, on a cumulative basis:

(1) for an agent in the first year of the subsidies, the greater of [\$37,000] \$43,000 and 60 percent of the first year commission limit;

(2) for an agent in the second year of the subsidies, the greater of [\$58,000] \$67,000 and 60 percent of the first year commission limit in the first year and 40 percent of the first year commission limit in the second year;

(3) for an agent in the third year of such subsidies, the greater of [\$71,000] \$82,000 and 60 percent of the first year commission limit in the first year and 40 percent of the first year commission limit in the second year, and 20 percent of the first year commission limit for the third year; and

(4) for an agent in the fourth year of such subsidies, the greater of [\$78,000] \$90,000 and 60 percent of the first year commission limit in the first year and 40 percent of the first year commission limit in the second year, 20 percent of the first year commission limit in the third year, and 10 percent of the first year commission limit in the fourth year.

(c) Subparagraph (e)(3)(E): if the agent has earned at least [\$86,000] \$99,000 of income during either of the two calendar years immediately preceding commencement of receipt of training allowance subsidies, a company may pay additional training allowance subsidies of [\$1,300]

\$1,500 to the agent during each of the first two years of this agent’s receipt of training allowance subsidies for every [\$2,600] \$3,000 of the earned income in excess of [\$86,000] \$99,000, provided that the cumulative training allowance subsidy does not exceed [\$59,000] \$68,000 in the agent’s first year of receipt of a training allowance subsidy and provided further that the agent receives not greater than [\$78,000] \$90,000 in total training allowance subsidies.

Text of proposed rule and any required statements and analyses may be obtained from: James MacDonald, New York State Department of Financial Services, One State Street, New York, NY 10004, (212) 480-5331, email: james.macdonald@dfs.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: The Superintendent’s authority to promulgate the First Amendment to Insurance Regulation 50 (11 NYCRR 12) derives from sections 202 and 302 of the Financial Services Law (“FSL”) and sections 301 and 4228 of the Insurance Law.

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

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

Section 4228 of the Insurance Law contains limits on the amount of training allowance subsidies and other compensation an insurer may pay its agents. Insurance Law section 4228(e)(3)(G) provides that the Superintendent shall periodically adjust the cumulative maximum training allowance subsidy limits set forth in sections 4228(e)(3)(C) through (E).

2. Legislative objectives: Insurance Law sections 4228(e)(3)(C) through (E) describe the cumulative maximum training allowance limits an insurer may pay its agents. Section 4228 recognizes that the dollar amount of the training allowance limits contained in sections 4228(e)(3)(C) through (E) would eventually become insufficient due to inflation. Therefore, section 4228(e)(3)(G) provides that the Superintendent shall periodically adjust these cumulative maximum training allowance limits. Insurance Regulation 50, which was promulgated on September 28, 2007, increased these limits to reflect the rise in costs due to inflation since the January 1, 1998 effective date of Insurance Law section 4228.

3. Needs and benefits: More than eight years have passed since the promulgation of Insurance Regulation 50, which increased the training allowance limits that were initially set by statute in 1998 to adjust for inflation. Because inflation has caused costs to rise over the years, the cumulative maximum training allowance limits on the amount an insurer can pay its new and inexperienced agents set by the current regulation have become insufficient. This amendment, permitting an increase in these limits, is necessary to adjust for inflationary increases that have arisen since the regulation was first promulgated on September 28, 2007.

4. Costs: The proposed amendment increases the amount of training allowance subsidies an insurer authorized to do business in New York State may pay. Costs to a life insurer may increase moderately, if the insurer opts to increase the training allowance subsidy. However, an insurer that now pays subsidies under the lower limits contained in Insurance Regulation 50 or Insurance Law sections 4228(e)(3)(C) through (E) does not have to increase its training allowance and does not have to make any new filing with the Department. Thus, an insurer that does not wish to increase training allowance subsidies will not experience any cost increase.

The Department does not anticipate any increased cost impact on it by this amendment, and the amendment may reduce Department costs to the extent that it reduces the number of filings made under Insurance Law section 4228(e)(3)(H), requiring an insurer to seek approval from the Superintendent in order to obtain a deviation from the current limits. There are no anticipated costs to other government agencies or local governments.

While there is a possibility that costs to insureds may increase, it is anticipated that any increase will be offset by lower per policy administrative costs. The higher permitted training allowances should allow insurers to hire more able agents and sell more policies, which should result in the decline of per policy administrative costs. The expectation is that this decline in administrative costs will outweigh the increase in costs due to the higher training allowance payments.

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

6. Paperwork: The amendment imposes no new reporting requirements.

7. Duplication: The amendment does not duplicate any existing laws or regulations.

8. Alternatives: The Department circulated a draft of this proposal to the Life Insurance Council of New York (“LICONY”) and National Association of Insurance and Financial Advisors – New York State (“NAIFA”), which represent the affected insurers and insurance agents. The Department received no written comments from either of the associations. However, LICONY, NAIFA, and life insurers have actively advocated that the Department raise the limits and thus fully support this amendment because they believe that it would provide much needed incentives for new agents.

The Department believes that there are no other viable alternatives to accomplish the objective of this amendment, to increase the life insurance agent training allowance limits to adjust for inflation. Furthermore, Insurance Law section 4228(e)(3)(G) sets forth the method to adjust the limits for inflation, which is to amend the limits by regulation.

9. Federal standards: There are no federal standards in this subject area.

10. Compliance schedule: The amendment, if adopted, will be effective immediately. Since this proposal lessens the restrictions on paying agent training allowance subsidies, the promulgation of this amendment will not adversely impact any training allowance program now in effect.

Regulatory Flexibility Analysis

1. Small businesses: The Department of Financial Services (“Department”) finds that this rule will not impose any adverse economic impact on small businesses and will not impose any reporting, recordkeeping or other compliance requirements on small businesses. The basis for this finding is that this rule is directed at all life insurers authorized to do business in New York State, none of which fall within the definition of “small business” as defined in section 102(8) of the State Administrative Procedure Act. The Department has reviewed filed reports on examination and annual statements of authorized life insurers and found that none of them fall within the definition of a “small business”, because there are none that are both independently owned and have less than one hundred employees. Furthermore no life insurance agent affected by this rule who meets the definition of a “small business” will undergo any additional reporting, recordkeeping or other compliance requirements. Any such reporting, recordkeeping or other compliance requirements are borne by the insurer who makes the training allowance payments. The only effect on the agent is to receive an increased level of training allowance payments.

2. Local governments: The amendment does not impose any impacts, including any adverse impacts, or any reporting, recordkeeping, or other compliance requirements on any local governments.

Rural Area Flexibility Analysis

1. Types and estimated number of rural areas: Insurance companies and insurance agents covered by the rule do business in every county in this state, including rural areas as defined under State Administrative Procedure Act section 102(10).

2. Reporting, recordkeeping and other compliance requirements; and professional services: This amendment does not change the reporting, recordkeeping and other compliance requirements that have been in effect since the adoption of 11 NYCRR 12 (Insurance Regulation 50) in September 2007.

3. Costs: The proposed amendment increases the amount of training allowance subsidies an insurer authorized to do business in New York State may pay. Costs to a life insurer may increase moderately, if the insurer opts to increase the training allowance subsidy. However, an insurer that now pays subsidies under the lower limits contained in Insurance Regulation 50 or Insurance Law sections 4228(e)(3)(C) through (E) does not have to increase its training allowance and does not have to make any new filing with the Department of Financial Services (“Department”). Thus, an insurer that does not wish to increase training allowance subsidies will not experience any cost increase.

The Department does not anticipate any increased cost impact on it by this amendment, and the amendment may reduce Department costs to the extent that it reduces the number of filings made under Insurance Law section 4228(e)(3)(H), requiring an insurer to seek approval from the Superintendent in order to obtain a deviation from the current limits.

While there is a possibility that costs to insureds may increase, it is anticipated that any increase will be offset by lower per policy administrative costs. The higher permitted training allowances should allow insurers to hire more able agents and sell more policies, which should result in the decline of per policy administrative costs. The expectation is that this decline in administrative costs will outweigh the increase in costs due to the higher training allowance payments.

4. Minimizing adverse impact: This amendment uniformly affects insurers and insurance agents that are located in both rural and non-rural areas of New York State. The rulemaking should not impose any adverse impact on rural areas.

5. Rural area participation: Prior to proposing this amendment, the Department had conversations with the National Association of Insurance and Financial Advisors – New York State (“NAIFA”) and the Life Insur-

ance Council of New York (“LICONY”), which represent affected insurers and insurance agents, some of which are located in rural areas. The Department circulated a draft of this proposal to both associations and received no written comments from them. However, LICONY, NAIFA, and life insurers have actively advocated that the Department raise the limits and thus fully support this amendment because they believe that it would provide much needed incentives to attract new agents. Also, public and private interests in rural areas will have an additional opportunity to participate in the rulemaking process once the proposed rule is published in the State Register and posted on the Department’s website.

Job Impact Statement

The amendment to Insurance Regulation 50 should either have a positive or no impact on jobs and employment opportunities, including self-employment opportunities, in New York State. This amendment allows life insurers to increase limits on training allowance subsidies. As a result, employment as a life insurance agent may become more desirable, which may lead to more people taking the agent licensing examination, a greater number of license applications being filed, the hiring of new agents, and greater enrollment in required continuing education classes, all of which may require the hiring of additional employees or create new employment opportunities to provide more of those services.

New York State Gaming Commission

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Permit Jockeys to Wear Trade Logos and Own Name on Jockey Clothing

I.D. No. SGC-45-16-00002-P

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

Proposed Action: Amendment of section 4041.6 of Title 9 NYCRR.

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

Subject: Permit jockeys to wear trade logos and own name on jockey clothing.

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

Text of proposed rule: Section 4041.6 of 9 NYCRR would be amended as follows:

§ 4041.6. Wearing of advertising or promotional material.

(a) A jockey may not wear any clothing other than the usual helmet, silks, pants, boots and gloves nor display on such clothing any material other than:

(1) a logo of the Jockeys’ Guild that does not exceed 10 square inches;

(2) a logo of the Permanently Disabled Jockeys Fund that does not exceed 10 square inches; and

(3) authorized advertising or promotional material [without] worn with permission of the stewards.

(b) Advertising or promotional material may be worn by a jockey provided such jockey has filed with the stewards and the race track in a form furnished by the commission at least 24 hours before the applicable race, a description of the advertising or promotional material to be worn with the name of the brands and sponsors and referring to a written authorization by the managing owner of the horse to be ridden which authorization is also filed.

(c) Notwithstanding the foregoing when a corporation, company or any other entity sponsors a race or raceday at the track, the track may prohibit such advertising or promotional material from being worn that represents a competitor of such sponsoring corporation, company or other entity. In this regard the track shall notify the stewards of such prohibition at least two hours before the first race of the day, and the jockey upon arrival in the jockeys’ enclosure.

(d) A jockey may display the jockey’s name on the pants and the rear of the helmet, only if the name:

(1) is the jockey’s legal name;

(2) appears on any combination of the outside of the right thigh, the

outside of the left thigh, the rear of the pants between the waistline and the base of the spine or the rear of the helmet;

(3) not exceed 32 square inches on the outside of each thigh, 10 square inches on the rear of the pants and six square inches on the rear of the helmet; and

(4) appears in black lettering.

Text of proposed rule and any required statements and analyses may be obtained from: Kristen M. Buckley, New York State Gaming Commission, 1 Broadway Center, PO Box 7500, Schenectady, New York 12301, (518) 388-3407, email: gamingrules@gaming.ny.gov

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

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

Regulatory Impact Statement

1. Statutory authority: The New York State Gaming Commission ("Commission") is authorized to promulgate these rules pursuant to Racing, Pari-Mutuel Wagering and Breeding Law ("Racing Law") Sections 103(2) and 104(1, 19). Under Section 103(2), the Commission is responsible for supervising, regulating and administering all horse racing and pari-mutuel wagering activities in the State. Subdivision (1) of Section 104 confers upon the Commission general jurisdiction over all such gaming activities within the State and over the corporations, associations and persons engaged in such activities. Subdivision (19) of Section 104 authorizes the Commission to promulgate any rules and regulations that it deems necessary to carry out its responsibilities.

2. Legislative objectives: To preserve the safety and integrity of pari-mutuel racing while generating reasonable revenue for the support of government.

3. Needs and benefits: This rule making is needed to permit the limited use of certain advertising materials on the clothing of jockeys.

The current rules provide that jockeys may not wear any advertising or promotional material without the permission of the stewards. As a result, jockeys are required to obtain permission to wear the standard logos of their trade and to display their own names in a limited fashion on their clothing. It would be more sensible to permit such to be displayed without requiring stewards' permission.

The proposal would amend 9 NYCRR § 4041.6(a) to allow a jockey to wear the logos of the Jockeys' Guild and the Permanently Disabled Jockeys Fund, provided that each logo does not exceed 10 square inches in size.

The proposal would add a new subdivision (d) to 9 NYCRR § 4041.6 to allow a jockey to display his or her legal name on the pants and helmet of the jockey. The name must be in black lettering and be limited in location and size. The permissible locations would be the outer thighs, the rear waist area, and the back of helmet. The size limitations would be 32, 10 and six square inches, respectively, for each display of the jockey's name.

The proposal reflects the input and support of Jockeys' Guild, Inc., a trade organization that represents jockeys who compete in New York horse racing.

4. Costs:

(a) Costs to regulated parties for the implementation of and continuing compliance with the rule: These amendments will not add any new mandated costs to the existing rules. The jockey will not be required to wear the additional materials that are permitted on the jockey's clothing.

(b) Costs to the agency, the state and local governments for the implementation and continuation of the rule: None. The amendments will not add any new costs. There will be no costs to local government because the Commission is the only governmental entity authorized to regulate pari-mutuel harness racing.

(c) The information, including the source(s) of such information and the methodology upon which the cost analysis is based: N/A.

5. Local government mandates: None. The Commission is the only governmental entity authorized to regulate pari-mutuel thoroughbred racing activities.

6. Paperwork: There will be no additional paperwork.

7. Duplication: No relevant rules or other legal requirements of the state and/or federal government exist that duplicate, overlap or conflict with this rule.

8. Alternatives: The Commission considered requiring the Stewards to grant their permission for these displays. This was rejected as inefficient and unnecessary.

9. Federal standards: There are no minimum standards of the Federal government for this or a similar subject area.

10. Compliance schedule: The Commission believes that regulated persons will be able to achieve compliance with the rule upon adoption of this rule.

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

A regulatory flexibility analysis for small business and local governments, a rural area flexibility analysis, and a job impact statement are not

required for this rulemaking proposal because it will not adversely affect small businesses, local governments, rural areas, or jobs.

The proposed amendment permits jockeys to wear their trade organization logos (the Jockeys' Guild and the Permanently Disabled Jockeys Fund) and their own legal names on their clothing without having to gain the permission of the race stewards. The logos and names must be limited in size or location. The amendments will make the wearing of such neutral displays more efficient than under the current rule that requires a jockey obtain advance permission from the stewards.

This rule will not impose an adverse economic impact or reporting, record keeping, or other compliance requirements on small businesses in rural or urban areas or on employment opportunities. No local government activities are involved.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Anti-Stacking of NSAIDs and Diclofenac Made a 48 Hour NSAID

I.D. No. SGC-45-16-00004-P

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

Proposed Action: Amendment of sections 4043.2(e) and 4120.2(e) of Title 9 NYCRR.

Statutory authority: Racing, Pari-Mutuel Wagering and Breeding Law, sections 103(2), 104(1), (19), 301(1), (2) and 902(1)

Subject: Anti-stacking of NSAIDs and diclofenac made a 48 hour NSAID.

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

Text of proposed rule: Subdivision (e) of section 4043.2 of 9 NYCRR would be amended as follows:

§ 4043.2. Restricted use of drugs, medication and other substances.

(e) The following substances are permitted to be administered by any means until 48 hours before the scheduled post time of the race in which the horse is to compete:

(14) *no more than one of the following nonsteroidal anti-inflammatory drugs ([NSAID's] NSAIDs): [Phenylbutazone (e.g., Butazolidin)] diclofenac, [Flunixin] flunixin (e.g., Banamine), ketoprofen (e.g., Orudis), meclofenamic acid (e.g., Arquel), naproxen (e.g., Naprosyn, Equiproxen), [Ketoprofen (e.g., Orudis)] and phenylbutazone (e.g., Butazolidin);*

Subdivision (e) of section 4120.2 of 9 NYCRR would be amended as follows:

§ 4120.2. Restricted use of drugs, medication and other substances.

