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**NEW YORK STATE**  
**REGISTER**

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***INSIDE THIS ISSUE:***

- Controlled Substances
- Enhanced Tuition Awards Program
- Excelsior Scholarship

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

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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 60 days following publication in the *Register* of a Notice of Proposed Rule Making, or a Notice of Emergency Adoption and Proposed Rule Making; and for 30 days after publication of a Notice of Revised Rule Making, or a Notice of Emergency Adoption and Revised Rule Making in the *Register*. When a public hearing is required by statute, the hearing cannot be held until 60 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 13, 2019
- the 30-day period expires on December 14, 2018

**ANDREW M. CUOMO  
GOVERNOR**

**ROSSANA ROSADO  
SECRETARY OF STATE**

**NEW YORK STATE DEPARTMENT OF STATE**

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# NEW YORK STATE REGISTER

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## Be a part of the rule making process!

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

To be considered, comments should reach the agency before expiration of the public comment period. The law provides for a minimum 60-day public comment period after publication in the *Register* of every Notice of Proposed Rule Making, and a 30-day public comment period for every Notice of Revised Rule Making. If a public hearing is required by statute, public comments are accepted for at least five days after the last such hearing. Agencies are also required to specify in each notice the last date on which they will accept public comment.

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

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

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

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Each paid subscription to the *New York State Register* includes one weekly issue for a full year and four "Quarterly Index" issues. The Quarterly is a cumulative list of actions that shows the status of every rule making action in progress or initiated within a calendar year.

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

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

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# RULE MAKING ACTIVITIES

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

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

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

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## Department of Civil Service

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### NOTICE OF ADOPTION

#### Jurisdictional Classification

**I.D. No.** CVS-13-18-00008-A

**Filing No.** 1025

**Filing Date:** 2018-10-25

**Effective Date:** 2018-11-14

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

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

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

**Subject:** Jurisdictional Classification.

**Purpose:** To classify positions in the exempt class.

**Text or summary was published** in the March 28, 2018 issue of the Register, I.D. No. CVS-13-18-00008-P.

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

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

#### Assessment of Public Comment

The agency received no public comment.

### NOTICE OF ADOPTION

#### Jurisdictional Classification

**I.D. No.** CVS-29-18-00001-A

**Filing No.** 1031

**Filing Date:** 2018-10-25

**Effective Date:** 2018-11-14

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

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

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

**Subject:** Jurisdictional Classification.

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

**Text or summary was published** in the July 18, 2018 issue of the Register, I.D. No. CVS-29-18-00001-P.

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

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

#### Assessment of Public Comment

The agency received no public comment.

### NOTICE OF ADOPTION

#### Jurisdictional Classification

**I.D. No.** CVS-33-18-00005-A

**Filing No.** 1030

**Filing Date:** 2018-10-25

**Effective Date:** 2018-11-14

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

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

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

**Subject:** Jurisdictional Classification.

**Purpose:** To classify positions in the exempt class.

**Text or summary was published** in the August 15, 2018 issue of the Register, I.D. No. CVS-33-18-00005-P.

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

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

#### Assessment of Public Comment

The agency received no public comment.

## NOTICE OF ADOPTION

## Jurisdictional Classification

I.D. No. CVS-33-18-00008-A

Filing No. 1027

Filing Date: 2018-10-25

Effective Date: 2018-11-14

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

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

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

**Subject:** Jurisdictional Classification.

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

**Text or summary was published** in the August 15, 2018 issue of the Register, I.D. No. CVS-33-18-00008-P.

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

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

## Assessment of Public Comment

The agency received no public comment.

## NOTICE OF ADOPTION

## Jurisdictional Classification

I.D. No. CVS-33-18-00009-A

Filing No. 1032

Filing Date: 2018-10-25

Effective Date: 2018-11-14

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

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

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

**Subject:** Jurisdictional Classification.

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

**Text or summary was published** in the August 15, 2018 issue of the Register, I.D. No. CVS-33-18-00009-P.

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

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

## Assessment of Public Comment

The agency received no public comment.

## NOTICE OF ADOPTION

## Jurisdictional Classification

I.D. No. CVS-33-18-00010-A

Filing No. 1035

Filing Date: 2018-10-25

Effective Date: 2018-11-14

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

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

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

**Subject:** Jurisdictional Classification.

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

**Text or summary was published** in the August 15, 2018 issue of the Register, I.D. No. CVS-33-18-00010-P.

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

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

## Assessment of Public Comment

The agency received no public comment.

## NOTICE OF ADOPTION

## Jurisdictional Classification

I.D. No. CVS-33-18-00011-A

Filing No. 1033

Filing Date: 2018-10-25

Effective Date: 2018-11-14

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

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

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

**Subject:** Jurisdictional Classification.

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

**Text or summary was published** in the August 15, 2018 issue of the Register, I.D. No. CVS-33-18-00011-P.

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

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

## Assessment of Public Comment

The agency received no public comment.

## NOTICE OF ADOPTION

## Jurisdictional Classification

I.D. No. CVS-33-18-00012-A

Filing No. 1029

Filing Date: 2018-10-25

Effective Date: 2018-11-14

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

**Action taken:** Amendment of Appendixes 1 and 2 of Title 4 NYCRR.

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

**Subject:** Jurisdictional Classification.

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

**Text or summary was published** in the August 15, 2018 issue of the Register, I.D. No. CVS-33-18-00012-P.

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

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

## Assessment of Public Comment

The agency received no public comment.

## NOTICE OF ADOPTION

## Jurisdictional Classification

I.D. No. CVS-33-18-00014-A

Filing No. 1034

Filing Date: 2018-10-25

Effective Date: 2018-11-14

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

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

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

**Subject:** Jurisdictional Classification.

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

**Text or summary was published** in the August 15, 2018 issue of the Register, I.D. No. CVS-33-18-00014-P.



*Final rule as compared with last published rule:* No changes.  
*Text of rule and any required statements and analyses may be obtained from:* Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov  
*Assessment of Public Comment*  
 The agency received no public comment.

**NOTICE OF ADOPTION**

**Jurisdictional Classification**

**I.D. No.** CVS-33-18-00015-A  
**Filing No.** 1026  
**Filing Date:** 2018-10-25  
**Effective Date:** 2018-11-14

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

**Action taken:** Amendment of Appendix 2 of Title 4 NYCRR.  
**Statutory authority:** Civil Service Law, section 6(1)  
**Subject:** Jurisdictional Classification.

**Purpose:** To classify positions in the non-competitive class.  
**Text of final rule:** Text of proposed rule should have read: Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Corrections and Community Supervision, by adding thereto the positions of øDeputy Superintendent of Correctional Health Care Facility 1.

It originally read Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Corrections and Community Supervision, by deleting therefrom the positions of øDeputy Superintendent of Correctional Health Care Facility (6) and by adding thereto the positions of øDeputy Superintendent of Correctional Health Care Facility.

**Final rule as compared with last published rule:** Nonsubstantive changes were made in Appendix 2.

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

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

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

**Assessment of Public Comment**  
 The agency received no public comment.

**NOTICE OF ADOPTION**

**Jurisdictional Classification**

**I.D. No.** CVS-33-18-00016-A  
**Filing No.** 1028  
**Filing Date:** 2018-10-25  
**Effective Date:** 2018-11-14

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

**Action taken:** Amendment of Appendix 1 of Title 4 NYCRR.  
**Statutory authority:** Civil Service Law, section 6(1)  
**Subject:** Jurisdictional Classification.

**Purpose:** To classify positions in the exempt class.  
**Text or summary was published** in the August 15, 2018 issue of the Register, I.D. No. CVS-33-18-00016-P.

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

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

**Assessment of Public Comment**  
 The agency received no public comment.

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

**Jurisdictional Classification**

**I.D. No.** CVS-46-18-00006-P

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

**Proposed Action:** Amendment of Appendix 1 of Title 4 NYCRR.  
**Statutory authority:** Civil Service Law, section 6(1)  
**Subject:** Jurisdictional Classification.

**Purpose:** To classify a position in the exempt class.  
**Text of proposed rule:** Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Executive Department under the subheading “Office of Indigent Legal Services,” by increasing the number of positions of Special Assistant from 10 to 11.

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

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

**Public comment will be received until:** 60 days after publication of this notice.

**Regulatory Impact Statement**

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.

**Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.

**Rural Area Flexibility Analysis**

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.

**Job Impact Statement**

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.

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

**Jurisdictional Classification**

**I.D. No.** CVS-46-18-00007-P

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

**Proposed Action:** Amendment of Appendix 2 of Title 4 NYCRR.  
**Statutory authority:** Civil Service Law, section 6(1)  
**Subject:** Jurisdictional Classification.

**Purpose:** To classify positions in the non-competitive class.  
**Text of proposed rule:** Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Executive Department under the subheading “Office of Information Technology Services,” by adding thereto the positions of Information Security Manager (2), Information Technology Specialist 2 (Information Security) (7), Information Technology Specialist 3 (Information Security) (6) and Information Technology Specialist 4 (Information Security) (6).

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

**Data, views or arguments may be submitted to:** Marc Hannibal, Counsel,

NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov  
**Public comment will be received until:** 60 days after publication of this notice.

#### **Regulatory Impact Statement**

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.

#### **Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.

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

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.

#### **Job Impact Statement**

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.

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

### **Jurisdictional Classification**

**I.D. No.** CVS-46-18-00008-P

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

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

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

**Subject:** Jurisdictional Classification.

**Purpose:** To classify positions in the exempt class.

**Text of proposed rule:** Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Department of Family Assistance under the subheading "Office of Children and Family Services," by increasing the number of positions of Special Assistant from 5 to 14.

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

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

**Public comment will be received until:** 60 days after publication of this notice.

#### **Regulatory Impact Statement**

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.

#### **Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.

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

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.

#### **Job Impact Statement**

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.

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

### **Jurisdictional Classification**

**I.D. No.** CVS-46-18-00009-P

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

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

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

**Subject:** Jurisdictional Classification.

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

**Text of proposed rule:** Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Environmental Conservation, by adding thereto the position of Public Information Specialist 2 (Digital Content) (1).

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

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

**Public comment will be received until:** 60 days after publication of this notice.

#### **Regulatory Impact Statement**

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.

#### **Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.

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

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.

#### **Job Impact Statement**

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.

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

### **Jurisdictional Classification**

**I.D. No.** CVS-46-18-00010-P

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

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

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

**Subject:** Jurisdictional Classification.

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

**Text of proposed rule:** Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Corrections and Community Supervision, by deleting therefrom the positions of øDeputy Superintendent of Correctional Health Care Facility (6) and by adding thereto the positions of øDeputy Superintendent of Correctional Health Care Facility 2 (6).

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

**Data, views or arguments may be submitted to:** Marc Hannibal, Counsel,

NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov  
**Public comment will be received until:** 60 days after publication of this notice.

#### **Regulatory Impact Statement**

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.

#### **Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.

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

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.

#### **Job Impact Statement**

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.

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

### **Jurisdictional Classification**

**I.D. No.** CVS-46-18-00011-P

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

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

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

**Subject:** Jurisdictional Classification.

**Purpose:** To classify positions in the exempt and non-competitive classes.

**Text of proposed rule:** Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Executive Department under the subheading "Division of Criminal Justice Services," by increasing the number of positions of Special Assistant from 7 to 8 and by adding thereto the position of Manager Training; and

Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Executive Department under the subheading "Division of Criminal Justice Services," by adding thereto the position of  $\phi$ Social Work Supervisor 2 (LCSW) (1).

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

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

**Public comment will be received until:** 60 days after publication of this notice.

#### **Regulatory Impact Statement**

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.

#### **Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.

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

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.

#### **Job Impact Statement**

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously

printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.

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

### **Jurisdictional Classification**

**I.D. No.** CVS-46-18-00012-P

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

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

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

**Subject:** Jurisdictional Classification.

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

**Text of proposed rule:** Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Economic Development, by deleting therefrom the position of  $\phi$ Keyboard Specialist 3 (1); in the State University of New York under the subheading "State University Colleges," by deleting therefrom the positions of  $\phi$ Keyboard Specialist 3 (2) at SUC of Optometry; in the State University of New York under the subheading "SUNY Health Science Center at Brooklyn," by deleting therefrom the position of  $\phi$ Keyboard Specialist 3 (1); in the State University of New York under the subheading "SUNY at Albany," by deleting therefrom the position of  $\phi$ Keyboard Specialist 3 (1); in the State University of New York under the subheading "SUNY at Stony Brook," by deleting therefrom the positions of  $\phi$ Keyboard Specialist 3 (5); in the Executive Department under the subheading "Division of Human Rights," by deleting therefrom the position of  $\phi$ Keyboard Specialist 3 (1); in the Department of Health, by deleting therefrom the position of  $\phi$ Keyboard Specialist 3 (1); in the State University of New York under the subheading "Central Administration," by deleting therefrom the positions of  $\phi$ Keyboard Specialist 3 (6) and by adding thereto the position of  $\phi$ Secretary 1 (1); in the State University of New York under the subheading "SUNY at Buffalo," by deleting therefrom the position of  $\phi$ Keyboard Specialist 3 (1) and by adding thereto the position of  $\phi$ Secretary 1 (1); and, in the New York State Thruway Authority, by deleting therefrom the position of  $\phi$ Keyboard Specialist 3 (1) and by adding thereto the position of  $\phi$ Secretary 1 (1).

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

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

**Public comment will be received until:** 60 days after publication of this notice.

#### **Regulatory Impact Statement**

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.

#### **Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.

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

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.

#### **Job Impact Statement**

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.

## State Board of Elections

### NOTICE OF ADOPTION

#### Implementation of the Democracy Protection Act

**I.D. No.** SBE-21-18-00047-A

**Filing No.** 1042

**Filing Date:** 2018-10-29

**Effective Date:** 2018-11-14

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

**Action taken:** Amendment of section 6200.10; and addition of section 6200.11 to Title 9 NYCRR.

**Statutory authority:** Election Law, sections 14-107(5-a), 14-107-b and 3-102(17)

**Subject:** Implementation of the Democracy Protection Act.

**Purpose:** The rule effectuates the amendments to article 14 of the Election Law resulting from chapter 59 of the Laws of 2018.

**Substance of final rule:** The proposed amendment to section 6200.10, and the addition of section 6200.11, implements changes in law resulting from the New York State Democracy Protection Act, Chapter 59 of the Laws of 2018, Part JJJ. The proposed regulation modifies current regulations as follows: a) Prohibits foreign entities from forming an independent expenditure committee and purchasing political ads in order to influence New York elections; b) Requires that internet and digital advertisements paid for by Independent Expenditure Committees and targeted to 50 or more members of the General Public Audience be subject to disclosure requirements; c) Requires all paid independent political online ads to clearly display that the ad was not authorized by any candidate and who actually paid for the ad; and d) Requires television or radio broadcast stations, provider of cable or satellite televisions, or online platforms to collect the registration documents of Independent Expenditure committees when such committees purchase communications in the form of an independent expenditure.

Additionally, the proposed regulation defines "online platform" as follows: "An online platform means: (i) a public-facing Internet Web site, web application, web domain or digital application, including a social network or search engine, which sells political advertisements and has 70,000,000 or more unique monthly United States visitors or users for a majority of months during the preceding 12 months as measured by an independent digital ratings service accredited by the Media Ratings Council; or (ii) any Third-Party Advertising Vendor that has 30,000,000 or more unique monthly United States visitors in the aggregate on any advertisement space that it has sold or bought for a majority of months during the preceding 12 months as measured by an independent digital ratings service accredited by the Media Ratings Council."

There are two nonsubstantive changes to the text of the rule since the last publication. The final rule clarifies that "Third-Party Advertising Vendors" are unaffiliated with the buyer or seller of advertisements. Additionally, the final rule exempts online platforms operated by magazines and other periodicals, along with newspapers, from collecting registration forms from independent expenditure committees.

**Final rule as compared with last published rule:** Nonsubstantive changes were made in section 6200.10(b)(12) and (13).

**Text of rule and any required statements and analyses may be obtained from:** Nicholas Cartagena, Esq., New York State Board of Election, 40 North Pearl Street, Suite 5, (518) 474-2064, email: nicholas.cartagena@elections.ny.gov

#### Revised Regulatory Impact Statement

A revised Regulatory Impact Statement is not required because the changes made to the last published rule do not necessitate revision to the previously published document. The changes to the text still seek to implement the Democracy Protection Act in a way that accomplishes the goals highlighted in the Regulatory Impact Statement. These changes, while some of them are substantial, do not affect the meaning of any statements in the document.

#### Revised Regulatory Flexibility Analysis

A revised Regulatory Flexibility Analysis is not required because the changes made to the last published rule do not necessitate revision to the previously published document. The changes to the text still seek to implement the Democracy Protection Act in a way that accomplishes the goals

highlighted in the Regulatory Flexibility Analysis. These changes, while some of them are substantial, do not affect the meaning of any statements in the document.

#### Revised Rural Area Flexibility Analysis

A revised Rural Area Flexibility Analysis Statement is not required because the changes made to the last published rule do not necessitate revision to the previously published document. The changes to the text still seek to implement the Democracy Protection Act in a way that accomplishes the goals highlighted in the Rural Area Flexibility Analysis Statement. These changes, while some of them are substantial, do not affect the meaning of any statements in the document.

#### Revised Job Impact Statement

A revised Job Impact Statement is not required because the changes made to the last published rule do not necessitate revision to the previously published document. The changes to the text still seek to implement the Democracy Protection Act in a way that accomplishes the goals highlighted in the Jobs Impact Statement. These changes, while some of them are substantial, do not affect the meaning of any statements in the document.

#### Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2021, which is no later than the 3rd year after the year in which this rule is being adopted.

#### Assessment of Public Comment

The State Board received four public comments in response to its publication of Emergency Adoption and Revised Rulemaking I.D No. SBE-21-18-00047-ERP that amends section 6200.10 and adds section 6200.11 to Title 9 NYCRR. The Board received comments from the following entities:

A trade association for newspapers;

A trade association for broadcasters;

A trade association for magazines; and

A nonprofit organization that described itself as "dedicated to protecting and strengthening the democratic process across all levels of government."

Summaries of the comments on the proposal and the Department's responses thereto are as follows:

**Comment:** The newspaper association, magazine association, and broadcasters association all believe that the exemption of "newspapers" from the definition of "online platform" is too narrow. The regulations define "newspaper" as the same as New York General Construction Law. These associations believe that magazines should be included in this definition because § 14-124(1) of the Election Law provides that Article 14 of the Election Law shall not apply to "any person, association or corporation engaged in the publication or distribution of any newspaper or other publication issued at regular intervals in respect to the ordinary conduct of such business" (emphasis added). The newspaper and magazine associations believe that "other publications" term would include publications such as magazines. The broadcasters association believes that on-line electronic news sites should be excluded based in the First Amendment.

Conversely, the nonprofit organization believes that newspapers should not be exempt from the definition of "online platform." The nonprofit argues that, per the language of the statute, § 14-124(1) of the Election Law exempts newspapers from Article 14 only to the extent that the activity is "in respect to the ordinary conduct of such business" (See Elec. Law § 14-124(1)). The nonprofit organization suggests that the standard should be whether the regulation would "infringe the papers' journalistic and editorial independence in any way." The nonprofit suggests that obligations in the regulation are modest and would not impose on the journalistic and editorial independence of the newspaper.

**Response:** Given the broad language in Election Law § 14-124(1), the State Board feels compelled to continue the exemption of newspapers to the definition of an online platform. Further, given the "other publication" language in statute, the State Board agrees that the exemption should be extended to magazines. The State Board is not inclined to exclude online news sites from the regulation. The exemption of newspaper and magazines is based on Election Law § 14-124(1), not the First Amendment. The State Board believes that Election Law § 14-124(1) does not cover online news organizations.

**Comment:** The newspaper association argues that the "proposed language fails to clarify that a Third-Party Advertising Vendor does not include the placement operations of a news organization which assists advertisers in reaching readers of other news organizations." Specifically, the newspaper association argues that newspapers should be exempt from the definition of "Third-Party Advertising Vendor" because some newspaper companies also provide advertising design and placement services to other news companies."

**Response:** The State Board does not believe that Election Law § 14-124(1) applies when a newspaper company is buying or selling advertise-

ment space on another platform on behalf of a third party. Again, Election Law § 14-124(1) provides that Article 14 of the Election Law shall not apply to “any person, association or corporation engaged in the publication or distribution of any newspaper or other publication issued at regular intervals in respect to the ordinary conduct of such business” (emphasis added). It is the State Board’s position that buying and selling digital advertisements on another platform on behalf of a third party falls outside this scope.

Comment: The Broadcasters argue that the definition of “Third-Party Advertising Vendor” would include “wholly owned” subsidiaries of companies whose sole purpose is to buy and sell advertising on behalf of its parent company. The Broadcasters argue that the definition of “Third-Party Vendor” should be modified to clarify where the third-party vendor is a “completely independent advertising agency(y).”

Response: The revised rule adds language making this clarification.

Comment: Both the Broadcasters and the Newspaper association express concern that the 30 million unique visitor on any advertisement space standard applies to “all” advertisements rather than just “political” advertisements.

Response: The revised rule provides that an online platform means: “any Third-Party Advertising Vendor that has 30,000,000 or more unique monthly United States visitors in the aggregate on any advertisement space that it has sold or bought for a majority of months during the preceding 12 months as measured by an independent digital ratings service accredited by the Media Ratings Council” (emphasis added). The State Board is unaware of any digital ratings service that measures the number of visitors to “political” advertisements. As such, setting the standard to monthly visitors of “political” advertisement space would render the Third-Party Vendor portion of the regulation meaningless as there is no viable way to measure such a metric.

Comment: The Broadcasters believe that account executives who are in “small upstate market(s),” but work for larger advertising companies should be exempt from the definition of “Third-Party Vendor” because “the small upstate office may have not have information on the national reach of the entire company.” The Broadcasters advocate that “(a) more appropriate standard would be to simply consider the reach ... of the local office in which the advertising is purchased.”

Response: The State Board does not believe it is sound policy to exclude certain branches or employees of an online platform from the regulation. Additionally, digital rating services do not measure unique visitors of advertisement space by branch; rather, it is measured by the agency as a whole. As such, the State Board believes that the 30 million standard should not be amended.

Comment: The Broadcasters express concern that small advertiser would be considered “Third-Party Vendors” if they place advertisements on large platforms, such as Twitter, Facebook, and Google. The Broadcasters believe that the 30 million threshold should be interpreted as to count only the volume of advertising placed by the Third-Party Advertising.

Response: The revised rule provides that an online platform means: “any Third-Party Advertising Vendor that has 30,000,000 or more unique monthly United States visitors in the aggregate on any advertisement space that it has sold or bought for a majority of months during the preceding 12 months”(emphasis added). The 30,000,000 is measured by the number of visitors to the advertisements the vendors have placed. If a vendor places an advertisement on Facebook, it does not automatically become defined as an “online platform” for purposes of this regulation because Facebook gets more than 30 million unique visitors.

Comment: The Broadcasters believe that only “demand side” Third-Party Vendors should be considered “Online Platforms” and that “(t)he Third-Party Advertising Vendor rules should not apply to media companies that are already subject to the 70 million standard(.)”

Response: The State Board disagrees that media companies, who also act as Third-Party Vendors, should be exempt from the 30 million standard. The Board believes that media companies that engage in the buying and selling of digital ads to unaffiliated third parties should be treated the same as advertising agencies.

Comment: The nonprofit organization argued that Third-Party Vendor status should be determined on a case-by-case basis because “much of the public information about traffic to third party-vendors’ ad inventories is self-reported. As a result, the State Board would lack a verifiably objective method to determine whether a particular third party vendor has, in fact, exceeded the threshold for ‘online platform’ status.” The nonprofit further states: “This approach would give the final regulation greater adaptability to future developments in digital marketing tactics.”

Response: As noted in the previous assessment of public comments, the Board concedes that regulating programmatic advertising and ad networks is complicated; however, not addressing the issue directly risks leaving a large regulatory loophole. While many of these processes may become obsolete in the coming years, the Board is obligated to initially review this regulation within three years, and subsequently review this regulation

every five years. This will give the board ample opportunity to modernize this regulation as needed. Additionally, the Board believes that the risk of vendors underreporting its traffic is negligible. Vendors rely on its market share and reach to attract new customers. Underreporting traffic would be contrary to the vendor’s interests.

Comment: The Broadcasters advocate that the regulations should only apply to online platforms that meet the 70 million or more unique visitor threshold “preceding August 8, 2018” and not apply to any online platform that reaches this threshold after August 8, 2018. The Broadcasters reason that a “one-time application of the standard” is appropriate because the online marketplace is changing and dynamic and the State Board needs some level of certainty in evaluating the regulations in the next three years.

Response: If the State Board made the suggested amendment, online platforms that become popular and exceed the 70 million threshold sometime in the future would not be subject to this regulation, while online platforms that are no longer be relevant in the marketplace would still be subject to the regulation because, in the past, it met the 70 million threshold. The State Board believes that this would be arbitrary and contrary to public policy.

Comment: The Broadcasters advocate for a retention date for the independent expenditure forms. The Broadcasters suggest that broadcasters and online platforms be able to dispose of the IE forms they collect 90 days after the election.

Response: The State Board does not believe it is necessary to specify a retention date in order to implement this regulation.

## Department of Environmental Conservation

### NOTICE OF ADOPTION

#### Sanitary Condition of Shellfish Lands

**I.D. No.** ENV-21-18-00028-A

**Filing No.** 1036

**Filing Date:** 2018-10-25

**Effective Date:** 2018-11-14

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

**Action taken:** Amendment of Part 41 of Title 6 NYCRR.

**Statutory authority:** Environmental Conservation Law, sections 13-0307 and 13-0319

**Subject:** Sanitary Condition of Shellfish Lands.

**Purpose:** To reclassify underwater shellfish lands to protect public health.

**Text of final rule:** 6 NYCRR Part 41 is amended to read as follows:

Clause 41.2(b)(1)(ii)(‘e’) is amended to read as follows:

(‘e’) [All] *During the period of November 1 through April 30, both dates inclusive, all that area of East Bay and all other bays, creeks, canals and tributaries lying [east and within the boundaries north of a line extending southerly from the westernmost point of land at Big Crow Island at Neds Creek to the southwestern corner of the Fundy Channel Bridge of the Meadowbrook Parkway on West Crow Island, and] north of a line extending easterly from the southwestern corner of the Fundy Channel Bridge of the Meadowbrook Parkway on West Crow Island to the northwestern tip of the Sloop Channel Bridge of the Wantagh State Parkway connecting Green Island with Jones Beach State Park, and west of a line extending northerly along the western shoreline of Green Island to the southwestern tip of the Goose Creek Bascule Bridge of the Wantagh State Parkway, connecting Green Island with Great (Low) Island, [and south of a line extending westerly to the westernmost point of land of Big Crow Island on Neds Creek.] then continuing northerly along the shoreline to the westernmost point of Great (Low) Island, and continuing northwesterly to the southernmost point of land at Whaleneck Point, and lying south and east of a line extending southwesterly to the northernmost tip of Big Crow Island at Neds Creek, continuing along the western shore of Big Crow Island, to the southwestern corner of the Fundy Channel Bridge of the Meadowbrook Parkway on West Crow Island.*

Clause 41.2(b)(3)(ii)(‘c’) is amended to read as follows:

(‘c’) All that area of West Pond and *that portion of Hempstead Harbor lying [southerly and easterly of a line extending northerly from the westernmost end of the rock jetty, located southerly of the mouth of West*

Pond, to the westernmost end of the rock jetty with adjacent wooden walkway, located on Dosis Island, northerly of the mouth of West Pond (local names, local landmarks.) *between lines extending 500 feet northwesterly from the seaward ends of the rock jetties on each side of the entrance to West Pond (local names, local landmarks).*

Clause 41.2(b)(4)(ii)(c) is amended to read as follows:

(c) All that area of West Pond and *that portion of Hempstead Harbor lying [southerly and easterly of a line extending northerly from the westernmost end of the rock jetty, located southerly of the mouth of West Pond, to the westernmost end of the rock jetty with adjacent wooden walkway, located on Dosis Island, northerly of the mouth of West Pond (local names, local landmarks.)] between lines extending 500 feet northwesterly from the seaward ends of the rock jetties on each side of the entrance to West Pond (local names, local landmarks).*

Subparagraph 41.3(b)(4)(xiv) is amended to read as follows:

(xiv) [Noyac] *Noyack Creek. During the period May 1st 1 through November 30th 30 (both dates inclusive) all that area of [Noyac] Noyack Creek lying southerly of a line extending southwesterly from the southwesternmost point of land on Clam Island to the opposite shoreline located at Morton National Wildlife Refuge in Noyack.*

Clauses 41.3(b)(4)(xv)(a), (b) and (c) are amended to read as follows:

(a) During the period May 15th 1 through [October 15th] *November 30 (both dates inclusive), all that area of Cold Spring Pond within the former Lobster Inn Boat Basin (local names, local landmark), lying northwest of a line extending northeasterly along the fixed wooden dock of the former Lobster Inn Restaurant to the opposite shoreline, and all that area lying southeast of a line extending southwesterly from the northwesternmost point of land on the unnamed peninsula bordering the northeastern side of the cove, continuing southwesterly to the opposite shoreline (adjacent to the former Lobster Inn Restaurant).*

(b) During the period January 1st 1 through December 31st 31 (both dates inclusive), all that area of the *former Lobster Inn Boat Basin lying southeast of a line extending northeasterly along the fixed wooden dock of the former Lobster Inn Restaurant to the opposite shoreline.*

(c) During the period May 1st 1 through November 30th 30, both dates inclusive, all that area of Cold Spring Pond lying northeast of a line extending southeasterly from an orange marker located on the northern shoreline in the northeastern corner of the pond to another orange marker located on the eastern shoreline adjacent to Shrubland Road.

Subparagraph 41.3(b)(5)(vii) is amended to read as follows:

(vii) [During the period May 15th through October 15th (both dates inclusive), all] *Napeague Bay, Devon Yacht Club. All that area of the Devon Yacht Club Boat Basin (local name), located on the southern side of Napeague Bay.*

Clause 41.3(b)(5)(viii)(a) is amended to read as follows:

(a) *Alewife Pond. All that area of Alewife Pond, including entrance channel and all that area of Northwest Harbor, within [50] 300 yards in all directions from the inlet of Alewife Pond.*

Clause 41.3(b)(5)(ix)(c) is amended to read as follows:

(c) In the absence of [the] *one or both* painted markers, all of Northwest Creek is uncertified.

Clause 41.3(b)(7)(iii)(c) is amended to read as follows:

(c) *Wickham Creek. During the period of May 15 through October 31, both dates inclusive, all that area of Wickham Creek and its tributaries.*

Subclauses 41.3(b)(7)(iii)(c)(1) and (2) are repealed.

Subclause 41.3(b)(7)(iii)(c)(3) is renumbered Subclause 41.3(b)(7)(iii)(c)(1).

Clause 41.3(b)(7)(xi)(e) is amended to read as follows:

(e) *West Creek. During the period of [May 1st through November 30th] January 1 through December 31, both dates inclusive, all that area of West Creek [including], and all that area of Great Peconic Bay within 750 feet in all directions of the southernmost point of the jetty on the east side of the mouth of West Creek.*

Subclause 41.3(b)(7)(xii)(b)(2) is amended to read as follows:

(2) During the period [April 15th to December 31st] *May 1 through November 30, both dates inclusive, all that area of Jockey Creek, Town Creek and tributaries, lying west of a line extending southerly from the south end of Terry Road directly to the opposite shore.*

Clause 41.3(b)(7)(xii)(d) is amended to read as follows:

(d) *Goose Creek. During the period [April 15th through December 31st] May 1 through November 30, both dates inclusive, all that area of Goose Creek lying south and west of the Goose Creek Bridge (local landmarks).*

Clause 41.3(b)(7)(xiii)(a) is amended to read as follows:

(a) *Oyster Ponds Creek. During the period May 1st through October 31st, both dates inclusive, all that area of Orient Harbor [lying east of a line extending northerly from the tip of the northwesternmost dock of the Orient Yacht Club to the northernmost corner of the bulkhead*

*at the shoreline at the foot of the Harbor River Road] and its tributaries lying north and east of the fixed dock at Orient Yacht Club and then east of a line extending northerly from the northwestern corner of the northwestern most dock of the Orient Yacht Club to the highest peak on the front of the residence with a crescent shaped window at 20075 Main Road, to a point on the opposite shore of Orient Harbor 275 yards northwest of the northernmost corner of the bulkhead at the foot of Harbor River Road and all that area of Oyster Ponds Creek in its entirety.*

Clauses 41.3(b)(7)(xiii)(c) and (d) are repealed.

Clause 41.3(b)(7)(xiii)(e) is renumbered Clause 41.3(b)(7)(xiii)(c).