(e) The following substances are permitted to be administered by any means until 48 hours before the scheduled post time of the race in which the horse is to compete:

(9) hormones and, *except for any formulation of methylprednisolone, non-anabolic steroids, e.g., progesterone, estrogens, chorionic gonadotropin, glucocorticoids, except in joint injections as restricted in subdivision (i) of this section;*

(14) *no more than one of the following nonsteroidal anti-inflammatory drugs ([NSAID's] NSAIDs): [Phenylbutazone (e.g., Butazolidin)] diclofenac, [Flunixin] flunixin (e.g., Banamine), ketoprofen (e.g., Orudis), meclofenamic acid (e.g., Arquel), naproxen (e.g., Naprosyn, Equiproxen), [Ketoprofen (e.g., Orudis)] and phenylbutazone (e.g., Butazolidin);*

(18) sulfonamide drugs (e.g., Sulfa; [and]

(19) . . . [.] and

[21] notwithstanding paragraph (9) of this subdivision, the corticosteroid methylprednisolone (e.g., Depo Medrol) is not a substance that is permitted to be administered by any means until 48 hours before the scheduled post time of the race in which the horse is to compete.]

Text of proposed rule and any required statements and analyses may be obtained from: Kristen M. Buckley, New York State Gaming Commission, 1 Broadway Center, PO Box 7500, Schenectady, New York 12301, (518) 388-3407, email: gamingrules@gaming.ny.gov

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

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

Regulatory Impact Statement

1. Statutory authority: The New York State Gaming Commission (“Commission”) is authorized to promulgate these rules pursuant to Racing Pari-Mutuel Wagering and Breeding Law (“Racing Law”) Sections 103(2), 104(1, 19), 301(1, 2) and 902(1). Under Section 103(2), the Commission is responsible for supervising, regulating and administering all horse racing and pari-mutuel wagering activities in the State. Subdivision (1) of Section 104 confers upon the Commission general jurisdiction over all such gaming activities within the State and over the corporations, associations and persons engaged in such activities. Subdivision (19) of Section 104 authorizes the Commission to promulgate any rules and regulations that it deems necessary to carry out its responsibilities. Under Section 301, which applies to only harness racing, the Commission is authorized to supervise generally all harness race meetings and to adopt rules to prevent the circumvention or evasion of its regulatory purposes and provisions, and is directed to adopt rules to prevent horses from racing under the influence of substances affecting their speed. Section 902(1) authorizes the Commission to promulgate rules and regulations for an equine drug testing program that assures the public’s confidence and continues the high degree of integrity in pari-mutuel racing and to impose administrative penalties for racing a drugged horse.

2. Legislative objectives: To enable the Commission to preserve the integrity of pari-mutuel racing while generating reasonable revenue for the support of government.

3. Needs and benefits. This rule making is necessary to amend the Commission’s rules that permit the use of more than one non-steroidal anti-inflammatory drug (“NSAID”) within one week of racing and to adjust the Commission’s restricted time period governing the administration of the NSAID diclofenac to be consistent with regulatory thresholds.

The current rules permit the use of various approved NSAIDs to treat a horse until 48 hours before racing, 9 NYCRR §§ 4043.2(e)(14) (thoroughbred) and §§ 4120.2(e)(14) (harness), which is an exception to the general rules that no drugs may be used for one week before racing, 9 NYCRR 4043.2(h) (thoroughbred) and 4120.2(n) (harness). The purpose of the 48-hour restricted time period has been to allow more veterinary care for conditions of mild inflammation, but with treatments that cannot affect a horse’s pre-race veterinary examination or race performance. The effect of an NSAID, when administered singly, is known to dissipate by race day.

NSAIDs can be administered in combination, however, to increase the potency and duration of effect of each drug. Two NSAIDs administered in small, sub-clinical doses inside of 48 hours before the race, for example, can have a synergistic effect that makes them efficacious on race day. The testing laboratory cannot distinguish such an impermissible administration from two clinical doses given 48 hours before racing. Also, clinical doses given in combination more than 48 hours before racing can be efficacious for more than two days (i.e., on race day).

The administration of more than one kind of NSAID is not necessary to provide good veterinary care to a horse in active racing.

The proposal would amend the governing rules to allow only one NSAID to be used within one week of racing. As amended, the rules would permit the use of NSAIDs as originally intended, namely, to provide therapeutic relief to a horse while ensuring the administrations are neither efficacious on race day nor endanger the horse, jockey, driver, or race integrity.

The proposal would also amend subdivision (e) of sections 4043.2 and 4120.2 to add diclofenac to the list of permissible NSAIDs. This change will make the restricted time period for diclofenac, which is currently impermissible for one week before racing, consistent with the regulatory threshold that the Commission has adopted for diclofenac. A 48-hour restricted time period will provide an assurance to thoroughbred horsepersons that compliance would protect them from violation of such threshold.

Finally, the proposal makes various changes in style to clarify the rules.

4. Costs:

(a) Costs to regulated parties for the implementation of and continuing compliance with the rule: These amendments will not add any new mandated costs to the existing rules. There is no cost to the regulated party by administering only one NSAID to a horse, rather than administering a combination of NSAIDs.

(b) Costs to the agency, the state and local governments for the implementation and continuation of the rule: None. The amendments will not add any new costs. There will be no costs to local government because the Commission is the only governmental entity authorized to regulate pari-mutuel harness racing.

(c) The information, including the source(s) of such information and the methodology upon which the cost analysis is based: N/A.

5. Local government mandates: None. The Commission is the only

governmental entity authorized to regulate pari-mutuel thoroughbred racing activities.

6. Paperwork: There will be no additional paperwork.

7. Duplication: No relevant rules or other legal requirements of the state and/or federal government exist that duplicate, overlap or conflict with this rule.

8. Alternatives: The Commission considered the adoption of a complex set of interlocking threshold values for all permissible NSAIDs, whose only advantage would purportedly be to permit more than one NSAID to be administered during the week before a horse races, but rejected this alternative because of its needless complexity and permissiveness.

9. Federal standards: There are no minimum standards of the Federal government for this or a similar subject area.

10. Compliance schedule: The Commission believes that regulated persons will be able to achieve compliance with the rule upon adoption of this rule.

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

A regulatory flexibility analysis for small business and local governments, a rural area flexibility analysis, and a job impact statement are not required for this rulemaking proposal because it will not adversely affect small businesses, local governments, rural areas, or jobs.

These proposals would limit the administration of non-steroidal anti-inflammatory drugs (“NSAIDs”) to using only one kind of NSAID within one week of racing. The practice of using multiple such drugs is not necessary for good veterinary care and may endanger the horse and jockey or driver, as well as race integrity. The proposal would also approve the use of another NSAID, known as diclofenac. These amendments will serve to enhance the health and safety of racehorses and the drivers or jockeys on race day.

This rule will not impose an adverse economic impact or reporting, record keeping, or other compliance requirements on small businesses in rural or urban areas or on employment opportunities. No local government activities are involved.

State Liquor Authority

NOTICE OF WITHDRAWAL

Updated Price Posting Rules, License Durations, and Recordkeeping Requirements, and Rescinding of Whiskey Dividend Rules

I.D. No. LQR-17-16-00002-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. LQR-17-16-00002-P, has been withdrawn from consideration. The notice of proposed rule making was published in the *State Register* on April 27, 2016

Subject: Updated price posting rules, license durations, and recordkeeping requirements, and rescinding of whiskey dividend rules.

Reason(s) for withdrawal of the proposed rule: The authority received an industry objection that the addition of a 30 day cutoff for breakage retention didn’t go far enough.

Public Service Commission

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-26-15-00016-A

Filing Date: 2016-10-19

Effective Date: 2016-10-19

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 39 Plaza Housing Corporation’s (39 Plaza) petition to submeter electricity at 39 Plaza Street West, Brooklyn, New York.

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

Subject: Submetering of electricity.

Purpose: To approve 39 Plaza's petition to submeter electricity at 39 Plaza Street West, Brooklyn, New York.

Substance of final rule: The Commission, on October 13, 2016, adopted an order approving 39 Plaza Housing Corporation's petition to submeter electricity at 39 Plaza Street West, Brooklyn, New York, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(15-E-0300SA1)

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-20-16-00007-A

Filing Date: 2016-10-19

Effective Date: 2016-10-19

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 BAM GO Developers LLC's (BAM GO) notice of intent to submeter electricity at 250 Ashland Place, Brooklyn, New York.

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

Subject: Submetering of electricity.

Purpose: To approve BAM GO's notice of intent to submeter electricity at 250 Ashland Place, Brooklyn, New York.

Substance of final rule: The Commission, on October 13, 2016, adopted an order approving BAM GO Developers LLC's notice of intent to submeter electricity at 250 Ashland Place, Brooklyn, New York, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(16-E-0120SA1)

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-21-16-00007-A

Filing Date: 2016-10-19

Effective Date: 2016-10-19

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 Affinity Potsdam Properties, LLC's (Affinity) notice of intent to submeter electricity at 206 Outer Main Street, Building #67, Potsdam, New York.

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

Subject: Submetering of electricity.

Purpose: To approve Affinity's notice of intent to submeter electricity at 206 Outer Main Street, Building #67, Potsdam, New York.

Substance of final rule: The Commission, on October 13, 2016, adopted an order approving Affinity Potsdam Properties, LLC's notice of intent to submeter electricity at 206 Outer Main Street, Building #67, Potsdam, New York, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(16-E-0225SA1)

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-23-16-00008-A

Filing Date: 2016-10-19

Effective Date: 2016-10-19

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 135 West 52nd Street Condominium's (135 West) notice of intent to submeter electricity at 135 West 52nd Street, New York, New York.

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

Subject: Submetering of electricity.

Purpose: To approve 135 West's notice of intent to submeter electricity at 135 West 52nd Street, New York, New York.

Substance of final rule: The Commission, on October 13, 2016, adopted an order approving 135 West 52nd Street Condominium's notice of intent to submeter electricity at 135 West 52nd Street, New York, New York, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(16-E-0265SA1)

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-26-16-00020-A

Filing Date: 2016-10-19

Effective Date: 2016-10-19

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 QPS 23-10 Development LLC's (QPS) notice of intent to submeter electricity at 23-01 42nd Street, Long Island City, New York.

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

Subject: Submetering of electricity.

Purpose: To approve QPS' notice of intent to submeter electricity at 23-01 42nd Street, Long Island City, New York.

Substance of final rule: The Commission, on October 13, 2016, adopted an order approving QPS 23-10 Development LLC's notice of intent to submeter electricity at 23-01 42nd Street, Long Island City, New York, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(16-E-0320SA1)

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

Proposed Debt Financing for CCI Rensselaer LLC

I.D. No. PSC-45-16-00007-P

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

Proposed Action: The Commission is considering a Petition filed by CCI Rensselaer LLC requesting approval for proposed debt financing.

Statutory authority: Public Service Law, sections 4(1), 66(1) and 69

Subject: Proposed debt financing for CCI Rensselaer LLC.

Purpose: To consider proposed debt financing for CCI Rensselaer LLC.

Substance of proposed rule: The New York State Public Service Commission is considering a Verified Petition filed by CCI Rensselaer LLC (CCI Rensselaer) under Section 69 of the Public Service Law. In the Verified Petition, CCI Rensselaer is requesting an order authorizing a planned debt financing in an amount not to exceed \$350 million to support facility improvements and for other lawful purposes. 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-0552SP1)

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

Petition to Use a Commercial Electric Meter

I.D. No. PSC-45-16-00008-P

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

Proposed Action: The Public Service Commission is considering a petition filed by Landis+Gyr, Inc. on September 22, 2016, to use the Landis+Gyr S4X Commercial Meter with Gridstream Series 5 RF Mesh IP AMI, in commercial electric meter applications.

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

Subject: Petition to use a commercial electric meter.

Purpose: To consider the petition to use the Landis+Gyr S4X Commercial Meter with Gridstream Series 5 RF Mesh IP AMI.

Substance of proposed rule: The Public Service Commission is considering a petition filed by Landis+Gyr, Inc., on September 22, 2016, to use the Landis+Gyr S4x Commercial Meter platform with Gridstream Series 5 RF Mesh IP AMI, in commercial electric metering applications. 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-0548SP1)

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

Petition to Use a Residential Gas Meter

I.D. No. PSC-45-16-00009-P

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

Proposed Action: The Public Service Commission is considering a petition filed by Consolidated Edison Company of New York, Inc. on September 21, 2016, to use the Elster/American AT210TC gas meter in residential applications.

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

Subject: Petition to use a residential gas meter.

Purpose: To consider the petition to use the Elster/American AT210TC gas meter in residential applications.

Substance of proposed rule: The Public Service Commission is considering a petition filed by Consolidated Edison Company of New York, Inc., to use the Elster-American AT210TC gas meter, in residential gas metering applications. The Commission may adopt, reject or modify, in whole or in part, the relief proposed, and may resolve related matters.

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

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

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

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

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

(16-G-0541SP1)

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

Petition to Use a Residential Gas Meter

I.D. No. PSC-45-16-00010-P

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

Proposed Action: The Public Service Commission is considering a petition filed by Consolidated Edison Company of New York, Inc. on September 21, 2016, to use the Sensus RT230TC gas meter in residential applications.

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

Subject: Petition to use a residential gas meter.

Purpose: To consider the petition to use the Sensus RT230TC temperature compensated gas meter in residential applications.

Substance of proposed rule: The Public Service Commission is consider-

ing a petition filed by Consolidated Edison Company of New York, Inc., to use the Sensus RT230TC gas meter, in residential gas metering applications. The Commission may adopt, reject or modify, in whole or in part, the relief proposed and may resolve related matters.

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

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

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

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

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

(16-G-0542SP1)

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

Petition to Use a Residential Electric Meter

I.D. No. PSC-45-16-00011-P

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

Proposed Action: The Public Service Commission is considering a petition filed by Landis+Gyr, Inc., on September 22, 2016, to use the Landis+Gyr Focus AXe Residential Meter with Gridstream Series 5 RF Mesh IP AMI, in residential electric metering applications.

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

Subject: Petition to use a residential electric meter.

Purpose: To consider the petition to use the Landis+Gyr Focus AXe Meter with Gridstream Series 5 RF Mesh IP AMI.

Substance of proposed rule: The Public Service Commission is considering a petition filed by Landis+Gyr, Inc., on September 22, 2016, to use the Landis+Gyr Focus AXe Residential Meter platform, with Gridstream Series 5 RF Mesh IP AMI, in residential electric metering applications. 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-0549SP1)

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

Disposition of Property Tax Benefits

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

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

Proposed Action: The Commission is considering a request by Consolidated Edison of New York, Inc. and Orange & Rockland Utilities, Inc. proposing the disposition of certain property tax benefits.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Disposition of property tax benefits.

Purpose: To consider the disposition of property tax benefits.

Substance of proposed rule: The Public Service Commission is considering a petition by Consolidated Edison Company of New York, Inc. (Con Edison) and Orange and Rockland Utilities, Inc. (O&R) regarding the disposition of certain future property tax benefits. The Companies have proposed to retain 14% of the estimated future property tax savings from a settlement with the Town of Ramapo or \$1,512,600 for Con Edison and \$888,500 for O&R. The Commission may adopt, reject or modify, in whole or in part, the relief proposed and may resolve related matters.

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

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

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

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

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

(16-M-0300SP2)

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

Financial Incentives to Create Customer Savings and Develop Market-Enabling Tools, with a Focus on Outcomes and Incentives

I.D. No. PSC-45-16-00013-P

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

Proposed Action: The Commission is considering the Interconnection Survey Process and Proposed Earnings Adjustment Mechanism proposed by the Joint Utilities, to inform each utility's Earning Adjustment Mechanisms and other efforts in Reforming the Energy Vision.

Statutory authority: Public Service Law, sections 4(1), 5(1), (2), 65 and 66(1)

Subject: Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives.

Purpose: To consider the Interconnection Survey Process and Proposed Earnings Adjustment Mechanism.

Substance of proposed rule: The Public Service Commission (Commission) is considering the Interconnection Survey Process and Proposed Earning Adjustment Mechanism filed by the Joint Utilities in response to the Commission's Order Adopting a Ratemaking and Utility Revenue Model Policy Framework, issued on May 19, 2016 in Case 14-M-0101. Each utility will conduct Interconnection Surveys with distributed energy resource providers, the results of which will inform each utility's positive earning opportunity. Satisfactory achievement of a baseline level of timely and cost-effective interconnection approvals is a threshold condition for earning positive adjustments. Interconnection Earnings Adjustment Mechanisms are financial incentives that a utility may capture to create customer savings and develop market-enabling tools. The Commission may adopt, reject, or modify, in whole or in part, the proposed Interconnection Survey Process and Proposed Earning Adjustment Mechanism filing, and may resolve other related matters.

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

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

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

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

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

(16-M-0429SP1)

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

Disposition of Property Tax Benefits**I.D. No.** PSC-45-16-00014-P

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

Proposed Action: The Public Service Commission is considering a request by Orange & Rockland Utilities, Inc. proposing the disposition of certain property tax benefits.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Disposition of property tax benefits.

Purpose: To consider the disposition of property tax benefits.

Substance of proposed rule: The Public Service Commission is considering a petition by Orange and Rockland Utilities, Inc. (O&R) regarding the disposition of certain future property tax benefits. O&R has proposed to retain 14% of the estimated future property tax savings from a settlement with the Town of Clarkstown or \$494,270 and 14% of the estimated future property tax savings from a settlement with the Town of Orangetown or \$250,334. 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, Department of Public Service, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

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

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

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

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

(16-M-0362SP2)

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

Arbor Hills Water Works Inc.'s Rates for the Provision of Water**I.D. No.** PSC-45-16-00015-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 proposal filed by Arbor Hills Water Works, Inc. to increase its rates by approximately \$36,500 or 45% to become effective February 1, 2017.

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

Subject: Arbor Hills Water Works Inc.'s rates for the provision of water.

Purpose: To consider an increase in Arbor Hills Water Works Inc.'s annual water revenues by approximately \$36,500 or 45%.

Substance of proposed rule: The Commission is considering a proposal filed by Arbor Hills Water Works, Inc. (Arbor Hills or the Company) to increase its total annual revenues by approximately \$36,500 or 45% with an effective date of February 1, 2017. Arbor Hills provides metered water service to 67 customers in the Town of Lewisboro, Westchester County. Fire protection is not provided. The Company states the rate increase is necessary due to increases in operating expenses, accounting fees, unexpected expenses, and mandatory testing by the Westchester County Health Department on a more frequent basis. The Company states these expenses have increased significantly since the current rates went into effect on May 29, 2009. The Company is also requesting approval to increase its escrow account maximum value, increasing the total from \$25,000 to \$50,000. The Company further requests to increase the escrow account surcharge maximum from \$150 per quarter to \$300 per quarter. The Commission may adopt, reject or modify, in whole or in part, the relief proposed and may resolve related matters.

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

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

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

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

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

(16-W-0606SP1)

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

Boniville Water Company Inc.'s Rates for the Provision of Water**I.D. No.** PSC-45-16-00016-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 a proposal filed by Boniville Water Company, Inc. to increase its rates by approximately \$25,000 or 45% to become effective February 1, 2017.

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

Subject: Boniville Water Company Inc.'s rates for the provision of water.

Purpose: To consider an increase in Boniville Water Company Inc.'s annual water revenues by approximately \$25,000 or 45%.

Substance of proposed rule: The Commission is considering a proposal filed by Boniville Water Company, Inc. (Boniville or the Company) to increase its total annual revenues by approximately \$25,000 or 45% with an effective date of February 1, 2017. Boniville provides metered water service to 97 customers in the Town of Carmel, Putnam County. Fire protection is not provided. The Company states the rate increase is necessary due to increases in operating expenses, accounting fees, unexpected expenses, and mandatory testing by the Westchester County Health Department on a more frequent basis. The Company states these expenses have increased significantly since the current rates went into effect on May 29, 2009. The Company is also requesting approval to increase its escrow account maximum value, increasing the total from \$10,000 to \$20,000. The Company further requests to increase the escrow account surcharge maximum from \$100 per quarter to \$200 per quarter. The Commission may adopt, reject or modify, in whole or in part, the relief proposed and may resolve related matters.

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

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

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

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

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

(16-W-0607SP1)

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

Knolls Water Co., Inc.'s Rates for the Provision of Water**I.D. No.** PSC-45-16-00017-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 a proposal filed by Knolls Water Co., Inc. to increase its rates by approximately \$26,600 or 45% to become effective February 1, 2017.

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

Subject: Knolls Water Co., Inc.'s rates for the provision of water.

Purpose: To consider an increase in Knolls Water Co., Inc.'s annual water revenues by approximately \$26,600 or 45%.

Substance of proposed rule: The Commission is considering a proposal filed by Knolls Water Co., Inc. (Knolls or the Company) to increase its total annual revenues by approximately \$26,600 or 45% with an effective date of February 1, 2017. Knolls provides metered water service to 72 customers in the Town of Warwick, Orange County. Fire protection is not provided. The Company states the rate increase is necessary due to increases in operating expenses, unexpected expenses, and mandatory testing by the Westchester County Health Department on a more frequent basis. The Company states these expenses have increased significantly since the current rates went into effect on May 29, 2009. The Company is also requesting approval to increase its escrow account maximum value, increasing the total from \$10,000 to \$20,000. The Company further requests to increase the escrow account surcharge maximum from \$50 per quarter to \$100 per quarter. The Commission may adopt, reject or modify, in whole or in part, the relief proposed and may resolve related matters.

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

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

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

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

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

(16-W-0608SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Proposed Water Supply Agreement Between NYAW and Glen Cove

I.D. No. PSC-45-16-00018-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 a Petition filed by New York American Water Company Inc. (NYAW) and Glen Cove Water District (Glen Cove) requesting approval of a water supply agreement.

Statutory authority: Public Service Law, section 89-c

Subject: Proposed water supply agreement between NYAW and Glen Cove.

Purpose: To consider the proposed water supply agreement between NYAW and Glen Cove.

Substance of proposed rule: The Public Service Commission is considering a petition filed on August 29, 2016 by New York American Water Company Inc. (NYAW) requesting approval for a water supply agreement between NYAW and Glen Cove Water District (Glen Cove). NYAW is requesting approval for an agreement to sell water to Glen Cove through an interconnection to its Sea Cliff water district (Sea Cliff). Sea Cliff serves approximately 4,380 customers via two supply wells in Nassau County. Glen Cove is a municipal water supply district that supplies water to approximately 8,020 customers in Nassau County. Glen Cove currently has an unmetered emergency interconnection with Sea Cliff that was used ten times in 2015 to provide supplemental water supply for the municipal water 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, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov.

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

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

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

(16-W-0605SP1)

Department of State

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Rules Relating to Political Consultants

I.D. No. DOS-45-16-00019-P

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

Proposed Action: Addition of Part 153 to Title 19 NYCRR.

Statutory authority: Executive Law, section 109

Subject: Rules relating to political consultants.

Purpose: To prescribe the statutorily mandated form for political consultants and related regulations relating to political consultants.

Text of proposed rule: New Part 153 to Title 19 of the NYCRR is added as follows:

This Part shall be known as "Political Consultant Filings".

153.1 Definitions

For the purposes of this Part, the following terms shall have the following meanings:

(a) "Address" shall mean business address, except that in the case of an individual with no business address then address shall mean home address.

(b) "Client" shall mean a person or entity who in the preceding calendar year retained or hired the political consultant relating to matters before any state or local government agency, authority or official, including services, advice or consultation relating to any state or local government contract for real property, goods or services, an appearance in a ratemaking proceeding, an appearance in a regulatory matter, or an appearance in a legislative matter other than matters described in subparagraph (E) of the second undesignated paragraph of subdivision (c) of section one-c of the legislative law.

(c) "Department" shall mean the Department of State.

(d) "Government employee" shall mean any employee of the State, a county, city, town, village, or any other political subdivision or civil division of the State, or a county, city, town, village. "Government employee" shall also include any employee of a public authority, commission or public benefit corporation.

(e) "Political consultant" shall mean a person who holds himself or herself out to persons in this state as a person who performs political consulting services in a professional capacity and who is usually compensated, excluding reimbursement for expenses, for such services. "Political consultant" shall not include a government employee while acting in his/her official capacity, except when such employee also engages in outside political consulting services, in which case such outside activities would be subject to the reporting requirements of this Part.

(f) "Political consulting services" shall mean services provided by a political consultant to or on behalf of an elected public official in New York state or to or on behalf of a candidate for elected office in New York state, or to or on behalf of a person nominated for elected public office which services: (1) assist or are intended to assist in a campaign for nomination for election or election to office in New York state, including fundraising activities, voter outreach, composition and distribution of promotional literature, advertisements, or other similar communications, as set forth in section 14-106 of the election law; or (2) consist of political advice to an elected public official or candidate for elected public office in New York state or person nominated for elected public office; provided, however, that political consulting services shall not include bona fide legal work directly related to litigation or legal advice with regard to

securing a place on the ballot, the petitioning process, the conduct of an election, or which involves the election law. "Political consulting services" shall not include activities that are solely ministerial in nature that do not include any substantive advice or counseling, such as canvassing.

(g) "Professional capacity" shall mean activities offered or undertaken for a fee or other valuable consideration.

(h) "Official capacity" shall mean activities conducted within a government employee's official duties or responsibilities.

(i) "Reporting period" shall mean the six month period within a calendar year starting January first and ending June thirtieth or the six month period within a calendar year starting July first and ending December thirty-first.

(j) "Telephone number" shall mean business telephone number, except that in the case of an individual with no business telephone number then telephone number shall mean home telephone number.

153.2 Registration of certain service providers

Every political consultant shall, within ten days of the close of the applicable reporting period, unless otherwise directed by the Department, file with the Department the registration form prescribed by this Part.

153.3 Registration form

(a) Every political consultant shall file with the Department a registration form which shall include the following information:

(1) the name, address, and telephone number of the political consultant;

(2) the name, address, and telephone number of each sitting elected public official, candidate for elected public office, and person nominated for elected public office who the political consultant provided political consulting services to;

(3) the name, address, and telephone number of each client who retains or hires a political consultant in the preceding calendar year provided, that in the event the client is an entity, at least one natural person who has a controlling interest in such entity shall be identified;

(4) a brief description of the nature of the political consulting services provided to each identified client; and

(5) such other information as directed by the Department.

153.4 Civil penalties

(a) Notwithstanding any other law or rule to the contrary, the Department shall, before imposing any civil penalty, notify the political consultant in writing that the registration form required by this Part was not filed and shall afford the political consultant an opportunity to be heard in person or by counsel at an administrative hearing. Such notification shall be served personally or by certified mail to the political consultant's last known address or in any manner authorized by the civil practice law and rules.

(b) Administrative hearings held pursuant to this Section shall be conducted by the Department's Office of Administrative Hearings pursuant to Part 400 of Title 19 of the NYCRR and subject to the rules provided therein.

(c) Any notice issued pursuant to this Section shall be served at least ten days prior to the date set for the administrative hearing.

Text of proposed rule and any required statements and analyses may be obtained from: David Mossberg, NYS Dept. of State, 123 William St., 20th Fl., New York, NY 10038, (212) 417-2063, email: david.mossberg@dos.ny.gov

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

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

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 109 of the New York Executive Law ("Exec. Law") requires, inter alia, that the Secretary of State (the "Secretary") "adopt, amend and rescind rules and regulations defining the degree and extent of political consulting services".

2. Legislative objectives:

Section 109 of the Exec. Law was enacted, in part, so that political consultants who have provided services to sitting elected public officials and individuals seeking elected public office would have to disclose their past clients. This mandated disclosure is intended to inform the public of potential conflicts of interests resulting from a political consultant's past business relationship(s).

3. Needs and benefits:

This regulation is needed to fulfill the legislative mandate set forth in Section 109 of the Exec. Law. Promulgation of this rule will benefit the public at large by establishing the specific disclosures which must be made by political consultants.

4. Costs:

a. Costs to regulated parties:

Political consultants will be required to submit a fee of \$25.00, for each filing, as required by Exec. Law Section 96(12).

b. Costs to the State:

Currently, the Department has neither the technological capabilities nor resources to accept electronic submissions, payments and provide public disclosure of the information required by Section 109 of the Exec. Law. To meet the legislative objectives imposed by Section 109 the Department, in consultation with the Office of Information Technology Services (OITS), will have to develop a new online portal to allow political consultants to submit the required disclosures, establish a secure system to process and accept filing fees, and facilitate public posting of such disclosures within 30 days of filing. OITS estimates the cost for new software/hardware, maintenance, and staff allocation to create a system capable of fulfilling the legislative objects to be approximately \$1,000,000.00.

5. Local government mandates:

The rule does not impose any program, service, duty or responsibility upon any county, city, town, village, school district or other special district.

6. Paperwork:

Section 109 of the Exec. Law requires political consultants to publically disclose certain professional relationships. Accordingly, this regulation implements the legislative objective by establishing the contents and process for completing the required disclosure form.

7. Duplication:

This rule does not duplicate, overlap or conflict with any other state or federal requirement.

8. Alternatives:

The purpose of the regulation is to carry out the statutory mandate of requiring political consultants to publically disclose their relationships. The Department is not aware of any alternative that is available to the instant regulations.

9. Federal standards:

There are no federal standards relating to this rule.

10. Compliance schedule:

The rule will be effective following publication of the Notice of Adoption. Individuals subject to this rulemaking will have to submit the required disclosure form for the first reporting period which runs from July 1, 2016 through December 31, 2016. Thereafter, the reporting periods will cover the six-month period within each calendar year starting January 1st and ending June 30th and the six-month period within each calendar year starting July 1st and ending December 31st. Filings will be due within 10 days after the close of such period unless otherwise directed by the Department.

Regulatory Flexibility Analysis

1. Effect of rule:

The rule establishes the content and process for filing the statutorily mandated public disclosure form for political consultants.

The rule does not impact local government.

2. Compliance requirements:

Political consultants, as defined by this rule, are required to file a public disclosure form twice each year. For the purposes of compliance, the first reporting period covers the period from July 1, 2016 thru December 31, 2016 as set forth in Section 109 of the New York Executive Law. Thereafter, the reporting periods will cover the six-month period within each calendar year starting January 1st and ending June 30th and the six-month period within each calendar year starting July 1st and ending December 31st. Filings will be due within 10 days after the close of such period unless otherwise directed by the Department.

The rule does not impose any compliance requirements on local governments.

3. Professional services:

Political consultants will not have to rely upon any professional services to comply with this rule. The rule does not impose any compliance requirements on local governments.

4. Compliance costs:

Political consultants will be required to submit a filing fee of \$25.00 for each filing pursuant to NY Executive Law § 96(12).

5. Economic and technologic feasibility:

The Department of State will make available the necessary public disclosure form, thus this rule is both economically and technologically feasible for political consultants to comply. The rule does not impose any technology requirements on local governments.

6. Minimizing adverse economic impact:

The rule does adversely impact small businesses or local governments.

7. Small business participation:

Small businesses and local governments will have the opportunity to participate in the rulemaking process by submitting comments during the public comment period following the publication of the Notice of Proposed Rule Making.

8. Cure period:

A cure period is not included because individuals subject to the reporting obligations of this rule will have sufficient time to comply. Additionally, pursuant to the statutory text, political consultants are required to be provided with a reasonable opportunity to cure any violations prior to the imposition of any penalties. Accordingly, a cure period is not required.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas:

The proposed rulemaking is not expected to have any adverse or disproportionate impact on rural areas. This rule will apply uniformly throughout the state, including in rural areas.

2. Reporting, recordkeeping and other compliance requirements:

Political consultants, including those in rural areas, have to comply with the same reporting requirements as political consultants in other areas of the state. Accordingly, political consultants, as defined by this rule, are required to file twice a year a public disclosure form.

3. Costs:

Political consultants, including those in rural areas, will be required to submit a filing fee of \$25.00 for each filing pursuant to NY Executive Law § 96(12).

4. Minimizing adverse economic impacts:

The rule does not adversely impact any rural area.

5. Rural area participation:

Public and private interests in rural areas will have the opportunity to participate in the rulemaking process by submitting comments during the public comment period following the publication of the Notice of Proposed Rule Making.

Job Impact Statement

As is evident by the nature of this rulemaking, this rule prescribes the content of the statutorily mandated disclosure form filed by political consultants and ancillary related matters, and will not have a substantial adverse impact on jobs and employment opportunities. Therefore, it does not require a Job Impact Statement.