Renumbered Clause 41.3(b)(7)(xiii)(c) is amended to read as follows:

(c) *Spring Pond. During the period January 1st through December 31st, both dates inclusive, all that area of Spring Pond including tributaries, and all that area of Orient Harbor within 500 feet in all directions of the southeastern end of the easternmost bulkhead at the entrance to Spring Pond.*

Clause 41.3(b)(7)(xiii)(f) is repealed.

Subparagraph 41.3(b)(7)(xv) is amended to read as follows:

(xv) *Little Peconic Bay, Richmond Creek. During the period [April 1st] May 1 through October 31st, both dates inclusive, all that area of Richmond Creek lying west of a line extending north from the easternmost point of land at the south side of the mouth of Richmond Creek to the opposite shore.*

Paragraph 41.3(b)(10) is amended to read as follows:

(10) *Town of [Smith Town] Smithtown.*

Clauses 41.3(b)(10)(i)(a) and (b) are amended to read as follows:

(a) All that area of *Smithtown Bay, including the Nissequoque River and its tributaries and Sunken Meadow Creek, lying south of a line extending northeasterly from the flagpole at the East Bath House at Sunken Meadow State Park (local landmark) to Buoy BW "NR", located (at coordinates 40° 55.395' N latitude and 73° 13.745' W longitude), approximately one mile north of the mouth of the Nissequoque River, thence southeasterly to the flagpole located at the Town of Smithtown Beach at Short Beach (local landmark).*

(b) All that area within a one-half mile radius of Buoy BW "NR", (at coordinates 40° 55.395' N latitude and 73° 13.745' W longitude), approximately one mile north of the mouth of the Nissequoque River.

**Final rule as compared with last published rule:** Nonsubstantive changes were made in section 41.3(b)(5) and (7).

**Text of rule and any required statements and analyses may be obtained from:** Matthew Richards, Department of Environmental Conservation, 205 North Belle Mead Rd., Suite 1, East Setauket, NY 11733, (631) 444-0491, email: matt.richards@dec.ny.gov

**Additional matter required by statute:** Pursuant to Article 8 of the Environmental Conservation Law, the State Environmental Quality Review Act and Title 6 Part 617.5, this action is listed as Type II and no further review is required.

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

Non-substantive changes were made to the regulation that did not necessitate revision to the previously published Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement. Two non-substantive changes were made to the text of the proposed rule: omitted words were added to clarify the location of Devon Yacht Club in Napeague Bay, and the description of the reference point for the shellfishing closure line at Oyster Ponds Creek in Orient Harbor was improved. The original Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement as published in the Notice of Proposed Rulemaking, remain valid and do not need to be amended.

**Initial Review of Rule**

As a rule that requires a Regulatory Flexibility Analysis, Rural Area Flexibility Analysis or Job Impact Statement, this rule will be initially reviewed in the calendar year 2021, which is no later than the 3rd year after the year in which this rule is being adopted.

**Assessment of Public Comment**

The agency received no public comment.

**NOTICE OF ADOPTION**

**Regulations Governing the Recreational Fishing of Black Sea Bass**

**I.D. No.** ENV-28-18-00001-A  
**Filing No.** 1047  
**Filing Date:** 2018-10-30  
**Effective Date:** 2018-11-14

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

**Action taken:** Amendment of Part 40 of Title 6 NYCRR.  
**Statutory authority:** Environmental Conservation Law, sections 11-0303, 13-0105 and 13-0340-f  
**Subject:** Regulations governing the recreational fishing of black sea bass.  
**Purpose:** To revise regulations concerning the recreational harvest of black sea bass in New York State.  
**Text or summary was published** in the July 11, 2018 issue of the Register, I.D. No. ENV-28-18-00001-EP.  
**Final rule as compared with last published rule:** No changes.

**Text of rule and any required statements and analyses may be obtained from:** John Maniscalco, Department of Environmental Conservation, 205 North Belle Mead Rd., Suite 1, East Setauket, NY 11733, (631) 444-0437, email: john.maniscalco@dec.ny.gov

**Additional matter required by statute:** Pursuant to Article 8 of the ECL, the SEQRA, a Short EAF and a negative declaration have been prepared, and are on file with the Department. A Coastal Assessment Form is on file with the Department.

**Initial Review of Rule**  
 As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2021, which is no later than the 3rd year after the year in which this rule is being adopted.

**Assessment of Public Comment**  
 The agency received no public comment.

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**Department of Financial Services**

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

**Regulations Implementing the Comprehensive Motor Vehicle Insurance Repairs Act-Claims for Personal Injury Protection Benefit**

**I.D. No.** DFS-46-18-00014-P

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

**Proposed Action:** Amendment of Subpart 65-3 (Regulation 68-C) of Title 11 NYCRR.

**Statutory authority:** Financial Services Law, sections 202, 302; Insurance Law, sections 301, 5221 and art. 51

**Subject:** Regulations Implementing the Comprehensive Motor Vehicle Insurance Repairs Act-Claims for Personal Injury Protection Benefit.

**Purpose:** To give insurer option to void assignment of benefits when insurer issues denial for EIP’s failure to attend IME or EUO.

**Text of proposed rule:** Section 65-3 is amended as follows:  
 NYS forms NF-3 and NF-AOB to Appendix 13 are repealed, and new NYS forms NF-3 and NF-AOB to Appendix 13 are added.

Subdivision 65-3.11(e) is re-lettered as 65-3.11(f), and a new subdivision 65-3.11(e) is added to read as follows:

*(e)(1) Notwithstanding subdivisions (a), (b), (c), and (d) of this section, if an insurer denies a claim arising from an accident occurring on or after July 1, 2019, for health service benefits because the eligible injured person violated a condition of the policy by failing to appear for a medical examination or examination under oath at the insurer’s request, then any assignment of any benefits made by the eligible injured person to a provider of health care services (other than a hospital) shall be voidable by the insurer and shall not be enforceable against the insurer, and the*

*insurer shall not be obligated to pay benefits directly to any provider of health care services other than a hospital. The insurer shall clearly state on the denial of claim form (NYS form NF-10) the specific policy issue upon which the denial is based. As used in this subdivision, hospital shall have the meaning ascribed by section 52.2(m) of Part 52 of this Title (Insurance Regulation 62).*

*(2) If, pursuant to paragraph (1) of this subdivision, an insurer voids the assignability of all rights, privileges, and remedies to a health care provider under an executed assignment of benefits form, the insurer shall send the NYS form NF-10 to the eligible injured person and a copy to the provider who submitted the claim. The insurer also shall include with the NYS form NF-10 a notice to an eligible injured person and the health care provider that the assignment is void pursuant to this subdivision, and that the eligible injured person may contest the denial as described on the NYS form NF-10.*

*(3) Every insurer shall maintain a list of all claims that were denied because the eligible injured person violated a condition of the policy by failing to appear for a medical examination or examination under oath at the insurer’s request and the assignment was voided because of the denial. The insurer also shall maintain a total number of the claims so denied annually. An insurer that is not a self-insurer shall maintain the lists in accordance with Part 243 of this Title (Insurance Regulation 152). Every self-insurer shall maintain the lists for six calendar years after all elements of the claim upon which the denial is based are resolved and the file is closed.*

**Text of proposed rule and any required statements and analyses may be obtained from:** Camielle Barclay, NYS Department of Financial Services, One State Street, New York, NY 10004, (212) 480-5299, email: Camielle.Barclay@dfs.ny.gov

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

**Public comment will be received until:** 60 days after publication of this notice.

**Regulatory Impact Statement**

1. Statutory authority: Sections 202 and 302 of the Financial Services Law, and Sections 301 and 5221 and Article 51 of the Insurance Law.

Financial Services Law Section 202 establishes the office of the Superintendent of Financial Services (“Superintendent”).

Financial Services Law Section 302 and Insurance Law Section 301 authorize the Superintendent to effectuate any power accorded by, and prescribe regulations interpreting, the Financial Services Law, Insurance Law, or any other applicable law.

Insurance Law Section 5221 specifies the duties and obligations of the Motor Vehicle Accident Indemnification Corporation with respect to the payment of no-fault benefits to qualified persons.

Article 51 of the Insurance Law governs the no-fault insurance system.

2. Legislative objectives: Article 51 of the Insurance Law is popularly referred to as the “no-fault law.” No-fault legislation was introduced to rectify problems that were inherent in the existing tort system with respect to motor vehicle accidents, under which injured parties sought claims settlement and the prompt payment of health care and loss of earnings benefits. Article 51 applies both to insurance provided by motor vehicle insurance companies and entities permitted to self-insure under the Vehicle and Traffic Law (collectively “insurers”).

3. Needs and benefits: Pursuant to 11 NYCRR 65-3.11, an eligible injured person (“EIP”) may currently assign to his or her treating provider all of the EIP’s rights, privileges, and remedies to payment for health care services to which the EIP is entitled under Article 51. Once the treating provider properly executes an assignment of benefits form, the provider is entitled to receive payment from the no-fault insurer or to file a dispute in arbitration or court if the claim is denied, even though in certain circumstances the EIP may be more suitable to contest the denial. Of particular concern is when the EIP violates a condition of the policy by failing to appear for an independent medical examination or an examination under oath (collectively referred to as “examination”).

This entitlement has been subjected to widespread abuse by unscrupulous medical mills that often obtain patients from accident “runners” who are paid to steer injured persons to the mills, or are persons who are part of a staged accident ring. These EIPs are unlikely to appear for an examination, and if an insurer denies a claim on that basis, the medical mills – armed with an executed assignment that permit them to contest the denial – will file multiple cases in court or arbitration (a separate filing for each health service provider) and oftentimes in multiple jurisdictions, in the hope that insurers will offer to settle cases rather than pay multiple attorney’s fees to litigate these cases, even though the denials of these cases have merit.

The amendment will allow an insurer to void an assignment where the insurer denies the claim because the EIP failed to appear for an examination. This will mean that only the EIP may litigate the denial. This should reduce the number of hearings because the disposition of the case would apply to all related claims of the EIP arising out of the accident.

This amendment should reduce the number of filings in court and arbitration since EIPs connected to staged accident rings or otherwise engaged in fraudulent activities concerning no-fault are unlikely to contest insurers' denials for failing to appear for an examination. However, this amendment should not impact the rights of legitimate EIPs and treating providers. An EIP continues to be able to challenge improper denials, such as when the EIP had a valid reason for failing to appear for the examination.

Hospitals are excepted from this amendment because they are unlikely to participate in fraudulent activity such as staged accidents, and by law must treat all injured persons, as opposed to other health service providers who may opt not to treat an EIP, particularly one the provider may suspect is engaging in insurance fraud.

This amendment also does not vitiate an insurer's obligation to comply with all requirements when requesting that an EIP appears for an examination. The amendment requires insurers to maintain a list of all claims that have been denied based on an EIP's failure to appear for an examination and for which the insurer voids the assignment, so the Department may monitor any abusive practices by insurers resulting from the amendment's implementation.

4. Costs: Any cost impact on insurers, self-insurers and state and local government, to the extent that they are self-insurers, is likely to be minimal. The amendment will require insurers and self-insurers to include a notice to the EIP and the provider when voiding an assignment and maintain a copy of all denials based on an EIP's failure to appear for an examination and where the insurer or self-insurer opts to void the assignment based on the denial. Providing the notice to the EIP and the provider when issuing an NF-10 form may add a negligible cost. The recordkeeping requirement should not impose an undue burden on authorized insurers because they are already subject to the recordkeeping requirements prescribed in 11 NYCRR 243 (Insurance Regulation 152). Self-insurers are unlikely to incur any significant costs because it is likely that they already maintain such records in the ordinary course of business. In fact, the Department anticipates that the amendment will reduce costs to insurers and self-insurers, especially attorney's fees associated with handling multiple filings and backlog of pending lawsuits and arbitrations. Because the amendment should result in only one hearing on the issue of whether the EIP failed to appear for an examination, insurers and self-insurers will only incur one set of attorney's fees to litigate the matter.

This amendment should have no cost impact on EIPs. The regulation does not require an EIP to be represented in court or arbitration by an attorney. If the EIP opts to retain an attorney and prevails, the insurer is responsible for paying the EIP's attorney's fees pursuant to 11 NYCRR 65-4.6(c), which permits the prevailing attorney to be paid \$70 per hour, up to a maximum of \$1,400 for litigating the policy issue, in addition to up to \$80 per hour for each appearance before the arbitration forum or court.

Health service providers also should experience no cost impact. A provider always has the option to collect its fees directly from the EIP. Since a legitimate EIP would likely contest the denial, if the EIP is successful, the provider will get paid without having to pursue the assignment itself. If the EIP is unsuccessful, the provider is in no worse position than if it had been unsuccessful in bringing the action to court or arbitration.

5. Local government mandates: This rule does not impose any requirement upon a city, town, village, school district, or fire district except where the local government is a self-insurer. In that case, the local government will have to include a notice to the EIP and the provider when voiding the assignment and maintain records of the denials, but it is likely that the local government would do that anyway.

6. Paperwork: This amendment does not impose any additional paperwork on any persons affected by the rule. However, insurers should generate less paperwork because they no longer will be required to file separate responses in multiple lawsuits involving the same denial.

7. Duplication: This rule will not duplicate any existing state or federal rule.

8. Alternatives: The Department considered, as an alternative, creating a separate arbitration proceeding for denials based on an EIP's failure to appear for an examination. This proceeding would have solely focused on resolving the basis for the denial at one hearing before any other issues, such as medical necessity, are heard at the arbitration proceeding. The Department decided that this approach would be too complex because it would require an insurer to notify all interested parties – health service providers – of the hearing, some of which may be unknown at the time of the hearing if they have not yet filed claims with the insurer. A separate arbitration proceeding also would increase the costs of administering the no-fault arbitration system.

9. Federal standards: There are no minimum federal standards for the same or similar subject areas. The rule is consistent with federal standards or requirements.

10. Compliance schedule: The amendment shall take effect on July 1, 2019 and shall apply to all claims arising from accidents occurring on and after that date.

### *Regulatory Flexibility Analysis*

1. Effect of the rule: This amendment, which gives an insurer the option to void an assignment when it denies a claim for the failure of an eligible injured person ("EIP") to appear for an independent medical examination or an examination under oath (collectively referred to as "examination"), affects no-fault insurers authorized to do business in New York State and self-insurers of no-fault benefits. The Department is unaware of any insurer writing automobile liability insurance that is a "small business" as defined in State Administrative Procedure Act Section 102(8) as being both independently owned and having less than one hundred employees. The Department of Financial Services ("Department") does not have any information to indicate that any self-insurer, which must have the financial ability to self-insure losses, is a small business as defined in State Administrative Procedure Act Section 102(8).

Local government units make independent determinations on the feasibility of becoming self-insured for no-fault benefits or having these benefits provided by authorized insurers. There are no provisions in the State's financial security laws that require local governments to report to the Departments of Financial Services or Motor Vehicles whether they are self-insured. Therefore, the Department has no way to estimate how many local government units are self-insured for no-fault benefits.

Health service providers are small businesses that may be impacted by this rule. However, their participation in the no-fault system is optional and the Department has established no preauthorization or reporting requirements with respect to these small businesses. Additionally, providers have the option to collect fees for their services directly from the EIPs. Furthermore, because the Department does not maintain records of the number of health service providers licensed in this state, the number of such providers rendering services to injured persons eligible for no-fault benefits, or the number of attorneys that represent such providers in no-fault disputes, the Department is not able to estimate the number of health service providers that will be affected by this rule.

2. Compliance requirements: The proposed amendment imposes compliance requirements on local governments, to the extent that they are self-insurers, because the amendment requires self-insurers to maintain a copy of all denials based on an EIP's failure to appear for an examination and where the self-insurer opts to void the assignment based on the denial. The rule does not impose any compliance requirements on health service providers that are small businesses other than to use the no-fault forms mandated by the regulation, but that is an existing requirement.

3. Professional services: This amendment does not require any small business or local government, to the extent that it is a self-insurer affected by the amendment, to use any professional services beyond those currently used to comply with this rule.

4. Compliance costs: Any cost impact to self-insurers and state and local government, to the extent that they are self-insurers, is likely to be minimal. The amendment requires insurers and self-insurers to maintain a copy of all denials based on an EIP's failure to appear for an examination and where the insurer or self-insurer opts to void the assignment based on the denial. This requirement should not impose an undue burden on authorized insurers because they are subject to the recordkeeping requirements prescribed in 11 NYCRR 243 (Insurance Regulation 152). Self-insurers are unlikely to incur any significant costs because it is likely that they already maintain such records in the ordinary course of business. In fact, the Department anticipates that the amendment will reduce costs to insurers and self-insurers, especially attorney's fees associated with handling multiple filings and backlog of pending lawsuits and arbitrations. Because the amendment should result in only one hearing on the issue of whether the EIP failed to appear for an examination, insurers and self-insurers will only incur one set of attorney's fees to litigate the matter.

The Department anticipates that no health service provider that is a small business will experience a cost increase as a result of this amendment, because providers may require payment for services directly from an EIP.

5. Economic and technological feasibility: Small businesses and local governments affected by this amendment should not incur any economic or technological impact as a result of this amendment, because the amendment does not impact the economy or require the use of technology.

6. Minimizing adverse impact: This rule should have no adverse impact on legitimate small businesses or local governments, to the extent that they are self-insurers, affected by this amendment. As explained in item 4 above, health service providers may pursue payment directly from the EIP and any recordkeeping costs incurred by local governments should be minimal, since it is likely that they already maintain the records in the ordinary course of business.

7. Small business and local government participation: Interested parties, including small businesses and local governments, will be given the opportunity to comment on the proposed rule during the comment period after it is published in the State Register.

### *Rural Area Flexibility Analysis*

The Department of Financial Services (the "Department") finds that the proposed rule does not impose any additional burden on persons located in



rural areas, and will not have an adverse impact on rural areas. This rule applies uniformly to regulated parties that do business in both rural and non-rural areas of New York State.

**Job Impact Statement**

The proposed rule should have no adverse impact on jobs or employment opportunities in this state, because it only gives an insurer the option to void an assignment when the insurer issues a denial based on the failure of an eligible injured person (“EIP”) to attend an independent medical examination or examination under oath. Therefore, only an EIP may contest such a denial in court or arbitration.

The proposed rule may promote jobs and employment opportunities for attorneys if an EIP opts to be represented by an attorney in court or arbitration to contest an insurer’s denial.

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## Office of General Services

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

**Service-Disabled Veteran-Owned Business Enterprises**

**I.D. No.** GNS-46-18-00001-P

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

**Proposed Action:** This is a consensus rule making to amend sections 252.1(c), (e), 252.2(i)(2)(iv), (v), (n)(1)(ii), (iv); and add section 252.2(n)(1)(v) to Title 9 NYCRR.

**Statutory authority:** Executive Law, sections 200 and 369-i(5)

**Subject:** Service-Disabled Veteran-Owned Business Enterprises.

**Purpose:** To establish standards, procedures and criteria with respect to the Service-Disabled Veteran-Owned Business Enterprise program.

**Text of proposed rule:** Amend Subdivisions 252.1(c) and (e)  
252.1 Definitions

\* \* \*

(c) Business enterprise shall mean any entity, including a sole proprietorship, partnership, limited liability partnership, limited liability company or corporation, [including not-for-profit corporations,] which is authorized to and engages in lawful business transactions in accordance with New York law.

\* \* \*

(e) Certified service-disabled veteran-owned business enterprise shall mean a business enterprise, including a sole proprietorship, partnership, limited liability company or corporation [, including not-for-profit corporations] that is:

Amend Subparagraphs 252.2 (i)(2)(iv) and 252.2(i)(2)(v)

252.2 State agency responsibilities: purpose, scope and applicability

\* \* \*

(iv) the estimated or, if known, actual dollar amounts to be paid to [and performance dates of each component of a State contract which the contractor intends to be performed by] a certified service-disabled veteran-owned business enterprise; and

(v) a statement that the utilization of certified service-disabled veteran-owned business enterprises for non-commercially useful functions may not be counted towards utilization of certified [minority and women-owned business enterprises] *service-disabled veteran-owned business enterprises* in the utilization plan.

Amend Subparagraphs 252.2(n)(1)(ii) and (iv) and add a new Subparagraph 252.2(n)(1)(v)

(n) Contractor’s efforts to utilize certified business enterprises

(1) Contractors must document their good faith efforts toward utilizing certified service-disabled veteran-owned business enterprises, including but not limited to, those identified within a utilization plan. Such documented efforts, shall include, at a minimum:

(i) copies of its solicitations of certified service-disabled veteran-owned business enterprises and any responses thereto;

(ii) if responses to the contractor’s solicitations [that] were received, but a certified service-disabled veteran-owned business enterprise was not selected, [and] the specific reasons that such enterprise was not selected;

(iii) the dates of attendance at any pre-bid, pre-award, or other

meetings, if any, scheduled by the State agency awarding the State contract, with certified service-disabled veteran-owned business enterprises which the State agency determined were capable of performing the State contract scope of work for the purpose of fulfilling the contract participation goals;

(iv) information describing the specific steps undertaken to reasonably structure the contract scope of work for the purpose of subcontracting with, or obtaining supplies from, certified service-disabled veteran-owned business enterprises[.]; and

(v) other information required by the agency.

**Text of proposed rule and any required statements and analyses may be obtained from:** Paula B. Hanlon, Esq., Office of General Services, 41st Floor, Corning Tower, Empire State Plaza, Albany, NY 12242, (518) 474-5607, email: RegsReceipt@ogs.ny.gov

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

**Public comment will be received until:** 60 days after publication of this notice.

**Consensus Rule Making Determination**

This rule is being proposed as a consensus rule because, in accordance with State Administrative Procedure Act § 102 (11) (b) and (c), it implements or conforms to non-discretionary statutory provisions and makes technical changes or is otherwise non-controversial.

Chapter 22 of the Laws of 2014 amended the Executive Law by creating a new Article 17-B, which established a program to increase participation of service-disabled veteran-owned business enterprises, in State contracting.

Emergency rulemakings were filed on July 31, 2014 and November 17, 2014, and the proposed rulemaking was adopted on January 28, 2015. This rulemaking is necessary to make technical and clarification changes to 9 NYCRR § § 252.1 and 252.2.

Subdivisions 252.1(c) and 252.1(e) are being amended to correct the definition of “Business enterprise” to eliminate erroneous references to “not-for-profit corporations.”

Subparagraph 252.2(i)(2)(iv) is being amended to remove a requirement that contractors provide estimated performance dates for each component of the contract, that the contractor intends to have performed by a service-disabled veteran-owned businesses, because this requirement has been found to be unnecessary and has served no benefit to the program.

Subparagraph 252.2(i)(2)(v) is being amended to remove an erroneous reference to minority and women-owned business enterprises and replace it with a correct reference to service-disabled veteran-owned businesses.

Subparagraph 252.2(n)(1)(ii) is being amended to make the requirement less confusing.

Subparagraph 252.2(n)(1)(iv) is being amended and subparagraph 252.2(n)(1)(v) is being added to clarify that individual agencies may have additional required documents.

**Job Impact Statement**

The Office of General Services projects no substantial adverse impact on jobs or employment opportunities in the State of New York as a result of the amendment of this rule. The amendment simply fixes unintended technical errors in the original regulations and further clarifies the intent of the regulations. The amendment implements or conforms to non-discretionary statutory provisions of the Service-Disabled Veteran-Owned Business Enterprise program, established pursuant to Chapter 22 of the Laws of 2014, and makes technical changes or is otherwise non-controversial. Nothing in the proposed regulations will substantially increase or decrease the number of jobs in New York State, have an adverse impact on specific regions in New York State, or negatively impact jobs in New York State.

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## Department of Health

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### EMERGENCY RULE MAKING

**Controlled Substances**

**I.D. No.** HLT-46-18-00015-E

**Filing No.** 1048

**Filing Date:** 2018-10-30

**Effective Date:** 2018-10-30

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

**Action taken:** Amendment of section 80.3 of Title 10 NYCRR.

**Statutory authority:** Public Health Law, section 3307(5)

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

**Specific reasons underlying the finding of necessity:** On September 28, 2018, the Drug Enforcement Administration recently issued a final order placing certain drug products that have been approved by the U.S. Food and Drug Administration (FDA) and which contain cannabidiol (CBD) in schedule V of the Controlled Substances Act. Specifically, the order places FDA-approved drugs containing CBD derived from cannabis and no more than 0.1 percent tetrahydrocannabinols in schedule V. These FDA-approved CBD products have been found to be effective for the treatment of seizures associated with severe and dangerous forms of epilepsy that are notoriously treatment-resistant. This regulatory amendment is necessary to immediately reclassify these products as schedule V substances. This will allow patients in New York state to be prescribed these medications as soon as possible. Any delay in reclassifying these FDA-approved products containing CBD would limit access to these medications and could put patients at risk.

**Subject:** Controlled Substances.

**Purpose:** To reclassify cannabidiol (CBD) from a Schedule I controlled substance to a Schedule V controlled substance.

**Text of emergency rule:** Paragraph (b) of Section 80.3 is amended to read as follows:

(b) Reclassifications.

(1) The following drugs listed in schedule II(c) of section 3306 of the Public Health Law are hereby reclassified as schedule III substances.

\* \* \*

(2) The following drug classified under schedule I of section 3306 of the Public Health Law is hereby reclassified as a schedule V substance:

a drug product in finished dosage formulation that has been approved by the U.S. Food and Drug Administration that contains cannabidiol (2-[1R-3-methyl-6R-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-1,3-benzenediol) derived from cannabis and no more than 0.1 percent (w/w) residual tetrahydrocannabinols.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt this emergency rule as a permanent rule and will publish a notice of proposed rule making in the *State Register* at some future date. The emergency rule will expire January 27, 2019.

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

#### Regulatory Impact Statement

Statutory Authority:

The Commissioner of Health is authorized pursuant to Section 3307(5) of the Public Health Law (PHL) to reclassify, by regulation or emergency regulation, any compound, mixture or preparation containing any substance listed as a schedule I substance, to a schedule II, III, IV or V substance, if that same compound, mixture or preparation is redesignated or rescheduled other than under schedule I under the federal Controlled Substance Act, or deleted under the federal Controlled Substances Act.

Legislative Objectives:

Section 3307(5) of the Public Health Law permits the Commissioner to respond quickly and flexibly to actions by the U.S. Drug Enforcement Agency (DEA) that reclassify scheduled substances, particularly in circumstances where a new medical use of a scheduled substance has been approved by the U.S. Food and Drug Administration (FDA) and is permitted as a result of the reclassification. The purpose of this statute is to ensure that patients in New York can have access to medication that would otherwise be prohibited under the Public Health Law.

Needs and Benefits:

On September 28, 2018, the DEA issued a final order placing certain drug products that have been approved by the U.S. Food and Drug Administration (FDA) and which contain cannabidiol (CBD) in schedule V of the Controlled Substances Act. Specifically, the order places FDA-approved drugs containing CBD derived from cannabis and no more than 0.1 percent tetrahydrocannabinols in schedule V. These FDA-approved CBD products have been found to be effective for the treatment of seizures associated with severe and dangerous forms of epilepsy that are notoriously treatment-resistant. This regulation is necessary to immediately reclassify these products as schedule V substances, allowing patients in New York state to be prescribed these medications as soon as possible.

Costs:

Costs to the Regulated Entity:

The Department of Health (Department) does not anticipate any additional costs to regulated entities.

Costs to Local Government:

This regulation does not require local governments to perform any additional tasks; therefore, it is not anticipated to have an adverse fiscal impact.

Costs to the Department of Health:

The Department does not anticipate any additional costs.

Local Government Mandates:

This amendment does not impose any new programs, services, duties or responsibilities on local government.

Paperwork:

The department does not anticipate any change in required paperwork by the adoption of this amendment.

Duplication:

No relevant rules or legal requirements of the State government duplicate or conflict with this rule. The amendment reflects federal reclassification of FDA approved cannabidiol substances.

Alternatives:

An alternative to this regulatory amendment would be to not reclassify FDA-approved cannabidiol products as schedule V controlled substances. However, by not reclassifying these FDA approved drugs, patients in New York state would not be able to benefit from these medications.

Federal Standards:

The DEA, on September 28, 2018, reclassified FDA approved cannabidiol products as schedule V substances. This regulatory amendment would reflect that change.

Compliance Schedule:

There is no compliance schedule imposed by these amendments, which shall be effective upon filing with the Secretary of State.

#### Regulatory Flexibility Analysis

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

#### Rural Area Flexibility Analysis

A Rural Area Flexibility Analysis for these amendments is not being submitted because amendments will not impose any adverse impact or significant reporting, record keeping or other compliance requirements on public or private entities in rural areas. There are no other compliance costs imposed on public or private entities in rural areas as a result of the amendments.

#### Job Impact Statement

A Job Impact Statement for these amendments is not being submitted because it is apparent from the nature and purposes of the amendments that they will not have a substantial adverse impact on jobs and/or employment opportunities.

## NOTICE OF WITHDRAWAL

### Sale of Electronic Cigarette Flavored Liquids

I.D. No. HLT-45-18-00006-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. HLT-45-18-00006-P, has been withdrawn from consideration. The notice of proposed rule making was published in the *State Register* on November 7, 2018.

**Subject:** Sale of Electronic Cigarette Flavored Liquids.

**Reason(s) for withdrawal of the proposed rule:** A draft rule intended for discussion purposes only was prematurely filed and is immediately withdrawn for further review.

## NOTICE OF ADOPTION

### Medical Staff — Sepsis Protocols

I.D. No. HLT-25-18-00003-A

Filing No. 1039

Filing Date: 2018-10-26

Effective Date: 2018-11-14

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

**Action taken:** Amendment of section 405.4 of Title 10 NYCRR.

**Statutory authority:** Public Health Law, sections 2800 and 2803

**Subject:** Medical Staff — Sepsis Protocols.

**Purpose:** Update definitions and guidelines of sepsis and associated protocols for treatment to align with the latest evidence-based practices.

**Text of final rule:** Subdivision (a) of Section 405.4 is amended to read as follows:

(a) Medical staff accountability. The medical staff shall be organized and accountable to the governing body for the quality of the medical care provided to all patients.

(1) The medical staff shall establish objective standards of care and conduct to be followed by all practitioners granted privileges at the hospital. Those standards shall:

(i) be consistent with prevailing standards of medical and other licensed health care practitioner standards of practice and conduct; and

(ii) afford patients their rights as patients in accordance with the provisions of this Part.

(2) The medical staff shall establish mechanisms to monitor the ongoing performance in delivering patient care of practitioners granted privileges at the hospital, including monitoring of practitioner compliance with bylaws of the medical staff and pertinent hospital policies and procedures.

(3) The medical staff shall review and, when appropriate, recommend to the governing body, the limitation or suspension of the privileges of practitioners who do not practice in compliance with the scope of their privileges, medical staff bylaws, standards of performance and policies and procedures, and assure that corrective measures are developed and put into place, when necessary.

(4) The medical staff shall adopt, implement, periodically update and submit to the Department evidence-based protocols for the early recognition and treatment of patients with severe sepsis and septic shock ("sepsis protocols") that are based on generally accepted standards of care. Sepsis protocols must include components specific to the identification, care and treatment of adults, and of children, and must clearly identify where and when components will differ for adults and for children. These protocols must include the following components:

(i) a process for the screening and early recognition of patients with sepsis, severe sepsis and septic shock;

(ii) a process to rapidly identify and document individuals appropriate for treatment through severe sepsis and septic shock protocols, including explicit criteria defining those patients who should be excluded from the protocols, such as patients with certain clinical conditions or who have elected palliative care;

(iii) guidelines for hemodynamic support [with explicit physiologic and biomarker treatment goals, methodology for invasive or non-invasive hemodynamic monitoring], including monitoring, therapeutic endpoints and timeframe goals;

(iv) for infants and children, guidelines for fluid resuscitation with explicit timeframes for vascular access and fluid delivery consistent with current, evidence-based guidelines for severe sepsis and septic shock with defined therapeutic goals for children; and

(v) a procedure for identification of infectious source and delivery of early antibiotics with timeframe goals; and

(vi) criteria for use, where appropriate, of an invasive protocol and for use of vasoactive agents].

(5) The medical staff shall ensure that professional staff with direct patient care responsibilities and, as appropriate, staff with indirect patient care responsibilities, including, but not limited to laboratory and pharmacy staff, are periodically trained to implement sepsis protocols required pursuant to paragraph (4) of this subdivision. Medical staff shall ensure updated training when the hospital initiates substantive changes to the protocols.