This rule is intended to provide notice to political consultants of the information which will be required to be disclosed as part of the filing requirement mandated by Section 109 of the Executive Law. The rule will not have any adverse impact on political consultants or employment opportunities because the rule does not prohibit or limit conduct; rather, it clarifies disclosure of past activities that are required to be disclosed pursuant to statute.

Triborough Bridge and Tunnel Authority

NOTICE OF WITHDRAWAL

Proposal to Strengthen Toll Violation Enforcement on TBTA Bridges and Tunnels

I.D. No. TBA-08-16-00005-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. TBA-08-16-00005-P, has been withdrawn from consideration. The notice of proposed rule making was published in the *State Register* on February 24, 2016.

Subject: Proposal to strengthen toll violation enforcement on TBTA bridges and tunnels.

Reason(s) for withdrawal of the proposed rule: Anticipated change in toll violation fees.

**HEARINGS SCHEDULED
FOR PROPOSED RULE MAKINGS**

Agency I.D. No.	Subject Matter	Location—Date—Time
Adirondack Park Agency		
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.
Labor, Department of		
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.
Long Island Power Authority		
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.
Power Authority of the State of New York		
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.
Public Service Commission		
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)*

PSC-38-16-00009-P	Disposition of tax refunds and other related matters	*On occasion, there are requests to reschedule or postpone evidentiary hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 16-M-0300.
PSC-40-16-00023-P	Major gas rate filing	<p>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)*</p> <p>*On occasion, there are requests to reschedule or postpone evidentiary hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 16-M-0362.</p>
State, Department of		
DOS-40-16-00029-EP	Signs on buildings utilizing truss type, pre-engineered wood or timber construction	<p>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)*</p> <p>*On occasion, there are requests to reschedule or postpone evidentiary hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 16-G-0369.</p>
		<p>Department of State, 99 Washington Ave., Rm. 505, Albany, NY—Nov. 21, 2016, 10:00 a.m.</p>

ACTION PENDING INDEX

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

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

For additional information concerning any of the proposals listed

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

Agency code	Issue number	Year published	Serial number	Action Code
AAM	01	12	0001	P

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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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 9, 2016

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CHILDREN AND FAMILY SERVICES, OFFICE OF			
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
CFS-45-16-00001-P	11/09/17	Criminal history checks of prospective foster and adoptive parents and adult household members	To implement changes to the Social Services Law regarding criminal history checks
CIVIL SERVICE, DEPARTMENT OF			
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-15-16-00008-P	04/13/17	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-20-16-00005-P	05/18/17	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-20-16-00006-P	05/18/17	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-26-16-00003-P	06/29/17	Jurisdictional Classification	To classify positions in the exempt class and to delete positions from the non-competitive class
CVS-26-16-00004-P	06/29/17	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-26-16-00005-P	06/29/17	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-26-16-00006-P	06/29/17	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-26-16-00007-P	06/29/17	Jurisdictional Classification	To classify positions in the non-competitive classes
CVS-26-16-00008-P	06/29/17	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-26-16-00009-P	06/29/17	Jurisdictional Classification	To classify positions in the exempt class
CVS-26-16-00010-P	06/29/17	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-26-16-00011-P	06/29/17	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-29-16-00001-P	07/20/17	Jurisdictional Classification	To classify positions in the exempt class
CVS-29-16-00002-P	07/20/17	Jurisdictional Classification	To delete subheading & positions from; to add heading, subheading & positions in exempt and non-competitive classes
CVS-29-16-00003-P	07/20/17	Jurisdictional Classification	To delete positions from the exempt and non-competitive classes
CVS-29-16-00004-P	07/20/17	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-29-16-00005-P	07/20/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-29-16-00006-P	07/20/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-29-16-00007-P	07/20/17	Jurisdictional Classification	To classify a position in the non-competitive class
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

Action Pending Index

NYS Register/November 9, 2016

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-29-16-00010-P	07/20/17	Jurisdictional Classification	To classify positions in the exempt class
CVS-29-16-00011-P	07/20/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-29-16-00012-P	07/20/17	Jurisdictional Classification	To classify positions in the exempt class
CVS-29-16-00013-P	07/20/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-29-16-00014-P	07/20/17	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-29-16-00015-P	07/20/17	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-29-16-00016-P	07/20/17	Jurisdictional Classification	To delete positions from the exempt and non-competitive classes
CVS-29-16-00017-P	07/20/17	Jurisdictional Classification	To classify a position in the exempt class and to delete a position from the non-competitive class
CVS-29-16-00018-P	07/20/17	Jurisdictional Classification	To delete subheading & positions from; to add heading, subheading & positions in exempt and non-competitive classes
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-44-16-00007-P	11/02/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-44-16-00008-P	11/02/17	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-44-16-00009-P	11/02/17	Jurisdictional Classification	To classify positions in the non-competitive class
CORRECTION, STATE COMMISSION OF			
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
CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF			
CCS-39-16-00004-P	09/28/17	Parole Board decision making	To clearly establish what the Board must consider when conducting an interview and rendering a decision
CRIMINAL JUSTICE SERVICES, DIVISION OF			
CJS-25-16-00004-P	06/22/17	Handling of Ignition Interlock Cases Involving Certain Criminal Offenders.	To promote public/traffic safety, offender accountability and quality assurance through the establishment of minimum standards.
EDUCATION DEPARTMENT			
EDU-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-27-16-00002-ERP	07/06/17	Superintendent determination as to academic proficiency for certain students with disabilities to graduate with a local diploma	To expand the safety net options for students with disabilities to graduate with local diplomas when certain conditions are met
EDU-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
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
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
EDU-45-16-00005-EP	11/09/17	Annual Professional Performance Reviews (APPR) of classroom teachers and building principals	To provide New York City with flexibility in the student performance category for teacher and principal evaluations.
EDU-45-16-00006-P	11/09/17	Eligibility for Participation in Interscholastic Sports and Duration of Competition	Clarifies when a student's eligibility for athletic competition may be extended and the use of the athletic placement process
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
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-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
FINANCIAL SERVICES, DEPARTMENT OF			
DFS-03-16-00003-ERP	01/19/17	Standard financial aid award information sheet for institutions of higher education	Provides guidance to institutions of higher education for the implementation of a financial aid award information sheet
DFS-17-16-00003-P	exempt	Plan of Conversion by Commercial Travelers Mutual Insurance Company	To convert a mutual accident and health insurance company to a stock accident and health insurance company
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
DFS-45-16-00003-P	11/09/17	Agent Training Allowance Subsidies	To update the limits of training allowance subsidies contained in 11 NYCRR 12 (Regulation 50)
GAMING COMMISSION, NEW YORK STATE			
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

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
GAMING COMMISSION, NEW YORK STATE			
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
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
SGC-45-16-00002-P	11/09/17	Permit jockeys to wear trade logos and own name on jockey clothing	To preserve the safety and integrity of pari-mutuel racing while generating reasonable revenue for the support of government
SGC-45-16-00004-P	11/09/17	Anti-stacking of NSAIDs and diclofenac made a 48 hour NSAID	To enable the Commission to preserve the integrity of pari-mutuel racing while generating reasonable revenue for the support of
HEALTH, DEPARTMENT OF			
*HLT-14-94-00006-P	exempt	Payment methodology for HIV/AIDS outpatient services	To expand the current payment to incorporate pricing for services
HLT-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
HLT-41-16-00002-EP	10/12/17	Residential Health Care Facility Quality Pool	To reward NYS facilities with the highest quality outcomes as determined by methodology developed by regulation
HLT-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
JOINT COMMISSION ON PUBLIC ETHICS, NEW YORK STATE			
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
LABOR, DEPARTMENT OF			
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
LIQUOR AUTHORITY, STATE			
LQR-02-16-00002-P	01/12/17	Update outdated Freedom of Information Law procedures utilized by Authority	To update Authority procedures and ensure compliance with Freedom of information Law requirements under Pub. Off. Law., art. 6
LONG ISLAND POWER AUTHORITY			
*LPA-08-01-00003-P	exempt	Pole attachments and related matters	To approve revisions to the authority's tariff
*LPA-41-02-00005-P	exempt	Tariff for electric service	To revise the tariff for electric service
*LPA-04-06-00007-P	exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan
*LPA-03-10-00004-P	exempt	Residential late payment charges	To extend the application of late payment charges to residential customers
LPA-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LONG ISLAND POWER AUTHORITY			
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
NIAGARA FALLS WATER BOARD			
*NFW-04-13-00004-EP	..... exempt	Adoption of Rates, Fees and Charges	To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders
*NFW-13-14-00006-EP	..... exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders
POWER AUTHORITY OF THE STATE OF NEW YORK			
*PAS-01-10-00010-P	..... exempt	Rates for the sale of power and energy	Update ECSB Programs customers' service tariffs to streamline them/include additional required information
PAS-41-16-00013-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
PUBLIC SERVICE COMMISSION			
*PSC-28-97-00032-P	..... exempt	General service by Central Hudson Gas & Electric Corporation	To limit certain special provisions
*PSC-34-97-00009-P	..... exempt	Collection agency fees by Consolidated Edison Company of New York, Inc.	To pass collection agency fees on to the customer
*PSC-04-98-00015-P	..... exempt	Interconnection service overcharges by Niagara Mohawk Power Corporation	To consider a complaint by Azure Mountain Power Co.
*PSC-19-98-00008-P	..... exempt	Call forwarding by CPU Industries Inc./MKL Net, et al.	To rehear the petition
*PSC-02-99-00006-EP	..... exempt	Intralata freeze plan by New York Telephone Company	To approve the plan
*PSC-09-99-00012-P	..... exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	..... exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-50-99-00009-P	..... exempt	Retail access uniform business practices by The Brooklyn Union Gas Company and KeySpan Gas East Corporation d/b/a Brooklyn Union of Long Island	To approve a joint petition requesting a waiver extension of a requirement set forth in the commission's order
*PSC-52-99-00006-P	..... exempt	Wide area rate center calling	To implement number conservation measures
*PSC-12-00-00001-P	..... exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-14-00-00004-EP	..... exempt	NXX code in the 716 NPA by Broadview Networks	To assign an NXX code in Buffalo

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-14-00-00026-P	..... exempt	Interconnection agreement between New York Telephone Company d/b/a Bell Atlantic-New York and Media Log, Inc.	To review the terms and conditions of the negotiated agreement
*PSC-14-00-00027-P	..... exempt	Interconnection agreement between New York Telephone Company d/b/a Bell Atlantic-New York and Pilgrim Telephone, Inc.	To review the terms and conditions of the negotiated agreement
*PSC-14-00-00029-P	..... exempt	Interconnection agreement between New York Telephone Company d/b/a Bell Atlantic-New York and CoreComm New York, Inc.	To review the terms and conditions of the negotiated agreement
*PSC-16-00-00012-P	..... exempt	Termination of local telecommunications traffic by Hyperion Communications of New York, Inc.	To determine appropriate compensation levels
*PSC-21-00-00007-P	..... exempt	Initial tariff schedule by Drew Road Association	To set forth the rates, charges, rules and regulations
*PSC-31-00-00026-P	..... exempt	Water service by Windover Water Works	To abandon the water system
*PSC-33-00-00010-P	..... exempt	Electric rate and restructuring plan by Rochester Gas and Electric Corporation	To evaluate possible modifications
*PSC-36-00-00039-P	..... exempt	Steam increase by Consolidated Edison Company of New York, Inc.	To provide for an annual increase in the first year of a proposed four-year rate plan
*PSC-37-00-00001-EP	..... exempt	Interruptible gas customers	To ensure customers have an adequate supply of alternative fuel available
*PSC-39-00-00004-P	..... exempt	Blockable central office codes by PaeTec Communications, Inc.	To review the commission's requirements for assignment of numbering resources
*PSC-44-00-00014-P	..... exempt	Recovery of costs through adjustment mechanisms by Consolidated Edison Company of New York, Inc.	To permit the recovery of certain costs
*PSC-49-00-00007-P	..... exempt	Gas sales and purchases by Corning Natural Gas Corporation	To determine whether certain gas sales and purchases were in the public interest and whether customers should bear the resulting costs
*PSC-01-01-00023-P	..... exempt	Installation, maintenance and ownership of service laterals by Rochester Gas and Electric Corporation	To update and clarify the provisions
*PSC-06-01-00009-P	..... exempt	Uniform system of accounts by Rochester Gas and Electric Corporation	To defer an item of expense beyond the end of the year in which it was incurred
*PSC-13-01-00001-P	..... exempt	Request for accounting authorization by Rochester Gas and Electric Corporation	To defer an item of expense beyond the end of the year in which it was incurred
*PSC-13-01-00002-P	..... exempt	Request for accounting authorization by Rochester Gas and Electric Corporation	To defer an item of expense beyond the end of the year in which it was incurred
*PSC-13-01-00003-P	..... exempt	Request for accounting authorization by Rochester Gas and Electric Corporation	To defer an item of expense beyond the end of the year in which it was incurred
*PSC-15-01-00012-P	..... exempt	Transfer of a controlling leasehold interest by Huntley Power LLC	To approve the transfer

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-22-01-00006-P	..... exempt	Con Edison's phase 4 plan for retail access by AES Energy, Inc.	To review the request for rehearing
*PSC-26-01-00012-P	..... exempt	Interconnection of networks between Sprint PCS and Verizon New York Inc.	To review the terms and conditions of the negotiated agreement
*PSC-36-01-00010-P	..... exempt	Competitive metering by eBidenergy.com	To clarify meter ownership rules and requirements
*PSC-44-01-00005-P	..... exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-01-02-00007-P	..... exempt	Accounting and rate treatment of proceeds by Consolidated Edison Company of New York, Inc.	To consider proceeds from sale of nuclear generating facilities
*PSC-05-02-00005-P	..... exempt	Uniform system of accounts by Consolidated Edison Company of New York, Inc.	To defer expenditures incurred in connection with emergency response services affected by the World Trade Center disaster
*PSC-06-02-00015-P	..... exempt	Network reliability performance mechanism by Consolidated Edison Company of New York, Inc.	To earn rewards for meeting the targets of the network reliability performance mechanism
*PSC-07-02-00032-P	..... exempt	Uniform business practices	To consider modification
*PSC-29-02-00014-P	..... exempt	Financing by Valley Energy, Inc.	To issue a note and allocate costs
*PSC-49-02-00021-P	..... exempt	Requests for lightened regulation by PSEG Power Bellport, LLC	To consider the company's request
*PSC-08-03-00009-P	..... exempt	Provision of gas service to World Kitchen Incorporated	To establish terms and conditions
*PSC-09-03-00012-P	..... exempt	Incremental service line installations by New York State Electric & Gas Corporation	To revise the current flat rate per foot charged
*PSC-09-03-00014-P	..... exempt	Deferral accounting by Consolidated Edison Company of New York, Inc. and Orange and Rockland Utilities, Inc.	To defer expense items beyond the end of the year(s) in which they were incurred
*PSC-11-03-00012-P	..... exempt	Economic development plan by New York State Electric & Gas Corporation	To consider the plan
*PSC-18-03-00004-P	..... exempt	Lightened regulation by East Hampton Power and Light Corporation (EHPLC)	To provide for lightened regulation and grant financing approval
*PSC-22-03-00020-P	..... exempt	Inter-departmental gas pricing by Consolidated Edison Company of New York, Inc.	To revise the method used in steam and steam-electric generating stations
*PSC-32-03-00020-P	..... exempt	Issuance of debt and approval of surcharge by Rainbow Water Company	To approve necessary financing
*PSC-34-03-00019-P	..... exempt	Issuance of securities by KeySpan East Corporation d/b/a KeySpan Energy Delivery Long Island	To obtain authorization to issue securities
*PSC-35-03-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and MCIMetro Access Transmission Services LLC	To amend the agreement

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-36-03-00010-P	..... exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-39-03-00013-P	..... exempt	Complaint by State University of New York (SUNY) regarding a NYSEG operating agreement	To consider the complaint
*PSC-40-03-00015-P	..... exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00008-P	..... exempt	Lightened regulation by Sterling Power Partners, L.P.	To consider granting lightened regulation
*PSC-41-03-00010-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-41-03-00011-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-42-03-00005-P	..... exempt	Interest rate by the Bath Electric, Gas, and Water Systems	To use an alternate interest rate
*PSC-43-03-00036-P	..... exempt	Merchant function backout credit and transition balancing account by KeySpan Gas East Corporation	To continue the credit and account until May 31, 2005
*PSC-43-03-00037-P	..... exempt	Merchant function backout credit and transition balancing account by The Brooklyn Union Gas Company	To continue the credit and account until May 31, 2005
*PSC-44-03-00009-P	..... exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates
*PSC-47-03-00024-P	..... exempt	Lightened regulation and financing approval by Medford Energy LLC	To consider the requests
*PSC-02-04-00008-P	..... exempt	Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York	To rehear the Nov. 25, 2003 order
*PSC-06-04-00009-P	..... exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC
*PSC-10-04-00005-P	..... exempt	Temporary protective order	To consider adopting a protective order
*PSC-10-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement
*PSC-14-04-00008-P	..... exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway
*PSC-15-04-00022-P	..... exempt	Submetering of electricity by Glenn Gardens Associates, L.P.	To permit submetering at 175 W. 87th St., New York, NY
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-22-04-00013-P	..... exempt	Major gas rate increase by Consolidated Edison Company of New York, Inc.	To increase annual gas revenues
*PSC-22-04-00016-P	..... exempt	Master metering of water by South Liberty Corporation	To waive the requirement for installation of separate water meters
*PSC-25-04-00012-P	..... exempt	Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P.	To amend the agreement
*PSC-27-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-27-04-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-28-04-00006-P	..... exempt	Approval of loans by Dunkirk & Fredonia Telephone Company and Cassadaga Telephone Corporation	To authorize participation in the parent corporation's line of credit
*PSC-31-04-00023-P	..... exempt	Distributed generation service by Consolidated Edison Company of New York, Inc.	To provide an application form
*PSC-34-04-00031-P	..... exempt	Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc.	To set appropriate level of permanent rates
*PSC-35-04-00017-P	..... exempt	Application form for distributed generation by Orange and Rockland Utilities, Inc.	To establish a new supplementary application form for customers
*PSC-43-04-00016-P	..... exempt	Accounts receivable by Rochester Gas and Electric Corporation	To include in its tariff provisions for the purchase of ESCO accounts receivable
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-27-05-00018-P	..... exempt	Annual reconciliation of gas costs by New York State Electric & Gas Corporation	To consider the manner in which the gas cost incentive mechanism has been applied
*PSC-41-05-00013-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities	To consider the filings
*PSC-45-05-00011-P	..... exempt	Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation	To defer certain costs
*PSC-46-05-00015-P	..... exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale
*PSC-47-05-00009-P	..... exempt	Transferral of gas supplies by Corning Natural Gas Corporation	To approve the transfer
*PSC-50-05-00008-P	..... exempt	Long-term debt by Saratoga Glen Hollow Water Supply Corp.	To obtain long-term debt
*PSC-04-06-00024-P	..... exempt	Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc.	To approve of the transfer
*PSC-06-06-00015-P	..... exempt	Gas curtailment policies and procedures	To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established
*PSC-07-06-00009-P	..... exempt	Modification of the current Environmental Disclosure Program	To include an attributes accounting system
*PSC-22-06-00019-P	..... exempt	Hourly pricing by National Grid	To assess the impacts
*PSC-22-06-00020-P	..... exempt	Hourly pricing by New York State Electric & Gas Corporation	To assess the impacts
*PSC-22-06-00021-P	..... exempt	Hourly pricing by Rochester Gas & Electric Corporation	To assess the impacts
*PSC-22-06-00022-P	..... exempt	Hourly pricing by Consolidated Edison Company of New York, Inc.	To assess the impacts
*PSC-22-06-00023-P	..... exempt	Hourly pricing by Orange and Rockland Utilities, Inc.	To assess the impacts
*PSC-24-06-00005-EP	..... exempt	Supplemental home energy assistance benefits	To extend the deadline to Central Hudson's low-income customers
*PSC-25-06-00017-P	..... exempt	Purchased power adjustment by Massena Electric Department	To revise the method of calculating the purchased power adjustment and update the factor of adjustment
*PSC-34-06-00009-P	..... exempt	Inter-carrier telephone service quality standards and metrics by the Carrier Working Group	To incorporate appropriate modifications
*PSC-37-06-00015-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-37-06-00017-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-39-06-00018-P	..... exempt	Order establishing rate plan by Central Hudson Gas & Electric Corporation and the Consumer Protection Board	To consider the petitions for rehearing
*PSC-39-06-00019-P	..... exempt	Investigation of Richard M. Osborne by Corning Natural Gas Corporation	To determine the interests, plans and commitments that will be in place if he is successful in blocking the merger of Corning Gas and C&T Enterprises
*PSC-39-06-00022-P	..... exempt	Uniform business practices and related matters by U.S. Energy Savings Corporation	To establish a contest period
*PSC-40-06-00005-P	..... exempt	Orion Integral automatic meter reading transmitter by New York State Electric and Gas Corporation	To permit gas utilities in NYS to use the Badger Meter Incorporated Orion Integral transmitters
*PSC-42-06-00011-P	..... exempt	Submetering of electricity by 225 5th LLC	To submeter electricity at 255 Fifth Ave., New York, NY
*PSC-43-06-00014-P	..... exempt	Electric delivery services by Strategic Power Management, Inc.	To determine the proper mechanism for the rate-recovery of costs
*PSC-44-06-00014-P	..... exempt	Electric power outages in Northwest Queens by Consolidated Edison Company of New York, Inc.	To review the terms and conditions of the agreement
*PSC-45-06-00007-P	..... exempt	Alleged failure to provide electricity by Robert Andrews	To assess validity of allegations and appropriateness of fines
*PSC-01-07-00031-P	..... exempt	Enforcement mechanisms by National Fuel Gas Distribution Corporation	To modify enforcement mechanisms
*PSC-04-07-00012-P	..... exempt	Petition for rehearing by Orange and Rockland Utilities, Inc.	To clarify the order
*PSC-06-07-00015-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for electric service
*PSC-06-07-00020-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for gas service
*PSC-11-07-00010-P	..... exempt	Investigation of the electric power outages by the Consolidated Edison Company of New York, Inc.	To implement the recommendations in the staff's investigation
*PSC-11-07-00011-P	..... exempt	Storm-related power outages by Consolidated Edison Company of New York, Inc.	To modify the company's response to power outages, the timing for any such changes and other related matters
*PSC-17-07-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc.	To amend the agreement
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-20-07-00016-P	..... exempt	Tariff revisions and making rates permanent by New York State Electric & Gas Corporation	To seek rehearing
*PSC-21-07-00007-P	..... exempt	Natural Gas Supply and Acquisition Plan by Corning Natural Gas Corporation	To revise the rates, charges, rules and regulations for gas service
*PSC-22-07-00015-P	..... exempt	Demand Side Management Program by Consolidated Edison Company of New York, Inc.	To recover incremental program costs and lost revenue
*PSC-23-07-00022-P	..... exempt	Supplier, transportation, balancing and aggregation service by National Fuel Gas Distribution Corporation	To explicitly state in the company's tariff that the threshold level of elective upstream transmission capacity is a maximum of 112,600 Dth/day of marketer-provided upstream capacity
*PSC-24-07-00012-P	..... exempt	Gas Efficiency Program by the City of New York	To consider rehearing a decision establishing a Gas Efficiency Program
*PSC-39-07-00017-P	..... exempt	Gas bill issuance charge by New York State Electric & Gas Corporation	To create a gas bill issuance charge unbundled from delivery rates
*PSC-41-07-00009-P	..... exempt	Submetering of electricity rehearing	To seek reversal
*PSC-42-07-00012-P	..... exempt	Energy efficiency program by Orange and Rockland Utilities, Inc.	To consider any energy efficiency program for Orange and Rockland Utilities, Inc.'s electric service
*PSC-42-07-00013-P	..... exempt	Revenue decoupling by Orange and Rockland Utilities, Inc.	To consider a revenue decoupling mechanism for Orange and Rockland Utilities, Inc.
*PSC-45-07-00005-P	..... exempt	Customer incentive programs by Orange and Rockland Utilities, Inc.	To establish a tariff provision
*PSC-02-08-00006-P	..... exempt	Additional central office codes in the 315 area code region	To consider options for making additional codes
*PSC-03-08-00006-P	..... exempt	Rehearing of the accounting determinations	To grant or deny a petition for rehearing of the accounting determinations
*PSC-04-08-00010-P	..... exempt	Granting of easement rights on utility property by Central Hudson Gas & Electric Corporation	To grant easement rights to Millennium Pipeline Company, L.L.C.
*PSC-04-08-00012-P	..... exempt	Marketing practices of energy service companies by the Consumer Protection Board and New York City Department of Consumer Affairs	To consider modifying the commission's regulation over marketing practices of energy service companies
*PSC-08-08-00016-P	..... exempt	Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al.	To consider the transfer
*PSC-12-08-00019-P	..... exempt	Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation	To consider the request
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-13-08-00012-P	..... exempt	Voltage drops by New York State Electric & Gas Corporation	To grant or deny the petition
*PSC-23-08-00008-P	..... exempt	Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project	To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project
*PSC-23-08-00009-P	..... exempt	The transfer of certain real property with an original cost under \$100,000 in the Town of Throop	To consider the filing for the transfer of certain real property in the Town of Throop
*PSC-25-08-00007-P	..... exempt	Policies and procedures regarding the selection of regulatory proposals to meet reliability needs	To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs
*PSC-25-08-00008-P	..... exempt	Report on Callable Load Opportunities	Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years
*PSC-28-08-00004-P	..... exempt	Con Edison's procedure for providing customers access to their account information	To consider Con Edison's implementation plan and timetable for providing customers access to their account information
*PSC-31-08-00025-P	..... exempt	Recovery of reasonable DRS costs from the cost mitigation reserve (CMR)	To authorize recovery of the DRS costs from the CMR
*PSC-32-08-00009-P	..... exempt	The ESCO referral program for KEDNY to be implemented by October 1, 2008	To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program
*PSC-33-08-00008-P	..... exempt	Noble Allegany's request for lightened regulation	To consider Noble Allegany's request for lightened regulation as an electric corporation
*PSC-36-08-00019-P	..... exempt	Land Transfer in the Borough of Manhattan, New York	To consider petition for transfer of real property to NYPH
*PSC-39-08-00010-P	..... exempt	RG&E's economic development plan and tariffs	Consideration of the approval of RG&E's economic development plan and tariffs
*PSC-40-08-00010-P	..... exempt	Loans from regulated company to its parent	To determine if the cash management program resulting in loans to the parent should be approved
*PSC-41-08-00009-P	..... exempt	Transfer of control of cable TV franchise	To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved
*PSC-43-08-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-07-09-00017-P	..... exempt	Request for authorization to defer the incremental costs incurred in the restoration work resulting from the ice storm	To allow the company to defer the incremental costs incurred in the restoration work resulting from the ice storm
*PSC-07-09-00018-P	..... exempt	Whether to permit the submetering of natural gas service to an industrial and commercial customer at Cooper Union, New York, NY	To consider the request of Cooper Union, to submeter natural gas at 41 Cooper Square, New York, New York
*PSC-12-09-00010-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-12-09-00012-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-13-09-00008-P	..... exempt	Options for making additional central office codes available in the 718/347 numbering plan area	To consider options for making additional central office codes available in the 718/347 numbering plan area
*PSC-14-09-00014-P	..... exempt	The regulation of revenue requirements for municipal utilities by the Public Service Commission	To determine whether the regulation of revenue requirements for municipal utilities should be modified
*PSC-16-09-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of AMPS on behalf of Park Imperial to submeter electricity at 230 W. 56th Street, in New York, New York
*PSC-16-09-00020-P	..... exempt	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity
*PSC-17-09-00010-P	..... exempt	Whether to permit the use of Elster REX2 solid state electric meter for use in residential and commercial accounts	To permit electric utilities in New York State to use the Elster REX2
*PSC-17-09-00011-P	..... exempt	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes
*PSC-17-09-00012-P	..... exempt	Petition for the submetering of gas at commercial property	To consider the request of Turner Construction, to submeter natural gas at 550 Short Ave., & 10 South St., Governors Island, NY
*PSC-17-09-00014-P	..... exempt	Benefit-cost framework for evaluating AMI programs prepared by the DPS Staff	To consider a benefit-cost framework for evaluating AMI programs prepared by the DPS Staff
*PSC-17-09-00015-P	..... exempt	The construction of a tower for wireless antennas on land owned by National Grid	To approve, reject or modify the petition to build a tower for wireless antennas in the Town of Onondaga
*PSC-18-09-00012-P	..... exempt	Petition for rehearing of Order approving the submetering of electricity	To consider the request of Frank Signore to rehear petition to submeter electricity at One City Place in White Plains, New York
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-20-09-00016-P	..... exempt	The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc	To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with it's AMI pilots etc
*PSC-20-09-00017-P	..... exempt	The recovery of, and accounting for, costs associated with CHG&E's AMI pilot program	To consider a filing of CHG&E as to the recovery of, and accounting for, costs associated with it's AMI pilot program
*PSC-22-09-00011-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-25-09-00005-P	..... exempt	Whether to grant, deny, or modify, in whole or in part, the petition	Whether to grant, deny, or modify, in whole or in part, the petition
*PSC-25-09-00006-P	..... exempt	Electric utility implementation plans for proposed web based SIR application process and project status database	To determine if the proposed web based SIR systems are adequate and meet requirements needed for implementation
*PSC-25-09-00007-P	..... exempt	Electric rates for Consolidated Edison Company of New York, Inc	Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc
*PSC-27-09-00011-P	..... exempt	Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access.	To review the terms and conditions of the negotiated agreement between Vernon and tw telecom of new york l.p.
*PSC-27-09-00014-P	..... exempt	Billing and payment for energy efficiency measures through utility bill	To promote energy conservation
*PSC-27-09-00015-P	..... exempt	Interconnection of the networks between Oriskany and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Oriskany and tw telecom of new york l.p
*PSC-29-09-00011-P	..... exempt	Consideration of utility compliance filings	Consideration of utility compliance filings
*PSC-32-09-00009-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-34-09-00016-P	..... exempt	Recommendations made in the Management Audit Final Report	To consider whether to take action or recommendations contained in the Management Audit Final Report
*PSC-34-09-00017-P	..... exempt	To consider the transfer of control of Plattsburgh Cablevision, Inc. d/b/a Charter Communications to CH Communications, LLC	To allow the Plattsburgh Cablevision, Inc. to distribute its equity interest in CH Communications, LLC
*PSC-36-09-00008-P	..... exempt	The increase in the non-bypassable charge implemented by RG&E on June 1, 2009	Considering exemptions from the increase in the non-bypassable charge implemented by RG&E on June 1, 2009
*PSC-37-09-00015-P	..... exempt	Sale of customer-generated steam to the Con Edison steam system	To establish a mechanism for sale of customer-generated steam to the Con Edison steam system
*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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-18-10-00009-P	..... exempt	Electric utility transmission right-of-way management practices	To consider electric utility transmission right-of-way management practices
*PSC-19-10-00022-P	..... exempt	Whether National Grid should be permitted to transfer a parcel of property located at 1 Eddy Street, Fort Edward, New York	To decide whether to approve National Grid's request to transfer a parcel of vacant property in Fort Edward, New York
*PSC-22-10-00006-P	..... exempt	Requirement that Noble demonstrate that its affiliated electric corporations operating in New York are providing safe service	Consider requiring that Noble demonstrate that its affiliated electric corporations in New York are providing safe service
*PSC-22-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of 48-52 Franklin Street to submeter electricity at 50 Franklin Street, New York, New York
*PSC-24-10-00009-P	..... exempt	Verizon New York Inc. tariff regulations relating to voice messaging service	To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff
*PSC-25-10-00012-P	..... exempt	Reassignment of the 2-1-1 abbreviated dialing code	Consideration of petition to reassign the 2-1-1 abbreviated dialing code
*PSC-25-10-00015-P	..... exempt	To allow NYWC to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2009	Consideration of NYWC's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2009
*PSC-27-10-00016-P	..... exempt	Petition for the submetering of electricity	To consider the request of 9271 Group, LLC to submeter electricity at 960 Busti Avenue, Buffalo, New York
*PSC-31-10-00007-P	..... exempt	Waiver of the Attachment 23 requirement in 2001 Rate Order that NMPC Board of Directors consist of "outside directors"	To consider the waiver of the requirement that a majority of NMPC Board of directors consist of "outside directors"
*PSC-34-10-00003-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-34-10-00005-P	..... exempt	Approval of a contract for \$250,000 in tank repairs that may be a financing	To decide whether to approve a contract between the parties that may be a financing of \$250,000 for tank repairs
*PSC-34-10-00006-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-36-10-00010-P	..... exempt	Central Hudson's procedures, terms and conditions for an economic development plan	Consideration of Central Hudson's procedures, terms and conditions for an economic development plan
*PSC-40-10-00014-P	..... exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by National Grid
*PSC-40-10-00021-P	..... exempt	Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall	To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall
*PSC-41-10-00018-P	..... exempt	Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter	Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-41-10-00022-P	..... exempt	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY
*PSC-42-10-00011-P	..... exempt	Petition for the submetering of electricity	To consider the request of 4858 Group, LLC to submeter electricity at 456 Main Street, Buffalo, New York
*PSC-43-10-00016-P	..... exempt	Utility Access to Ducts, Conduit Facilities and Utility Poles	To review the complaint from Optical Communications Group
*PSC-44-10-00003-P	..... exempt	Third and fourth stage gas rate increase by Corning Natural Gas Corporation	To consider Corning Natural Gas Corporation's request for a third and fourth stage gas rate increase
*PSC-51-10-00018-P	..... exempt	Commission proceeding concerning three-phase electric service by all major electric utilities	Investigate the consistency of the tariff provisions for three-phase electric service for all major electric utilities
*PSC-11-11-00003-P	..... exempt	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service
*PSC-12-11-00008-P	..... exempt	To allow NYWC to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2010	Consideration of NYWC's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2010
*PSC-13-11-00005-P	..... exempt	Exclude the minimum monthly bill component from the earnings test calculation	Exclude the minimum monthly bill component from the earnings test calculation
*PSC-13-11-00007-P	..... exempt	Budget allocations and use of System Benefits Charge funds to pay State Cost Recovery Fee	To encourage cost effective gas and electric energy conservation in the State
*PSC-14-11-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York
*PSC-16-11-00011-P	..... exempt	The Energy Efficiency Portfolio Standard	To promote gas and electricity energy conservation programs in New York
*PSC-19-11-00007-P	..... exempt	Utility price reporting requirements related to the Commission's "Power to Choose" website	Modify the Commission's utility electric commodity price reporting requirements related to the "Power to Choose" website
*PSC-20-11-00012-P	..... exempt	Petition for the submetering of electricity	To consider the request of KMW Group LLC to submeter electricity at 122 West Street, Brooklyn, New York
*PSC-20-11-00013-P	..... exempt	Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges	To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable
*PSC-22-11-00004-P	..... exempt	Whether to permit the use of the Sensus accWAVE for use in residential gas meter applications	To permit gas utilities in New York State to use the Sensus accWAVE diaphragm gas meter
*PSC-23-11-00018-P	..... exempt	NYSERDA's energy efficiency program for low-income customers	To promote energy conservation in New York State
*PSC-26-11-00007-P	..... exempt	Water rates and charges	To approve an increase in annual revenues by about \$25,266 or 50%