(6) [Hospitals shall submit sepsis protocols required pursuant to paragraph (4) of this subdivision to the Department for review not later than September 3, 2013. Hospitals must implement these protocols after receipt of a letter from the Department indicating that the proposed protocols have been reviewed and determined to be consistent with the criteria established in this Part. Protocols are to be implemented no later than December 31, 2013.] Hospitals must update *sepsis* protocols required pursuant to paragraph (4) of this section based on newly emerging evidence-based standards. Protocols are to be [resubmitted] submitted to the Department at the request of the Department[, not more frequently than once every two years unless the Department identifies hospital-specific performance concerns].

(7) Collection and Reporting of Sepsis Measures.

(i) The medical staff shall be responsible for the collection, use, and reporting of quality measures related to the recognition and treatment of severe sepsis for purposes of internal quality improvement and hospital reporting to the Department. Such measures shall include, but not be limited to, data sufficient to evaluate each hospital's adherence [rate to its own sepsis protocols, including adherence] to timeframes and implementation of all protocol components for adults and children.

(ii) Hospitals shall submit data specified by the Department to permit the Department to develop risk-adjusted severe sepsis and septic

shock mortality rates in consultation with appropriate national, hospital and expert stakeholders. *Hospitals shall submit data to the Department or the Department's designee in the form and format, and according to such specifications as may be required by the Department.*

(iii) Such data shall be reported annually, or more frequently at the request of the Department, and shall be subject to audit at the discretion of the Department.

(8) Definitions. *Sepsis is a life threatening medical emergency that requires early recognition and intervention.* For the purposes of [this section] *hospital data collection*, the following terms shall have the following meanings:

(i) sepsis shall mean a [proven] *confirmed* or suspected infection accompanied by *two* [a] *systemic inflammatory response syndrome (SIRS) criteria*;

(ii) [for adults,] severe sepsis shall mean sepsis *complicated by* [plus at least one sign of hypoperfusion or organ dysfunction; for pediatrics, severe sepsis shall mean sepsis plus one of the following: cardiovascular organ dysfunction or acute respiratory distress syndrome (ARDS) or two or more] organ [dysfunctions] *dysfunction*; and

(iii) for adults, septic shock shall mean [severe sepsis with persistent] *sepsis-induced hypotension persisting* [or cardiovascular organ dysfunction] despite adequate IV fluid resuscitation *and/or evidence of tissue hypoperfusion*; for pediatrics, septic shock shall mean [severe] sepsis and cardiovascular *organ* dysfunction [despite adequate IV fluid resuscitation].

**Final rule as compared with last published rule:** Nonsubstantive changes were made in section 405.4(a)(6) and (8)(iii).

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

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

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

**Initial Review of Rule**

As a rule that does not require a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2023, which is no later than the 5th year after the year in which this rule is being adopted.

**Assessment of Public Comment**

The New York State Department of Health (Department) received comments from a patient advocate and a health care association.

COMMENT: A commenter stated that there is a new test and technology that can detect sepsis in minutes and the commenter felt the new test could help hospitals and the Department in its efforts to improve sepsis detection and care. No additional information was provided by the commenter.

RESPONSE: The Department continuously reviews new evidence and seeks information on new technologies and processes that may enhance patient care and outcomes. The Department will take the comment under advisement. No changes to the regulation were made as a result of this comment.

COMMENT: A commenter stated that the Department should further modify the regulation at section 405.4(a)(6) to remove the requirement for hospitals to submit written sepsis protocols to the Department. The commenter stated that the requirement is no longer necessary as all hospitals have written protocols in place to meet State and Federal reporting requirements. The commenter stated that the reporting requirements have evolved and compliance with reporting ensures little variation among hospital protocols. The commenter stated that given the small amount of variation across hospitals and given that the differences in protocols among hospitals are limited to internal processes and systems but not clinical processes, that the Department should instead accept an affirmative attestation from hospitals related to their use of written triage and treatment protocols.

RESPONSE: The Department agrees that there is no benefit to requiring ongoing submission of protocols each time a protocol is revised by hospitals. As a result of this comment, the final regulation requires that protocols are only submitted to the Department at the request of the Department. In addition, the final regulation eliminates the requirement that hospitals must receive a letter from the Department indicating that the proposed protocols have been reviewed and determined to be consistent with the criteria in section 405.4(a)(4).

COMMENT: A commenter stated that the Department should reduce the burden and frequency of hospital data submission audits from quarterly to annually. The commenter stated that quarterly audits require significant hospital resources and that because of the work that has been done by

hospitals to improve the integrity of the data, the Department requirement should be aligned with the annual Federal requirement.

RESPONSE: Section 405.4(a)(7)(iii) requires hospitals to submit sepsis clinical data annually or more frequently and permits the Department to audit the data at the discretion of the Department. The regulation does not specify a timeframe for audit of sepsis clinical data. The Department will take the comment under advisement. No changes to the regulation were made as a result of this comment.

### NOTICE OF ADOPTION

#### Prescription Contraceptive Drugs

**I.D. No.** HLT-30-18-00003-A

**Filing No.** 1040

**Filing Date:** 2018-10-26

**Effective Date:** 2018-11-14

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

**Action taken:** Amendment of section 505.3(d) and (e) of Title 18 NYCRR.

**Statutory authority:** Social Services Law, section 365-a; Public Health Law, section 201(1)(v)

**Subject:** Prescription Contraceptive Drugs.

**Purpose:** Allow for a written order of prescription contraceptives for family planning purposes to be filled 12 times within one year.

**Text or summary was published** in the July 25, 2018 issue of the Register, I.D. No. HLT-30-18-00003-P.

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

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

#### Initial Review of Rule

As a rule that does not require a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2023, which is no later than the 5th year after the year in which this rule is being adopted.

#### Assessment of Public Comment

Public comments were submitted to the NYS Department of Health ("Department") in response to this regulation. The public comment period for this regulation ended on 09/24/2018. The Department received 13 comments.

These comments and the Department's response are summarized below:

**Comment:** The organizations listed below stated that they fully support the proposed rulemaking in its entirety, and recommended swift adoption. They stated that the proposed regulations are critical due to persistent barriers to contraceptive access for low-income women and women of color. They stated that the proposed regulations will improve access to contraception for Medicaid members, and promote health equity by appropriately aligning the Medicaid program's policies for the dispensing of contraceptive drugs with the regulations for commercial insurance.

The American College of Obstetricians and Gynecologists (ACOG), District II

Health Care for All New York (HCFANY)

The League of Women Voters of New York State

The National Women's Law Center

New York Civil Liberties Union (NYCLU)

Physicians for Reproductive Health

Planned Parenthood Empire State Acts (PPESA)

Planned Parenthood of New York City (PPNYC)

Planned Parenthood of the Southern Finger Lakes

PowHer New York

Raising Women's Voices-New York (RWV-NY)

Reproductive Health Access Project

Women's Health and Reproductive Rights (WHARR)

Response: The Department acknowledges the comments in support of the proposed regulation. No changes were made to the proposed regulation.

## Higher Education Services Corporation

### EMERGENCY RULE MAKING

#### New York State Science, Technology, Engineering and Mathematics Incentive Program

**I.D. No.** ESC-46-18-00002-E

**Filing No.** 1043

**Filing Date:** 2018-10-29

**Effective Date:** 2018-10-29

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

**Action taken:** Addition of section 2201.13 to Title 8 NYCRR.

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

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

**Specific reasons underlying the finding of necessity:** This statement is being submitted pursuant to subdivision (6) of section 202 of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's ("HESC") Emergency Rule Making seeking to add a new section 2201.13 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

This regulation implements a statutory student financial aid program providing for awards to be made to students attending New York State public institutions of higher education beginning with the fall 2014 term and students attending private degree-granting institutions of higher education located in New York State beginning with the fall 2018 term. Emergency adoption is necessary to avoid an adverse impact on the processing of awards to eligible scholarship applicants. The statute provides for tuition benefits to college-going students who, beginning in August, pursue an undergraduate program of study in science, technology, engineering, or mathematics at a New York State institution of higher education. High school students entering college in August must inform the institution of their intent to enroll no later than May 1. Therefore, it is critical that the terms of the program as provided in the regulation be available immediately in order for HESC to process scholarship applications so that students can make informed choices. To accomplish this mandate, the statute further provides for HESC to promulgate emergency regulations to implement the program. For these reasons, compliance with section 202(1) of the State Administrative Procedure Act would be contrary to the public interest.

**Subject:** New York State Science, Technology, Engineering and Mathematics Incentive Program.

**Purpose:** To implement the New York State Science, Technology, Engineering and Mathematics Incentive Program.

**Text of emergency rule:** New section 2201.13 is added to Title 8 of the New York Code, Rules and Regulations to read as follows:

*Section 2201.13 New York State Science, Technology, Engineering and Mathematics Incentive Program.*

(a) *Definitions. For purposes of this section and section 669-e of the Education Law, the following definitions shall apply:*

(1) "Award" shall mean a New York State Science, Technology, Engineering and Mathematics Incentive Program award pursuant to section 669-e of the New York State education law.

(2) "Employment" shall mean continuous employment for at least thirty-five hours per week in an approved occupation in the science, technology, engineering or mathematics field, as published on the corporation's web site, for a public or private entity located in New York State for five years after the completion of the undergraduate degree program and, if applicable, a higher degree program or professional licensure degree program and a grace period as authorized by section 669-e(4) of the education law.

(3) "Grace period" shall mean a six month period following a recipient's date of graduation from a public or private degree granting institution of higher education and, if applicable, a higher degree program or professional licensure degree program as authorized by section 669-e(4) of the education law.

(4) "High school class" shall mean the total number of students eligible to graduate from a high school in the applicable school year.

(5) "Interruption in undergraduate study or employment" shall mean a temporary period of leave for a definitive length of time due to circumstances as determined by the corporation, including, but not limited to, maternity/paternity leave, death of a family member, or military duty.

(6) "Private degree granting institution of higher education" shall mean any institution of higher education recognized and approved by the Regents of the State University of New York which provides a course of study leading to the granting of a post-secondary degree or diploma except public institutions of higher education as defined in this subdivision.

(7) "Program" shall mean the New York State Science, Technology, Engineering and Mathematics Incentive Program codified in section 669-e of the education law.

(8) "Public institution of higher education" shall mean the state university of New York, as defined in subdivision 3 of section 352 of the education law, a community college as defined in subdivision 2 of section 6301 of the education law, or the city university of New York as defined in subdivision 2 of section 6202 of the education law.

(9) "School year" shall mean the period commencing on the first day of July in each year and ending on the thirtieth day of June next following.

(10) "Science, technology, engineering and mathematics" programs shall mean those undergraduate degree programs designated by the corporation on an annual basis and published on the corporation's web site.

(11) "Successful completion of a term" shall mean that at the end of any academic term, the recipient: (i) met the eligibility requirements for the award pursuant to sections 661 and 669-e of the education law; (ii) completed at least 12 credit hours or its equivalent in a course(s) of study leading to an approved undergraduate degree in the field of science, technology, engineering, or mathematics; and (iii) possessed a cumulative grade point average (GPA) of 2.5 as of the date of the certification by the institution. Notwithstanding, the GPA requirement is preliminarily waived for the first academic term for programs whose terms are organized in semesters, and for the first two academic terms for programs whose terms are organized on a trimester basis. In the event the recipient's cumulative GPA is less than a 2.5 at the end of his or her first academic year, the recipient will not be eligible for an award for the second academic term for programs whose terms are organized in semesters or for the third academic term for programs whose terms are organized on a trimester basis. In such case, the award received for the first academic term for programs whose terms are organized in semesters and for the first two academic terms for programs whose terms are organized on a trimester basis must be returned to the corporation and the institution may reconcile the student's account, making allowances for any other federal, state, or institutional aid the student is eligible to receive for such terms unless: (A) the recipient's GPA in his or her first academic term for programs whose terms are organized in semesters was a 2.5 or above, or (B) the recipient's GPA in his or her first two academic terms for programs whose terms are organized on a trimester basis was a 2.5 or above, in which case the institution may retain the award received and only reconcile the student's account for the second academic term for programs whose terms are organized in semesters or for the third academic term for programs whose terms are organized on a trimester basis. The corporation shall issue a guidance document, which will be published on its web site.

(b) Eligibility. In addition to the requirements of Education Law, section 669-e, recipients must satisfy the general eligibility requirements provided in Education Law, section 661. An applicant must apply and be selected for this program for the fall term immediately following his or her high school graduation.

(c) Class rank or placement. As a condition of an applicant's eligibility, the applicant's high school shall provide the corporation:

(1) official documentation or other certification showing that the applicant is in the top 10 percent of his or her graduating high school class; and

(2) any additional information the corporation deems necessary to determine that the applicant has graduated within the top 10 percent of his or her high school class.

(d) Recipient selection. If there are more applicants attending private degree granting institutions of higher education than available funds, the following provisions shall apply:

(1) First priority shall be given to eligible applicants who have received payment of an award pursuant to this section in a prior year, including payment for attendance at a public institution of higher education, and are currently in attendance at a private degree granting institution of higher education. If there are more applicants than available funds, recipients shall be chosen by lottery.

(2) Second priority shall be given to eligible applicants who are matriculated in an approved undergraduate program in science, technology, engineering or mathematics for the first time. If there are more applicants than available funds, recipients shall be chosen by lottery.

(e) Administration.

(1) Applicants for an award shall:

(i) apply for program eligibility on forms and in a manner prescribed by the corporation. The corporation may require applicants to provide additional documentation evidencing eligibility; and

(ii) submit applications for program eligibility to the corporation on or before the date prescribed by the corporation for the applicable academic year. Notwithstanding any other rule or regulation to the contrary, such applications shall be received by the corporation no later than August 15th of the applicant's year of graduation from high school.

(2) Recipients of an award shall:

(i) execute a service contract prescribed by the corporation;

(ii) apply for payment annually on forms specified by the corporation;

(iii) be enrolled in an approved undergraduate degree program in science, technology, engineering, or mathematics;

(iv) receive such awards for not more than four academic years of full-time undergraduate study or five academic years if the program of study normally requires five years, as defined by the commissioner pursuant to article thirteen of the education law, excluding any allowable interruption(s) of study; and

(v) confirm employment in an approved occupation each year on forms or in a manner prescribed by the corporation.

(f) Amounts.

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

(2) Disbursements shall be made each term to institutions, on behalf of recipients, within a reasonable time upon successful completion of the term subject to the verification and certification by the institution of the recipient's GPA and other eligibility requirements.

(3) Awards shall be applied to any remaining tuition after the application of all other educational grants and scholarships limited to tuition, as authorized by section 669-e of the education law.

(g) Failure to comply.

(1) All award monies received shall be converted to a 10-year student loan plus interest for recipients who fail to meet the statutory, regulatory, contractual, administrative or other requirement of this program.

(2) The interest rate for the life of the loan shall be fixed and equal to that published annually by the U.S. Department of Education for undergraduate unsubsidized Stafford loans at the time the recipient signed the service contract with the corporation.

(3) Interest shall begin to accrue on the day each award payment is disbursed to the institution.

(4) Interest shall be capitalized on the day the award recipient violates any term of the service contract or the date the corporation deems the recipient was no longer able or willing to perform the terms of the service contract. Interest on this amount shall be calculated using simple interest.

(5) Where a recipient has demonstrated extreme hardship as a result of a total and permanent disability, labor market conditions, or other such circumstances, or is working in an approved occupation, the corporation may, in its discretion, postpone converting the award to a student loan, temporarily suspend repayment of the amount owed, prorate the amount owed commensurate with service completed, discharge the amount owed, or such other appropriate action. Where a recipient has demonstrated in-school status, the corporation shall temporarily suspend repayment of the amount owed for the period of in-school status.

**This notice is intended** to serve only as a notice of emergency adoption. This agency intends to adopt this emergency rule as a permanent rule and will publish a notice of proposed rule making in the *State Register* at some future date. The emergency rule will expire January 26, 2019.

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

#### **Regulatory Impact Statement**

Statutory authority:

The New York State Higher Education Services Corporation's ("HESC") statutory authority to promulgate regulations and administer the New York State Science, Technology, Engineering and Mathematics Incentive Program ("Program") is codified within Article 14 of the Education Law. Part G of Chapter 56 of the Laws of 2014 created the Program by adding a new section 669-e to the Education Law, which was subsequently amended by Part BB of Chapter 56 of the Laws of 2018. Subdivision 5 of section 669-e of the Education Law authorizes HESC to promulgate emergency regulations to administer this Program.

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

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

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

**Legislative objectives:**

The Education Law was amended to add a new section 669-e to create the "New York State Science, Technology, Engineering and Mathematics Incentive Program" (Program). This Program is aimed at increasing the number of individuals working in the fields of science, technology, engineering and mathematics (STEM) in New York State to meet the increasingly critical need for those skills in the State's economy.

**Needs and benefits:**

According to a February 2012 report by President Obama's Council of Advisors on Science and Technology, there is a need to add to the American workforce over the next decade approximately one million more science, technology, engineering and mathematics (STEM) professionals than the United States will produce at current rates for the country to stay competitive. To meet this goal, the United States will need to increase the number of students who receive undergraduate STEM degrees by about 34% annually over current rates. The report also stated that fewer than 40% of students who enter college intending to major in a STEM field complete a STEM degree. Further, a recent Wall Street Journal article reported that New York state suffers from a shortage of graduates in STEM fields to fill the influx of high-tech jobs that occurred five years ago. At a plant in Malta, about half the jobs were filled by people brought in from outside New York and 11 percent were foreigners. According to the article, Bayer Corp. is due to release a report showing that half of the recruiters from large U.S. companies surveyed couldn't find enough job candidates with four-year STEM degrees in a timely manner; some said that had led to more recruitment of foreigners. About two-thirds of the recruiters surveyed said that their companies were creating more STEM positions than other types of jobs. There are also many jobs requiring a two-year degree. To deal with this shortage, companies are using more internships, grants and scholarships.

The Program is aimed at increasing the number New York graduates with two and four year degrees in STEM who will be working in STEM fields across New York state. Eligible recipients may receive annual awards for not more than four academic years of undergraduate full-time study (or five years if enrolled in a five-year program) while matriculated in an approved program leading to a career in STEM.

Students receiving a New York State Science, Technology, Engineering and Mathematics Incentive Program award must sign a service agreement and agree to work in New York state for five years in a STEM field and reside in the State during those five years. Recipients who do not fulfill their service obligation will have the value of their awards converted to a student loan and be responsible for interest.

**Costs:**

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

b. The maximum cost of the program to the State is \$8 million in the first year based upon budget estimates. At private degree granting institutions of higher education \$1 million was appropriated for the 2018-19 academic year in the State Budget.

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

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

**Local government mandates:**

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

**Paperwork:**

This proposal will require applicants to file an electronic application for each year they wish to receive an award up to and including five years of eligibility. Recipients are required to sign a contract for services in exchange for an award. Recipients must submit annual status reports until a final disposition is reached in accordance with the written contract.

**Duplication:**

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

**Alternatives:**

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

**Federal standards:**

This proposal does not exceed any minimum standards of the Federal Government, and efforts were made to align it with similar federal subject areas as evidenced by the adoption of the federal unsubsidized Stafford loan rate if the award is converted into a student loan.

**Compliance schedule:**

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

**Regulatory Flexibility Analysis**

This statement is being submitted pursuant to subdivision (3) of section 202-b of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's ("HESC") Emergency Rule Making, seeking to add a new section 2201.13 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

It is apparent from the nature and purpose of this rule that it will not impose an adverse economic impact on small businesses or local governments. HESC finds that this rule will not impose any compliance requirement or adverse economic impact on small businesses or local governments. Rather, it has potential positive impacts inasmuch as it implements a statutory student financial aid program that provides tuition benefits to college students who pursue their undergraduate studies in the fields of science, technology, engineering, or mathematics at degree-granting institutions of higher education located in New York State. Students will be rewarded for remaining and working in New York, which will also serve to provide economic benefits to the State's small businesses and local governments.

**Rural Area Flexibility Analysis**

This statement is being submitted pursuant to subdivision (4) of section 202-bb of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's Emergency Rule Making, seeking to add a new section 2201.13 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

It is apparent from the nature and purpose of this rule that it will not impose an adverse impact on rural areas. Rather, it has potential positive impacts inasmuch as it implements a statutory student financial aid program that provides tuition benefits to college students who pursue their undergraduate studies in the fields of science, technology, engineering, or mathematics at degree-granting institutions of higher education located in New York State. Students will be rewarded for remaining and working in New York, which will also serve to benefit rural areas around the State.

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

**Job Impact Statement**

This statement is being submitted pursuant to subdivision (2) of section 201-a of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's Emergency Rule Making seeking to add a new section 2201.13 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

It is apparent from the nature and purpose of this rule that it will not have any negative impact on jobs or employment opportunities. Rather, it has potential positive impacts inasmuch as it implements a statutory student financial aid program that provides tuition benefits to college students who pursue their undergraduate studies in the fields of science, technology, engineering, or mathematics at degree-granting institutions of higher education located in New York State. Students will be rewarded for remaining and working in New York, which will also serve to benefit the State.

## EMERGENCY RULE MAKING

### Enhanced Tuition Awards Program

**I.D. No.** ESC-46-18-00003-E

**Filing No.** 1044

**Filing Date:** 2018-10-29

**Effective Date:** 2018-10-29

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

**Action taken:** Addition of section 2201.19 to Title 8 NYCRR.

**Statutory authority:** Education Law, sections 653, 655 and 667-d

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

**Specific reasons underlying the finding of necessity:** This statement is being submitted pursuant to subdivision (6) of section 202 of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's (HESC) Emergency Rule Making seeking to add a new section 2201.19 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

This regulation implements a statutory student financial aid program providing for awards to be made to students beginning with the fall 2017 term, which generally starts in August. Emergency adoption is necessary to avoid an adverse impact on the processing of awards to eligible scholarship applicants. The statute provides for tuition benefits to college-going students pursuing their undergraduate studies at a New York State private institution of higher education. Decisions on applications for this Program are made prior to the beginning of the term. Therefore, it is critical that the terms of the Program as provided in the regulation be effective immediately in order for HESC to process scholarship applications in a timely manner. To accomplish this mandate, the statute further provides for HESC to promulgate emergency regulations to implement the Program. For these reasons, compliance with section 202(1) of the State Administrative Procedure Act would be contrary to the public interest.

**Subject:** Enhanced Tuition Awards program.

**Purpose:** To implement the Enhanced Tuition Awards program.

**Text of emergency rule:** New section 2201.19 is added to Title 8 of the New York Code, Rules and Regulations to read as follows:

*Section 2201.19 Enhanced Tuition Awards.*

(a) *Definitions.* For purposes of this section and Education Law, section 667-d, the following definitions shall apply:

(1) *Award shall mean an Enhanced Tuition Award pursuant to Education Law, section 667-d.*

(2) *Full-time attendance or full-time study, for purposes of Education Law, section 667-d(1)(d)(ii), shall mean enrollment in at least 12 credits per semester and completion of at least 30 combined credits per year following the student's start date, or its equivalent, applicable to his or her program(s) of study, excluding any permissible interruption of study as determined by the corporation, and except as provided in subdivision (b) of this section and Education Law, section 667-d(1)(d)(ii). Noncredit courses shall not be considered as contributing toward full-time attendance.*

(3) *Half-time shall mean enrollment in at least six but less than 12 credits, or the equivalent, per semester.*

(4) *Interruption in undergraduate study shall mean either: (i) a temporary period of leave or (ii) enrollment in or completion of less than the required number of credits for a definitive length of time both due to circumstances as determined by the corporation, including, but not limited to, death of a family member, medical leave, military service, service in the Peace Corps or parental leave.*

(5) *Private degree granting institutions of higher education shall mean any institution of higher education recognized and approved by the Regents of the State University of New York which provides a course of study leading to the granting of a post-secondary degree or diploma except public institutions as defined in this subdivision.*

(6) *Program shall mean the Enhanced Tuition Awards codified in Education Law, section 667-d.*

(7) *Public institution of higher education shall mean the State University of New York, as defined in subdivision 3 of section 352 of the Education Law, a community college as defined in subdivision 2 of section 6301 of the Education Law, or the City University of New York as defined in subdivision 2 of section 6202 of the Education Law.*

(8) *Satisfactory progress shall have the same meaning as successful completion.*

(9) *Student's start date shall mean the date the student first enrolled as a matriculated student.*

(10) *Successful completion shall mean a student has earned at least 30 combined credits in each consecutive year following the student's start date, or its equivalent, applicable to his or her program or programs of study except as provided in subdivision (b) of this section and Education Law, section 667-d(1)(d)(ii).*

(b) *Eligibility.* In addition to the requirements of Education Law, section 667-d, an applicant must also satisfy the general eligibility requirements provided in Education Law, section 661. As authorized by Education Law, section 667-d, the following exceptions and modifications to the eligibility requirements shall apply:

(1) *College credit earned toward a recipient's program(s) of study while a high school student or other non-matriculated student shall be considered as contributing toward full-time attendance. For a recipient who earned college credit toward his or her program(s) of study prior to enrolling in college as a matriculated student and who is making satisfactory progress toward timely completion of his or her program(s) of study, and is enrolled in coursework not applicable toward his or her program(s) of study, such coursework outside of his or her program(s) of study shall be considered as contributing toward full-time attendance.*

(2) *A recipient must be in full-time attendance as defined in this section.*

(3) *For purposes of Education Law, section 667-d(1)(d)(i), an applicant must have completed at least 30 combined credits each year following his or her start date, or its equivalent, applicable to his or her program(s) of study which were accepted by his or her current institution at the time of application for this award, except for any permissible interruption of study as determined by the corporation.*

(4) *For students who are disabled as defined by the Americans with Disabilities Act of 1990, 42 USC 12101, the full-time attendance requirement is eliminated, subject to the parameters of paragraph 3 of subdivision f of this section. Rather such students are required to have completed the number of credits in which they were enrolled (attempted) each term, except for any allowable interruption in undergraduate study as determined by the corporation.*

(c) *Income.* An applicant or recipient whose current income or prior year adjusted gross income qualifies for an award due to the disability, divorce or separation of a parent, spouse or applicant/recipient or the death of a parent or spouse as authorized in Education Law, section 667-d(3), shall provide documentation required by the corporation to determine his or her eligibility for an award or award payment. The corporation may consider such documentary evidence it deems sufficient to determine disability, divorce, separation or death.

(d) *Recipient selection.* If there are more applicants than available funds, the following provisions shall apply:

(1) *In the program's first year:*

(i) *First priority shall be given to eligible applicants who are currently in attendance at an institution of higher education. If there are more applicants than available funds, recipients shall be chosen by lottery.*

(ii) *Second priority shall be given to eligible applicants who are matriculated in an approved program leading to an undergraduate degree at a private not-for-profit degree granting institution of higher education located in New York State, except those institutions set forth in Education Law, section 661(4)(b), for the first time. If there are more applicants than available funds, recipients shall be chosen by lottery.*

(2) *After the program's first year:*

(i) *First priority shall be given to eligible applicants who have received payment of an award pursuant to this section in a prior year and are currently in attendance at a private degree granting institution of higher education located in New York State. If there are more applicants than available funds, recipients shall be chosen by lottery.*

(ii) *Second priority shall be given to eligible applicants who have not received payment of an award in a prior year and are currently in attendance at an institution of higher education. If there are more applicants than available funds, recipients shall be chosen by lottery.*

(iii) *Third priority shall be given to eligible applicants who are matriculated in an approved program leading to an undergraduate degree at a private degree granting institution of higher education located within New York State for the first time. If there are more applicants than available funds, recipients shall be chosen by lottery.*

(e) *Administration.* In addition to the requirements contained in Education Law, section 667-d, the following requirements shall also apply.

(1) *Applicants for an award shall:*

(i) *apply for program eligibility on forms and in a manner prescribed by the corporation. The corporation may require applicants to provide additional documentation evidencing eligibility; and*

(ii) *electronically transmit applications for program eligibility to the corporation on or before the date prescribed by the corporation for the applicable academic year.*

(2) *Recipients of an award shall:*

(i) *execute a contract with the corporation agreeing to reside in*

New York State for a continuous number of years equal to the duration of the award received and, if employed during such time, to be employed in New York State;

(ii) apply for payment annually on forms specified by the corporation; and

(iii) receive such awards for not more than two academic years of full-time undergraduate study if enrolled in an eligible two-year program of study or four academic years of full-time undergraduate study or five academic years if the program of study normally requires five years, as defined by the commissioner pursuant to article thirteen of the education law, excluding any allowable interruption of study as defined in this section. For purposes of this subparagraph, a recipient's academic year shall begin with the term he or she was first matriculated.

(3) Institutions.

(i) Certification. For each recipient, institutions shall certify on forms and in the manner prescribed by the corporation the tuition rate charged by the institution, the amount of the institution's matching award, eligibility to receive the award, the number of credits completed each academic term, the cumulative credits at the end of each academic term, and any other information requested by the corporation.

(ii) College Option. (A) An institution may annually choose to participate in the Program or to opt out of the Program in the manner prescribed by the corporation; (B) Institutional participation shall be for an entire academic year; (C) An institution may establish a cap on its participation based on a dollar threshold or a maximum number of students; (D) An institution that opts out of the Program shall continue to provide the institutional matching award, unless such institution is exempt, and applicable tuition rate to all award recipients until such recipients have exhausted eligibility or are no longer eligible for award payments.

(f) Amounts.

(1) The amount of the award shall be determined in accordance with Education Law, section 667-d.

(2) Disbursements shall be made each term to institutions, on behalf of recipients, within a reasonable time subject to the verification and certification by the institution of the recipient's full-time status and other eligibility and certification requirements.

(3) For students who are disabled as defined by the Americans with Disabilities Act of 1990, 42 USC 12101, upon each certification by the college or university, payment eligibility shall be determined and measured proportionally in equivalence with full-time study.

(g) Contractual obligation.

(1) For the purpose of complying with Education Law, section 667-d(1)(f), military personnel, including those in the Military Reserves and ROTC or CSPI, for whom New York is his or her legal state of residence shall be deemed to reside and be employed in New York State regardless of where the individual is stationed or deployed.

(2) For the purpose of complying with Education Law, section 667-d(1)(f), for a recipient who is no longer eligible to receive award payments, the duration he or she resides in New York State while completing undergraduate or graduate study, including medical residency, shall be credited toward the time necessary to satisfy the recipient's residency and employment requirement.

(3) Where a recipient, within six months of receipt of his or her final award payment, fails to maintain permanent domicile in New York State for a continuous number of years equal to the duration of the award received or, during such time, is employed in any other state, the corporation shall convert all award monies received to a 10-year student loan, without interest. However, the requirement to maintain permanent domicile, and only be employed, in New York State, may be deferred to complete undergraduate study or attend graduate school, including medical residency, on at least a half-time basis.

(4) Where a recipient has demonstrated extreme hardship as a result of a disability, labor market conditions, or other such circumstances, the corporation may, in its discretion, postpone converting the award to a student loan, temporarily suspend repayment of the amount owed, discharge the amount owed, or take such other appropriate action. Notwithstanding, the corporation shall prorate the amount owed commensurate with the length of time the recipient complied with the residency and employment requirements.

**This notice is intended** to serve only as a notice of emergency adoption. This agency intends to adopt this emergency rule as a permanent rule and will publish a notice of proposed rule making in the *State Register* at some future date. The emergency rule will expire January 26, 2019.

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

#### Regulatory Impact Statement

Statutory authority:

The New York State Higher Education Services Corporation's (HESC)

statutory authority to promulgate regulations and administer Enhanced Tuition Awards (Program) is codified within Article 14 of the Education Law. Part III of Chapter 59 of the Laws of 2017 created the Program by adding a new section 667-d to the Education Law, which was amended by Part W of Chapter 56 of the Laws of 2018. Subdivision 9 of section 667-d of the Education Law authorizes HESC to promulgate emergency regulations to administer this Program.

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

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

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

Legislative objectives:

The Education Law was amended to add a new section 667-d to create the Enhanced Tuition Awards program (Program). This Program is aimed at reducing tuition costs and accelerating completion rates for students who attend a private college in New York State.

Needs and benefits:

Many studies have underscored the importance of a college degree in today's global economy. According to a report by the Center on Education and the Workforce (CEW) at Georgetown University, by 2020, 65 percent of all jobs will require some form of postsecondary education or training, compared to 59 percent of jobs in 2010. The CEW report finds that having a skilled workforce is critical if the United States is to "remain competitive, attract the right type of industry, and engage the right type of talent in a knowledge-based and innovative economy." At the current pace, the United States will fall short of its skilled workforce needs by 5 million workers. The disparity in earning potential between high school graduates and college graduates has never been greater, nor has the student loan debt – which stands at \$1.3 trillion – being carried by those who have pursued a postsecondary education.