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-26-11-00009-P	..... exempt	Petition for the submetering of electricity at commercial property	To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York
*PSC-26-11-00012-P	..... exempt	Waiver of generation retirement notice requirements	Consideration of waiver of generation retirement notice requirements
*PSC-29-11-00011-P	..... exempt	Petition requesting the Commssion reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order.	To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing.
*PSC-35-11-00011-P	..... exempt	Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8	Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters
*PSC-36-11-00006-P	..... exempt	To consider expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-38-11-00002-P	..... exempt	Operation and maintenance procedures pertaining to steam trap caps	Adopt modified steam operation and maintenance procedures
*PSC-38-11-00003-P	..... exempt	Waiver of certain provisions of the electric service tariffs of Con Edison	Consideration of waiver of certain provisions of the electric service tariffs of Con Edison
*PSC-40-11-00010-P	..... exempt	Participation of regulated local exchange carriers in the New York Data Exchange, Inc. (NYDE)	Whether to partially modify its order requiring regulated local exchange carriers' participation NYDE
*PSC-40-11-00012-P	..... exempt	Granting of transfer of plant in-service to a regulatory asset	To approve transfer and recovery of unamortized plant investment
*PSC-42-11-00018-P	..... exempt	Availability of telecommunications services in New York State at just and reasonable rates	Providing funding support to help ensure availability of affordable telecommunications service throughout New York
*PSC-43-11-00012-P	..... exempt	Transfer of outstanding shares of stock	Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC
*PSC-47-11-00007-P	..... exempt	Remedying miscalculations of delivered gas as between two customer classes	Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations
*PSC-48-11-00007-P	..... exempt	Transfer of controlling interests in generation facilities from Dynegy to PSEG	Consideration of the transfer of controlling interests in electric generation facilities from Dynegy to PSEG
*PSC-48-11-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York
*PSC-51-11-00010-P	..... exempt	The Total Resource Cost (TRC) test, used to analyze measures in the Energy Efficiency Portfolio Standard program	Petitioners request that the TRC test and/or its application to measures should be revised
*PSC-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

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-13-13-00008-P	..... exempt	The potential waiver of 16 NYCRR 255.9221(d) completion of integrity assessments for certain gas transmission lines.	To determine whether a waiver of the timely completion of certain gas transmission line integrity assessments should be granted.
*PSC-17-13-00008-P	..... exempt	Provision of historical utility pricing information for comparison purposes for residential ESCO customers	Provision of historical utility pricing information for comparison purposes for residential ESCO customers
*PSC-17-13-00010-P	..... exempt	Provision of historical pricing information for comparison purposes for residential ESCO customers	Provision of historical pricing information for comparison purposes for residential ESCO customers
*PSC-18-13-00007-P	..... exempt	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes
*PSC-21-13-00003-P	..... exempt	To consider policies that may impact consumer acceptance and use of electric vehicles	To consider and further develop policies that may impact consumer acceptance and use of electric vehicles
*PSC-21-13-00005-P	..... exempt	To implement an abandonment of Windover's water system	To approve the implementation of abandonment of Windover's water system
*PSC-21-13-00008-P	..... exempt	Rates of National Fuel Gas Distribution Corporation	To make the rates of National Fuel Gas Distribution Corporation temporary, subject to refund, if they are found to be excessive
*PSC-21-13-00009-P	..... exempt	Reporting requirements for natural gas local distribution companies	To help ensure efficient and economic expansion of the natural gas system as appropriate
*PSC-22-13-00009-P	..... exempt	On remand from New York State court litigation, determine the recovery of certain deferred amounts owed NFG by ratepayers	On remand, to determine the recovery of certain deferral amounts owed NFG from ratepayers
*PSC-23-13-00005-P	..... exempt	Waiver of partial payment, directory database distribution, service quality reporting, and service termination regulations	Equalize regulatory treatment based on level of competition and practical considerations
*PSC-24-13-00009-P	..... exempt	Repowering options for the Cayuga generating station located in Lansing, New York, and alternatives	To establish whether utility plans should include repowering options for the Cayuga generating station, or other alternatives
*PSC-24-13-00010-P	..... exempt	Repowering options for the Dunkirk generating station located in Dunkirk, New York, and alternatives	To establish whether utility plans should include repowering options for the Dunkirk generating station, or other alternatives
*PSC-25-13-00008-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-28-13-00014-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-28-13-00016-P	..... exempt	The request of NGT for lightened regulation as a gas corporation.	To consider whether to approve, reject, or modify the request of Niagara gas transport of Lockport, NY LLC.
*PSC-28-13-00017-P	..... exempt	The request by TE for waiver of regulations requiring that natural gas be odorized in certain gathering line segments	Consider the request by TE for waiver of regulations that gas be odorized in certain lines
*PSC-32-13-00009-P	..... exempt	To consider the definition of “misleading or deceptive conduct” in the Commission’s Uniform Business Practices	To consider the definition of “misleading or deceptive conduct” in the Commission’s Uniform Business Practices
*PSC-32-13-00010-P	..... exempt	Permission to write off and eliminate record keeping for regulatory reserves for Pensions and Other Post Retirement Benefits	To allow write off and eliminate record keeping of Pension and Other Post Retirement Benefits Reserves
*PSC-32-13-00012-P	..... exempt	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion
*PSC-33-13-00027-P	..... exempt	Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines.	Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines.
*PSC-33-13-00029-P	..... exempt	Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy.	To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy.
*PSC-34-13-00004-P	..... exempt	Escrow account and surcharge to fund extraordinary repairs	To approve the establishment of an escrow account and surcharge
*PSC-37-13-00007-P	..... exempt	Dissolution of Garrow Water Works Company, Inc..	To allow for the dissolution of Garrow Water Works Company, Inc.
*PSC-39-13-00010-P	..... exempt	NY-Sun initiative within the Customer-Sited Tier of the RPS Program.	To increase the statewide adoption of customer sited photovoltaic solar generation through the NY-Sun Initiative.
*PSC-42-13-00013-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-42-13-00015-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-43-13-00015-P	..... exempt	Petition for submetering of electricity	To consider the request of 2701 Kingsbridge Terrace L.P. to submeter electricity at 2701 Kingsbridge Terrace, Bronx, N.Y.
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-45-13-00024-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4); waiver of filing deadlines.	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00025-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-47-13-00009-P	..... exempt	Petition for submetering of electricity.	To consider the request of Hegeman Avenue Housing L.P. to submeter electricity at 39 Hegeman Avenue, Brooklyn, N.Y.
*PSC-47-13-00012-P	..... exempt	Conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.	Consideration of conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.
*PSC-49-13-00008-P	..... exempt	Authorization to transfer all of Crystal Water Supply Company, Inc. stocks to Essel Infra West Inc.	To allow Crystal Water Supply Company, Inc to transfer all of its issued and outstanding stocks to Essel Infra West Inc.
*PSC-51-13-00009-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00010-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00011-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-52-13-00012-P	..... exempt	The development of reliability contingency plan(s) to address the potential retirement of Indian Point Energy Center (IPEC).	To address the petition for rehearing and reconsideration/motion for clarification of the IPEC reliability contingency plan(s).
*PSC-52-13-00015-P	..... exempt	To enter into a loan agreement with the banks for up to an amount of \$94,000.	To consider allowing Knolls Water Company to enter into a long-term loan agreement.
*PSC-01-14-00017-P	..... exempt	Residential Time-of-Use Rates	To establish residential optional time of use delivery and commodity rates
*PSC-03-14-00009-P	..... exempt	disposition of tax refunds and other related matters	to determine the disposition of tax refunds and other related matters
*PSC-04-14-00005-P	..... exempt	National Fuel Gas Corporation's Conservation Incentive Programs.	To modify National Fuel Gas Corporation's Non-Residential Conservation Incentive Program.
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-08-14-00015-P	..... exempt	Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities	To improve Verizon New York Inc.'s service quality and the Customer Trouble Report Rate levels at certain central office entities
*PSC-10-14-00006-P	..... exempt	Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance	To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance
*PSC-11-14-00003-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-16-14-00014-P	..... exempt	Whether to order NYSEG to provide gas service to customers when an expanded CPCN is approved and impose PSL 25-a penalties.	To order gas service to customers in the Town of Plattsburgh after approval of a town wide CPCN and to impose penalties.
*PSC-16-14-00015-P	..... exempt	Whether Central Hudson should be permitted to defer obligations of the Order issued on October 18, 2013 in Case 13-G-0336.	Consideration of the petition by Central Hudson to defer reporting obligations of the October 18, 2013 Order in Case 13-G-0336
*PSC-16-14-00016-P	..... exempt	Waiver of Commission regulations governing termination of service.	Consider United Water New York Inc.'s proposal to expand termination of service provisions.
*PSC-17-14-00003-P	..... exempt	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism
*PSC-17-14-00004-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00007-P	..... exempt	To consider petitions for rehearing, reconsideration and/or clarification	To consider petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00008-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-19-14-00014-P	..... exempt	Market Supply Charge	To make tariff revisions to the Market Supply Charge for capacity related costs
*PSC-19-14-00015-P	..... exempt	Whether to permit the use of the Sensus accuWAVE for use in residential and commercial gas meter applications	To permit gas utilities in New York State to use the Sensus accuWAVE 415TC gas meter
*PSC-19-14-00018-P	..... exempt	Uniform System of Accounts, deferral of an expense item	Authorization of a deferral for an expense item beyond the end of the year in which it was incurred
*PSC-22-14-00013-P	..... exempt	Petition to transfer and merge systems, franchises and assets.	To consider the Comcast and Time Warner Cable merger and transfer of systems, franchises and assets.
*PSC-23-14-00010-P	..... exempt	Whether to permit the use of the GE Dresser Series B3-HPC 11M-1480 rotary gas met for use in industrial gas meter applications	To permit gas utilities in New York State to use the GE Dresser Series B3-HPC 11M-1480 rotary gas meter
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-26-14-00010-P	..... exempt	Petitioner requests an order authorizing its participation in the next Main Tier solicitation offered under the RPS Program.	To enable continued operation of a 21 MW biomass fueled electric generating facility in Chateaugay, New York.
*PSC-26-14-00013-P	..... exempt	Waiver of RG&E's tariffed definition of emergency generator.	To consider waiver of RG&E's tariffed definition of emergency generator.
*PSC-26-14-00017-P	..... exempt	Existing ratemaking and rate design practices will be revised with a focus on outcomes and incentives.	To use the Commission's ratemaking authority to foster a DER-intensive system.
*PSC-26-14-00020-P	..... exempt	New electric utility backup service tariffs and standards for interconnection may be adopted.	To encourage development of microgrids that enhance the efficiency, safety, reliability and resiliency of the electric grid.
*PSC-26-14-00021-P	..... exempt	Consumer protections, standards and protocols pertaining to access to customer data may be established.	To balance the need for the information necessary to support a robust market with customer privacy concerns.
*PSC-28-14-00014-P	..... exempt	Petition to transfer systems, franchises and assets.	To consider the Comcast and Charter transfer of systems, franchise and assets.
*PSC-30-14-00023-P	..... exempt	Whether to permit the use of the Sensus iPERL Fire Flow Meter.	Pursuant to 16 NYCRR Part 500.3 , it is necessary to permit the use of the Sensus iPERL Fire Flow Meter.
*PSC-30-14-00025-P	..... exempt	Allocation of uncommitted Technology and Market Development Funds to the Combined Heat & Power Performance Program.	To consider allocation of uncommitted Technology & Market Development Funds to the Combined Heat & Power Performance Program.
*PSC-30-14-00026-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of Renaissance Corporation of to master meter electricity at 100 Union Drive,Albany, NY.
*PSC-31-14-00004-P	..... exempt	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross
*PSC-32-14-00009-P	..... exempt	Refueling options for the Dunkirk generating station located in Dunkirk, New York, and alternatives	To address the joint petition for rehearing of the Commission's Order related to refueling the Dunkirk generating station
*PSC-32-14-00012-P	..... exempt	Whether to grant or deny, in whole or in part, the Connect New York Coalition's petition	To consider the Connect New York Coalition's petition seeking a formal investigation and hearings
*PSC-34-14-00009-P	..... exempt	Whether to approve the Quadlogic S10N residential submeter.	Approval of the Quadlogic S10N Smart Meter for use in residential electric submetering is required by 16 NYCRR Parts 93 and 96.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-36-14-00010-P	..... exempt	The procurement of Main Tier renewable resources will become the responsibility of the State's electric utilities.	To ensure the development of large-scale renewables in New York State to promote fuel diversity and reduce carbon emissions.
*PSC-36-14-00011-P	..... exempt	To defer pension settlement losses associated with retirements in the year ended March 31, 2014.	To resolve the ratemaking of the pension settlement loss.
*PSC-38-14-00003-P	..... exempt	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.
*PSC-38-14-00004-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00005-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-38-14-00007-P	..... exempt	Whether to expand Con Edison's low income program to include Medicaid recipients.	Whether to expand Con Edison's low income program to include Medicaid recipients.
*PSC-38-14-00008-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00010-P	..... exempt	Inter-carrier telephone service quality standard and metrics and administrative changes.	To review recommendations from the Carrier Working Group and incorporate appropriate modifications to the existing Guidelines.
*PSC-38-14-00012-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-38-14-00018-P	..... exempt	New electric utility demand response tariffs may be adopted.	To develop mature DER markets by enabling the development and use of DR as an economic system resource.
*PSC-39-14-00020-P	..... exempt	Whether to permit the use of the Mueller Systems 400 Series and 500 Series of water meters	Pursuant to 16 NYCRR section 500.3, whether to permit the use of the Mueller Systems 400, and 500 Series of water meters
*PSC-40-14-00008-P	..... exempt	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.
*PSC-40-14-00009-P	..... exempt	Whether to permit the use of the Itron Open Way Centron Meter with Hardware 3.1 for AMR and AMI functionality.	Pursuant to 16 NYCRR Parts 93, is necessary to permit the use of the Itron Open Way Centron Meter with Hardware 3.1.
*PSC-40-14-00011-P	..... exempt	Late Payment Charge.	To modify Section 7.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-40-14-00013-P	..... exempt	Regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.	To consider regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-40-14-00015-P	..... exempt	Late Payment Charge.	To modify Section 6.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-42-14-00003-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-42-14-00004-P	..... exempt	Winter Bundled Sales Service Option	To modify SC-11 to remove language relating to fixed storage charges in the determination of the Winter Bundled Sales charge
*PSC-48-14-00014-P	..... exempt	Considering the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.	To consider the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.
*PSC-52-14-00019-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of 614 South Crouse Avenue, LLC to master meter electricity at 614 South Crouse Avenue, Syracuse, NY..
*PSC-01-15-00014-P	..... exempt	State Universal Service Fund Disbursements	To consider Edwards Telephone Company's request for State Universal Service Fund disbursements
*PSC-01-15-00017-P	..... exempt	Reimbursement of costs for construction under 16 NYCRR 230	To determine proper reimbursement for costs related to trenching and construction
*PSC-03-15-00002-P	..... exempt	Waiver of tariff provisions related to SC 14 Non-Core Transportation Services for Electric Generation	To determine whether a waiver is warranted
*PSC-04-15-00008-P	..... exempt	Re-billing SC No. 2 customers from March 2008 through March 2014.	To determine whether re-billing SC No. 2 customers by the Companies' proposed methodology customers is appropriate.
*PSC-04-15-00010-P	..... exempt	To modify the retail access program under SC No. 19 - Seller Transportation Aggregation Service.	To modify the retail access program to implement Tier 2A - Storage Capacity Release and make other tariff changes.
*PSC-04-15-00011-P	..... exempt	To modify the retail access program under SC No. 8 - Seller Services.	To modify the retail access program to implement Tier 2A - Storage Capacity Release and make other tariff changes.
*PSC-04-15-00012-P	..... exempt	Disposition of tax refunds and other related matters.	To determine the disposition of tax refunds and other related matters.
*PSC-07-15-00006-P	..... exempt	Whether to order a remand regarding payphone rates	Whether to order a remand regarding payphone rates and award refunds
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-10-15-00008-P	..... exempt	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes
*PSC-10-15-00009-P	..... exempt	Contingency Tariffs regarding demand response issues	To consider Contingency Tariffs regarding demand response issues
*PSC-12-15-00007-P	..... exempt	The Annual Reconciliation of Gas Expenses and Gas Cost Recoveries codified at Title 16 NYCRR Section 720.6.5	Examine the Annual Reconciliation of Gas Expenses and Gas Cost Recoveries mechanism
*PSC-13-15-00024-P	..... exempt	Whether Leatherstocking should be permitted to recover a shortfall in earnings	To decide whether to approve Leatherstocking's request to recover a shortfall in earnings
*PSC-13-15-00026-P	..... exempt	Whether to permit the use of the Sensus Smart Point Gas AMR/AMI product	To permit the use of the Sensus Smart Point Gas AMR/AMI product
*PSC-13-15-00027-P	..... exempt	Whether to permit the use of the Measurlogic DTS 310 electric submeter	To permit the use of the Measurlogic DTS 310 submeter
*PSC-13-15-00028-P	..... exempt	Whether to permit the use of the SATEC EM920 electric meter	To permit necessary to permit the use of the SATEC EM920 electric meter
*PSC-13-15-00029-P	..... exempt	Whether to permit the use the Triacta Power Technologies 6103, 6112, 6303, and 6312 electric submeters	To permit the use of the Triacta submeters
*PSC-17-15-00004-P	..... exempt	Rehearing of the Commission's Order Adopting Regulatory Policy Framework and Implementation Plan	Consideration of a petition for rehearing
*PSC-17-15-00007-P	..... exempt	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million
*PSC-18-15-00004-P	..... exempt	National Grid's electric Economic Development Programs	To revise the economic development assistance to qualified businesses
*PSC-18-15-00005-P	..... exempt	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism
*PSC-18-15-00007-P	..... exempt	National Grid's Economic Development Programs	To authorize a new economic development program for National Grid's natural gas service territory
*PSC-19-15-00011-P	..... exempt	Gas Safety Performance Measures and associated negative revenue adjustments	To update the performance measures applicable to KeySpan Gas East Corporation d/b/a National Grid
*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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-38-15-00008-P	..... exempt	Notice of Intent to submeter electricity	To consider the request of Community Counseling and Mediation to submeter electricity at 226 Linden Blvd., Brooklyn, New York
*PSC-40-15-00014-P	..... exempt	Whether to permit the use of the Open Way 3.5 with cellular communications	To consider the use of the Open Way 3.5 electric meter, pursuant to 16 NYCRR Parts 92 and 93
*PSC-41-15-00005-P	..... exempt	Intergrow disputes National Grid's revenue assurance calculations	To consider whether the revenue assurance National Grid is requiring of Intergrow for the new interconnection is appropriate
*PSC-41-15-00009-P	..... exempt	Main Tier of the Renewable Portfolio Standard program	To consider allocating funding from the Main Tier to an eligible hydroelectric facility
*PSC-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-51-15-00010-P	..... exempt	Modification of the EDP	To consider modifying the EDP
PSC-51-15-00011-P	..... exempt	National Grid's electric Economic Development Programs	To consider modifications to the economic development assistance to qualified businesses
PSC-52-15-00015-P	..... exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP).	To consider whether to impose consequences on Astral for its apparent non-compliance with Commission requirements.
PSC-01-16-00002-P	..... exempt	Revenue assurance calculations	To consider whether the revenue assurance National Grid is requiring of Tiashoke for the upgraded service is appropriate
PSC-01-16-00003-P	..... exempt	Deferral of expenses	To consider a petition for the deferral of expenses
PSC-01-16-00005-P	..... exempt	Proposed amendment to Section 5, Attachment 1.A of the Uniform Business Practices	To consider amendment to Section 5, Attachment 1.A of the Uniform Business Practices
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-07-16-00018-P	..... exempt	The use of the Open Way Centron 3.5 commercial meter, with 4G LTE cellular or modem communications for electric metering	To consider the use of the Itron Open Way Centron 3.5 meter
PSC-08-16-00007-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of BOP MW Residential Market LLC and BOP MW Residential Affordable LLC to submeter electricity.
PSC-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