Recognizing the growing need for workers with postsecondary education and training, the wage earnings benefits for those with training beyond high school, the rapidly rising college costs and mounting student loan debt, this Program awards students up to \$6,000 to offset students' tuition costs through a combination of a New York State Tuition Assistance Program (TAP) award, the Enhanced Tuition Award and a match from those private colleges who elect to participate in the Program unless the college qualifies for an exemption from providing the match award. When fully phased in, Program awards will be available to resident, undergraduate students from households with incomes of up to \$125,000. To be eligible for a Program award, students must be on track to complete an associate's degree in two years or a bachelor's degree in four years by taking at least 30 credits each year. Payments will be made directly to colleges and universities on behalf of students upon certification of their successful completion of the academic term.

The Program was amended to: (1) authorize HESC to use an applicant's current income to establish eligibility if the applicant, a parent or spouse becomes disabled, divorced or separated or in the event of the death of a parent or spouse; (2) include students attending for-profit degree granting colleges; (3) exempt colleges from providing the matching award if certain criteria is met; and (4) authorize colleges to include the matching award as part of the recipient's institutional aid package.

Students receiving Enhanced Program Awards must sign a contract agreeing to live in New York State for the number of years equal to the duration of the award received and, if employed, work within the State during this time. Recipients who do not satisfy this obligation will have the value of their awards converted to an interest-free student loan.

Costs:

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

b. Private colleges that opt to participate in the Program are required to credit each recipient's remaining tuition expenses in an amount equal to the recipient's award ("matching award") unless the college qualifies for



an exemption from providing the matching award. Such credit may be part of the recipient's institutional aid package. The maximum amount of the matching award to a recipient is \$3,000.

c. The maximum cost of the program to the State is \$19 million in the first year and \$22.863 million in the second year based upon budget estimates.

d. It is anticipated that there will be no costs to Local Governments for the implementation of, or continuing compliance with, this rule.

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

Local government mandates:

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

Paperwork:

This proposal will require applicants to file an electronic application for each year they wish to receive an award up to and including five years of eligibility. Recipients are required to sign a contract agreeing to live in New York State, and not be employed outside the State, in exchange for an award. Recipients must submit annual status reports until a final disposition is reached in accordance with the written contract.

Duplication:

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

Alternatives:

The proposed regulation is the result of HESC's outreach efforts to financial aid professionals regarding this Program. Several alternatives were considered in the drafting of this regulation, such as the application of the credit requirement. Given the statutory language as set forth in section 667-d of the Education Law, a "no action" alternative was not an option.

Federal standards:

This proposal does not exceed any minimum standards of the Federal Government.

Compliance schedule:

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

#### **Regulatory Flexibility Analysis**

This statement is being submitted pursuant to subdivision (3) of section 202-b of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's (HESC) Emergency Rule Making, seeking to add a new section 2201.19 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

This rule implements a statutory student financial aid program that provides tuition benefits to college students who pursue their undergraduate studies at a New York State private institution of higher education. Colleges that opt to participate in the Program are required to credit each recipient's remaining tuition expenses in an amount equal to the recipient's award ("matching award"), unless the institution qualifies for an exemption from providing the matching award. Such credit may be part of the recipient's institutional aid package. The maximum amount of the matching award to a recipient is \$3,000. Notwithstanding, HESC finds that this rule will not impose any compliance requirement or adverse economic impact on small businesses or local governments. Rather, it has potential positive impacts by offering new financial aid support for students seeking to enroll in a private college in New York state and providing students with additional tuition award benefits. Students will be rewarded for remaining and working in New York, which will provide an economic benefit to the State's small businesses and local governments as well.

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

This statement is being submitted pursuant to subdivision (4) of section 202-bb of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's Emergency Rule Making, seeking to add a new section 2201.19 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

It is apparent from the nature and purpose of this rule that it will not impose an adverse impact on rural areas. Rather, it has potential positive impacts inasmuch as it implements a statutory student financial aid program that provides tuition benefits to college students who pursue their undergraduate studies at a New York State private institution of higher education. Students will be rewarded for remaining and working in New York, which will benefit rural areas around the State as well.

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

#### **Job Impact Statement**

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

York State Higher Education Services Corporation's Emergency Rule Making seeking to add a new section 2201.19 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

It is apparent from the nature and purpose of this rule that it will not have any negative impact on jobs or employment opportunities. Rather, it has potential positive impacts inasmuch as it implements a statutory student financial aid program that provides tuition benefits to college students who pursue their undergraduate studies at a New York State private institution of higher education. Students will be rewarded for remaining and working in New York, which will benefit the State as well.

## **EMERGENCY RULE MAKING**

### **Excelsior Scholarship**

**I.D. No.** ESC-46-18-00004-E

**Filing No.** 1045

**Filing Date:** 2018-10-29

**Effective Date:** 2018-10-29

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

**Action taken:** Addition of section 2201.18 to Title 8 NYCRR.

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

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

**Specific reasons underlying the finding of necessity:** This statement is being submitted pursuant to subdivision (6) of section 202 of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's (HESC) Emergency Rule Making seeking to add a new section 2201.18 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

This regulation implements a statutory student financial aid program providing for awards to be made to students beginning with the fall 2017 term, which generally starts in August. Emergency adoption is necessary to avoid an adverse impact on the processing of awards to eligible scholarship applicants. The statute provides for full tuition benefits to college-going students pursuing their undergraduate studies at a New York State public institution of higher education. Decisions on applications for this Program are made prior to the beginning of the term. Therefore, it is critical that the terms of the Program as provided in the regulation be effective immediately in order for HESC to process scholarship applications in a timely manner. To accomplish this mandate, the statute further provides for HESC to promulgate emergency regulations to implement the Program. For these reasons, compliance with section 202(1) of the State Administrative Procedure Act would be contrary to the public interest.

**Subject:** Excelsior Scholarship.

**Purpose:** To implement the Excelsior Scholarship.

**Text of emergency rule:** New section 2201.18 is added to Title 8 of the New York Code, Rules and Regulations to read as follows:

*Section 2201.18 Excelsior Scholarship.*

(a) *Definitions. For purposes of this section and Education Law, section 669-h, the following definitions shall apply:*

(1) *Award shall mean an Excelsior Scholarship award pursuant to Education Law, section 669-h.*

(2) *Full-time attendance or full-time study, for purposes of Education Law, section 669-h(1)(c), shall mean enrollment in at least 12 credits per semester and completion of at least 30 combined credits per year following the student's start date, or its equivalent, applicable to his or her program(s) of study, excluding any permissible interruption of study as determined by the corporation, and except as provided in subdivision (b) of this section and Education Law, section 669-h(1)(c). Noncredit courses shall not be considered as contributing toward full-time attendance.*

(3) *Half-time shall mean enrollment in at least six but less than 12 credits, or the equivalent, per semester.*

(4) *Interruption in undergraduate study shall mean either: (i) a temporary period of leave or (ii) enrollment in or completion of less than the required number of credits for a definitive length of time both due to circumstances as determined by the corporation, including, but not limited to, death of a family member, medical leave, military service, service in the Peace Corps or parental leave.*

(5) *Program shall mean the Excelsior Scholarship codified in Education Law, section 669-h.*

(6) *Public institution of higher education shall mean the State University of New York, as defined in Education Law, section 352(3), a community college as defined in Education Law, section 6301(2), or the City University of New York as defined in Education Law, section 6202(2).*

(7) Satisfactory progress shall have the same meaning as successful completion.

(8) Student's start date shall mean the date the student first enrolled as a matriculated student.

(9) Successful completion shall mean a student has earned at least 30 combined credits in each consecutive year following the student's start date, or its equivalent, applicable to his or her program or programs of study except as provided in subdivision (b) of this section and Education Law, section 669-h(1)(c).

(b) Eligibility. In addition to the requirements of Education Law, section 669-h, an applicant must also satisfy the general eligibility requirements provided in Education Law, section 661. As authorized by Education Law, section 669-h, the following exceptions and modifications to the eligibility requirements shall apply:

(1) College credit earned toward a recipient's program(s) of study while a high school student or other non-matriculated status shall be considered as contributing toward full-time attendance. For a recipient who earned college credit toward his or her program(s) of study prior to enrolling in college as a matriculated student and who is making satisfactory progress toward timely completion of his or her program(s) of study, and is enrolled in coursework not applicable toward his or her program(s) of study, such coursework outside of his or her program(s) of study shall be considered as contributing toward full-time attendance.

(2) A recipient must be in full-time attendance as defined in this section.

(3) For purposes of Education Law, section 669-h(1)(b), an applicant must have completed at least 30 combined credits each year following his or her start date, or its equivalent, applicable to his or her program(s) of study which were accepted by his or her current institution at the time of application for this award, except for any permissible interruption of study as determined by the corporation.

(4) For students who are disabled as defined by the Americans with Disabilities Act of 1990, 42 USC 12101, the full-time attendance requirement is eliminated, subject to the parameters of paragraph 4 of subdivision e of this section. Rather such students are required to have completed the number of credits in which they were enrolled (attempted) each term, except for any allowable interruption in undergraduate study as determined by the corporation.

(c) Income. An applicant or recipient whose current income or prior year adjusted gross income qualifies for an award due to the disability, divorce or separation of a parent, spouse or the applicant/recipient or the death of a parent or spouse as authorized in Education Law, section 669-h(1), shall provide documentation required by the corporation to determine his or her eligibility for an award or award payment. The corporation may consider such documentary evidence it deems sufficient to determine disability, divorce, separation or death.

(d) Administration. In addition to the requirements contained in Education Law, section 669-h, the following requirements shall also apply.

(1) Applicants for an award shall:

(i) apply for program eligibility on forms and in a manner prescribed by the corporation. The corporation may require applicants to provide additional documentation evidencing eligibility; and

(ii) electronically transmit applications for program eligibility to the corporation on or before the date prescribed by the corporation for the applicable academic year.

(2) Recipients of an award shall:

(i) execute a contract with the corporation agreeing to reside in New York State for a continuous number of years equal to the duration of the award received and, if employed during such time, to be employed in New York State;

(ii) apply for payment annually on forms specified by the corporation; and

(iii) receive such awards for not more than two academic years of full-time undergraduate study if enrolled in an eligible two year program of study or four academic years of full-time undergraduate study or five academic years if the program of study normally requires five years, as defined by the commissioner pursuant to article thirteen of the education law, excluding any allowable interruption of study as defined in this section. For purposes of this subparagraph, a recipient's academic year shall begin with the term he or she was first matriculated.

(3) For each recipient, institutions shall certify on forms and in the manner prescribed by the corporation the tuition rate charged by the institution, eligibility to receive the award, the number of credits completed each academic term, the cumulative credits at the end of each academic term, the type and amount of each student financial aid award received, excluding loans and work study, and any other information requested by the corporation.

(e) Amounts.

(1) The amount of the award shall be determined in accordance with Education Law, section 669-h.

(2) Disbursements shall be made each term to institutions, on behalf of recipients, within a reasonable time subject to the verification and certification by the institution of the recipient's full-time status and other eligibility and certification requirements.

(3) Awards shall be reduced by the value of other educational grants and scholarships that cover the cost of attendance unless the award is exclusively for non-tuition expenses as authorized by Education Law, section 669-h.

(4) For students who are disabled as defined by the Americans with Disabilities Act of 1990, 42 USC 12101, upon each certification by the college or university, payment eligibility shall be determined and measured proportionally in equivalence with full-time study.

(f) Contractual obligation.

(1) For the purpose of complying with Education Law, section 669-h(4)(e), military personnel, including those in the Military Reserves and ROTC or CSPI, for whom New York is his or her legal state of residence shall be deemed to reside and be employed in New York State regardless of where the individual is stationed or deployed.

(2) For the purpose of complying with Education Law, section 669-h(4)(e), for a recipient who is no longer eligible to receive award payments, the duration he or she resides in New York State while completing undergraduate or graduate study, including medical residency, shall be credited toward the time necessary to satisfy the recipient's residency and employment requirement.

(3) Where a recipient, within six months of receipt of his or her final award payment, fails to maintain permanent domicile in New York State for a continuous number of years equal to the duration of the award received or, during such time, is employed in any other state, the corporation shall convert all award monies received to a 10-year student loan, without interest. However, the requirement to maintain permanent domicile, and only be employed, in New York State, may be deferred to complete undergraduate study or attend graduate school, including medical residency, on at least a half-time basis.

(4) Where a recipient has demonstrated extreme hardship as a result of a disability, labor market conditions, or other such circumstances, the corporation may, in its discretion, postpone converting the award to a student loan, temporarily suspend repayment of the amount owed, discharge the amount owed, or take such other appropriate action. Notwithstanding, the corporation shall prorate the amount owed commensurate with the length of time the recipient complied with the residency and employment requirements.

**This notice is intended** to serve only as a notice of emergency adoption. This agency intends to adopt this emergency rule as a permanent rule and will publish a notice of proposed rule making in the *State Register* at some future date. The emergency rule will expire January 26, 2019.

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

#### **Regulatory Impact Statement**

Statutory authority:

The New York State Higher Education Services Corporation's (HESC) statutory authority to promulgate regulations and administer the Excelsior Scholarship (Program) is codified within Article 14 of the Education Law. Part HHH of Chapter 59 of the Laws of 2017 created the Program by adding a new section 669-h to the Education Law, which was amended by Part T of Chapter 56 of the Laws of 2018. Subdivision 6 of section 669-h of the Education Law authorizes HESC to promulgate emergency regulations to administer this Program.

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

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

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

**Legislative objectives:**

The Education Law was amended to add a new section 669-h to create the Excelsior Scholarship (Program). This Program makes college tuition-free for New York's middle class families at all State University of New York (SUNY) and City University of New York (CUNY) two-year and four-year colleges.

**Needs and benefits:**

Many studies have underscored the importance of a college degree in today's global economy. According to a report by the Center on Education and the Workforce (CEW) at Georgetown University, by 2020, 65 percent of all jobs will require some form of postsecondary education or training, compared to 59 percent of jobs in 2010. The CEW report finds that having a skilled workforce is critical if the United States is to "remain competitive, attract the right type of industry, and engage the right type of talent in a knowledge-based and innovative economy." At the current pace, the United States will fall short of its skilled workforce needs by 5 million workers. The disparity in earning potential between high school graduates and college graduates has never been greater, nor has the student loan debt – which stands at \$1.3 trillion – being carried by those who have pursued a postsecondary education. Recognizing the growing need for workers with postsecondary education and training, the wage earnings benefits for those with training beyond high school, the rapidly rising college costs and mounting student loan debt, this Program makes college tuition-free for New York's students attending a State University of New York (SUNY) or City University of New York (CUNY) two-year or four-year college.

The Program provides for annual tuition awards up to \$5,500 for resident, undergraduate students from households with incomes of up to \$125,000, when fully phased in. Students must be on track to complete an associate's degree in two years or a bachelor's degree in four years by taking at least 30 credits each year. Awards are reduced by other financial aid received by the student, such as a Tuition Assistance Program (TAP) award. Any remaining tuition expense will be covered through a college credit. Payments will be made directly to the public college or university on behalf of the student upon certification of his or her successful completion of the academic term.

The Program was amended to authorize HESC to use an applicant's current income to establish eligibility if the applicant, a parent or a spouse becomes disabled, divorced or separated or in the event of the death of a parent or spouse.

Students receiving an Excelsior Scholarship award must sign a contract agreeing to live in New York State for a number of years equal to the duration of the award received and, if employed, work within the State during this time. Recipients who do not satisfy this obligation will have the value of their awards converted to an interest-free student loan.

**Costs:**

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

b. The maximum cost of the program to the State is \$87 million in the first year and \$118.418 million in the second year, based upon budget estimates.

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

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

**Local government mandates:**

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

**Paperwork:**

This proposal will require applicants to file an electronic application for each year they wish to receive an award up to and including five years of eligibility. Recipients are required to sign a contract agreeing to live in New York State, and not be employed outside the State, in exchange for an award. Recipients must submit annual status reports until a final disposition is reached in accordance with the written contract.

**Duplication:**

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

**Alternatives:**

The proposed regulation is the result of HESC's outreach efforts to financial aid professionals regarding this Program. Several alternatives were considered in the drafting of this regulation, such as the application of the credit requirement. Given the statutory language as set forth in section 669-h of the Education Law, a "no action" alternative was not an option.

**Federal standards:**

This proposal does not exceed any minimum standards of the Federal Government.

**Compliance schedule:**

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

**Regulatory Flexibility Analysis**

This statement is being submitted pursuant to subdivision (3) of section 202-b of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's (HESC) Emergency Rule Making, seeking to add a new section 2201.18 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

It is apparent from the nature and purpose of this rule that it will not impose an adverse economic impact on small businesses or local governments. HESC finds that this rule will not impose any compliance requirement or adverse economic impact on small businesses or local governments. Rather, it has potential positive impacts inasmuch as it implements a statutory student financial aid program that provides full tuition benefits to college students who pursue their undergraduate studies at a New York State public institution of higher education. Students will be rewarded for remaining and working in New York, which will provide an economic benefit to the State's small businesses and local governments as well.

**Rural Area Flexibility Analysis**

This statement is being submitted pursuant to subdivision (4) of section 202-bb of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's Emergency Rule Making, seeking to add a new section 2201.18 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

It is apparent from the nature and purpose of this rule that it will not impose an adverse impact on rural areas. Rather, it has potential positive impacts inasmuch as it implements a statutory student financial aid program that provides full tuition benefits to college students who pursue their undergraduate studies at a New York State public institution of higher education. Students will be rewarded for remaining and working in New York, which will benefit rural areas around the State as well.

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

**Job Impact Statement**

This statement is being submitted pursuant to subdivision (2) of section 201-a of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's Emergency Rule Making seeking to add a new section 2201.18 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

It is apparent from the nature and purpose of this rule that it will not have any negative impact on jobs or employment opportunities. Rather, it has potential positive impacts inasmuch as it implements a statutory student financial aid program that provides full tuition benefits to college students who pursue their undergraduate studies at a New York State public institution of higher education. Students will be rewarded for remaining and working in New York, which will benefit the State as well.

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## Office for People with Developmental Disabilities

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### EMERGENCY RULE MAKING

**Eligibility of Services**

**I.D. No.** PDD-26-18-00003-E

**Filing No.** 1038

**Filing Date:** 2018-10-26

**Effective Date:** 2018-10-26

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

**Action taken:** Addition of Part 629 to Title 14 NYCRR.

**Statutory authority:** Mental Hygiene Law, sections 13.07, 13.09(b) and 16.00

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

**Specific reasons underlying the finding of necessity:** The emergency adoption of the regulation that identifies the process by which individuals is determined eligible and provisionally eligible for OPWDD authorized services is necessary to protect the health, safety, and welfare of individu-

als receiving services in the OPWDD system. The proposed emergency regulation establishes a regulatory framework for OPWDD authorized services and details the review process used by OPWDD to determine eligibility.

The regulations must be filed on an emergency basis to ensure individuals applying for services are aware of the process by which eligibility and provisional eligibility is determined for OPWDD authorized services. Additionally, the emergency filing is necessary to ensure that the eligibility determination process for services, as provided for in statute, is articulated as part of the regulations to assist in requesting these services.

**Subject:** Eligibility of Services.

**Purpose:** The eligibility for individuals applying for OPWDD authorized services.

**Text of emergency rule:** A new Part 629 is added to 14 NYCRR as follows:

Part 629 Eligibility for Services.

Section 629.1 Eligibility Determination Process.

(a) Applicability. OPWDD will determine whether individuals are eligible for OPWDD operated, certified, funded and/or authorized services (hereinafter "services")

(b) General Eligibility Provisions

(1) Eligibility is determined by the application of consistent criteria based on the definition of developmental disability established in Mental Hygiene Law (MHL) section 1.03(22).

(2) Provisional eligibility may be determined in children, up to the age of eight, who manifest substantial delays, or specific congenital or acquired conditions that result in a high probability of a developmental disability if services are not provided, and whose condition and/or functioning may improve significantly over time, as a result of treatments and services.

(3) OPWDD may review or re-review an individual's eligibility at any time. Applicants determined ineligible may reapply for services upon receipt of new or differing information that supports eligibility at any time.

(4) OPWDD, through its Developmental Disabilities Regional Office (DDRO), is responsible for determining whether a person is eligible for OPWDD services. A Three-Step process, as described herein, is used by OPWDD to make an eligibility determination of developmental disability.

(5) A determination that a person is eligible to receive OPWDD services based on the individual meeting the criteria for a developmental disability does not mean the person is automatically eligible for all OPWDD services, as some OPWDD services have additional eligibility criteria.

(c) Eligibility Determination Process

(1) Eligibility Request.

(i) A request for eligibility in a form and format specified by OPWDD must accompany all requests submitted to the DDRO for eligibility determinations. The request for eligibility includes the name of the person, the name of the person's representative, and relevant contact information. The request for eligibility also includes documentation of the person's developmental disability including information related to condition/diagnosis, standardized intelligence testing, standardized measures of adaptive functioning, information related to history and presence of disability prior to age 22, a full report of all contemporary diagnoses or classifications of health, physical, developmental, or psychiatric conditions that are relevant to the determination of eligibility, and other information that may be requested by OPWDD.

(2) 1st Step Review.

(i) DDRO staff review the eligibility request for completeness and share the information with staff designated by the Director, as necessary. After this review, the DDRO notifies the person in writing that:

(a) Eligibility or provisional eligibility has been determined; or

(b) The request requires additional documentation; or

(c) The request has been forwarded for a 2nd Step Review.

(3) 2nd Step Review.

(i) DDRO clinicians designated by the DDRO Director conduct a 2nd Step Review of the eligibility request forwarded by the 1st Step Review, along with any additional documentation provided by the person. If these clinicians require additional information, the person is notified in writing of the type of information needed and the date by which it must be submitted to the DDRO.

(ii) Following the 2nd Step Review, the DDRO provides the individual with written notification of its determination. If the person is found ineligible for OPWDD services because he or she does not meet the criteria for a developmental disability, as defined in MHL Section 1.03(22) and associated guidelines, the letter shall offer the person and his or her representative the opportunity to:

(a) Meet with DDRO staff to discuss the determination and documentation reviewed; and/or

(b) Request a 3rd Step Review; and/or

(c) Request a Medicaid Fair Hearing in cases where Medicaid funded services are sought.

(iii) A Notice of Decision informing the person of his or her right to request a Medicaid fair hearing is sent only when the request for services indicates that the person is interested in receiving Medicaid funded services if determined eligible. If the person has not indicated Medicaid funded services, no fair hearing is required and the decision of the DDRO is final.

(iv) If a fair hearing is requested, a 3rd Step Review will automatically be conducted.

(4) 3rd Step Review.

(i) 3rd Step Eligibility Determination Committee conducts the 3rd Step Reviews. Committee members include licensed practitioners who are not directly involved in the determinations made at the 1st and 2nd Step Reviews. The Committee reviews the submitted eligibility request and any additional documentation provided by or on behalf of the person. The Committee forwards its recommendations to the DDRO. The DDRO considers the 3rd Step recommendations and informs the person of any change in the DDRO's determination. 3rd Step Reviews will be made prior to any fair hearing date.

**This notice is intended** to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. PDD-26-18-00003-EP, Issue of June 27, 2018. The emergency rule will expire December 24, 2018.

**Text of rule and any required statements and analyses may be obtained from:** Office of Counsel, Bureau of Policy and Regulatory Affairs, Office for People With Developmental Disabilities (OPWDD), 44 Holland Avenue, 3rd Floor, Albany, NY 12229, (518) 474-7700, email: rau.unit@opwdd.ny.gov

**Additional matter required by statute:** Pursuant to the requirements of the State Environmental Quality Review Act, OPWDD, as lead agency, has determined that the action described herein will have no effect on the environment and an E.I.S. is not needed.

#### Regulatory Impact Statement

1. Statutory authority:

a. OPWDD has the statutory responsibility to provide and encourage the provision of appropriate programs, supports, and services in the areas of care, treatment, habilitation, rehabilitation, and other education and training of persons with intellectual and developmental disabilities, as stated in the New York State (NYS) Mental Hygiene Law Section 13.07.

b. OPWDD has the authority to adopt rules and regulations necessary and proper to implement any matter under its jurisdiction as stated in the NYS Mental Hygiene Law Section 13.09(b).

c. OPWDD has the statutory authority to adopt regulations concerned with the operation of programs and the provision of services, as stated in the NYS Mental Hygiene Law Section 16.00. The regulation also ensures compliance by OPWDD certified and operated residences with the proper provision of services.

2. Legislative objectives: The proposed regulations further legislative objectives embodied in sections 13.07, 13.09(b), and 16.00 of the Mental Hygiene Law. The regulations add a new Part 629 and Section 629.1 on eligibility for OPWDD-authorized services.

3. Needs and benefits: The proposed regulations add a new Section 629.1 concerning eligibility for individuals applying for OPWDD authorized services.

The proposed regulations in Section 629.1 identifies the process by which individuals will be determined eligible or provisionally eligible for OPWDD-authorized services. The purpose of the proposed regulation establishes a regulatory framework for individuals applying for OPWDD-authorized services as provided under the agency's statutory authority. The regulation is designed to assist and benefit regulated parties, by detailing the 3-step review process used by OPWDD to determine eligibility, including the role of Developmental Disabilities Regional Offices' in the eligibility determination process. As statutory authority authorizes OPWDD to determine eligibility, these regulations will aid regulated parties by setting forth the specific process used in making those determinations.

4. Costs: The proposed regulation will not have any fiscal impact on State and local governments. Furthermore, OPWDD expects that there will be no cost to private regulated parties as a result of this regulation.

5. Local government mandates: There are no new requirements imposed by the rule on any county, city, town, village; or school, fire, or other special district.

6. Paperwork: Providers will not experience an increase in paperwork as a result of this regulation.

7. Duplication: This regulation does not substantively duplicate, overlap, or conflict with other state or federal rules.

8. Alternatives: OPWDD did not consider any other alternatives to the proposed regulations, as the proposed regulation directly mirrors the process already used to determine eligibility and provisional eligibility. The

regulation is necessary to detail the process used by individuals applying for eligibility or provisional eligibility for OPWDD-authorized services.

9. Federal standards: The proposed amendment does not exceed minimum standards of the federal government for the same or similar subject areas.

10. Compliance schedule: OPWDD is planning to adopt the proposed amendments as soon as possible within the timeframes mandated by the State Administrative Procedure Act. The proposed regulation was reviewed by clinicians in advance of this proposal. Requirements of the proposed regulation will be achieved by the effective date, as the regulation reflects the current process already in place to determine eligibility.

#### **Regulatory Flexibility Analysis**

A regulatory flexibility analysis for small businesses and local governments is not submitted because the proposed regulation will not impose any adverse economic impact or reporting, record keeping or other compliance requirements on small businesses. There are no professional services, capital, or other compliance costs imposed on small businesses as a result of these amendments.

The proposed regulation identifies the process by which individuals are eligible or provisionally eligible for OPWDD authorized services. The regulation proposed will not result in costs or new compliance requirements for regulated parties and consequently, and the regulation will not have any adverse effects on providers of small business and local governments.

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

A Rural Area Flexibility Analysis for this addition is not being submitted because the regulation will not impose any adverse impact or significant reporting, record keeping or other compliance requirements on public or private entities in rural areas. There are no professional services, capital, or other compliance costs imposed on public or private entities in rural areas as a result of the proposed regulation.

The emergency/proposed regulation is added as Title 14 NYCRR Section 629.1 to identify the process by which individuals are eligible or provisionally eligible for OPWDD authorized services. OPWDD expects that providers will be in compliance with the emergency/proposed requirements at the time of its effective date. The proposed regulation will not result in costs or new compliance requirements for regulated parties and consequently, the amendments will not have any adverse effects on providers in rural areas and local governments.

#### **Job Impact Statement**

A Job Impact Statement for the emergency/proposed regulation is not being submitted because it is apparent from the nature and purpose of the regulation that they will not have a substantial adverse impact on jobs and/or employment opportunities.

The emergency/proposed amendments to Title 14 NYCRR Section 629.1 identifies the process by which individuals are eligible or provisionally eligible for OPWDD authorized services. The regulation will not result in costs, including staffing costs, or new compliance requirements for providers and consequently. The regulation will not have a substantial impact on jobs or employment opportunities in New York State.

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

This document contains responses to public comments submitted during the public comment period for emergency/proposed regulations that establishes a regulatory framework for individuals applying for OPWDD-authorized services as provided under the agency's statutory authority.

Comment: There are concerns with OPWDD's ability to re-review an individual's eligibility at any time. Individuals benefiting from urgently needed services should not be at risk for removal of those services.

Response: This comment was considered and the text will not be changed. Re-reviewing an individual's eligibility ensures OPWDD can continue its mission to provide services to individuals with developmental disabilities, as defined in MHL 1.03(22). Note, there is a low likelihood of re-reviewing eligibility, unless a rereview is warranted (e.g., provisional eligibility is ending, or new information calling eligibility into question is found). This is not a change from prior practice and is supported by case law.

Comment: There is not an unfettered right to review eligibility determinations. The statement regarding a review/re-review is open-ended without giving cause for such scrutiny. OPWDD should specify when a re-review would be appropriate.

Response: This comment was considered and the text will not be changed. OPWDD provides services to individuals who meet consistent criteria based on the definition of developmental disability in Mental Hygiene Law section 1.03(22). OPWDD must retain the right to review or re-review in order to ensure that services are provided only to people who have a developmental disability. Further guidance regarding when a re-review of eligibility is appropriate will be forthcoming.

Comment: There are concerns with MSC's administering DDP2 evaluations without the consent of the individual's guardian and how that will affect the review/re-review process in the regulation.

Response: The DDP2 is not used for determining an individual's eligibility for OPWDD services.

Comment: The regulation does not specify any criteria upon which eligibility will be based, and does nothing to correct the ongoing problem of OPWDD making eligibility determinations without reference to any clear standard based on an official policy or published regulation.

Response: OPWDD has considered this comment and will not be changing the text. OPWDD eligibility is based on the criteria set forth in MHL 1.03(22). OPWDD has issued additional guidance further clarifying the eligibility determination process, including: Policy Advisory issued August 10, 2001; Clarification Memo issued December 12, 2002; Psychological Testing Memos issued October 2008 and April 2010; and the Important Facts sheet issued August 2012.

Comment: There is no mention of the current eligibility guidelines and policies in the proposed Regulation 629.1. The public should be informed of the continued use of these guidelines as these guidelines provide the details of the clinical professionals' education level and the testing criteria necessary to determine the presence of intellectual and/or developmental disability.

Response: OPWDD has considered this comment and will not be changing the text. OPWDD's eligibility guidelines are publicly available on the OPWDD website and remain in effect until super ceded by new guidance.

Comment: Part 629.1 is open-ended and without reference to the current Guidance specifying the nature of comprehensive professional evaluations and the CAS/UAS is not adequate to evaluate and determine eligibility for people with intellectual and developmental disabilities.

Response: OPWDD has considered this comment and will not be changing the text. OPWDD's eligibility determination process is not changing from the processes in place for the last 17 years. The CAS/UAS is not used to determine eligibility.

Comment: There are no time limits delineating the processing of applications for eligibility or at any point in the 3-part review. This proposed Regulation 629.1 does not specify due process for individuals who have been subject to re-review and there are no specific procedures to address the due-process rights to contest any such review that results in a denial of eligibility.

Response: OPWDD has considered this comment and will not be changing the text. Timeframes for review and a description of the rights of due process are outlined in the OPWDD eligibility guidelines.

Comment: Notice of decision for denial of eligibility should indicate that the decision is final and subject to judicial review under Article 78. Notice should disclose the factors used in making a final determination.

Response: OPWDD has considered this comment and will not be changing the text. Individuals are issued a Notice of Decision (NOD) if denied eligibility for OPWDD services. The NOD outlines how to access the individual's due process rights, including how to request a Fair Hearing. If the Fair Hearing is held, and the determination to deny is affirmed, the determination is then final and subject to judicial review under Article 78. The Fair Hearing decision notice notifies the individual of the Article 78 process.

Comment: The proposed regulation could substantially impact the number of individuals determined eligible for services and would cause the provider to withhold services from people who could significantly benefit from such services. Changes to the process to include requirements not consistent with current law will cause undue hardship.

Response: OPWDD has considered this comment and will not be changing the text. This regulation will not affect the number of individuals determined eligible. The eligibility determination process used for the last 17 years is not being changed by this regulation.

Comment: The applicability section of 629.1 includes Article 16 clinics. Currently, assessment documentation is maintained as part of the individual's file and subject to review at any time by OPWDD; however, there is no requirement that OPWDD determine the individual's eligibility prior to the provision of services. The Clinic Providers feel that the current practice is appropriate and ensures that only eligible individuals receive services and that such services are not delayed due to any additional processes. If it was not OPWDD's intent to include the Article 16 clinics under Part 629, it is important that 629.1 be modified so it is clear that the clinics are exempt from this process.