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-15-16-00012-P	..... exempt	Adequate service of Verizon New York, Inc.	To consider the adequacy of Verizon New York Inc.'s service quality
PSC-17-16-00004-P	..... exempt	Major electric rate filing	To consider an increase in Con Edison's electric delivery revenues of approximately \$482 million or 9.5%
PSC-17-16-00005-P	..... exempt	Major gas rate filing	To consider an increase in KEDNY's gas delivery revenues by approximately \$290 million or 32%
PSC-17-16-00006-P	..... exempt	Proposal to revise General Rule 20 Standby Service	To consider proposed tariff revisions related to standby service multi-party offset under General Rule 20
PSC-17-16-00007-P	..... exempt	Major gas rate filing	To consider an increase in Con Edison's gas delivery revenues of approximately \$154 million or 13.4%
PSC-17-16-00008-P	..... exempt	Major gas rate filing	To consider an increase in KEDLI's gas delivery revenues by approximately \$175 million or 27%
PSC-18-16-00013-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-20-16-00008-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-20-16-00011-P	..... exempt	Enetics LD-1120 Non-Intrusive Load Monitoring Device in the Statewide Residential Appliance Metering Study.	To consider the use of the Enetics LD-1120 Non-Intrusive Load Monitoring Device.
PSC-21-16-00008-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-23-16-00009-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.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-26-16-00021-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.

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

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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.
PSC-39-16-00019-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
PUBLIC SERVICE COMMISSION			
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.
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.

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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%
PSC-45-16-00007-P	..... exempt	Proposed debt financing for CCI Rensselaer LLC.	To consider proposed debt financing for CCI Rensselaer LLC.
PSC-45-16-00008-P	..... exempt	Petition to use a commercial electric meter.	To consider the petition to use the Landis+Gyr S4X Commercial Meter with Gridstream Series 5 RF Mesh IP AMI.
PSC-45-16-00009-P	..... exempt	Petition to use a residential gas meter.	To consider the petition to use the Elster/American AT210TC gas meter in residential applications.
PSC-45-16-00010-P	..... exempt	Petition to use a residential gas meter.	To consider the petition to use the Sensus RT230TC temperature compensated gas meter in residential applications.
PSC-45-16-00011-P	..... exempt	Petition to use a residential electric meter.	To consider the petition to use the Landis+Gyr Focus AXe Meter with Gridstream Series 5 RF Mesh IP AMI.
PSC-45-16-00012-P	..... exempt	Disposition of property tax benefits.	To consider the disposition of property tax benefits.
PSC-45-16-00013-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives.	To consider the Interconnection Survey Process and Proposed Earnings Adjustment Mechanism.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-45-16-00014-P	..... exempt	Disposition of property tax benefits.	To consider the disposition of property tax benefits.
PSC-45-16-00015-P	..... exempt	Arbor Hills Water Works Inc.'s rates for the provision of water.	To consider an increase in Arbor Hills Water Works Inc.'s annual water revenues by approximately \$36,500 or 45%.
PSC-45-16-00016-P	..... exempt	Bonville Water Company Inc.'s rates for the provision of water.	To consider an increase in Bonville Water Company Inc.'s annual water revenues by approximately \$25,000 or 45%.
PSC-45-16-00017-P	..... exempt	Knolls Water Co., Inc.'s rates for the provision of water.	To consider an increase in Knolls Water Co., Inc.'s annual water revenues by approximately \$26,600 or 45%.
PSC-45-16-00018-P	..... exempt	Proposed water supply agreement between NYAW and Glen Cove.	To consider the proposed water supply agreement between NYAW and Glen Cove.
STATE, DEPARTMENT OF			
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
DOS-45-16-00019-P	..... 11/09/17	Rules relating to political consultants	To prescribe the statutorily mandated form for political consultants and related regulations relating to political consultants
STATE UNIVERSITY OF NEW YORK			
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
TAXATION AND FINANCE, DEPARTMENT OF			
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
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
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

Action Pending Index**NYS Register/November 9, 2016**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
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
TRANSPORTATION, DEPARTMENT OF			
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
WORKERS' COMPENSATION BOARD			
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

SECURITIES OFFERINGS

STATE NOTICES

Published pursuant to provisions of General Business Law
[Art. 23-A, § 359-e(2)]

DEALERS; BROKERS

15 City Zip/Wallingford, LLC
800 Arbor Dr. N, Louisville, KY 40223

15 Ghostzapper/Pension, LLC
800 Arbor Dr. N, Louisville, KY 40223

15 Lemon Drop Kid/Doe, LLC
800 Arbor Dr. N, Louisville, KY 40223

15 Uncle Mo/Patsys Kim, LLC
800 Arbor Dr. N, Louisville, KY 40223

24 Carrots, LLC
63 Flushing Ave., Suite 1105, Brooklyn, NY 11205

807 Manhattan Avenue LLC
38 E. 29th St., 9th Fl., New York, NY 10016
State or country in which incorporated — Delaware

Allen Creek Investors, LLC
221 N. Saltair Ave., Los Angeles, CA 90049
State or country in which incorporated — Delaware limited liability company

Altair Secondaries Fund, LLC
c/o First Republic Investment Management, Inc., 1888 Century Park E, Los Angeles, CA 90067-1702

Alternative Capital, LLC
4501 E. Columbus Dr., Tampa, FL 33605
State or country in which incorporated — Florida limited liability company

Altravue Fund I, LP
868 137th Place SE, Bellevue, WA 98005
Partnership — Altravue Capital GP I, LLC

Anbec Partners, LP
31 Old Colony Rd., Hingham, MA 02043
Partnership — Anbec Capital Management, LLC

Arcus Barrow L.P.
c/o Arcus Barrow GP LLC, 300 First Stamford Place, 3rd Fl. E, Stamford, CT 06902
Partnership — Arcus Barrow GP LLC

ASM Connaught House Fund II, LLC
c/o Argyle Street Mgmt Limited, 601 St. George's Bldg., Two Ice House St., Hong Kong

ASM Connaught House Fund II LP
c/o Argyle Street Mgmt Limited, 601 St. George's Bldg., Two Ice House St., Hong Kong
Partnership — ASM Connaught House General Partner II Limited

Aspida 360, Inc.
1340 Smith Ave., Suite 200, Baltimore, MD 21209
State or country in which incorporated — Maryland

Bahamas Certified Seafood, Inc.
5400 S. University Dr., #206A, Davie, FL 33328
State or country in which incorporated — Florida

Biolabmart Inc.
1900 Purdy Ave., #1907, Miami Beach, FL 33139
State or country in which incorporated — Wyoming

Bodyshopbids, Inc.
600 W. Chicago Ave., Suite 670, Chicago, IL 60654
State or country in which incorporated — Delaware

BPV Fund I LP
139 Skillman Ave., 7B, Brooklyn, NY 11211
Partnership — BluePrint Ventures I LLC

Cambridge Investment Research Inc.
1776 Pleasant Plain Rd., Fairfield, IA 52556-8757
State or country in which incorporated — Iowa

Cantor Fitzgerald & Co.
110 E. 59th St., 4th Fl., New York, NY 10022
Partnership — CFS CF&CO I Holdings, L.P.

Carmot Master Fund LP
385 Homer Ave., Palo Alto, CA 94301
Partnership — Carmot Capital LLC

Choice Pet Venture, LLC
Six Landmark Sq., Third Fl., Stamford, CT 06901
Partnership — Centripetal Management, LLC

Colorado Financial Service Corporation
304 Inverness Way S, Suite 355, Centennial, CO 80112
State or country in which incorporated — Colorado

Craftstone Fund, LP
54 W. 40th St., New York, NY 10018
Partnership — Craftstone GP, LLC

Craftstone Offshore Fund, Ltd.
27 Hospital Rd., Georgetown, Grand Cayman, Cayman Islands KY1-9008
State or country in which incorporated — Cayman Islands

Cross Sound Energy Opportunity Fund, L.P.
10 Westport Rd., Bldg. C, Suite 202, Wilton, CT 06897
Partnership — Cross Sound Capital Partners LLC

Dad/Cocoa Beach Holdings, LP
255 Alhambra Circle, Suite 760, Coral Gables, FL 33134
Partnership — Dad/Cocoa Beach Holdings GP, LLC

Ethos Realty, LLC
307 Ferry St., Marshfield, MA 02050
State or country in which incorporated — Massachusetts limited liability company

Fairmount Healthcare Feeder Fund Ltd.
2001 Market St., Suite 2500, Philadelphia, PA 19103
State or country in which incorporated — Cayman Islands

Fairmount Healthcare Fund L.P.
2001 Market St., Suite 2500, Philadelphia, PA 19103
Partnership — Fairmount Healthcare Fund GP LLC

FAN Investors Fund I, LP
1030 N. Orange Ave., Suite 101, Orlando, FL 32801
Partnership — FAN Investors I GP, LLC

Foreside Fund Services, LLC
220 E. Las Colinas Blvd., Suite 1200, Irving, TX 75039
State or country in which incorporated — Massachusetts

GEOcommand, Inc.
3700 Airport Rd., Suite 410, Boca Raton, FL 33431
State or country in which incorporated — Florida

Herbert J. Sims & Co., Inc.
2150 Post Rd., Suite 301, Fairfield, CT 06824
State or country in which incorporated — Delaware

HypGames, Inc.
1818 Alaqua Lake Blvd., Longwood, FL 32779
State or country in which incorporated — Delaware

ICG Access Fund Offshore SPC Limited
11111 Santa Monica Blvd., Suite 2100, Los Angeles, CA 90025
Partnership — ICG Advisors, LLC

Incline Equity Partners IV, L.P.
EQT Plaza, Suite 340, 625 Liberty Ave., Pittsburgh, PA 15222
Partnership — Incline GP IV, L.P.

Innovatus Flagship Employee Fund I, LP
777 Third Ave., 19th Fl., New York, NY 10017
Partnership — Innovatus Flagship Employee GP, LP

Integrus Holdings, Inc.
22601 Davis Dr., Sterling, VA 20164
State or country in which incorporated — Virginia

Invesco WLR Credit Partners Fund, L.P.
1166 Avenue of the Americas, 25th Fl., New York, NY 10036
Partnership — Invesco WLR Credit Partners, LLC

Janchor Partners Opportunities Offshore Fund L.P.
c/o Janchor Partners Limited, Unit 3508, One Exchange Sq., Central, Hong Kong
Partnership — Janchor Partners GP Limited

Janchor Partners Opportunities U.S. Fund L.P.
c/o Janchor Partners Limited, Unit 3508, One Exchange Sq., Central, Hong Kong
Partnership — Janchor Partners GP Limited

Kingstown Partners L.P.
100 Park Ave., Suite 2100, New York, NY 10017
Partnership — Kingstown Capital Partners LLC

Lazarus Behavioral Finance Fund LP
3200 Cherry Creek S. Dr., Suite 670, Denver, CO 80209
Partnership — Lazarus GP LLC

Lone Star Fund X (U.S.), L.P.
2711 N. Haskell Ave., Suite 1700, Dallas, TX 75204
Partnership — Lone Star Partners X, L.P.

Long Hill Capital Venture Partners 1, L.P.
Unit 2202, Plaza 66, 1266 Nanjing, West Rd., Shanghai, China 200040
Partnership — Long Hill Capital Venture Partners GP 1, L.P.

LSC Lithium Inc.
c/o Norton Rose, Royal Bank Plaza, S. Tower Suite 3800, 200 Bay St., PO Box 84, Toronto, ON Canada
State or country in which incorporated — Canada

Lubert-Adler Real Estate Fund VII-B, L.P.
171 17th St. NW, Atlanta, GA 30363
Partnership — Lubert-Adler Group VII-B, LLC

Luminate Capital Partners, LP
270 Beach Rd., Belvedere, CA 94920
Partnership — Luminate Capital Partners GP, LP

Madison India Opportunities IV
c/o Cim Fund Services Ltd., 33, Edith Cavell St., Port Louis, Republic of Mauritius 11302

Marlin Equity V, L.P.
338 Pier Ave., Hermosa Beach, CA 90254
Partnership — Marlin Equity Partners V, L.P.

Marlin Equity V-A, L.P.
338 Pier Ave., Hermosa Beach, CA 90254
Partnership — Marlin Equity Partners V, L.P.

Marlin Heritage II, L.P.
338 Pier Ave., Hermosa Beach, CA 90254
Partnership — Marlin Heritage Partners II, L.P.

Marlin Heritage II-A, L.P.
338 Pier Ave., Hermosa Beach, CA 90254
Partnership — Marlin Heritage Partners II, L.P.

Mechanical Technology, Inc.
325 Washington Ave. Ext., Albany, NY 12205
State or country in which incorporated — New York

New Sapience, Inc.
1001 Fell St., Slip #12, Baltimore, MD 21231
State or country in which incorporated — Delaware

Owl Rock Capital Corporation II
245 Park Ave., 41st Fl., New York, NY 10167
State or country in which incorporated — Maryland

PFC-LJM Fund, LP
12650 NW. Creekview Dr., Portland, OR 97229
Partnership — Pacific Futures and Capital, LLC; LJM Partners, Ltd.

Port Capital Partners Multi Cap Fund, LP
180 N. Stetson Ave., Suite 5780, Chicago, IL 60601
Partnership — Port Capital LLC

pregnantish Inc.
P.O. Box 23571, 271 Cadman Plaza E, Brooklyn, NY 11201
State or country in which incorporated — Delaware

Quasar Distributors, LLC
615 E. Michigan St., LC2, Milwaukee, WI 53202
State or country in which incorporated — Wisconsin

Resolute Capital Partners Fund IV, L.P.
30 Burton Hills Blvd., Suite 350, Nashville, TN 37215
Partnership — Resolute Capital SBIC Partners IV, LLC

Ryan Specialty Group, LLC
180 N. Stetson Ave., Suite 4600, Chicago, IL 60601
State or country in which incorporated — Delaware

Sandler O'Neill & Partners, L.P.
125 Avenue of the Americas, 6th Fl., New York, NY 10020
Partnership — Sandler O'Neill & Partners Corp.

SBB Research Group Polysight I LLC
450 Skokie Blvd., Suite 604, Northbrook, IL 60002
State or country in which incorporated — Illinois

SE Milwaukee Investors, LLC
350 N. LaSalle St., Suite 800, Chicago, IL 60654
State or country in which incorporated — Delaware limited liability company

SIGA Technologies, Inc.
660 Madison Ave., Suite 1700, New York, NY 10065
State or country in which incorporated — Delaware

Sightlife I, LLC
33465 Flying L Lane, Steamboat Springs, CO 80487

SkyWheel Holding Company, LLC
222 S. Central Ave., Suite 506, Saint Louis, MO 63105
State or country in which incorporated — Missouri limited liability company

Squared Concept Asset Management, LLC
25 Melville Park Rd., Suite 114, Melville, NY 11747

State Farm Fire and Casualty Company
One State Farm Plaza, Bloomington, IL 61710-0001
State or country in which incorporated — Illinois

State Farm Mutual Automobile Insurance Company
One State Farm Plaza, Bloomington, IL 61710-0001
State or country in which incorporated — Illinois

Forside Fund Services, LLC
Three Canal Plaza, Portland, ME 04101
State or country in which incorporated — Delaware

Thrive Skilled Pediatric Care LLC
500 Edgewater Dr., Suite 578, Wakefield, MA 01880

T. Rowe Price Total Return Fund, Inc.
100 E. Pratt St., Baltimore, MD 21202
State or country in which incorporated — Maryland

Trailer Bridge, Inc.
10405 New Berlin Rd. E, Jacksonville, FL 32226
State or country in which incorporated — Delaware

VidAngel, Inc.
249 N. University Ave., Provo, UT 84601
State or country in which incorporated — Delaware

Vyzion, Inc.
220 N. Green St., Chicago, IL 60607
State or country in which incorporated — Delaware

WealthForge Securities, LLC
6800 Paragon Place, Suite 200, Richmond, VA 23230

Wells Fargo Investment Institute, Inc.
401 S. Tryon St., Charlotte, NC 28202
State or country in which incorporated — North Carolina

We Mcalpine Creek LLC
12 College Rd., Monsey, NY 10952
State or country in which incorporated — Delaware

WestRiver Management, LLC
3720 Carillon Point, Kirkland, WA 98033

White Oaks Aggressive Growth Fund, LLC
595 Bay Isles Rd., Long Boat Key, FL 34228
State or country in which incorporated — Delaware

White Oaks Moderate Growth Fund, LLC
595 Bay Isles Rd., Long Boat Key, FL 34228
State or country in which incorporated — Delaware

Winston Gold Mining Corp.
Suite 201 - 919, Notre Dame Ave., Winnipeg, Manitoba, R3E 0M8
Canada
State or country in which incorporated — Canada

ZS Juniper L.P.
340 Madison Ave., 19th Fl., New York, NY 10173
Partnership — ZS Juniper GP LLC, general partner

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

REPLACE
ROOF RIGS
Empire State Plaza
Albany, Albany County

Sealed bids for Project Nos. 45131-C, 45131-E, comprising separate contracts for Construction Work and Electrical Work, Replace Roof Rigs, Corning Tower, Empire State Plaza, Albany, (Albany County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of General Services, until 2:00 p.m. on Wednesday, November 30, 2016, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of \$94,500 for C and \$16,900 for E.

All successful bidders on a multiple trade project or the successful bidder on a single trade project will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$3,000,000 and \$4,000,000 for C and between \$100,000 and \$250,000 for E.

Pursuant to State Finance Law § 139-j and § 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest notice of intent to solicit offers through final award and approval of the Procurement Contract by OGS D&C and Office of the State Comptroller ("restricted period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Frank Peris and Carl Ruppert in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the new Legislative and State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://ogs.ny.gov/aboutogs/regulations/defaultAdvisoryCouncil.asp>.

The substantial completion date for this project is 520 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 11:00 a.m. on November 17, 2016 at Corning Tower, 34th Floor, Albany, NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives at-

tending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

For assistance pertaining to the site visit only, please phone Lisa Clark (518) 473-2620.

It is the policy of the State and the Office of General Services to encourage meaningful minority- and women-owned business enterprise participation in this project by contractors, subcontractors and suppliers under the Contract, and all bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Electrical. The total contract goal can be obtained by utilizing any combination of MBE and /or WBE participation for subcontracting and supplies acquired under this Contract.

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

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

For questions about purchase of bid documents, please send an e-mail to D&C.Plans@ogs.ny.gov, or call 1-877-647-7526.

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

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

REPLACE
BANKS
State Campus
Albany, Albany County

Sealed bids for Project Nos. 45139-C, 45139-H, 45139-E, comprising separate contracts for Construction Work, HVAC Work and Electrical Work, Banks A, B & C Replacement, Main Substation, State Office Building Campus, 1220 Washington Avenue, Albany (Albany County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of General Services, until 2:00 p.m. on Wednesday, November 30, 2016, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of \$84,100 for C, \$6,000 for H and \$328,400 for E.

All successful bidders on a multiple trade project or the successful bidder with a bid over \$200,000 on a single trade project, will be required to furnish a Performance Bond and a Labor and Material

Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$3,000,000 and \$4,000,000 for C, between \$50,000 and \$100,000 for H and between \$13,000,000 and \$14,000,000 for E.

Pursuant to State Finance Law § 139-j and § 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest notice of intent to solicit offers through final award and approval of the Procurement Contract by OGS D&C and Office of the State Comptroller ("restricted period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Frank Peris and Carl Ruppert in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckj, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a 4 year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the new Legislative and State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://ogs.ny.gov/aboutogs/regulations/defaultAdvisoryCouncil.asp>.

The substantial completion date for this project is 632 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 1:00 p.m. on November 9, 2016 at State Office Building Campus, OGS Trailer adjacent to Building 4, 1220 Washington Avenue, Albany, NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

For assistance pertaining to the site visit only, please phone Peter Gartung (518) 457-2711.

It is the policy of the State and the Office of General Services to encourage meaningful minority- and women-owned business enterprise participation in this project by contractors, subcontractors and suppliers under the Contract, and all bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Construction and Electrical. The total contract goal can be obtained by utilizing any combination of MBE and /or WBE participation for subcontracting and supplies acquired under this Contract.

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

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

For questions about purchase of bid documents, please send an e-mail to D&C.Plans@ogs.ny.gov, or call 1-877-647-7526.

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

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

**INSTALL
AIR HANDLER**
Hale Creek Correctional Facility
Johnstown, Fulton County

Sealed bids for Project Nos. 45219-H, 45219-E, comprising separate contracts for HVAC Work and Electrical Work, Install Air Handler, Building 7. Hale Creek Correctional Facility, 279 Maloney Road, Johnstown (Fulton County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Corrections and Community Supervision, until 2:00 p.m. on Wednesday, November 30, 2016, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of \$23,100 for H and \$1,500 for E.

All successful bidders on a multiple trade project or the successful bidder on a single trade project will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$250,000 and \$500,000 for H and under \$25,000 for E.

Pursuant to State Finance Law § 139-j and § 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest notice of intent to solicit offers through final award and approval of the Procurement Contract by OGS D&C and Office of the State Comptroller ("restricted period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Frank Peris and Carl Ruppert in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckj, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the new Legislative and State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://ogs.ny.gov/aboutogs/regulations/defaultAdvisoryCouncil.asp>.

The substantial completion date for this project is 240 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on November 17, 2016 at Hale Creek Correctional Facility, Building 1, 279 Maloney Road, Johnstown, NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

Phone the office of William Kruegler, (518) 457-8038 a minimum of 72 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

It is the policy of the State and the Office of General Services to

encourage meaningful minority- and women-owned business enterprise participation in this project by contractors, subcontractors and suppliers under the Contract, and all bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises (“MBE”) participation and 15% for Women-Owned Business Enterprises (“WBE”) participation (based on the current availability of qualified MBEs and WBEs) for HVAC. The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract.

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

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

For questions about purchase of bid documents, please send an e-mail to D&C.Plans@ogs.ny.gov, or call 1-877-647-7526.

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

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

MISCELLANEOUS NOTICES/HEARINGS

Notice of Abandoned Property Received by the State Comptroller

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

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

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

PUBLIC NOTICE

Division of Criminal Justice Services
Commission on Forensic Science

Pursuant to Public Officers Law section 104, the Division of Criminal Justice Services gives notice of a meeting of the New York State Commission on Forensic Science to be held on:

Date: Friday, December 9, 2016
Time: 9:00 a.m. - 1:00 p.m.
Place: Division of Criminal Justice Services
Alfred E. Smith Office Bldg.
Crime Stat Rm. 118
80 South Swan St.
Albany, NY

Video Conference Site:
Empire State Development Corporation
(ESDC)
633 3rd Ave.
37th Fl./Conference Rm.
New York, NY

*Identification and sign-in is required at this location. For further information, or if you need a reasonable accommodation to attend this meeting, contact: Catherine White, Division of Criminal Justice Services, Office of Forensic Services, 80 Swan St., Albany, NY 12210, (518) 485-5052

PUBLIC NOTICE Department of Health

Pursuant to 42 CFR Section 447.205, the Department of Health hereby gives public notice of the following:

The Department of Health proposes to amend the Title XIX

(Medicaid) State Plan for non-institutional services to comply with enacted statutory provisions. The following changes are proposed:

Non-Institutional Services

The following is a clarification to the March 30, 2016 noticed provision to continue supplemental upper payment limit payments to general hospitals, other than major public general hospitals under institutional services. This provision is to also include non-institutional services.

There is no additional net aggregate increase in gross Medicaid expenditures attributable to this initiative contained in the budget for state fiscal year 2016/2017.

The public is invited to review and comment on this proposed State Plan Amendment (SPA). Copies of which will be available for public review on the Department's website at http://www.health.ny.gov/regulations/state_plans/status. In addition, approved SPA's beginning in 2011, are also available for viewing on this website.

Copies of the proposed State Plan Amendments will be on file in each local (county) social services district and available for public review.

For the New York City district, copies will be available at the following places:

New York County
250 Church Street
New York, New York 10018

Queens County, Queens Center
3220 Northern Boulevard
Long Island City, New York 11101

Kings County, Fulton Center
114 Willoughby Street
Brooklyn, New York 11201

Bronx County, Tremont Center
1916 Monterey Avenue
Bronx, New York 10457

Richmond County, Richmond Center
95 Central Avenue, St. George
Staten Island, New York 10301

For further information and to review and comment, please contact: Department of Health, Division of Finance and Rate Setting, 99 Washington Ave., One Commerce Plaza, Suite 1460, Albany, NY 12210, spa_inquiries@health.ny.gov

PUBLIC NOTICE Department of State F-2016-0579

Date of Issuance – November 9, 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-2016-0579, John and Jane Griffith are proposing to construct new 4' x 125' dock with open grate decking, within the City of Quogue, Suffolk County. The proposed dock would be located within the Shinnecock Bay Significant Coastal Fish and Wildlife Habitat as designated on March 15, 1987, and revised on December 15, 2008. No ramp or float are proposed. The project has been modified to include: reduction in dock length, as measured from Mean High Water, from 100-ft to 60-ft; use of only non-treated materials; construction of pass-repass stairs at the landward end of the proposed dock to allow pedestrians to traverse the foreshore; and inclusion of an all-weather light at the seaward end of the dock. The proposed structure is intended to serve as a private dock for recreational boating.

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 24, 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

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.

2016-0348 Matter of Jonathan Taylor R.A. AIA for Captain Visgor House, LLC, 511 Hugunin St., Clayton, NY 13624 for a variance concerning fire safety and building code requirements including a variance to omit an automatic sprinkler system throughout the existing building.

Involved is the conversion of an historic one-family (bed and breakfast) occupancy to a Residential (hotel) occupancy, known as "Captain Visgor House", located at Two Church Street, Village of Alexandria Bay, Jefferson County, New York.