Response: OPWDD has considered this comment and will not be changing the text. Article 16 clinics provide services pursuant to 14 NYCRR 679 regulations, therefore, 629.1 will not impact the requirements set forth in 679.3(r), regarding the eligibility process for individuals receiving treatment through an Article 16 clinic.

Comment: Many commentators note a lack of notice provided to families and stakeholders, including poor timing of publication of this regulation (June) and that the regulation was not "an emergency".

Response: OPWDD has considered this comment and will not be changing the text. Because the regulation reflects longstanding eligibility determination practice, OPWDD did not anticipate significant comment from

families or stakeholders but has responded directly to many questions and concerns.

Comment: OPWDD's "associated guidelines" narrowly construe developmental disability to a greater extent than MHL 1.03(22). Individuals who are genuinely developmentally disabled, but whose situations fall outside the guidelines, will have greater difficulty challenging their ineligibility determinations at hearings. These guidelines contain new rules that subject individuals to "heightened scrutiny" in an eligibility determination. Eligibility should not be limited beyond the statutory definition of DD.

Response: OPWDD has considered this comment and will not be changing the text. OPWDD uses the definition of developmental disability as defined by MHL 1.03(22). Individuals will not have greater difficulty becoming eligible for OPWDD services due to this criteria, as it is the same process that has been used by OPWDD for the last 17 years.

Comment: The regulation will make it more likely for dual-diagnosed individuals to "fall in the cracks" between agencies and not have access to services. The regulation restricts service delivery options for dually-diagnosed individuals.

Response: OPWDD has considered this comment and will not be changing the text. This regulation does not restrict dually diagnosed individuals from becoming eligible for OPWDD services.

Comment: Concern with the proposed change that OPWDD services must be applied to before age 22 and the requirement that significant impairment of adaptive behavior be documented prior to age 22. As individuals age out of school, and family members age, and adaptive demands of independent adulthood become more apparent, many individuals are no longer able to function. So often the need for OPWDD home and community services is not apparent until after age 22. An individual should not be penalized for having a supportive family, or for trying for greater independence before recognizing that they need OPWDD assistance. Regulation should address documentation issues for older individuals.

Response: OPWDD has considered this comment and will not be changing the text. Individuals are not penalized for having supportive families or maximizing independence. OPWDD's 2001 guidelines address concerns related to older individuals and OPWDD eligibility. The requirement that deficits occur prior to age 22 is taken directly from Mental Hygiene Law.

Comment: Regulation should define "attributable to" and "substantial hardship" Should explicitly provide for the use of retrospective assessments of adaptive functioning during the development period for those seeking eligibility when older than 22.

Response: OPWDD has considered this comment and will not be changing the text. These issues are addressed in the OPWDD eligibility guidelines.

Comment: Requiring proof of onset prior to age 22 creates an additional obstacle for older individuals.

Response: OPWDD has considered this comment and will not be changing the text. This regulation does not establish additional requirements for older individuals seeking OPWDD eligibility.

Comment: The 2001/2002 guidance contains rules and must be in the regulation.

Response: OPWDD has considered this comment and will not be changing the text.

Comment: The 2002 guidance limits eligibility determinations to "central nervous system disorders."

Response: OPWDD has considered this comment and will not be changing the text.

Comment: OPWDD guidelines create a new definition of DD, which is more restrictive.

Response: OPWDD has considered this comment and will not be changing the text. OPWDD uses the definition of developmental disability as defined by MHL 1.03(22).

Comment: Regulation needs to distinguish provisional eligibility for children under age 8, as a child under age 8 may be determined eligible (not provisionally). Regulation makes it appear that all children under age 8 must be re-reviewed.

Response: OPWDD has considered this comment and will not be changing the text. Provisional eligibility may be determined in children up to the age of eight. A child younger than 8 years old may be determined eligible (i.e., not provisionally eligible) for OPWDD services.

## Public Employment Relations Board

### NOTICE OF ADOPTION

#### Rules and Regulations to Effectuate the Purposes of the Public Employees' Fair Employment Act (Civil Service Law Art. 14)

**I.D. No.** PRB-33-18-00003-A

**Filing No.** 1046

**Filing Date:** 2018-10-30

**Effective Date:** 2018-11-14

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

**Action taken:** Amendment of section 204.4 of Title 4 NYCRR.

**Statutory authority:** Civil Service Law, section 205.5(l)

**Subject:** Rules and regulations to effectuate the purposes of the Public Employees' Fair Employment Act (Civil Service Law Art. 14).

**Purpose:** Allow for expedited treatment of cases which present issues of law relating to the scope of the duty of fair representation.

**Text or summary was published** in the August 15, 2018 issue of the Register, I.D. No. PRB-33-18-00003-EP.

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

**Text of rule and any required statements and analyses may be obtained from:** Sarah Coleman, Deputy Chair, Public Employment Relations Board, PO Box 2074, Empire State Plaza, Bldg. 2, Floor 20, Albany, NY 12220-0074, (518) 457-2578, email: scoleman@perb.ny.gov

#### **Initial Review of Rule**

As a rule that does not require a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2023, which is no later than the 5th year after the year in which this rule is being adopted.

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

PERB received one comment agreeing that an expedited process is needed and warranted, but expressing concern that the process does not start until after a conference is scheduled and asking for consideration of a priority system for scheduling the conference.

PERB does not believe a formal priority system for scheduling the conference is necessary, as PERB's administrative law judges already schedule conferences based in part on the urgency of the matter before them.

PERB received one comment querying what topics are covered by the phrase "or related question" in the rule and specifically questioning whether the phrase would cover issues such as an employer ceasing the deduction of dues from current union members' wages unless the union "re-proves" union membership.

PERB intends that the phrase "or related question" be interpreted broadly to include issues arising from or concerning the recent amendments to the Taylor Law from which the subjects explicitly stated in the rule were drawn. Thus, the issue raised by the commenter would fall within the scope of the rule.

PERB received one comment questioning why expedited review was necessary and stating that the party saw no reason why PERB's normal processes should not apply. The commenter also suggested that PERB should specifically state what "related questions" would receive expedited treatment. The commenter suggested that the public should again have the opportunity to comment on the proposed rule after PERB enumerated the "related questions" that would receive expedited treatment.

PERB believes that expedited review is necessary for the reasons given in the notice of emergency/proposed rulemaking. PERB notes that the application of the expedited rule is limited to specific cases which in the discretion of both the director of employment practices and representation and the board require such treatment to prevent destabilization of collective bargaining relationships and/or to minimize harm to public employers, public employee organizations, their members, and non-members employed within the bargaining unit. In view of the lack of judicial precedent applying *Janus v. AFSCME*, 138 S.Ct. 2448 (2018), and the recent Taylor Law amendments, PERB believes that the flexibility of a standard is warranted as opposed to a rigid proscription that might prove to be inadequate in dealing with unanticipated consequences.

## Public Service Commission

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

#### Acquisition of Cable Television Assets and Franchises

**I.D. No.** PSC-46-18-00013-EP

**Filing Date:** 2018-10-30

**Effective Date:** 2018-10-30

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

**Proposed Action:** The Commission adopted an order on October 30, 2018 granting a petition, filed by Slic Network Solutions, Inc. and HCCI LLC on October 29, 2018, requesting approval, pursuant to Public Service Law (PSL) § 222, for the acquisition of certain of the cable television system assets, including franchises, certificates of confirmation and facilities, owned by Hamilton County Cable T.V., Inc. (HCC) pursuant to PSL § 222.

**Statutory authority:** Public Service Law, section 222

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

**Specific reasons underlying the finding of necessity:** Hamilton County Cable T.V., Inc. (HCC), is an independently owned and operated cable television system in rural communities in the Adirondack Park. The five municipalities served by HCC are; the Towns of Wells, Lake Pleasant, Indian Lake, and Johnsbury, and the Village of Speculator. The Company stated that its owners are unable to continue operation of the cable television system and that they intend to cease operations on November 1, 2018. Slic Network Solutions, Inc. and HCCI LLC request immediate consideration of a transfer of control that would ensure that customers' service is not interrupted. Access to news, information and emergency alerts via cable television is important for those that rely on such service in rural areas of New York State. Therefore, action was necessary to protect the safety, and welfare of the Company's customers. Approval of Slic and HCCI's acquisitions needed to be taken on an emergency basis because of the need to ensure service is continued without delay.

**Subject:** Acquisition of cable television assets and franchises.

**Purpose:** To ensure continued service to Hamilton County Cable customers.

**Substance of emergency/proposed rule:** The Public Service Commission is considering, in response to a petition filed on October 29, 2018 by Slic Network Solutions, Inc. and HCCI LCC, whether to approve the transfer of certain of the cable television system assets, including franchises, certificates of confirmation and facilities, owned by Hamilton County Cable T.V., Inc. (HCC) to Slic and HCCI pursuant to PSL § 222. The full text of the petition and the full record of the proceeding may be reviewed online at the Department of Public Service web page: [www.dps.ny.gov](http://www.dps.ny.gov). The Commission may adopt, reject, or modify, in whole or in part, the action proposed and may resolve related matters.

**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 27, 2019.

**Text of rule may be obtained from:** John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: [john.pitucci@dps.ny.gov](mailto:john.pitucci@dps.ny.gov)

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

**Public comment will be received until:** 60 days after publication of this notice.

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

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

(18-V-0674EP1)

### NOTICE OF ADOPTION

#### Submetering of Electricity and Waiver Request

**I.D. No.** PSC-26-18-00011-A

**Filing Date:** 2018-10-24

**Effective Date:** 2018-10-24

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

**Action taken:** On 10/18/18, the PSC adopted an order approving Mezuyon LLC's (Mezuyon) notice of intent to submeter electricity at 572 11th Avenue, New York, New York and request for waiver of 16 NYCRR section 96.5(k)(3).

**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 and waiver request.

**Purpose:** To approve Mezuyon's notice of intent to submeter electricity and request for waiver of 16 NYCRR section 96.5(k)(3).

**Substance of final rule:** The Commission, on October 18, 2018, adopted an order approving Mezuyon LLC's notice of intent to submeter electricity at 572 11th Avenue, New York, New York, located in the service territory of Consolidated Edison Company of New York, Inc., and request for waiver of the energy audit and energy efficiency plan requirements in 16 NYCRR section 96.5(k)(3), subject to the terms and conditions set forth in the order.

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

**Text of rule may be obtained from:** John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York 12223, (518) 486-2655, email: [john.pitucci@dps.ny.gov](mailto: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.

(18-E-0273SA1)

### NOTICE OF ADOPTION

#### Submetering of Electricity

**I.D. No.** PSC-28-18-00009-A

**Filing Date:** 2018-10-24

**Effective Date:** 2018-10-24

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

**Action taken:** On 10/18/18, the PSC adopted an order approving 2255 Broadway Property Owner, L.L.C.'s (2255 Broadway) notice of intent to submeter electricity at 250 West 81st 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 2255 Broadway's notice of intent to submeter electricity.

**Substance of final rule:** The Commission, on October 18, 2018, adopted an order approving 2255 Broadway Property Owner, L.L.C.'s notice of intent to submeter electricity at 250 West 81st Street, New York, New York, located in the service territory of Consolidated Edison Company of New York, Inc., 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](mailto: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.

(18-E-0381SA1)

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

**Proposed Rate Filing to Increase Annual Revenues**

I.D. No. PSC-46-18-00005-P

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

**Proposed Action:** The Commission is considering a proposal filed by Terrel Hills Water Company, Inc. to increase its annual revenues by \$51,003 or 103.39%.

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

**Subject:** Proposed rate filing to increase annual revenues.

**Purpose:** To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.

**Substance of proposed rule:** The Commission is considering a proposal filed by Terrel Hills Water Company, Inc. (Terrel Hills or the Company), on October 24, 2018, to amend its tariff entitled P.S.C. No. 1 – Water, to increase its annual revenues by approximately \$51,003 or 103.39%.

Terrel Hills provides metered water service to 227 customers in the Town of Northumberland, Saratoga County. The Company states that this increase is necessary to cover increased operating and maintenance costs since rates were last set in 1988. The Company is also proposing to increase its restoration of service charges to be consistent with charges in the standard small water company tariff. In addition, the Company proposes to establish and maintain a replenishable, interest bearing escrow account with a maximum balance of \$45,400, not including account interest, for the purpose of making emergency and extraordinary repairs and/or plant improvements. The proposed amendments have an effective date of March 1, 2019.

The full text of the rate filing and the full record of the proceeding may be reviewed online at the Department of Public Service web page: [www.dps.ny.gov](http://www.dps.ny.gov). The Commission may adopt, reject or modify, in whole or in part, the action proposed and may resolve related matters.

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

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

**Public comment will be received until:** 60 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.

(18-W-0670SP1)



**HEARINGS SCHEDULED  
FOR PROPOSED RULE MAKINGS**

Agency I.D. No.	Subject Matter	Location—Date—Time
<b>Agriculture and Markets, Department of</b>		
AAM-40-18-00021-EP .....	Shell eggs; acidified foods	Department of Agriculture and Markets, 10B Airline Dr., Albany, NY—January 14, 2019, 11:00 a.m.
<b>Long Island Power Authority</b>		
LPA-37-18-00009-P .....	Authority’s transmission and distribution property taxes as reflected in the adjustments section of the authority’s tariff	H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—Nov. 16, 2018, 10:00 a.m.  Long Island Power Authority, 333 Earle Ovington Blvd., Uniondale, NY—Nov. 16, 2018, 2:00 p.m.
LPA-37-18-00010-P .....	Authority’s annual budget, as reflected in the rates and charges in the tariff for electric service	H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—Nov. 16, 2018, 10:00 a.m.  Long Island Power Authority, 333 Earle Ovington Blvd., Uniondale, NY—Nov. 16, 2018, 2:00 p.m.
LPA-37-18-00011-P .....	Terms and conditions of the authority’s tariff for electric service regarding customer contacts by telephone	H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—Nov. 16, 2018, 10:00 a.m.  Long Island Power Authority, 333 Earle Ovington Blvd., Uniondale, NY—Nov. 16, 2018, 2:00 p.m.
LPA-37-18-00012-P .....	Small generator interconnection procedures in the authority’s tariff for electric service	H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—Nov. 16, 2018, 10:00 a.m.  Long Island Power Authority, 333 Earle Ovington Blvd., Uniondale, NY—Nov. 16, 2018, 2:00 p.m.
LPA-37-18-00013-P .....	Net energy metering provisions of the authority’s tariff for electric service	H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—Nov. 16, 2018, 10:00 a.m.  Long Island Power Authority, 333 Earle Ovington Blvd., Uniondale, NY—Nov. 16, 2018, 2:00 p.m.
LPA-37-18-00014-P .....	Authority’s tariff for electric service, service classification no. 7 outdoor area lighting	H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—Nov. 16, 2018, 10:00 a.m.  Long Island Power Authority, 333 Earle Ovington Blvd., Uniondale, NY—Nov. 16, 2018, 2:00 p.m.
LPA-37-18-00015-P .....	Uniform business practices for distributed energy resource suppliers in the authority’s tariff for electric service	H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—Nov. 16, 2018, 10:00 a.m.  Long Island Power Authority, 333 Earle Ovington Blvd., Uniondale, NY—Nov. 16, 2018, 2:00 p.m.
LPA-37-18-00016-P .....	Metering provisions of the authority’s tariff for electric service	H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—Nov. 16, 2018, 10:00 a.m.  Long Island Power Authority, 333 Earle Ovington Blvd., Uniondale, NY—Nov. 16, 2018, 2:00 p.m.

**Power Authority of the State of New York**

PAS-42-18-00005-P ..... Rates for the sale of power and energy

Power Authority of the State of New York, 123 Main St., White Plains, NY—Nov. 20, 2018, 11:00 a.m.

**Public Service Commission**

PSC-42-18-00014-P ..... Disposition of a refund from NYPA to the Village of Solvay of \$733,000 for overcharge for electricity over several years

Department of Public Service, Agency Bldg. Three, 3rd Fl. Hearing Rm., Albany, NY—Dec. 12, 2018, 10:00 a.m. and continuing daily as needed (Evidentiary Hearing)\*

\*On occasion there are requests to reschedule or postpone evidentiary hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website ([www.dps.ny.gov](http://www.dps.ny.gov)) under Case 18-E-0606.

**ACTION PENDING INDEX**

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

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

For additional information concerning any of the proposals

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

Agency code	Issue number	Year published	Serial number	Action Code
<b>AAM</b>	<b>01</b>	<b>12</b>	<b>0001</b>	<b>P</b>

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>AGING, OFFICE FOR THE</b>			
AGE-44-18-00005-P	10/31/19	Nutrition Program	The purpose of this rule is to update the regulations governing the Nutrition Program
<b>AGRICULTURE AND MARKETS, DEPARTMENT OF</b>			
AAM-34-18-00001-EP	10/25/19	Importation of cervids susceptible to Chronic Wasting Disease ("CWD").	To help control the spread of CWD into the State's cervid population.
AAM-40-18-00021-EP	01/14/20	Shell Eggs; Acidified Foods	To continue regulatory powers in connection with acidified foods and shell eggs used in foods for human consumption
AAM-41-18-00001-EP	10/10/19	Spotted Lanternfly ("SL")	To prevent SL-infested articles originating in or moving through areas in other states where SL is present from entering NYS
AAM-43-18-00002-P	10/24/19	Certification of Industrial Hemp Seed	To establish standards for certification of industrial hemp seed
<b>ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF</b>			
ASA-12-18-00001-RP	03/21/19	Problem Gambling Treatment and Recovery Services	Repeals existing gambling regulation; replaces with substantially updated provisions
ASA-21-18-00025-RP	05/23/19	Credentialing of Addictions Professionals	Repeal obsolete rules; update process of credentialing addictions professionals
ASA-21-18-00026-P	05/23/19	Appeals, Hearings and Rulings	Protect patient confidentiality, update due process provisions, technical amendments.
ASA-37-18-00002-P	09/12/19	The rule pertains to HIV/AIDS prevention, treatment and confidentiality.	Clarifies the statutory and regulatory obligations of OASAS programs relating to HIV/AIDS.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>AUDIT AND CONTROL, DEPARTMENT OF</b>			
AAC-06-18-00002-P	02/07/19	Update provisions relating to Employer Reporting; Service Credit Determination for certain members; and Notice of Hearings	To update language necessitated by the modernization and redesign of the retirement system's benefit administration system
<b>AUTHORITIES BUDGET OFFICE, NEW YORK STATE</b>			
ABO-34-18-00005-P	09/04/19	Requires posting all forms and policies on industrial development agencies website, consistent with Chapter 563 of Laws of 2015	To promote transparency and accountability of industrial development agencies and authorities.
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
CVS-12-18-00012-P	03/21/19	Jurisdictional Classification	To classify a subheading and a position in the non-competitive class
CVS-12-18-00025-P	03/21/19	Jurisdictional Classification	To classify positions in the exempt class
CVS-12-18-00030-P	03/21/19	Jurisdictional Classification	To classify a position in the exempt class
CVS-12-18-00035-P	03/21/19	Jurisdictional Classification	To classify a position in the exempt class
CVS-21-18-00022-P	05/23/19	Jurisdictional Classification	To delete positions from and classify positions in the exempt class and to delete a position from the non-competitive class
CVS-24-18-00003-P	06/13/19	Jurisdictional Classification	To classify positions in the exempt class
CVS-33-18-00007-P	08/15/19	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-33-18-00013-P	08/15/19	Jurisdictional Classification	To classify a subheading and a position in the non-competitive class
CVS-41-18-00006-P	10/10/19	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-41-18-00007-P	10/10/19	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-41-18-00008-P	10/10/19	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-41-18-00009-P	10/10/19	Jurisdictional Classification	To delete positions from and classify positions in the exempt class
CVS-41-18-00010-P	10/10/19	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-41-18-00011-P	10/10/19	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-41-18-00012-P	10/10/19	Jurisdictional Classification	To delete a position from and classify a position in the non-competitive class
CVS-41-18-00013-P	10/10/19	Jurisdictional Classification	To classify positions in the exempt class
CVS-41-18-00014-P	10/10/19	Jurisdictional Classification	To classify a position in the exempt class
CVS-41-18-00015-P	10/10/19	Jurisdictional Classification	To classify a position in the exempt class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
CVS-41-18-00016-P	10/10/19	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-41-18-00017-P	10/10/19	Jurisdictional Classification	To classify positions in the exempt class
CVS-41-18-00018-P	10/10/19	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-41-18-00019-P	10/10/19	Jurisdictional Classification	To delete from and classify positions in the exempt and non-competitive classes
CVS-41-18-00020-P	10/10/19	Jurisdictional Classification	To delete from and classify positions in the exempt and non-competitive classes
CVS-46-18-00006-P	11/14/19	Jurisdictional Classification	To classify a position in the exempt class
CVS-46-18-00007-P	11/14/19	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-46-18-00008-P	11/14/19	Jurisdictional Classification	To classify positions in the exempt class
CVS-46-18-00009-P	11/14/19	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-46-18-00010-P	11/14/19	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-46-18-00011-P	11/14/19	Jurisdictional Classification	To classify positions in the exempt and non-competitive classes
CVS-46-18-00012-P	11/14/19	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
<b>CORRECTION, STATE COMMISSION OF</b>			
*CMC-44-17-00003-P	11/01/18	Inmate confinement and deprivation	Require local correctional facilities to record, review and report inmate cell confinement and essential service deprivation
*CMC-44-17-00012-RP	11/01/18	Inmate confinement and deprivation	Require local correctional facilities to record, review and report inmate cell confinement and essential service deprivation
CMC-42-18-00001-EP	10/17/19	Necessary age for admission to an adult lockup	To ensure that individuals under 17 years old are not admitted to an adult lockup
<b>CRIMINAL JUSTICE SERVICES, DIVISION OF</b>			
CJS-32-18-00004-P	08/08/19	New Rule 359: Role of Probation in Youth Part of Superior Court	Update job specifications and required knowledge, skills, and abilities for probation professionals employed by localities.
CJS-32-18-00005-P	08/08/19	Case Record Management	Update existing Rule to reflect services which will be performed by Probation departments as a result of Raise the Age law.
CJS-32-18-00006-P	08/08/19	Investigations and Reports	Update existing Rule to reflect services which will be performed by Probation departments as a result of Raise the Age law.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CRIMINAL JUSTICE SERVICES, DIVISION OF</b>			
CJS-32-18-00007-P	08/08/19	Probation Supervision	Update existing Rule to reflect services which will be performed by Probation departments as a result of Raise the Age law.
CJS-32-18-00008-P	08/08/19	Graduated Sanctions and Violations of Probation, retitled to: Graduated Responses	Update existing Rule to reflect services which will be performed by Probation departments as a result of Raise the Age law.
CJS-32-18-00009-P	08/08/19	Preliminary Procedure for Article 3 JD Intake, retitled to: Probation Services for Article 3 Juvenile Delinquency(JD)	Update existing Rule to reflect services which will be performed by Probation departments as a result of Raise the Age law.
CJS-32-18-00010-P	08/08/19	New Rule 359: Role of Probation in Youth Part of Superior Court	Update existing Rule to reflect services which will be performed by Probation departments as a result of Raise the Age law.

**EDUCATION DEPARTMENT**

EDU-13-18-00027-P	03/28/19	Teacher Certification in Health Education	Creation of a Transitional K Certificate for Certain New York State Licensed Health Professionals to Teach Health Education
EDU-19-18-00006-ERP	05/09/19	The implementation of New York's approved ESSA plan to comply with the provisions of the Every Student Succeeds Act	To implement New York's approved ESSA plan and to comply with the provisions of the Every Student Succeeds Act
EDU-26-18-00009-ERP	06/27/19	The administration of certain vaccines by pharmacists	To implement the provisions of Part DD of chapter 57 of the Laws of 2018
EDU-40-18-00007-P	10/03/19	Certificate progression pathway	Initial Certificate Requirements for Individuals Who Have a Graduate Degree and Two Years of Postsecondary Teaching Experience
EDU-40-18-00008-P	10/03/19	P-20 Principal Preparation Pilot Program	To establish the requirements for the P-20 Principal Preparation Pilot Program
EDU-40-18-00009-P	10/03/19	Students with Disabilities	To conform the Commissioner's regulations to Chapters 422, 428 and 429 of the Laws of 2017
EDU-40-18-00010-P	10/03/19	Professional development plans and other related requirements for school districts and BOCES	To improve the quality of teaching and learning for teachers and leaders for professional growth
EDU-40-18-00011-EP	10/03/19	School Breakfast Programs	To initiate, maintain, or expand school breakfast programs and make technical amendments to conform to federal requirements
EDU-40-18-00012-EP	10/03/19	Prohibition against meal shaming	Requires certain schools to develop a plan to prohibit against meal shaming or treating pupils with unpaid meal fees differently
EDU-44-18-00006-P	10/31/19	Limited extensions and program requirements for certain career and technical education teachers	Creation of an extension for holders of the Career and Technical Education Certificate to Teach Grades 5 and 6
EDU-44-18-00007-P	10/31/19	Alternative pathways for certificate for certain teachers who hold Students with Disabilities certificate	Establishes limited extensions and statements of continued eligibility pathways for teachers who hold certain teaching certificates for Students with Disabilities in grades 7-12

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>ENVIRONMENTAL CONSERVATION, DEPARTMENT OF</b>			
ENV-12-18-00043-P	06/07/19	BEACH Act Standards and Reclassification Rule	To comply with the federal BEACH Act of 2000 (P.L. 106-284) and protect coastal recreation waters for recreation
ENV-20-18-00006-P	07/24/19	CO2 Emissions Standards for Major Electric Generating Facilities	To establish CO2 emissions standards for existing major electric generating facilities
ENV-20-18-00007-P	07/24/19	Repeal and replace 6 NYCRR Parts 243, 244 and 245 and amend 6 NYCRR Part 200	Parts 243, 244 and 245 set forth the process the Department will use to allocate allowances under EPA's CSAPR Trading Programs
<b>FINANCIAL SERVICES, DEPARTMENT OF</b>			
*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-22-18-00002-EP	05/30/19	Supplementary Uninsured/Underinsured Motorists Insurance	To conform 11 NYCRR 60-2 to new Insurance Law Section 3420(f)(2-a)
DFS-23-18-00001-P	06/06/19	Minimum Standards for Form, Content, and Sale of Health Insurance, Including Standards for Full and Fair Disclosure	To require coverage for maternal screening and referrals
DFS-25-18-00006-P	exempt	Plan of Conversion by Medical Liability Mutual Insurance Company	To convert a mutual property and casualty insurance company to a stock property and casualty insurance company
DFS-26-18-00002-EP	06/27/19	Charges for Professional Health Services	To delay the effective date of the Workers' Compensation fee schedule increases for no-fault reimbursement
DFS-30-18-00007-P	07/25/19	Minimum Standards for Form, Content, and Sale of Health Insurance, Including Standards for Full and Fair Disclosure	To clarify requirements regarding coverage and disclosure of information for contraceptives
DFS-36-18-00003-P	09/05/19	Professional Bail Agents; Managing General Agents; et al	To provide greater protection to consumers, and raise the standards of integrity in the bail business.
DFS-40-18-00005-P	10/03/19	Transportation Network Companies: Minimum Provisions for Policies and Other Requirements	To extend the date in Section 60-3.7(b) from January 1, 2019 to July 1, 2019 and to fix an incorrect citation.
DFS-42-18-00003-P	10/17/19	Valuation of Life Insurance Reserves; Recognition of the 2001 CSO Mortality Table and the 2017 CSO Mortality Table, et al	To recognize mortality improvement for applicable policies issued prior to 1/1/2019 if optionally elected
DFS-46-18-00014-P	11/14/19	Regulations Implementing the Comprehensive Motor Vehicle Insurance Reparations Act- Claims for Personal Injury Protection Benefit	To give insurer option to void assignment of benefits when insurer issues denial for EIP's failure to attend IME or EUO
<b>GAMING COMMISSION, NEW YORK STATE</b>			
SGC-09-18-00005-P	02/28/19	The licensing and registration of gaming facility employees and vendors	To govern the licensing and registration of gaming facility employees and vendors
SGC-17-18-00002-P	04/25/19	Regulation of courier services that purchase and claim certain Lottery tickets and prizes as agents for customers	To license courier services to facilitate the sale of Lottery tickets to generate more revenue for education

## Action Pending Index

NYS Register/November 14, 2018

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>GAMING COMMISSION, NEW YORK STATE</b>			
SGC-38-18-00002-P	09/19/19	Heads Up Hold 'Em poker.	To set forth the practices and procedures for the operation of Heads Up Hold 'Em poker as a casino table game.
SGC-38-18-00003-P	09/19/19	Casino fees and payments.	Implementation of rules governing procedures for submission of fees and payments by gaming facilities to the Gaming Commission.
SGC-39-18-00003-P	09/26/19	Heads Up Hold 'Em poker.	To set forth the practices and procedures for the operation of Heads Up Hold 'Em poker as a casino table game.
SGC-40-18-00006-P	10/03/19	Amendment of multiple medication violation (MMV) penalty enhancement rule.	To enable the Commission to enhance the integrity and safety of thoroughbred pari-mutuel racing.
SGC-42-18-00015-P	10/17/19	Permit greater purse-to-price ratio in Thoroughbred claiming races	To advance the best interests of Thoroughbred racing and protect the safety of the race horses
<b>GENERAL SERVICES, OFFICE OF</b>			
GNS-46-18-00001-P	11/14/19	Service-Disabled Veteran-Owned Business Enterprises	To establish standards, procedures and criteria with respect to the Service-Disabled Veteran-Owned Business Enterprise program
<b>HEALTH, DEPARTMENT OF</b>			
*HLT-14-94-00006-P	exempt	Payment methodology for HIV/AIDS outpatient services	To expand the current payment to incorporate pricing for services
*HLT-28-17-00009-RP	11/15/18	Early Intervention Program	To conform existing program regulations to federal regulations and state statute
HLT-04-18-00010-RP	01/24/19	Emergency Medical Services (EMS) Initial Certification Eligibility Requirements	To reduce the EMS certification eligibility minimum age from 18 to 17 years of age
HLT-07-18-00002-P	02/14/19	Medicaid Reimbursement of Nursing Facility Reserved Bed Days for Hospitalizations	To make changes relating to reserved bed payments made by Medicaid to nursing facilities
HLT-22-18-00010-P	05/30/19	Criminal History Record Checks and Advanced Home Health Aides	This rule will implement statutory changes related to criminal history records checks and advanced home health aides
HLT-25-18-00008-P	06/20/19	Inpatient Psychiatric Services	To enhance reimbursement mechanisms for inpatient psychiatric services
HLT-30-18-00008-P	07/25/19	Voluntary Foster Care Agency Health Facility Licensure	To license Voluntary Foster Care Agencies to provide limited health-related services
HLT-31-18-00004-P	08/01/19	Newborn Screening for Phenylketonuria and Other Diseases	To support timely collection and submission of specimens for the detection of diseases in newborn infants in New York State
HLT-31-18-00005-EP	08/01/19	Medical Use of Marihuana	To add additional serious conditions for which patients may be certified to use medical marihuana
HLT-33-18-00017-P	08/15/19	Patients' Bill of Rights	Require general hospitals and diagnostic and treatment centers to update their statements of patient rights.



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>HEALTH, DEPARTMENT OF</b>			
HLT-34-18-00006-P	08/22/19	Statewide Planning and Research Cooperative System (SPARCS)	To revise the SPARCS regulation related to data intake.
HLT-34-18-00007-P	08/22/19	New York State Medicaid Infertility Treatment	To authorize Medicaid coverage of infertility benefits.
HLT-37-18-00008-P	09/12/19	Update Standards for Adult Homes and Standards for Enriched Housing Programs	To prohibit residential providers from excluding an applicant based solely on the individual's status as a wheelchair user.
HLT-42-18-00006-P	10/17/19	Durable Medical Equipment; Medical/Surgical Supplies; Orthotic and Prosthetic Appliances; Orthopedic Footwear	To amend the Department's regulation governing Medicaid coverage of orthopedic footwear and compression and support stockings
HLT-42-18-00007-P	10/17/19	Stroke Services	NYS criteria for stroke ctr. designation as part of an accrediting process for cert. by nationally recognized accredit. agencies
HLT-42-18-00008-P	10/17/19	Office-Based Surgery Practice Reports	Requires accredited Office-Based Surgery practices to submit adverse event & practice information which includes procedural data
<b>JUSTICE CENTER FOR THE PROTECTION OF PEOPLE WITH SPECIAL NEEDS</b>			
JCP-31-18-00008-P	08/01/19	Protocols for interviewing service recipients	To ensure interviews of service recipients during investigations are conducted in a safe and sensitive manner.
JCP-31-18-00015-P	08/01/19	Procedures of the Surrogate Decision-Making Committee	To set forth uniform procedures for the surrogate decision-making committee
<b>LABOR, DEPARTMENT OF</b>			
LAB-47-17-00011-P	11/22/18	Employee Scheduling (Call-In Pay)	To strengthen existing call-in pay protections involving employee scheduling
LAB-17-18-00005-P	07/11/19	Hours Worked, 24-Hour Shifts	To clarify that hours worked may exclude meal periods and sleep times for employees who work shifts of 24 hours or more
<b>LAW, DEPARTMENT OF</b>			
LAW-41-18-00021-P	10/10/19	Arbitration program regulations for defective farm equipment	To set forth the procedures for the operation of an alternative arbitration mechanism for defective farm equipment disputes
<b>LIQUOR AUTHORITY, STATE</b>			
LQR-07-18-00011-P	04/18/19	Municipal notification requirements for Temporary Beer and Wine Permit as well as Catering Permit applications for large events	To establish municipal notification for Temporary Beer and Wine Permit as well as Catering Permit applications for large events
LQR-30-18-00001-P	10/24/19	Bottle Club license updates	To update outdated Bottle Club license requirements and procedures
<b>LONG ISLAND POWER AUTHORITY</b>			
*LPA-08-01-00003-P	exempt	Pole attachments and related matters	To approve revisions to the authority's tariff

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<b>LONG ISLAND POWER AUTHORITY</b>			
*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-15-18-00013-P	..... exempt	Outdoor area lighting	To add an option and pricing for efficient LED lamps to the Authority's outdoor area lighting
LPA-33-18-00018-P	..... exempt	The net energy metering and related provisions of the Authority's Tariff for Electric Service.	To conform the Tariff to orders issued in the Value of Distributed Energy Resources proceeding of the New York DPS.
LPA-37-18-00009-P	..... exempt	The Authority's transmission and distribution property taxes as reflected in the Adjustments section of the Authority's Tariff.	To update the Tariff to implement an annual adjustment to recover payments in lieu of T&D property taxes.
LPA-37-18-00010-P	..... exempt	The Authority's annual budget, as reflected in the rates and charges in the Tariff for Electric Service.	To update the Tariff to implement the Authority's annual budget and corresponding rate adjustments.
LPA-37-18-00011-P	..... exempt	The terms and conditions of the Authority's Tariff for Electric Service regarding customer contacts by telephone.	To implement Federal Communications Commission guidance regarding customer contacts via mobile electronic devices.
LPA-37-18-00012-P	..... exempt	The small generator interconnection procedures in the Authority's Tariff for Electric Service	To update the small generator interconnection procedures consistent with Public Service Commission guidance
LPA-37-18-00013-P	..... exempt	The net energy metering provisions of the Authority's Tariff for Electric Service	To implement PSC guidance increasing eligibility for value stack compensation to larger projects
LPA-37-18-00014-P	..... exempt	The Authority's Tariff for Electric Service, Service Classification No. 7 Outdoor Area Lighting	To implement an option for high efficiency LED light bulbs and fixtures for Outdoor Area Lighting
LPA-37-18-00015-P	..... exempt	Uniform Business Practices for Distributed Energy Resource Suppliers in the Authority's Tariff for Electric Service.	To update the Tariff to implement Uniform Business Practices for Distributed Energy Resource Suppliers.
LPA-37-18-00016-P	..... exempt	The metering provisions of the Authority's Tariff for Electric Service	To implement a customer option to decline installation of a smart meter and associated fees
LPA-37-18-00017-P	..... exempt	The treatment of electric vehicle charging in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on electric vehicle supply equipment.
LPA-37-18-00018-P	..... exempt	The treatment of energy storage in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on the NY Energy Storage Roadmap.
<b>MENTAL HEALTH, OFFICE OF</b>			
OMH-43-18-00001-P	..... 10/24/19	Operation of Crisis Residences in New York State	To revise and update the categories of Crisis Residences to match what is currently operation in New York

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>MOTOR VEHICLES, DEPARTMENT OF</b>			
MTV-42-18-00004-P	10/17/19	FOIL - denials to access of records	To permit the Commissioner to designate another person to hear FOIL appeals other than the Chair of the Appeals Board
<b>NIAGARA FALLS WATER BOARD</b>			
*NFW-04-13-00004-EP	exempt	Adoption of Rates, Fees and Charges	To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders
*NFW-13-14-00006-EP	exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders
<b>NIAGARA FRONTIER TRANSPORTATION AUTHORITY</b>			
NFT-37-18-00020-P	09/12/19	Transportation Network Company Operators providing commercial ground transportation services at NFTA airports	To provide cohesive operating procedures and practices for Transportation Network Companies operating at NFTA airports
<b>OGDENSBURG BRIDGE AND PORT AUTHORITY</b>			
OBA-33-18-00019-P	exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit.
<b>PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR</b>			
PDD-07-18-00001-ERP	02/14/19	Enrollment in Medicare Prescription Drug Plans and Fully Integrated Duals Advantage Plans for IDD	To allow individuals to be enrolled in a FIDA-IDD plan when individuals are unable to enroll themselves
PDD-26-18-00003-EP	06/27/19	Eligibility of Services	The eligibility for individuals applying for OPWDD authorized services
PDD-32-18-00003-EP	08/08/19	Telehealth	To authorize telehealth as a new modality for the delivery of clinical services.
PDD-45-18-00001-EP	11/07/19	Telehealth	To authorize telehealth as a new modality for the delivery of clinical services
<b>POWER AUTHORITY OF THE STATE OF NEW YORK</b>			
*PAS-01-10-00010-P	exempt	Rates for the sale of power and energy	Update ECSB Programs customers' service tariffs to streamline them/include additional required information
PAS-42-18-00005-P	exempt	Rates for the Sale of Power and Energy	To align rates and costs
<b>PUBLIC SERVICE COMMISSION</b>			
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-12-00-00001-P	..... exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-44-01-00005-P	..... exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-07-02-00032-P	..... exempt	Uniform business practices	To consider modification
*PSC-36-03-00010-P	..... exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-40-03-00015-P	..... exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00010-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-41-03-00011-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-44-03-00009-P	..... exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates
*PSC-02-04-00008-P	..... exempt	Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York	To rehear the Nov. 25, 2003 order
*PSC-06-04-00009-P	..... exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC
*PSC-10-04-00005-P	..... exempt	Temporary protective order	To consider adopting a protective order
*PSC-10-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement
*PSC-14-04-00008-P	..... exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway
*PSC-15-04-00022-P	..... exempt	Submetering of electricity by Glenn Gardens Associates, L.P.	To permit submetering at 175 W. 87th St., New York, NY
*PSC-21-04-00013-P	..... exempt	Verizon performance assurance plan by Metropolitan Telecommunications	To clarify the appropriate performance level
*PSC-22-04-00010-P	..... exempt	Approval of new types of electricity meters by Powell Power Electric Company	To permit the use of the PE-1250 electronic meter
*PSC-22-04-00013-P	..... exempt	Major gas rate increase by Consolidated Edison Company of New York, Inc.	To increase annual gas revenues
*PSC-22-04-00016-P	..... exempt	Master metering of water by South Liberty Corporation	To waive the requirement for installation of separate water meters
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

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<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-46-05-00015-P	..... exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale
*PSC-47-05-00009-P	..... exempt	Transferral of gas supplies by Corning Natural Gas Corporation	To approve the transfer
*PSC-50-05-00008-P	..... exempt	Long-term debt by Saratoga Glen Hollow Water Supply Corp.	To obtain long-term debt
*PSC-04-06-00024-P	..... exempt	Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc.	To approve of the transfer
*PSC-06-06-00015-P	..... exempt	Gas curtailment policies and procedures	To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established
*PSC-07-06-00009-P	..... exempt	Modification of the current Environmental Disclosure Program	To include an attributes accounting system
*PSC-22-06-00019-P	..... exempt	Hourly pricing by National Grid	To assess the impacts
*PSC-22-06-00020-P	..... exempt	Hourly pricing by New York State Electric & Gas Corporation	To assess the impacts
*PSC-22-06-00021-P	..... exempt	Hourly pricing by Rochester Gas & Electric Corporation	To assess the impacts
*PSC-22-06-00022-P	..... exempt	Hourly pricing by Consolidated Edison Company of New York, Inc.	To assess the impacts
*PSC-22-06-00023-P	..... exempt	Hourly pricing by Orange and Rockland Utilities, Inc.	To assess the impacts
*PSC-24-06-00005-EP	..... exempt	Supplemental home energy assistance benefits	To extend the deadline to Central Hudson's low-income customers
*PSC-25-06-00017-P	..... exempt	Purchased power adjustment by Massena Electric Department	To revise the method of calculating the purchased power adjustment and update the factor of adjustment
*PSC-34-06-00009-P	..... exempt	Inter-carrier telephone service quality standards and metrics by the Carrier Working Group	To incorporate appropriate modifications
*PSC-37-06-00015-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-37-06-00017-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-43-06-00014-P	..... exempt	Electric delivery services by Strategic Power Management, Inc.	To determine the proper mechanism for the rate-recovery of costs
*PSC-04-07-00012-P	..... exempt	Petition for rehearing by Orange and Rockland Utilities, Inc.	To clarify the order
*PSC-06-07-00015-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for electric service

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-06-07-00020-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for gas service
*PSC-11-07-00010-P	..... exempt	Investigation of the electric power outages by the Consolidated Edison Company of New York, Inc.	To implement the recommendations in the staff's investigation
*PSC-11-07-00011-P	..... exempt	Storm-related power outages by Consolidated Edison Company of New York, Inc.	To modify the company's response to power outages, the timing for any such changes and other related matters
*PSC-17-07-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc.	To amend the agreement
*PSC-18-07-00010-P	..... exempt	Existing electric generating stations by Independent Power Producers of New York, Inc.	To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation
*PSC-20-07-00016-P	..... exempt	Tariff revisions and making rates permanent by New York State Electric & Gas Corporation	To seek rehearing
*PSC-21-07-00007-P	..... exempt	Natural Gas Supply and Acquisition Plan by Corning Natural Gas Corporation	To revise the rates, charges, rules and regulations for gas service
*PSC-22-07-00015-P	..... exempt	Demand Side Management Program by Consolidated Edison Company of New York, Inc.	To recover incremental program costs and lost revenue
*PSC-23-07-00022-P	..... exempt	Supplier, transportation, balancing and aggregation service by National Fuel Gas Distribution Corporation	To explicitly state in the company's tariff that the threshold level of elective upstream transmission capacity is a maximum of 112,600 Dth/day of marketer-provided upstream capacity
*PSC-24-07-00012-P	..... exempt	Gas Efficiency Program by the City of New York	To consider rehearing a decision establishing a Gas Efficiency Program
*PSC-39-07-00017-P	..... exempt	Gas bill issuance charge by New York State Electric & Gas Corporation	To create a gas bill issuance charge unbundled from delivery rates
*PSC-41-07-00009-P	..... exempt	Submetering of electricity rehearing	To seek reversal
*PSC-42-07-00012-P	..... exempt	Energy efficiency program by Orange and Rockland Utilities, Inc.	To consider any energy efficiency program for Orange and Rockland Utilities, Inc.'s electric service
*PSC-42-07-00013-P	..... exempt	Revenue decoupling by Orange and Rockland Utilities, Inc.	To consider a revenue decoupling mechanism for Orange and Rockland Utilities, Inc.
*PSC-45-07-00005-P	..... exempt	Customer incentive programs by Orange and Rockland Utilities, Inc.	To establish a tariff provision
*PSC-02-08-00006-P	..... exempt	Additional central office codes in the 315 area code region	To consider options for making additional codes
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-04-08-00012-P	..... exempt	Marketing practices of energy service companies by the Consumer Protection Board and New York City Department of Consumer Affairs	To consider modifying the commission's regulation over marketing practices of energy service companies
*PSC-08-08-00016-P	..... exempt	Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al.	To consider the transfer
*PSC-12-08-00019-P	..... exempt	Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-12-08-00021-P	..... exempt	Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-13-08-00011-P	..... exempt	Waiver of commission policy and NYSEG tariff by Turner Engineering, PC	To grant or deny Turner's petition
*PSC-13-08-00012-P	..... exempt	Voltage drops by New York State Electric & Gas Corporation	To grant or deny the petition
*PSC-23-08-00008-P	..... exempt	Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project	To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project
*PSC-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



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-41-08-00009-P	..... exempt	Transfer of control of cable TV franchise	To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved
*PSC-43-08-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-46-08-00008-P	..... exempt	Property transfer in the Village of Avon, New York	To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York
*PSC-46-08-00010-P	..... exempt	A transfer of indirect ownership interests in nuclear generation facilities	Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities
*PSC-46-08-00014-P	..... exempt	The attachment of cellular antennae to an electric transmission tower	To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower
*PSC-48-08-00005-P	..... exempt	A National Grid high efficiency gas heating equipment rebate program	To expand eligibility to customers converting from oil to natural gas
*PSC-48-08-00008-P	..... exempt	Petition for the master metering and submetering of electricity	To consider the request of Bay City Metering, to master meter & submeter electricity at 345 E. 81st St., New York, New York
*PSC-48-08-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of PCV/ST to submeter electricity at Peter Cooper Village & Stuyvesant Town, New York, New York
*PSC-50-08-00018-P	..... exempt	Market Supply Charge	A study on the implementation of a revised Market Supply Charge
*PSC-51-08-00006-P	..... exempt	Commission's October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458	To consider a Petition for rehearing of the Commission's October 27, 2008 Order in Case 07-M-0458
*PSC-51-08-00007-P	..... exempt	Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078	To consider Petitions for rehearing of the Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078
*PSC-53-08-00011-P	..... exempt	Use of deferred Rural Telephone Bank funds	To determine if the purchase of a softswitch by Hancock is an appropriate use of deferred Rural Telephone Bank funds
*PSC-53-08-00012-P	..... exempt	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY
*PSC-53-08-00013-P	..... exempt	To transfer common stock and ownership	To consider transfer of common stock and ownership
*PSC-01-09-00015-P	..... exempt	FCC decision to redefine service area of Citizens/Frontier	Review and consider FCC proposed redefinition of Citizens/Frontier service area
*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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-17-09-00015-P	..... exempt	The construction of a tower for wireless antennas on land owned by National Grid	To approve, reject or modify the petition to build a tower for wireless antennas in the Town of Onondaga
*PSC-18-09-00012-P	..... exempt	Petition for rehearing of Order approving the submetering of electricity	To consider the request of Frank Signore to rehear petition to submeter electricity at One City Place in White Plains, New York
*PSC-18-09-00013-P	..... exempt	Petition for the submetering of electricity	To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York
*PSC-18-09-00017-P	..... exempt	Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers	To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower
*PSC-20-09-00016-P	..... exempt	The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc	To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with it's AMI pilots etc
*PSC-20-09-00017-P	..... exempt	The recovery of, and accounting for, costs associated with CHG&E's AMI pilot program	To consider a filing of CHG&E as to the recovery of, and accounting for, costs associated with it's AMI pilot program
*PSC-22-09-00011-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-25-09-00005-P	..... exempt	Whether to grant, deny, or modify, in whole or in part, the petition	Whether to grant, deny, or modify, in whole or in part, the petition
*PSC-25-09-00006-P	..... exempt	Electric utility implementation plans for proposed web based SIR application process and project status database	To determine if the proposed web based SIR systems are adequate and meet requirements needed for implementation
*PSC-25-09-00007-P	..... exempt	Electric rates for Consolidated Edison Company of New York, Inc	Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc
*PSC-27-09-00011-P	..... exempt	Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access.	To review the terms and conditions of the negotiated agreement between Vernon and tw telecom of new york l.p.
*PSC-27-09-00014-P	..... exempt	Billing and payment for energy efficiency measures through utility bill	To promote energy conservation
*PSC-27-09-00015-P	..... exempt	Interconnection of the networks between Oriskany and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Oriskany and tw telecom of new york l.p
*PSC-29-09-00011-P	..... exempt	Consideration of utility compliance filings	Consideration of utility compliance filings
*PSC-32-09-00009-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-34-09-00016-P	..... exempt	Recommendations made in the Management Audit Final Report	To consider whether to take action or recommendations contained in the Management Audit Final Report

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<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-34-09-00017-P	..... exempt	To consider the transfer of control of Plattsburgh Cablevision, Inc. d/b/a Charter Communications to CH Communications, LLC	To allow the Plattsburgh Cablevision, Inc. to distribute its equity interest in CH Communications, LLC
*PSC-36-09-00008-P	..... exempt	The increase in the non-bypassable charge implemented by RG&E on June 1, 2009	Considering exemptions from the increase in the non-bypassable charge implemented by RG&E on June 1, 2009
*PSC-37-09-00015-P	..... exempt	Sale of customer-generated steam to the Con Edison steam system	To establish a mechanism for sale of customer-generated steam to the Con Edison steam system
*PSC-37-09-00016-P	..... exempt	Applicability of electronic signatures to Deferred Payment Agreements	To determine whether electronic signatures can be accepted for Deferred Payment Agreements
*PSC-39-09-00015-P	..... exempt	Modifications to the \$5 Bill Credit Program	Consideration of petition of National Grid to modify the Low Income \$5 Bill Credit Program
*PSC-39-09-00018-P	..... exempt	The offset of deferral balances with Positive Benefit Adjustments	To consider a petition to offset deferral balances with Positive Benefit Adjustments
*PSC-40-09-00013-P	..... exempt	Uniform System of Accounts - request for deferral and amortization of costs	To consider a petition to defer and amortize costs
*PSC-51-09-00029-P	..... exempt	Rules and guidelines for the exchange of retail access data between jurisdictional utilities and eligible ESCOs	To revise the uniform Electronic Data Interchange Standards and business practices to incorporate a contest period
*PSC-51-09-00030-P	..... exempt	Waiver or modification of Capital Expenditure condition of merger	To allow the companies to expend less funds for capital improvement than required by the merger
*PSC-52-09-00006-P	..... exempt	ACE's petition for rehearing for an order regarding generator-specific energy deliverability study methodology	To consider whether to change the Order Prescribing Study Methodology
*PSC-52-09-00008-P	..... exempt	Approval for the New York Independent System Operator, Inc. to incur indebtedness and borrow up to \$50,000,000	To finance the renovation and construction of the New York Independent System Operator, Inc.'s power control center facilities
*PSC-05-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY
*PSC-05-10-00015-P	..... exempt	Petition for the submetering of electricity	To consider the request of 243 West End Avenue Owners Corp. to submeter electricity at 243 West End Avenue, New York, NY
*PSC-06-10-00022-P	..... exempt	The Commission's Order of December 17, 2009 related to redevelopment of Consolidated Edison's Hudson Avenue generating facility	To reconsider the Commission's Order of December 17, 2009 related to redevelopment of the Hudson Avenue generating facility
*PSC-07-10-00009-P	..... exempt	Petition to revise the Uniform Business Practices	To consider the RESA petition to allow rescission of a customer request to return to full utility service
*PSC-08-10-00007-P	..... exempt	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-08-10-00009-P	..... exempt	Consolidated Edison of New York, Inc. energy efficiency programs	To modify approved energy efficiency programs
*PSC-12-10-00015-P	..... exempt	Recommendations made by Staff intended to enhance the safety of Con Edison's gas operations	To require that Con Edison implement the Staff recommendations intended to enhance the safety of Con Edison's gas operations
*PSC-14-10-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of 61 Jane Street Owners Corporation to submeter Electricity at 61 Jane Street, Manhattan, NY
*PSC-16-10-00005-P	..... exempt	To consider adopting and expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-16-10-00007-P	..... exempt	Interconnection of the networks between TDS Telecom and PAETEC Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between TDS Telecom and PAETEC Communications
*PSC-16-10-00015-P	..... exempt	Interconnection of the networks between Frontier and Choice One Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier and Choice One Communications
*PSC-18-10-00009-P	..... exempt	Electric utility transmission right-of-way management practices	To consider electric utility transmission right-of-way management practices
*PSC-19-10-00022-P	..... exempt	Whether National Grid should be permitted to transfer a parcel of property located at 1 Eddy Street, Fort Edward, New York	To decide whether to approve National Grid's request to transfer a parcel of vacant property in Fort Edward, New York
*PSC-22-10-00006-P	..... exempt	Requirement that Noble demonstrate that its affiliated electric corporations operating in New York are providing safe service	Consider requiring that Noble demonstrate that its affiliated electric corporations in New York are providing safe service
*PSC-22-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of 48-52 Franklin Street to submeter electricity at 50 Franklin Street, New York, New York
*PSC-24-10-00009-P	..... exempt	Verizon New York Inc. tariff regulations relating to voice messaging service	To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff
*PSC-25-10-00012-P	..... exempt	Reassignment of the 2-1-1 abbreviated dialing code	Consideration of petition to reassign the 2-1-1 abbreviated dialing code
*PSC-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-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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-26-11-00007-P	..... exempt	Water rates and charges	To approve an increase in annual revenues by about \$25,266 or 50%
*PSC-26-11-00009-P	..... exempt	Petition for the submetering of electricity at commercial property	To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York
*PSC-26-11-00012-P	..... exempt	Waiver of generation retirement notice requirements	Consideration of waiver of generation retirement notice requirements
*PSC-29-11-00011-P	..... exempt	Petition requesting the Commission reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order.	To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing.
*PSC-35-11-00011-P	..... exempt	Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8	Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters
*PSC-36-11-00006-P	..... exempt	To consider expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-38-11-00002-P	..... exempt	Operation and maintenance procedures pertaining to steam trap caps	Adopt modified steam operation and maintenance procedures
*PSC-38-11-00003-P	..... exempt	Waiver of certain provisions of the electric service tariffs of Con Edison	Consideration of waiver of certain provisions of the electric service tariffs of Con Edison
*PSC-40-11-00010-P	..... exempt	Participation of regulated local exchange carriers in the New York Data Exchange, Inc. (NYDE)	Whether to partially modify its order requiring regulated local exchange carriers' participation NYDE
*PSC-40-11-00012-P	..... exempt	Granting of transfer of plant in-service to a regulatory asset	To approve transfer and recovery of unamortized plant investment
*PSC-42-11-00018-P	..... exempt	Availability of telecommunications services in New York State at just and reasonable rates	Providing funding support to help ensure availability of affordable telecommunications service throughout New York
*PSC-43-11-00012-P	..... exempt	Transfer of outstanding shares of stock	Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC
*PSC-47-11-00007-P	..... exempt	Remedying miscalculations of delivered gas as between two customer classes	Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations
*PSC-48-11-00007-P	..... exempt	Transfer of controlling interests in generation facilities from Dynegy to PSEG	Consideration of the transfer of controlling interests in electric generation facilities from Dynegy to PSEG
*PSC-48-11-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York
*PSC-01-12-00007-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-01-12-00008-P	..... exempt	Transfer of real property and easements from NMPNS to NMP3	Consideration of the transfer of real property and easements from NMPNS to NMP3

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-01-12-00009-P	..... exempt	Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove	To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered
*PSC-11-12-00002-P	..... exempt	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff
*PSC-11-12-00005-P	..... exempt	Transfer of land and water supply assets	Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman
*PSC-13-12-00005-P	..... exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-19-12-00023-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-23-12-00007-P	..... exempt	The approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility	To consider the approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility
*PSC-23-12-00009-P	..... exempt	Over earnings sharing between rate payers and shareholders	To establish an Earnings Sharing Mechanism to be applied following the conclusion of Corning's rate plan
*PSC-27-12-00012-P	..... exempt	Implementation of recommendations made in a Management Audit Report	To consider implementation of recommendations made in a Management Audit Report
*PSC-28-12-00013-P	..... exempt	Exemption of reliability reporting statistics for the purpose of the 2012 Reliability Performance Mechanism	Consideration of Orange and Rockland Utilities request for exemption of the 2012 reliability reporting statistics
*PSC-29-12-00019-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Hamden to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-30-12-00010-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Andes to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-33-12-00009-P	..... exempt	Telecommunications companies ability to attach to utility company poles	Consideration of Tech Valley's ability to attach to Central Hudson poles
*PSC-37-12-00009-P	..... exempt	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers
*PSC-42-12-00009-P	..... exempt	Regulation of Gipsy Trail Club, Inc.'s long-term financing agreements	To exempt Gipsy Trail Club, Inc. from Commission regulation of its financing agreements



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-45-12-00008-P	..... exempt	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff
*PSC-45-12-00010-P	..... exempt	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District
*PSC-50-12-00003-P	..... exempt	Affiliate standards for Corning Natural Gas Corporation	To resolve issues raised by Corning Natural Gas Corporation in its petition for rehearing
*PSC-04-13-00006-P	..... exempt	Expansion of mandatory day ahead hourly pricing for customers of Orange and Rockland Utilities with demands above 100 kW	To consider the expansion of mandatory day ahead hourly pricing for customers with demands above 100 kW
*PSC-04-13-00007-P	..... exempt	Authorization to transfer certain real property.	To decide whether to approve the transfer of certain real property.
*PSC-06-13-00008-P	..... exempt	Verizon New York Inc.'s retail service quality	To investigate Verizon New York Inc.'s retail service quality
*PSC-08-13-00012-P	..... exempt	Filing requirements for certain Article VII electric facilities	To ensure that applications for certain electric transmission facilities contain pertinent information
*PSC-08-13-00014-P	..... exempt	Uniform System of Accounts - Request for Accounting Authorization	To allow the company to defer an item of expense or capital beyond the end of the year in which it was incurred
*PSC-12-13-00007-P	..... exempt	Protecting company water mains	To allow the company to require certain customers to make changes to the electrical grounding system at their homes
*PSC-13-13-00008-P	..... exempt	The potential waiver of 16 NYCRR 255.9221(d) completion of integrity assessments for certain gas transmission lines.	To determine whether a waiver of the timely completion of certain gas transmission line integrity assessments should be granted.
*PSC-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-23-13-00005-P	..... exempt	Waiver of partial payment, directory database distribution, service quality reporting, and service termination regulations	Equalize regulatory treatment based on level of competition and practical considerations
*PSC-25-13-00008-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-25-13-00009-P	..... exempt	Provision by utilities of natural gas main and service lines.	To help ensure efficient and economic expansion of the natural gas system as appropriate.
*PSC-25-13-00012-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-27-13-00014-P	..... exempt	Columbia Gas Transmission Corporation Cost Refund	For approval for temporary waiver of tariff provisions regarding its Columbia Gas Transmission Corporation cost refund.
*PSC-28-13-00014-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-28-13-00016-P	..... exempt	The request of NGT for lightened regulation as a gas corporation.	To consider whether to approve, reject, or modify the request of Niagara gas transport of Lockport, NY LLC.
*PSC-28-13-00017-P	..... exempt	The request by TE for waiver of regulations requiring that natural gas be odorized in certain gathering line segments	Consider the request by TE for waiver of regulations that gas be odorized in certain lines
*PSC-32-13-00009-P	..... exempt	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices
*PSC-32-13-00012-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-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-45-13-00022-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00023-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00024-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4); waiver of filing deadlines.	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00025-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-47-13-00009-P	..... exempt	Petition for submetering of electricity.	To consider the request of Hegeman Avenue Housing L.P. to submeter electricity at 39 Hegeman Avenue, Brooklyn, N.Y.
*PSC-47-13-00012-P	..... exempt	Conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.	Consideration of conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.
*PSC-49-13-00008-P	..... exempt	Authorization to transfer all of Crystal Water Supply Company, Inc. stocks to Essel Infra West Inc.	To allow Crystal Water Supply Company, Inc to transfer all of its issued and outstanding stocks to Essel Infra West Inc.
*PSC-51-13-00009-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00010-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00011-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-52-13-00012-P	..... exempt	The development of reliability contingency plan(s) to address the potential retirement of Indian Point Energy Center (IPEC).	To address the petition for rehearing and reconsideration/motion for clarification of the IPEC reliability contingency plan(s).
*PSC-52-13-00015-P	..... exempt	To enter into a loan agreement with the banks for up to an amount of \$94,000.	To consider allowing Knolls Water Company to enter into a long-term loan agreement.
*PSC-05-14-00010-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-07-14-00008-P	..... exempt	Petition for submetering of electricity	To consider the request of Greater Centennial Homes HDFC, Inc. to submeter electricity at 102, 103 and 106 W 5th Street, et al.
*PSC-07-14-00012-P	..... exempt	Water rates and charges	Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project
*PSC-08-14-00015-P	..... exempt	Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities	To improve Verizon New York Inc.'s service quality andthe Customer Trouble Report Rate levels at certain central office entities

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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-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-22-14-00013-P	..... exempt	Petition to transfer and merge systems, franchises and assets.	To consider the Comcast and Time Warner Cable merger and transfer of systems, franchises and assets.
*PSC-23-14-00010-P	..... exempt	Whether to permit the use of the GE Dresser Series B3-HPC 11M-1480 rotary gas met for use in industrial gas meter applications	To permit gas utilities in New York State to use the GE Dresser Series B3-HPC 11M-1480 rotary gas meter
*PSC-23-14-00014-P	..... exempt	Waiver of the negative revenue adjustment associated with KEDLI's 2013 Customer Satisfaction Performance Metric	Consideration of KEDLI's waiver request pertaining to its 2013 performance under its Customer Satisfaction Metric
*PSC-24-14-00005-P	..... exempt	To examine LDC's performance and performance measures.	To improve gas safety performance.
*PSC-26-14-00013-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-26-14-00020-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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-30-14-00026-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of Renaissance Corporation of to master meter electricity at 100 Union Drive,Albany, NY.
*PSC-31-14-00004-P	..... exempt	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross
*PSC-32-14-00012-P	..... exempt	Whether to grant or deny, in whole or in part, the Connect New York Coalition’s petition	To consider the Connect New York Coalition’s petition seeking a formal investigation and hearings
*PSC-35-14-00004-P	..... exempt	Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY	To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY
*PSC-35-14-00005-P	..... exempt	Whether to permit the use of the Sensus iConA electric meter	Pursuant to 16 NYCRR Parts 92 and 93, Commission approval is necessary to permit the use of the Sensus iConA electric meter
*PSC-36-14-00009-P	..... exempt	Modification to the Commission’s Electric Safety Standards.	To consider revisions to the Commission’s Electric Safety Standards.
*PSC-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-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-40-14-00008-P	..... exempt	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.
*PSC-40-14-00009-P	..... exempt	Whether to permit the use of the Itron Open Way Centron Meter with Hardware 3.1 for AMR and AMI functionality.	Pursuant to 16 NYCRR Parts 93, is necessary to permit the use of the Itron Open Way Centron Meter with Hardware 3.1.
*PSC-40-14-00011-P	..... exempt	Late Payment Charge.	To modify Section 7.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-40-14-00013-P	..... exempt	Regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.	To consider regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.
*PSC-40-14-00014-P	..... exempt	Waiver of 16 NYCRR Sections 894.1 through 894.4(b)(2)	To allow the Town of Goshen, NY, to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-40-14-00015-P	..... exempt	Late Payment Charge.	To modify Section 6.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-42-14-00003-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-42-14-00004-P	..... exempt	Winter Bundled Sales Service Option	To modify SC-11 to remove language relating to fixed storage charges in the determination of the Winter Bundled Sales charge
*PSC-48-14-00014-P	..... exempt	Considering the recommendations contained in Staff' s electric outage investigation report for MNRR, New Haven Line.	To consider the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.
*PSC-52-14-00019-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of 614 South Crouse Avenue, LLC to master meter electricity at 614 South Crouse Avenue, Syracuse, NY..
*PSC-01-15-00014-P	..... exempt	State Universal Service Fund Disbursements	To consider Edwards Telephone Company's request for State Universal Service Fund disbursements
*PSC-08-15-00009-P	..... exempt	Approval of a surcharge.	To allow or disallow Emerald Green Lake Louise Marie Water Company, Inc. for a surcharge.
*PSC-08-15-00010-P	..... exempt	Request pertaining to the lawfulness of National Grid USA continuing its summary billing program.	To grant, deny, or modify URAC Rate Consultants' request that National Grid cease its summary billing program.
*PSC-10-15-00007-P	..... exempt	Notification concerning tax refunds	To consider Verizon New York Inc.'s partial rehearing or reconsideration request regarding retention of property tax refunds
*PSC-10-15-00008-P	..... exempt	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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-17-15-00007-P	..... exempt	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million
*PSC-18-15-00005-P	..... exempt	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism
*PSC-19-15-00011-P	..... exempt	Gas Safety Performance Measures and associated negative revenue adjustments	To update the performance measures applicable to KeySpan Gas East Corporation d/b/a National Grid
*PSC-22-15-00015-P	..... exempt	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)
*PSC-23-15-00005-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-23-15-00006-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-25-15-00008-P	..... exempt	Notice of Intent to Submeter electricity.	To consider the request of 165 E 66 Residences, LLC to submeter electricity at 165 East 66th Street, New York, New York.
*PSC-29-15-00025-P	..... exempt	Joint Petition for authority to transfer real property located at 624 West 132nd Street, New York, NY	Whether to authorize the proposed transfer of real property located at 624 West 132nd Street, New York, NY
*PSC-32-15-00006-P	..... exempt	Development of a Community Solar Demonstration Project.	To approve the development of a Community Solar Demonstration Project.
*PSC-33-15-00009-P	..... exempt	Remote net metering of a demonstration community net metering program.	To consider approval of remote net metering of a demonstration community net metering program.
*PSC-33-15-00012-P	..... exempt	Remote net metering of a Community Solar Demonstration Project.	To consider approval of remote net metering of a Community Solar Demonstration Project.
*PSC-34-15-00021-P	..... exempt	Petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs	To consider the petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-35-15-00014-P	..... exempt	Consideration of consequences against Light Power & Gas, LLC for violations of the UBP	To consider consequences against Light Power & Gas, LLC for violations of the UBP
*PSC-37-15-00007-P	..... exempt	Submetered electricity	To consider the request of 89 Murray Street Ass. LLC, for clarification of the submetering order issued December 20, 2007
*PSC-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-42-15-00006-P	..... exempt	Deferral of incremental expenses associated with NERC's new Bulk Electric System (BES) compliance requirements approved by FERC.	Consideration of Central Hudson's request to defer incremental expenses associated with new BES compliance requirements.
*PSC-44-15-00028-P	..... exempt	Deferral of incremental expenses associated with new compliance requirements	Consideration of Central Hudson's request to defer incremental expenses associated with new compliance requirements
*PSC-47-15-00013-P	..... exempt	Whitepaper on Implementing Lightened Ratemaking Regulation.	Consider Whitepaper on Implementing Lightened Ratemaking Regulation.
*PSC-48-15-00010-P	..... exempt	Lightened and incidental regulation of a 55 MW electric and steam generating facility.	Consider the lightened and incidental regulation of a 55 MW electric and steam generating facility.
*PSC-48-15-00011-P	..... exempt	Proposal to retire Huntley Units 67 and 68 on March 1, 2016.	Consider the proposed retirement of Huntley Units 67 and 68.
*PSC-50-15-00006-P	..... exempt	The reduction of rates.	To consider the reduction of rates charged by Independent Water Works, Inc.
*PSC-50-15-00009-P	..... exempt	Notice of Intent to submeter electricity.	To consider the request to submeter electricity at 31-33 Lincoln Road and 510 Flatbush Avenue, Brooklyn, New York.
*PSC-51-15-00010-P	..... exempt	Modification of the EDP	To consider modifying the EDP
*PSC-01-16-00005-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-04-16-00012-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-06-16-00013-P	..... exempt	Continued deferral of approximately \$16,000,000 in site investigation and remediation costs.	To consider the continued deferral of approximately \$16,000,000 in site investigation and remediation costs.
*PSC-06-16-00014-P	..... exempt	MEGA's proposed demonstration CCA program.	To consider MEGA's proposed demonstration CCA program.



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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-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-20-16-00008-P	..... exempt	Consideration of consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).	To consider consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).
*PSC-20-16-00010-P	..... exempt	Deferral and recovery of incremental expense.	To consider deferring costs of conducting leak survey and repairs for subsequent recovery.
*PSC-20-16-00011-P	..... exempt	Enetics LD-1120 Non-Intrusive Load Monitoring Device in the Statewide Residential Appliance Metering Study.	To consider the use of the Enetics LD-1120 Non-Intrusive Load Monitoring Device.
*PSC-24-16-00009-P	..... exempt	Petition to submeter gas service.	To consider the Petition of New York City Economic Development Corp. to submeter gas at Pier 17, 89 South Street, New York, NY.
*PSC-25-16-00009-P	..... exempt	To delay Companies' third-party assessments of customer personally identifiable information until 2018.	To extend the time period between the Companies' third-party assessments of customer personally identifiable information.
*PSC-25-16-00024-P	..... exempt	Pole Attachment Rules.	To determine that the Commission's existing pole attachment rules apply to wireless providers.
*PSC-25-16-00025-P	..... exempt	Acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.	To consider acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.
*PSC-25-16-00026-P	..... exempt	Use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter, in residential fire service applications.	To consider the use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter in fire service applications.
*PSC-28-16-00017-P	..... exempt	A petition for rehearing of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework.	To determine appropriate rules for and calculation of the distributed generation reliability credit.
*PSC-29-16-00024-P	..... exempt	Participation of NYPA customers in surcharge-funded clean energy programs.	To consider participation of NYPA customers in surcharge-funded clean energy programs.
*PSC-32-16-00012-P	..... exempt	Benefit-Cost Analysis Handbooks.	To evaluate proposed methodologies of benefit-cost evaluation.

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<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-33-16-00001-EP	..... exempt	Use of escrow funds for repairs.	To authorize the use of escrow account funds for repairs.
*PSC-33-16-00005-P	..... exempt	Exemption from certain charges for delivery of electricity to its Niagara Falls, New York facility.	Application of System Benefits Charges, Renewable Portfolio Standard charges and Clean Energy Fund surcharges.
*PSC-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-36-16-00004-P	..... exempt	Recovery of costs for installation of electric service.	To consider the recovery of costs for installation of electric service.
*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-47-16-00009-P	..... exempt	Petition to use commercial electric meters	To consider the petition of Itron, Inc. to use the Itron CP2SO and CP2SOA in commercial electric meter applications
*PSC-47-16-00010-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00013-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00014-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00016-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-02-17-00010-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for RG&E.
*PSC-02-17-00012-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for NYSEG.
*PSC-14-17-00017-P	..... exempt	Petition for Full-Scale Deployment of AMI and to Establish an AMI Surcharge.	To consider the petition for Full-Scale Deployment of AMI and to Establish an AMI Surcharge.
*PSC-18-17-00024-P	..... exempt	A petition for rehearing or reconsideration of the Order Addressing Public Policy Transmission Need for AC Transmission Upgrades	To determine whether Public Policy Transmission Need/Public Policy Requirements continue to exist.
*PSC-18-17-00026-P	..... exempt	Revisions to the Dynamic Load Management surcharge.	To consider revisions to the Dynamic Load Management surcharge.
*PSC-19-17-00004-P	..... exempt	NYAW's request to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2016.	Consideration of NYAW's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2016.
*PSC-20-17-00008-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid NY regarding the potential for adoption of compressed natural gas as a motor fuel.

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<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-20-17-00010-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid regarding the potential for adoption of compressed natural gas as a motor fuel.
*PSC-21-17-00013-P	..... exempt	The establishment and implementation of Earnings Adjustment Mechanisms.	To consider the establishment and implementation of Earnings Adjustment Mechanisms.
*PSC-21-17-00018-P	..... exempt	Proposed agreement for the provision of water service by Saratoga Water Services, Inc.	To consider a waiver and approval of terms of a service agreement.
*PSC-22-17-00004-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives	To consider the proposed Interconnection Survey Process and Earnings Adjustment Mechanisms
*PSC-23-17-00022-P	..... exempt	Changes in regulation of ESCOs, including restrictions on or prohibitions of marketing or offering certain products or services.	To ensure consumer protection for ESCO customers.
*PSC-24-17-00006-P	..... exempt	Development of the Utility Energy Registry.	Improved data access.
*PSC-24-17-00014-P	..... exempt	An alternative methodology for calculating billing adjustments.	To consider an alternative methodology for calculating billing adjustments.
*PSC-26-17-00005-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 125 Waverly Street, Yonkers, New York.
*PSC-31-17-00010-P	..... exempt	Notice of intent to submeter electricity	To consider the notice of intent of 11737 Owners Corp. to submeter electricity at 117 East 37th Street, New York, New York
*PSC-33-17-00013-P	..... exempt	The obligation of electric utilities to pay for the extension of electric service to residential developments.	To consider if National Grid should change its practices and compensate the petitioners for past charges.
*PSC-34-17-00011-P	..... exempt	Waiver to permit Energy Cooperative of America to serve low-income customers	To consider the petition for a waiver
*PSC-37-17-00005-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives.	To consider the revised Interconnection Survey Process and Earnings Adjustment Mechanisms.
*PSC-37-17-00006-P	..... exempt	Petition to submeter electricity.	To consider the petition of ACC OP (Park Point SU) LLC to submeter electricity at 417 Comstock Avenue, Syracuse, New York.
*PSC-39-17-00009-P	..... exempt	Whether a proposed agreement for the provision of water service by Saratoga Water Services, Inc. is in the public interest.	To consider the terms of a service agreement and waiver.
*PSC-39-17-00011-P	..... exempt	Whether to direct New York State Electric & Gas to complete electric facility upgrades at no charge to Hanehan.	To determine financial responsibility between NYSEG and Hanehan for the electric service upgrades to Hanehan.
*PSC-40-17-00006-P	..... exempt	The aggregation of electric service for the Empire State Plaza and the Sheridan Avenue Steam Plant	To consider a waiver of National Grid's tariff provision requiring all electric delivery points to be on the same premises

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-42-17-00010-P	..... exempt	Petition for rehearing of negative revenue adjustment and contents of annual Performance Report.	To consider NFGD's petition for rehearing.
PSC-46-17-00013-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-48-17-00015-P	..... exempt	Low Income customer options for affordable water bills.	To consider the Low Income Bill Discount and/or Energy Efficiency Rebate Programs.
PSC-50-17-00017-P	..... exempt	New Wave Energy Corp.'s petition for rehearing.	To consider the petition for rehearing filed by New Wave Energy Corp.
PSC-50-17-00018-P	..... exempt	Application of the Public Service Law to DER suppliers.	To determine the appropriate regulatory framework for DER suppliers.
PSC-50-17-00019-P	..... exempt	Transfer of utility property.	To consider the transfer of utility property.
PSC-50-17-00021-P	..... exempt	Disposition of tax refunds and other related matters.	To consider the disposition of tax refunds and other related matters.
PSC-50-17-00022-P	..... exempt	Data protection rules for DER suppliers.	To determine the appropriate regulatory framework for DER suppliers.
PSC-51-17-00007-P	..... exempt	Opt-out tariff regarding installation of advanced digital metering devices in Central Hudson's service territory.	To determine the appropriate opt-out provisions for Central Hudson customers regarding advanced digital metering devices.
PSC-51-17-00011-P	..... exempt	Petition for recovery of certain costs related to the implementation of a Non-Wires Alternative Project.	To consider Con Edison's petition for the recovery of costs for implementing the JFK Project.
PSC-51-17-00015-P	..... exempt	Opt-out tariff regarding installation of advanced digital metering devices in Central Hudson's service territory.	To determine the appropriate opt-out provisions for Central Hudson customers regarding advanced digital metering devices.
PSC-52-17-00014-P	..... exempt	Oversight and support of Clean Energy Fund and related NYSEERDA activities	To support and monitor the deployment of clean energy technology
PSC-04-18-00003-P	..... exempt	Minor rate filing.	To consider a proposal for an increase in total annual revenues of approximately \$136,634, or 11.4%.
PSC-04-18-00005-P	..... exempt	Notice of intent to submeter electricity.	To consider the notice of intent of Montante/ Morgan Gates Circle LLC to submeter electricity.
PSC-05-18-00004-P	..... exempt	Lexington Power's ZEC compliance obligation.	To promote and maintain renewable and zero-emission electric energy resources.
PSC-05-18-00005-P	..... exempt	Distributed Generation (DG), Natural Gas Vehicle (NGV) and Prime-WNY Pilot Programs.	To consider to make permanent the DG and NGV Pilot Programs and continue the Prime-WNY Pilot Program with modifications.
PSC-06-18-00012-P	..... exempt	To consider further proposed amendments to the original criteria to grandfathering established in the Transition Plan	To modify grandfathering criteria

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-06-18-00017-P	..... exempt	Merger of NYAW and Whitlock Farms Water Corp.	To consider the merger of NYAW and Whitlock Farms Water Company into a single corporate entity
PSC-07-18-00015-P	..... exempt	The accuracy and reasonableness of National Grid's billing for certain interconnection upgrades.	To consider AEC's petition requesting resolution of their billing dispute with National Grid.
PSC-07-18-00016-P	..... exempt	Notice of intent to submeter electricity.	To consider the notice of intent of Silo Ridge Condo Association to submeter electricity.
PSC-09-18-00010-P	..... exempt	Use of the Itron OpenWay Riva CENTRON Polyphase CP2SRA electric meter	To ensure that consumers bills are based on accurate measurements of electric usage
PSC-09-18-00013-P	..... exempt	Proposed use of electronic signatures for Deferred Payment Agreements	To make it easier for customers to obtain Deferred Payment Agreements
PSC-11-18-00004-P	..... exempt	New York State Lifeline Program.	To consider TracFone's petition seeking approval to participate in Lifeline.
PSC-13-18-00014-P	..... exempt	Commission oversight of distributed energy resource suppliers	To protect customers and utilities in the receipt of services from distributed energy resource suppliers
PSC-13-18-00015-P	..... exempt	Eligibility of an ESCO to market to and enroll residential customers.	To consider whether Astral should be allowed to market to and enroll residential customers following a suspension.
PSC-13-18-00023-P	..... exempt	Reconciliation of property taxes.	To consider NYAW's request to reconcile property taxes.
PSC-14-18-00006-P	..... exempt	Petition for abandonment	To consider the abandonment of Willsboro Bay Water Company's water system
PSC-15-18-00008-P	..... exempt	Amendments to the Uniform Business Practices.	Consideration of revised consumer protections and business practices of energy service companies.
PSC-17-18-00010-P	..... exempt	Petition for use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
PSC-17-18-00012-P	..... exempt	Residential Electric Vehicle Charging.	To effectuate service enhancements mandated by State Legislation.
PSC-17-18-00013-P	..... exempt	Residential Electric Vehicle Charging.	To effectuate service enhancements mandated by State Legislation.
PSC-17-18-00014-P	..... exempt	Residential Electric Vehicle Charging.	To effectuate service enhancements mandated by State Legislation.
PSC-18-18-00008-P	..... exempt	Residential Electric Vehicle Charging	To effectuate service enhancements mandated by State Legislation
PSC-18-18-00009-P	..... exempt	Transfer of control of Keene Valley Video Inc.	To ensure performance in accordance with applicable cable laws, regulations and standards and the public interest
PSC-18-18-00011-P	..... exempt	Residential Electric Vehicle Charging	To effectuate service enhancements mandated by State Legislation

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-18-18-00012-P	..... exempt	Residential Electric Vehicle Charging	To effectuate service enhancements mandated by State Legislation
PSC-18-18-00013-P	..... exempt	Motion requesting program eligibility clarification and to make clarifying edits related to Case 16-E-0060 and Rider Q	To test standby rate designs to facilitate distributed generation growth
PSC-19-18-00005-P	..... exempt	Whether Flanders' can market to and enroll new customers.	To protect customers by enforcing compliance with the Uniform Business Practices.
PSC-20-18-00008-P	..... exempt	Proposed major rate increase in O&R's gas delivery revenues of approximately \$4.5 million (or 1.5% in total revenues)	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
PSC-20-18-00009-P	..... exempt	Proposed major rate increase in O&R's electric delivery revenues of approximately \$20.3 million (or 2.3% in total revenues)	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
PSC-21-18-00044-P	..... exempt	Electric ratemaking policy for Direct Current Fast Charging (DCFC) facilities used to recharge electric vehicles.	To ensure just and reasonable rates in the context of charging electric vehicles.
PSC-22-18-00006-P	..... exempt	Intent to submeter electricity and requested waiver of the energy audit requirement	To ensure adequate submetering equipment, consumer protections, and energy efficiency protections are in place
PSC-22-18-00007-P	..... exempt	Intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-22-18-00008-P	..... exempt	Intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-23-18-00006-P	..... exempt	Whether to impose consequences on Aspiry for its non-compliance with Commission requirements.	To ensure the provision of safe and adequate energy service at just and reasonable rates.
PSC-23-18-00010-P	..... exempt	Community Distributed Generation project rules.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-23-18-00011-P	..... exempt	Proposed rate filing in Hudson Valley Water Companies, Inc.'s annual revenues of approximately \$24,370 or 13.0%.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-23-18-00014-P	..... exempt	Proposed major rate increase of approximately \$11.7 million to cover its Franklin and St. Lawrence Counties expansion project.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-23-18-00015-P	..... exempt	Appointment of a new temporary operator of the Painted Apron Water Co.	To ensure the provision of safe and reliable water service.
PSC-24-18-00013-P	..... exempt	Implementation of program rules for Renewable Energy Standard and ZEC requirements.	To promote and maintain renewable and zero-emission electric energy resources.
PSC-24-18-00015-P	..... exempt	To determine the use of investments to be made in lieu of a penalty action.	Commission oversight of electric and gas distribution companies and safe and adequate service.
PSC-24-18-00016-P	..... exempt	Use of Artech models VCE-7 and CID-17 medium voltage class metering instrument transformers.	To ensure that consumer bills are based on accurate measurements of electric usage.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-26-18-00010-P	..... exempt	Change NFG's Tariff No. 9 and associated accounting issues related to the 2017 Tax Act.	Determine if NFG's proposal to provide a refund net of an equity ratio adjustment is appropriate.
PSC-26-18-00013-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections.
PSC-26-18-00015-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections.
PSC-27-18-00005-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections
PSC-27-18-00006-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections
PSC-28-18-00004-P	..... exempt	The 2017 Outcome-based EAM Collaborative Report.	To ensure the establishment of fair and equitable metrics, targets and associated incentive levels.
PSC-28-18-00005-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and energy efficiency protections are in place.
PSC-28-18-00006-P	..... exempt	Roadmap recommendations for the installation of qualified energy storage systems.	To encourage energy storage deployment and establish a 2030 target and deployment program.
PSC-28-18-00007-P	..... exempt	Proposed rate filing to increase annual revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-28-18-00010-P	..... exempt	Transfer of utility pole ownership.	To ensure just and fair share of the cost required to install and maintain the joint use poles for both companies and customers.
PSC-28-18-00011-P	..... exempt	Storm Hardening Collaborative Report.	To ensure safe and adequate gas service.
PSC-28-18-00012-P	..... exempt	Transfer of certain street lighting facilities.	To transfer street lighting facilities for the benefit of ratepayers.
PSC-28-18-00013-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-29-18-00008-P	..... exempt	Participation in Targeted Accessibility Fund	To encourage enhanced services for low-income consumers
PSC-29-18-00009-P	..... exempt	Overvaluing real property tax expense recovery in water rates	To prevent unjust and unreasonable water rates
PSC-30-18-00004-P	..... exempt	Ownership of St. Lawrence Gas Company, Inc.	To consider whether a proposed transfer of ownership interests in St. Lawrence Gas Company, Inc. is in the public interest.
PSC-30-18-00005-P	..... exempt	Petition for use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
PSC-30-18-00006-P	..... exempt	Petition for use of electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
PSC-31-18-00011-P	..... exempt	Petition for the use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-31-18-00012-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-31-18-00013-P	..... exempt	To test rate structures for SC 1 and 2 that more closely align delivery rates with the cost of providing delivery service.	To provide residential and small commercial customers the opportunity to better manage their energy costs.
PSC-32-18-00012-P	..... exempt	The request of the New York Independent System Operator, Inc. to incur indebtedness.	To ensure that debt financing is used reasonably and appropriately.
PSC-32-18-00013-P	..... exempt	Energy efficiency programs and targets for investor-owned utilities.	To encourage energy conservation and the delivery and procurement of energy services by investor-owned utilities.
PSC-32-18-00014-P	..... exempt	Petition for clarification and rehearing of the Rate Order.	To encourage energy efficiency measures and right of way maintenance and to ensure just and reasonable rates.
PSC-32-18-00015-P	..... exempt	Establishment of the regulatory regime applicable to an approximately 126 MW wind electric generating facility.	To ensure appropriate regulation of a new electric corporation.
PSC-32-18-00016-P	..... exempt	Transfer of assets, rate recovery of the costs of those assets, and lightened ratemaking regulatory regime.	To ensure safety and reliability, just and reasonable rates and appropriate regulation.
PSC-32-18-00017-P	..... exempt	Rules for Value Stack compensation of hybrid storage and distributed generation.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-34-18-00008-P	..... exempt	Notice of intent to submeter electricity and request for waiver of the energy audit requirement.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-34-18-00009-P	..... exempt	The Westchester Power Community Choice Aggregation Program.	To ensure appropriate consumer protections and benefits.
PSC-34-18-00010-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-34-18-00011-P	..... exempt	Compensation of distributed energy resources.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-34-18-00012-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-34-18-00013-P	..... exempt	Administrative costs and funding sources for the RES and ZEC programs.	To promote and maintain renewable and zero emission electric energy resources.
PSC-34-18-00014-P	..... exempt	Continued implementation of the Clean Energy Standard.	To promote and maintain renewable and zero-emission electric energy resources.
PSC-34-18-00015-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and energy efficiency protections are in place.
PSC-34-18-00016-P	..... exempt	Deferral of pre-staging and mobilization storm costs.	To ensure just and reasonable rates for ratepayers and utility recovery of unexpected, prudently incurred costs.
PSC-35-18-00003-P	..... exempt	Con Edison's 2018 DSIP and BCA Handbook Update.	To continue Con Edison's transition to a modern utility serving as a Distributed System Platform Provider.



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-35-18-00004-P	..... exempt	To add a definition and include provisions for Renewable Natural Gas to P.S.C. No. 9 - Gas.	To provide clarity to the operating procedures and provisions for Renewable Natural Gas.
PSC-35-18-00005-P	..... exempt	NYSEG and RG&E's 2018 DSIP and BCA Handbook Update.	To continue NYSEG and RG&E's transition to modern utilities acting as Distributed System Platform Providers.
PSC-35-18-00006-P	..... exempt	National Grid's 2018 DSIP and BCA Handbook Update.	To continue National Grid's transition to a modern utility serving as a Distributed System Platform Provider.
PSC-35-18-00007-P	..... exempt	Con Edison's methodology for reconciling the electric POR discount rate charge.	To consider modifications to the manner in which reconciliations of the electric POR discount rate are collected or refunded.
PSC-35-18-00008-P	..... exempt	Central Hudson's 2018 DSIP and BCA Handbook Update.	To continue Central Hudson's transition to a modern utility serving as a Distributed System Platform Provider.
PSC-35-18-00009-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-35-18-00010-P	..... exempt	O&R's 2018 DSIP and BCA Handbook Update.	To continue O&R's transition to a modern utility acting as a Distributed System Platform Provider.
PSC-36-18-00004-P	..... exempt	Update of revenue targets.	To update NYAW's revenue targets and make required balancing revisions to account for changes to the property tax targets.
PSC-36-18-00005-P	..... exempt	Permanent operator of gas wells and certain gas facilities.	To resolve ownership of overlapping gas facilities associated with wells transferred to two gas companies.
PSC-36-18-00006-P	..... exempt	Recording of unbilled revenue.	To correct revenue target discrepancies resulting from changes in billing schedule and net billing days.
PSC-36-18-00007-P	..... exempt	PSC regulation 16 NYCRR § 86.3(a)(1).	To consider a waiver of a certain regulation relating to the content of an application for transmission line siting.
PSC-37-18-00003-P	..... exempt	Service Classification No. 7 - Sale of Standby Service to Customers with On-Site Generation Facilities.	To expand eligibility to customers across multiple buildings connected to a generating facility by a private thermal loop.
PSC-37-18-00004-P	..... exempt	Acceleration of the return of tax savings to ratepayers.	To determine the timetable for returning tax savings to ratepayers.
PSC-37-18-00005-P	..... exempt	Notice of intent to submeter electricity and waiver request.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-37-18-00006-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-37-18-00007-P	..... exempt	PSC regulation 16 NYCRR § 86.3(a)(1) and (b)(2).	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
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-38-18-00001-P	..... exempt	Waiver request of Opinion No. 76-17 and 16 NYCRR Part 96.	To consider not requiring living units of the facility to be metered.
PSC-39-18-00004-P	..... exempt	To establish Rider J - Smart Home Rate.	To provide residential customers the opportunity to better manage their energy costs.
PSC-39-18-00005-P	..... exempt	Participation in New York State Lifeline Program.	To encourage enhanced services for low-income customers.
PSC-39-18-00006-P	..... exempt	To establish Rider AB - Smart Home Rate.	To provide residential customers the opportunity to better manage their energy costs.
PSC-39-18-00007-P	..... exempt	To implement enhanced safety pilot programs and energy efficiency initiatives.	To provide customers with enhanced safety and environmental benefits.
PSC-39-18-00008-P	..... exempt	Payment of fire protection costs.	To shift the costs of municipal fire protection service from the City of Rye to its residents.
PSC-39-18-00009-P	..... exempt	Authorization for one time credits to displaced customers.	To compensate displaced Con Edison ratepayers for their loss of service.
PSC-40-18-00013-P	..... exempt	Commission programs for meter service providers and meter data service providers.	To prevent confusion from maintaining unnecessary programs.
PSC-40-18-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	To review the gas utilities' reconciliation of Gas Expenses and Gas Cost Recoveries for 2018.
PSC-40-18-00015-P	..... exempt	Proposed rate filing to increase annual revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-40-18-00016-P	..... exempt	Proposed transfer of the Company's assets to the Town and dissolution of the Company.	To determine if transfer of the water system to the Town of Delaware is in the public interest.
PSC-40-18-00017-P	..... exempt	To modify provisions for Interruptible Gas under SC Nos. 9 and 12, P.S.C. No. 9 - Gas.	To amend certain penalties for non-compliant Interruptible Service Customers.
PSC-40-18-00018-P	..... exempt	Waiver of PSC regulations, 16 NYCRR Sections 86.3(a)(2), (b)(2) and 88.4(a)(4).	To ensure that adequate maps and system studies support the application.
PSC-40-18-00019-P	..... exempt	Issuance of long-term debt securities.	To provide funding for safety and reliability capital projects, maturing debt, and refinancing variable rate to fixed rate debt.
PSC-40-18-00020-P	..... exempt	Issuance of long-term debt securities.	To provide funding for safety and reliability capital projects, maturing debt, and refinancing variable rate to fixed rate debt.
PSC-41-18-00003-P	..... exempt	Initial Tariff Schedule, P.S.C. No. 1 - Water and waiver of rate setting authority	To provide the rates, rules, and regulations under which water service will be provided to the customers of the system
PSC-41-18-00004-P	..... exempt	Internal reorganization and stock transfer	To determine if the proposed reorganization and stock transfer is in the public interest and beneficial to ratepayers
PSC-41-18-00005-P	..... exempt	Authorization to enter into a long-term loan agreement	For system improvements and full repayment of existing loan

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-42-18-00009-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-42-18-00010-P	..... exempt	Rehearing and/or reconsideration of the Tax Charges Rate Treatment Order.	To determine if the Commission was correct to require small telecom utilities to defer ongoing tax savings.
PSC-42-18-00011-P	..... exempt	Voluntary residential beneficial electrification rate design.	To provide efficient rate design for beneficial technologies in New York State that is equitable for all residential customers.
PSC-42-18-00012-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-42-18-00013-P	..... exempt	Petition for clarification and rehearing of the Smart Solutions Program Order.	To address the increased demand for natural gas in the Con Edison's service territory and the limited pipeline capacity.
PSC-42-18-00014-P	..... exempt	The disposition of a refund from NYPA to the Village of Solvay of \$733,000 for overcharge for electricity over several years.	To determine whether the proposed disposition of the NYPA refund is just and reasonable.
PSC-44-18-00008-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-44-18-00009-P	..... exempt	Water rates and charges.	To shift fire protection costs from the Town to its residents' water bills.
PSC-44-18-00010-P	..... exempt	Interruptible/Temperature Controlled gas service Collaborative report recommendations and tariff changes.	To consider the terms and conditions applicable to interruptible and temperature controlled gas service.
PSC-44-18-00011-P	..... exempt	Modifications to electric supply reconciliation mechanism.	To improve the reconciliation of supply-related costs for hourly-priced customers.
PSC-44-18-00012-P	..... exempt	Petition for approval of gas metering equipment.	To ensure that customer bills are based on accurate measurements of gas usage.
PSC-44-18-00013-P	..... exempt	Petition for approval of gas metering equipment.	To ensure that customer bills are based on accurate measurements of gas usage.
PSC-44-18-00014-P	..... exempt	Waiver of PSC regulations, 16 NYCRR sections 86.3(a)(1), (a)(2) and (b)(2).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting.
PSC-44-18-00015-P	..... exempt	Con Edison's petition for the Non-Pipeline Solutions Portfolio and associated budget.	To pursue projects that continue service reliability and meet customer energy needs while aiding greenhouse gas reduction goals.
PSC-44-18-00016-P	..... exempt	Petition for approval of gas metering equipment.	To ensure that customer bills are based on accurate measurements of gas usage.
PSC-45-18-00003-P	..... exempt	Eliminating a financial incentive for utility performance, the interconnection earnings adjustment mechanism	To consider encouraging utility performance while creating customer savings
PSC-45-18-00004-P	..... exempt	Proposed transfer of two natural gas pipeline operating companies, and for lightened and incidental regulation	To consider transfer if there is no market power or ratepayer harm, incidental regulation, and continuing lightened regulation

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-45-18-00005-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place
PSC-46-18-00005-P	..... exempt	Proposed rate filing to increase annual revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-46-18-00013-EP	..... exempt	Acquisition of cable television assets and franchises.	To ensure continued service to Hamilton County Cable customers.
<b>STATE, DEPARTMENT OF</b>			
DOS-36-18-00008-P	..... 11/08/19	New York State Uniform Fire Prevention and Building Code (the Uniform Code)	To amend the existing Uniform Code to add provisions for diaper changing stations in certain buildings.
<b>STATE UNIVERSITY OF NEW YORK</b>			
SUN-44-18-00003-P	..... 10/31/19	Proposed amendments to the traffic and parking regulations at State University College at Oneonta	Amend existing regulations to update traffic and parking regulations
<b>TAXATION AND FINANCE, DEPARTMENT OF</b>			
TAF-35-18-00002-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, 2018 through December 31, 2018.
TAF-40-18-00001-P	..... 10/03/19	New York State and City of Yonkers withholding tables and other methods	To provide current New York State and City of Yonkers withholding tables and other methods
<b>TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF</b>			
TDA-12-18-00004-P	..... 03/21/19	Reengagement/conciliation and sanction procedures for employment programs	To implement statutory changes relative to public assistance (PA) reengagement/conciliation and sanction procedures
TDA-41-18-00002-EP	..... 10/10/19	Standard Utility Allowances (SUAs) for the Supplemental Nutrition Assistance Program (SNAP)	These regulatory amendments set forth the federally-mandated and approved SUAs as of 10/1/18
<b>WORKERS' COMPENSATION BOARD</b>			
WCB-52-17-00021-RP	..... 03/27/19	Establishment of Prescription Drug Formulary	Establishment of a drug formulary that includes high-quality and cost-effective preauthorized medication
WCB-23-18-00004-P	..... 06/06/19	Fees for Medical Testimony	To increase fees for medical testimony and eliminate fee reductions for multiple appearances as this provision is not used
WCB-23-18-00005-RP	..... 06/06/19	Medical Fee Schedules	Update the fees paid for medical treatment in workers' compensation claims

# SECURITIES OFFERINGS

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## STATE NOTICES

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

## DEALERS; BROKERS

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480 Murray, LLC  
181 Main St., Suite 100, Huntington, NY 11743  
*State or country in which incorporated* — Georgia

AIR U.S. Life Fund III, LP  
c/o AIR U.S. Life Fund III GP, LLC, 333 S. Wabash Ave., 27th Fl.,  
Chicago, IL 60604  
*Partnership* — AIR U.S. Life Fund III GP, LLC

American Distributors Holding Co., LLC  
Two Emery Ave., Randolph, NJ 07869  
*State or country in which incorporated* — Delaware

Baby Generation, Inc.  
1841 Broadway, Suite 325, New York, NY 10023  
*State or country in which incorporated* — Delaware

BlackRock Investments, LLC  
40 E. 52nd St., New York, NY 10022  
*State or country in which incorporated* — Delaware

Boon Logic, Inc.  
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*State or country in which incorporated* — Delaware

Busbud Inc.  
5425 Casgrain Ave., Suite 901, Montreal, Quebec, H2T 1X6 Canada  
*State or country in which incorporated* — Canada

Carpenter Ridge Group, LLC  
1800 S. Sheridan Blvd., Suite 307, Denver, CO 80232  
*State or country in which incorporated* — Colorado

Citizens Brewing, LLC  
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*State or country in which incorporated* — Maryland limited liability  
company

Coinbase Global, Inc.  
548 Market St., # 23008, San Francisco, CA 94104  
*State or country in which incorporated* — Delaware

CrowdSmart InvolveSoft Fund I, LLC  
44 Tehama St., San Francisco, CA 94105  
*State or country in which incorporated* — Delaware

CrowdSmart Monet NetWorks Fund I, LLC  
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*State or country in which incorporated* — Delaware

Cycle Venture Partners Fund I LP - Cytoveris Series 1  
50 Limewood Ave., Branford, CT 06405  
*Partnership* — Cycle Venture Partners GP LLC

DogPound Fitness, Inc.  
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*State or country in which incorporated* — Delaware

Fields Peachtree Corners Atlanta, LLC  
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*State or country in which incorporated* — Texas

FLI Sterling Realty Finance II, LP  
One Jericho Plaza, Suite 201, Jericho, NY 11753  
*Partnership* — FLI Management Corporation

Fluency, Inc.  
266 Main St., Burlington, VT 05401  
*State or country in which incorporated* — Vermont

Frozen Frogs, LLC, The  
460 King St., Suite 200, Charleston, SC 29403  
*State or country in which incorporated* — Delaware

Great South Bay Fund LP  
74 Norman Ave., Amityville, NY 11701  
*Partnership* — Great South Bay GP, LLC

Green Growth Brands Ltd.  
4300 E. Fifth Ave., Columbus, OH 43219  
*State or country in which incorporated* — Canada

Hansen Engine Corporation  
12920 Hwy. 55, Plymouth, MN 55441  
*State or country in which incorporated* — Minnesota

Homestead Capital USA Farmland Fund III, L.P.  
101 Mission St., Suite 505, San Francisco, CA 94105  
*Partnership* — Homestead Capital USA Farmland Fund III GP, L.P.

Inception REIT, Inc.  
345 N. Maple Dr., Suite 298, Beverly Hills, CA 90210  
*State or country in which incorporated* — Maryland

INF-YGW Partners Fund LP  
41 Madison Ave., 25th Fl., New York, NY 10010  
*Partnership* — INF-YGW Capital Advisors LLC

Ingilizian Capital Management, LLC  
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Jones Beach Adventure Excursions LLC  
2219 Rimland Dr., Suite 301, Bellingham, WA 98226  
*State or country in which incorporated* — Delaware

Keefe, Bruyette & Woods, Inc.  
787 Seventh Ave., 4th Fl., New York, NY 10019  
*State or country in which incorporated* — New York

L'Auberge de Sonoma Resort Fund, LLC  
7001 N. Scottsdale Rd., Suite 2050, Scottsdale, AZ 85253  
*State or country in which incorporated* — Delaware

Masonry Partners Fund, LP  
c/o Masonry Capital GP, LLC, 404 People Place, 4th Fl., Charlottesville, VA 22911  
*Partnership* — Masonry Capital GP, LLC

Mint Apartment Cleaning, Inc.  
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National Multifamily Portfolio IV DST  
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*State or country in which incorporated* — Delaware

Normandy Opportunity Zone Fund, LP  
53 Maple Ave., Morristown, NJ 07960  
*State or country in which incorporated* — Delaware

Normandy Opportunity Zone Venture Fund, LP  
53 Maple Ave., Morristown, NJ 07960  
*State or country in which incorporated* — Delaware

North Hudson TNM Co-Invest Fund LP  
1401 McKinney St., Suite 1625, Houston, TX 77010  
*Partnership* — North Hudson Resource Partners Fund I GP LP

North Hudson Winright Co-Invest Fund LP  
1401 McKinney St., Suite 1625, Houston, TX 77010  
*Partnership* — North Hudson Resource Partners Fund I GP LP

NREA Retreat, DST  
300 Crescent Court, Suite 700, Dallas, TX 75201  
*State or country in which incorporated* — Delaware

NuCurrent, Inc.  
641 W. Lake St., Suite 304, Chicago, IL 60661  
*State or country in which incorporated* — Delaware

Passaco Capital, Inc.  
2050 Main St., Suite 650, Irvine, CA 92614  
*State or country in which incorporated* — California

PetVivo Holdings, Inc.  
5251 Edina Industrial Blvd., Edina, MN 55439  
*State or country in which incorporated* — Nevada

PTX Securities, LLC  
6221 Chapel Hill Blvd., Suite 100, Plano, TX 75093  
*State or country in which incorporated* — Texas limited liability company

RCSFI LP  
810 Seventh Ave., 27th Fl., New York, NY 10019  
*Partnership* — RCSFI Associates LLC

RumbleOn, Inc.  
4521 Sharon Rd., Suite 370, Charlotte, NC 28211  
*State or country in which incorporated* — Nevada

Sage Rock Capital Fund LP  
60 E. 42nd St., Suite 1650, New York, NY 10165  
*Partnership* — Sage Rock Capital LLC

SF Opportunity Fund, L.P.  
450 Park Ave., 20th Fl., New York, NY 10022  
*Partnership* — SFOF Advisors LP

Silverpeak Credit Opportunities Offshore Fund LP  
40 W. 57th St., 29th Fl., New York, NY 10019  
*Partnership* — Silverpeak Credit Opportunities Cayman GP LP

Silverpeak Credit Opportunities Onshore Fund LP  
40 W. 57th St., 29th Fl., New York, NY 10019  
*Partnership* — Silverpeak Credit Opportunities Cayman GP LP

SpokeHub, Inc.  
800 Park Office Dr., Suite 3307, Durham, NC 27709  
*State or country in which incorporated* — North Carolina

Syndicate Venture Partners 2018 Series 1, LLC  
416 Malaga Lane, Suite A, Palos Verdes Estates, CA 90274  
*State or country in which incorporated* — Delaware

Tamarack Global Healthcare Fund QP, L.P.  
5050 Avenida Encinas, Suite 360, Carlsbad, CA 92008  
*Partnership* — Tamarack Capital Management, LLC

Tamarack Global Healthcare Offshore Fund, Ltd.  
190 Elgin Ave., George Town, Grand Cayman, KY1-9005, Cayman Islands

Tasty Brands, LP  
6701 Center Dr. W, 14th Fl., Los Angeles, CA 90045  
*Partnership* — Tasty Fund Manager, LLC

Traina Interactive Corp.  
244 Jackson St., 4th Fl., San Francisco, CA 94111  
*State or country in which incorporated* — Delaware

Weaverland Financial Aid of New York  
1466 Route 89, Seneca Falls, NY 13148  
*State or country in which incorporated* — New York

Wheels Up MIP LLC  
220 W. 42nd St., 16th Fl., New York, NY 10036  
*State or country in which incorporated* — Delaware limited liability company

WHIREP SAT Co-Invest, L.P.  
191 N. Wacker Dr., Suite 1500, Chicago, IL 60606  
*Partnership* — WHIREP IV GP LLC

Woodstock Financial Group, Inc.  
117 Towne Lake Pkwy., Suite 200, Woodstock, GA 30188  
*State or country in which incorporated* — Georgia

# ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

## SEALED BIDS

REPLACE  
AUDIO COMPONENTS  
Convention Center  
Albany, Albany County

Sealed bids for Project Nos. 45620-C, 45620-E, comprising separate contracts for Construction Work and Electrical Work, Replace Audio Components, Convention Center, 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 28, 2018, 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 \$14,000 for C and \$45,300 for E.

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$100,000 and \$250,000 for C and between \$1,000,000 and \$2,000,000 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 posting, on the OGS website, in a newspaper of general circulation, or in the Contract Reporter of written notice, advertisement or solicitation of offers through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Jessica Hoffman, Carl Ruppert and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://www.ogs.ny.gov/aboutOGS/regulations/defaultAdvisoryCouncil.html>

The substantial completion date for this project is October 18, 2019.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 9:00 a.m. on November 5, 2018 at Empire State Plaza, Room 130A, Concourse, 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 Ramona Pierce (518) 473-0027.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority- and Women-owned Business Enterprises ("MWBES") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Construction and Electrical Work. The total contract goal can be obtained by utilizing any combination of MBE and /or WBE participation for subcontracting and supplies acquired under this Contract.

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

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

For questions about purchase of bid documents, please send an e-mail to [DC.Plans@ogs.ny.gov](mailto:DC.Plans@ogs.ny.gov), or call (518) 474-0203.

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

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

## Two (2) Roofing & Appurtenance Work Contract: 45961-T, 45963-T One (1) Plumbing Work Contract: 45962-P

Sealed bids for the above Work located in the Geographic Contract Areas described below in Table 1 and comprising separate contracts for Plumbing Work and Roofing & Appurtenant Work, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Contract Management, 35th Floor Corning Tower, Empire State Plaza, Albany, NY 12242, until 2:00 p.m. on the date indicated in Table 2 below, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of \$25,000.

This Advertisement for Bids is for multiple Job Order Contracts (hereinafter called JOC). A Job Order Contract is an indefinite quantity contract pursuant to which the Contractor will perform a series of individual repair, alteration, modernization, maintenance, rehabilitation,

demolition and construction projects at different locations. Work is accomplished by means of issuance of a Job Order against a master contract. Under the JOC concept, the Contractor furnishes all management, documentation, labor, materials and equipment needed to perform the Work. The State has published Construction Task Catalogs? containing a series of work items with pre-established Unit Prices. The Contractor will bid Adjustment Factors to be applied to the pre-established Unit Prices. The price paid by the State for an individual Project will be determined by multiplying the pre-established Unit Prices by the appropriate quantities and by the appropriate Adjustment Factor(s).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Anticipated Annual Value of Work as noted in Table 2.

Table 1- Geographic Contract Areas

Geographic Contract Area		
Contract #	Area Title	Counties Served
45962-P	2	Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster and Westchester
Geographic Roofing Contract Area		
Contract #	Area Title	Counties Served
45961-T	1-2	Bronx, Dutchess, Kings, New York, Orange, Putnam, Queens, Richmond, Rockland, Nassau, Suffolk, Sullivan, Ulster and Westchester
45963-T	3-4	Albany, Clinton, Columbia, Delaware, Essex, Franklin, Fulton, Greene, Hamilton, Montgomery, Otsego, Rensselaer, Saratoga, Schenectady, Schoharie, Warren, and Washington

The Completion dates for these Projects, is 365 days after the Agreement is approved by the Comptroller.

Table 2- Contract Values and Bid Due Dates

Contract Number	Anticipated Annual Value of Work	Bid Due Date
45962-P	\$ 750,000	14 November 2018
45963-T	\$ 1,500,000	14 November 2018
45961-T	\$ 2,000,000	14 November 2018

Prospective bidders must attend a mandatory Pre-Bid Conference. The conference will be held for the purpose of discussing the JOC concept, Contract Documents, specifics of the OGS JOC program, OGS expectations, JOC from the Contractor’s perspective (including how to properly prepare a bid) and other bid considerations. The attendees representing prospective bidders at the Pre-Bid Conferences should be principals of the firm and/or the individuals who will be compiling the bid on behalf of the firm. If the bidder is a joint venture, at least one party of the joint venture must have been represented and signed in at the Pre-Bid Conference.

**Pre-Bid Conferences:**

In Albany, NY

Pre-Bid will be held from 10:00 AM-12:00 PM on 30th October & 6th November 2018.

Pre-Bid Conferences will be held in Large Conference Room, 34th Floor, ESP Corning Tower

In Orangeburg, NY

Pre-Bid will be held from 10:00 AM-12:00 PM on 1st November 2018 & 8th November 2018.

Pre-Bid Conference will be held at the Nathan S. Kline Institute for Psychiatric Research

For directions to the Pre-Bids see “Directions to Pre-Bids”

Pre-bid attendees should allow sufficient time for parking and processing through building security by presenting a government issued picture identification to building security officials and obtain a visitor’s pass.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting, on the OGS website, in a newspaper of general circulation, or in the Contract Reporter of written notice, advertisement or solicitation of offers through final award and approval of the contract by OGS D&C and the Office of the State Comptroller (“Restricted Period”) to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Jessica Hoffman, Carl Ruppert and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewycky, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award, and in the event of two findings within a 4 year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://www.ogs.ny.gov/aboutOGS/regulations/defaultAdvisoryCouncil.html>

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority- and Women-owned Business Enterprises (“MWBEs”) and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises (“MBE”) participation and 15% for Women-Owned Business Enterprises (“WBE”) participation (based on the current availability of qualified MBEs and WBEs). The total contract goal can be obtained by utilizing any combination of MBE and /or WBE participation for subcontracting and supplies acquired under this Contract.

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

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

For questions about purchase of bid documents, please send an e-mail to [D&C.Plans@ogs.ny.gov](mailto:D&C.Plans@ogs.ny.gov), or call (518) 474-0203.

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

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



# NOTICE OF AVAILABILITY OF STATE AND FEDERAL FUNDS

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Division of Homeland Security and Emergency  
Services

1220 Washington Ave.  
State Office Bldg. Campus, Bldg. 7A  
Albany, NY 12242

NON-PROFIT NONPUBLIC SCHOOLS, NON-PROFIT DAYCARE  
CENTERS AND NON-PROFIT CULTURAL MUSEUMS LO-  
CATED WITHIN NEW YORK STATE

**State Fiscal Year 2018-19 Securing Communities Against Hate  
Crime (SCAHC)**

Description:

Request for Applications (RFA) will be accepted for State funding made available by Governor Andrew Cuomo and administered by the NYS Division of Homeland Security and Emergency Services (DHSES). Each Applicant may apply for up to \$50,000 per facility, eligible organizations may submit up to three applications for a maximum total request of up to \$150,000 allowed per organization. There is a total of approximately \$10.1 million Statewide in funding available under this grant program and funds will be awarded competitively based on the submission of applications by eligible non-profit organizations located within New York State.

Funding will be awarded to support safety and security activities to non-profit nonpublic schools, non-profit daycare centers including those housed in community centers and non-profit cultural museums as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code that are at high risk of a hate crime due to their ideology, beliefs, or mission and are located within New York State. The program seeks to provide safety and security measures for these organizations to assist in mitigating risk/vulnerabilities as identified in their application.

Applications will be accepted until December 19, 2018 at 5:00 p.m. through the New York State Division of Homeland Security and Emergency Services' (DHSES) electronic grants management system (E-Grants).

The RFA and other required documents can be found at: <http://www.dhSES.ny.gov/grants/nonprofit/hate-crimes.cfm>



# 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](http://www.osc.state.ny.us)

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

## 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. The following changes are proposed:

### Institutional Services

Effective on or after January 1, 2019, the State will provide transitional health home payments to a transitioning provider who will be providing Health Home care management services to a child and who is currently providing Health Care Integration (HCI) or Individualized Care Coordination (ICC) under the current approved 1915c Waiver. Those providers will be entitled to bill the transition rate for up to 2 years. A transitional rate will only be allowed to be billed if there is a corresponding Health Home enrolled child with the appropriate documented Health Home required core service(s) provided to bill the Health Home acuity rate. During this period from January 1, 2019 through December 31, 2020, the provider would continue to bill for the Health Home rate.

There is no additional estimated annual change to gross Medicaid expenditures as a result of this proposed amendments.

The public is invited to review and comment on this proposed State Plan Amendment, a copy of which will be available for public review on the Department's website at [http://www.health.ny.gov/regulations/state\\_plans/status](http://www.health.ny.gov/regulations/state_plans/status). Individuals without Internet access may view the State Plan Amendments at any local (county) social services district.

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 1432, Albany, NY 12210, [spa\\_inquiries@health.ny.gov](mailto:spa_inquiries@health.ny.gov)

## PUBLIC NOTICE

New York State and Local Retirement System

Pursuant to Retirement and Social Security Law, the New York State and Local Employees' Retirement System hereby gives public notice of the following:

The persons whose names and last known addresses are set forth below appear from records of the above named Retirement System to be entitled to accumulated contributions held by said retirement system whose membership terminated pursuant to Section 517-a of the Retirement and Social Security Law on or before September 30, 2018. This notice is published pursuant to Section 109 of the Retirement and Social Law of the State of New York.

A list of the names contained in this notice is on file and open to public inspection at the office of the New York State and Local Retirement System located at the 110 State St., in the City of Albany, New York. At the expiration of six months from the date of the publication of this notice. The accumulated contributions of the persons so listed shall be deemed abandoned and shall be placed in the pension accumulation fund to be used for the purpose of said fund. Any accumulated contributions so deemed abandoned and transferred to the pension accumulation fund may be claimed by the persons who made such accumulated contributions or, in the event of his death, by his estate or such person as he shall have nominated to receive such accumulated contributions, by filing a claim with the State Comptroller in such form and in such a manner as may be prescribed by him, seeking the return of such abandoned contributions. In the event such claim is properly made the State Comptroller shall pay over to the person or persons or estate making the claim such amount of such accumulated contributions without interest.

Buono, Joseph A - New Hampton, NY  
Cruz, Noemi - Jamaica, NY  
De La Cruz, Raymond A - Utica, NY  
Gorski, Amanda L - Buffalo, NY  
James, Nichole I - Bronx, NY

Smith, Brandon - Wilson, NY  
 Talma, Peter E - Sauquoit, NY

*For further information contact:* Kimberly Zeto, New York State Retirement Systems, 110 State St., Albany, NY 12244, (518) 474-3502

## PUBLIC NOTICE

### New York State and Local Retirement System

Pursuant to Retirement and Social Security Law, the New York State and Local Employees' Retirement System hereby gives public notice of the following:

The persons whose names and last known addresses are set forth below appear from records of the above named Retirement System to be entitled to accumulated contributions held by said retirement system whose membership terminated pursuant to Section 613 of the Retirement and Social Security Law on or before September 30, 2018. This notice is published pursuant to Section 109 of the Retirement and Social Security Law of the State of New York. A list of the names contained in this notice is on file and open to public inspection at the office of the New York State and Local Retirement System located at the 110 State St., in the City of Albany, New York. At the expiration of six months from the date of the publication of this notice. The accumulated contributions of the persons so listed shall be deemed abandoned and shall be placed in the pension accumulation fund to be used for the purpose of said fund. Any accumulated contributions so deemed abandoned and transferred to the pension accumulation fund may be claimed by the persons who made such accumulated contributions or, in the event of his death, by his estate or such person as he shall have nominated to receive such accumulated contributions, by filing a claim with the State Comptroller in such form and in such a manner as may be prescribed by him, seeking the return of such abandoned contributions. In the event such claim is properly made the State Comptroller shall pay over to the person or persons or estate making the claim such amount of such accumulated contributions without interest.

Abraham, Arun B - Floral Park, NY  
 Aceto, Antonio P - Herkimer, NY  
 Adkison, Waheedah Z - Syracuse, NY  
 Aguila, Anne G - Fords, NJ  
 Albee, Ann M - Pine City, NY  
 Allen, Brandy S - Port Byron, NY  
 Allen, Noah S - Jamestown, NY  
 Alli, Bebi R - Queens Vlg, NY  
 Allport, Tara M - New York, NY  
 Almeida, Michelle E - Rochester, NY  
 Alvarado Chang, Elizabeth - Mahopac, NY  
 Anastasi, Louis M - N Tonawanda, NY  
 Anderson, Jocelyn J - Buffalo, NY  
 Anderson, Kelsey S - Penfield, NY  
 Andrews, Megan C - Horseheads, NY  
 Anfossi, John A - Long Beach, NY  
 Antos, Timothy A - Marcellus, NY  
 Arlotta, Mary Lynn - North Tonawanda, NY  
 Armida, Jaime L - Stony Point, NY  
 Auguste, Marie C - Spring Valley, NY  
 Avery, Nicholas P - Ronkonkoma, NY  
 Azadi, Michelle - Selden, NY  
 Baideme, Talena M - Westfield, NY  
 Bailey, Brittny P - Hempstead, NY  
 Bailie, Eric M - Rensselaer, NY  
 Baranava, Valiantsina A - Astoria, NY  
 Barclay, Deborah L - Buffalo, NY  
 Barrett, Cailie A - Delmar, NY  
 Bassett, Amanda J - Menands, NY

Bast, Andrew - Carmel, NY  
 Bates, Timothy - Massapequa, NY  
 Batt, Barbara A - Bolton Lndg, NY  
 Battaglia, Joseph A - Youngstown, NY  
 Bauer, Cathryn J - Honolulu, HI  
 Baynes, Thea E - Delmar, NY  
 Bazoge, Allie C - Medford, NY  
 Bean, Kevin L - Kings Park, NY  
 Beckman, Aiesha L - Buffalo, NY  
 Bennett, Mackenzie R - Fort Johnson, NY  
 Benvenuto, Michael P - Brewster, NY  
 Berezney, Kayley A - Portland, OR  
 Berryann, Audra L - Dorchester, MA  
 Besner, Beverly S - Cayuga, NY  
 Bessette, Scott J - Ticonderoga, NY  
 Bifulco, Danielle D - Sorrento, FL  
 Bird, Robert J - Latham, NY  
 Bishop, Marc D - Lisbon, NY  
 Bitterman, Samantha M - Lancaster, NY  
 Blaustein, Spencer A - East Hills, NY  
 Bliss, Amanda C - Marcellus, NY  
 Bocchino, Brittany M - Centereach, NY  
 Boeltz, Megan E - Greene, NY  
 Bongiorno, John T - New City, NY  
 Botting, Eric M - Oswego, NY  
 Boyzuck, Heather E - Mexico, NY  
 Bracey, Karla C - Mt Vernon, NY  
 Bradley, Jessica L - Pavilion, NY  
 Brass, Ruth A - Buffalo, NY  
 Brassard, Michael A - Oswego, NY  
 Brockway, Luke A - Stamford, NY  
 Brody, Kyle E - Brentwood, TN  
 Bronson, Kayla B - Herkimer, NY  
 Brooks, Daniel A - Seminole, FL  
 Brown, George E - White Plains, NY  
 Browning, Melanie I - Floral Park, NY  
 Brunick, Kaytlynn M - Wynantskill, NY  
 Brunson, Debra R - Bronx, NY  
 Bryant, Jodie L - Elmira, NY  
 Bucchino, John P - Floral Park, NY  
 Buckleystein, Rebecca A - Bakersfield, CA  
 Bunce, Wesley T - Herkimer, NY  
 Bunzey, Linda E - Vestal, NY  
 Burdick, Shawn L - Coxsackie, NY  
 Burns, Stephen E - Baiting Hollow, NY  
 Burris, LeVonne A - Syracuse, NY  
 Burt, Ethan J - Almond, NY  
 Burton, Keisha N - Rochester, NY  
 Butski, Alexis A - Lewiston, NY  
 Byrne, Devin W - Northport, NY  
 Caldwell, Cassandra L - Frankfort, NY  
 Cameron, Jodi L - Ctr Moriches, NY  
 Campbell, Caitlin E - Brooklyn, NY  
 Campbell, Jacob E - Fremont, OH  
 Capellan, Anthony - New York, NY  
 Cappellano, Michele S - Rye, NY  
 Card, Russell L - Chenango Forks, NY  
 Carlson, Samuel A - Altamont, NY  
 Carr, Katelyn A - Cheektowaga, NY

Cassidy,Brendon J - Babylon, NY  
 Castiglie,Alison M - Middle Island, NY  
 Cavallari,Donna M - E Amherst, NY  
 Cereo,Raymond J - Port Byron, NY  
 Cervenak,Elizabeth A - Jersey City, NJ  
 Cervený,Meghan E - Santa Rosa,CA  
 Chacon,Katherine W - Peekskill, NY  
 Chamberlin,Lisa M - Southwick,MA  
 Champlain,Jason E - Queensbury, NY  
 Charlton,Emily E - Buffalo, NY  
 Chesner,Michael O - Massapequa, NY  
 Chester,Robert M - East Greenbush, NY  
 Chestnut,Brianna S - Whitney Point, NY  
 Christensen,Brian S - Penn Yan, NY  
 Clair,Jonathan P - Slingerlands, NY  
 Clark,Jill A - Chestertown, NY  
 Clark,Roberta S - Webster, NY  
 Clarkson,Wayne B - Bayshore, NY  
 Coffman,Ryan A - Honeoye Falls, NY  
 Collins,John F - Huntington Station, NY  
 Conklin,Andrew B - Albany, NY  
 Constantino,David J - Tonawanda, NY  
 Conte,Giacomo J - Johnstown, NY  
 Cooley,Edward W - Sayville, NY  
 Cordeiro,Ryan T - Middletown, NY  
 Corteville,Elizabeth A - Craryville, NY  
 Costa,Lisa A - Getzville, NY  
 Couch,Dianne M - Kendall, NY  
 Cox,Xavier P - Rochester, NY  
 Cramer,Shane A - Scotia, NY  
 Criscione,Kelly A - Albany, NY  
 Cross,Alexander J - Boulder,CO  
 Cruz,Andre J - West Haverstraw, NY  
 Culhane,Thomas A - Astoria, NY  
 Cumm,Nicole R - Dolgeville, NY  
 Cunningham,Ciarra T - Patchogue, NY  
 Curry,Matthew - Congers, NY  
 Curtis,Lindsey R - Holtsville, NY  
 Cutter,Kimberly A - Rochester, NY  
 Daley,Dennis F - North Collins, NY  
 Darcangelo,Thomas H - Rochester, NY  
 Darling,Barb'ry A - Greene, NY  
 Dayton,Kathleen M - Troy, NY  
 De Bell,Zachary A - Ghent, NY  
 De Boy,Randi L - Salamanca, NY  
 De Forest-Stalls,Margaret A - Denver,CO  
 De Fruscio,Kathleen H - Cobleskill, NY  
 De Mass,Heather D - Kula,HI  
 De Vellis,Pat A - Geneva, NY  
 Dean,Rebecca E - Falconer, NY  
 Decena,Lorelei A - Huntington, NY  
 Dennis,Dustin A - Hartwick, NY  
 Derouin,Troy R - Ballston Lake, NY  
 Devito,Adam - Cold Spring Harbor, NY  
 Di Donato,Peter T - Yonkers, NY  
 Dicky,Leah C - North Tonawanda, NY  
 Discepolo,Kevin - Merrick, NY  
 Djossa,Christina A - Greenlawn, NY  
 Dolan,Christine M - East Rockaway, NY

Doll,Alexandria E - Port Jefferson Sta, NY  
 Domingo,Ashley - Massapequa, NY  
 Donahue,John I - Webster, NY  
 Donnelly,Krystyn A - Greenwood Lake, NY  
 Doran,Kirsten L - Chazy, NY  
 Dorr,Andrew J - Waterville, NY  
 Dowd,Robert E - Aurora, NY  
 Downie,Lindsey A - Chazy, NY  
 Drake,Stephanie M - Ilion, NY  
 Drozdowski,Anna M - Glens Falls, NY  
 Dubovsky,Liza B - Roslyn Hts, NY  
 Dugan,Michael M - East Northport, NY  
 Dumary,Gerald J - Ballston Spa, NY  
 Dunne,Jennifer A - Long Beach, NY  
 Durkin,Caitlin M - Buffalo, NY  
 Eck,Mertina A - New Woodstock, NY  
 Edwards,John R - Hampton,VA  
 Eggers,Zechariah E - Baldwin, NY  
 Eggleton,Andrew L - Concord,NH  
 Eiber,Alec - Albertson, NY  
 Eichas,Amy B - Hilton, NY  
 Elethorp,Amber L - Germantown, NY  
 Ellerson,Cody D - Cincinnatus, NY  
 Ellis,Dean - Saugerties, NY  
 Endlich-Frazier,Ariel C - Clarksburg,MD  
 Enja,Emiru Y - Rochester, NY  
 Fenton,Daniel J - Penfield, NY  
 Ferguson,Conor P - Buffalo, NY  
 Ferguson,Matthew C - Verplanck, NY  
 Fish,Matthew K - Malone, NY  
 Fisher,Amy - Pine City, NY  
 Fittry,Andrew M - Tonawanda, NY  
 Fitzgerald,Robert J - Miller Place, NY  
 Forney,Danita D - Rochester, NY  
 Foster,William J M - Minoa, NY  
 Fournier,Amy K - Plattsburgh, NY  
 Franco,Paul E - Long Beach, NY  
 Franger,William M - Lancaster, NY  
 Friedman,Keith E - Albany, NY  
 Frisina,Barbara A - Pittsford, NY  
 Fultz,Amber K - Penn Yan, NY  
 Funigiello,Jamie J - Elmsford, NY  
 Fusco,Kimberly M - Ridge, NY  
 Gaddy,Darryl J - Saint Albans, NY  
 Galban,Ann Marie - Commack, NY  
 Garguilo,Frank T - Fonda, NY  
 Garrett,Michael L - Uniondale, NY  
 Gates,Jeanine J - Constantia, NY  
 Gattuso,John J - Mount Kisco, NY  
 Gentile,Katie E - Manorville, NY  
 Germain,Rachel - Bay Shore, NY  
 Gilbert,Elijah R - Herkimer, NY  
 Gioseffi,Alex - Congers, NY  
 Gioseffi,Eric - Congers, NY  
 Gleeson,Amanda A - Sag Harbor, NY  
 Goldych,Lorraine M - Syracuse, NY  
 Gollop,Bruce C - Bayside, NY  
 Goodman,Laura S - Meherrin,VA  
 Gras,Alicia M - Amsterdam, NY

Greco,Anthony G - Kenmore, NY  
Greenburg,Jessica - Ithaca, NY  
Gregory,Gary N - Baldwinsville, NY  
Grewell,Jane E - Siletz,OR  
Griffin,Mark T - Penn Yan, NY  
Gross,Edward M - Massapequa Park, NY  
Guiler,Thomas A - Rochester, NY  
Gurecki,Michael A - Oriskany, NY  
Guzman,Richard - Bayshore, NY  
Haddock,Catherine A - Burnt Hills, NY  
Hall,Lisa L - Syracuse, NY  
Hall,Morgan P - Mohawk, NY  
Halpin,Kelsey L - Syracuse, NY  
Hamann,Lindsay E - Camillus, NY  
Harkins,David J - Holland, NY  
Harr,Jaclyn M - Fairport, NY  
Harrington,Scott D - Oneonta, NY  
Harrington,Wayne - Westfield, NY  
Harris,Melanie D - Dix Hills, NY  
Harris,Nicole M - Liverpool, NY  
Hartman,Nicholas A - Queensbury, NY  
Hartnett,Terence C - Cazenovia, NY  
Hassan,Hawa R - Syracuse, NY  
Hassell,Andrese O - Watervliet, NY  
Hassett,Ryan - Lido Beach, NY  
Hatfield,Raymond K - Geneseo, NY  
Hathaway,Michael G - Washington,DC  
Hedlund,Samantha M - Clymer, NY  
Heffernan,Robert J - Watervliet, NY  
Heffron,Sandra L - Ithaca, NY  
Helmer,Meredith L - Le Roy, NY  
Hemsley,Alison J - Sharpsburg,GA  
Henaghan,Johanna M - Islip Terrace, NY  
Henderson,Alixandria D - Massapequa, NY  
Henne,Michael P - Hempstead, NY  
Hepner,Katy S - Ronkonkoma, NY  
Hepworth,A J - Huntington, NY  
Herrick,Kelly S - Sayre,PA  
Hess,Matthew P - Oswego, NY  
Hidalgo,Douglas E - East Meadow, NY  
Higgins,Colette J - Port Jefferson, NY  
Hight,Danielle M - Mohawk, NY  
Hopkins,Aaron M - Silver Spgs, NY  
Howden,Spenser T - Rochester, NY  
Hughes,Ashley A - Far Rockaway, NY  
Hughes,Christopher J - Stony Point, NY  
Hutcherson,Jeremy A D - Hempstead, NY  
Hutchings,Andrew F - Binghamton, NY  
Hutchins,Amanda E - Holbrook, NY  
Hyde,Erin C - Binghamton, NY  
Iannello,Leonard - Batavia, NY  
Iardi,Joseph A - Patterson, NY  
Imbornoni,John T - Garden City, NY  
Irminger,Xiaoqin Sun - Ithaca, NY  
James,Shonika T - Bronx, NY  
Jarrett,Karlton - Jamaica, NY  
Jayaraman,Priya A - Niskayuna, NY  
Jenvy,Anthony C - Valley Stream, NY  
Jett,Corwin M - Syracuse, NY  
Joanette,Thomas S - Ogdensburg, NY  
Johnson,Bradley J - Merrick, NY  
Johnson,Bryan W - Merrick, NY  
Johnson,Sabrina K - Catskill, NY  
Johnston,Amanda M - Troy, NY  
Johnston,Margo M - Norwood, NY  
Jones,Allen L - Kissimmee,FL  
Jones,Doreen Angela - Bronx, NY  
Jones,Julie A - Poughkeepsie, NY  
Judd,Douglas F - Winter Haven,FL  
Juliano,Kyle M - Frankfort, NY  
Juliano,Stephen M - Mechanicsburg,PA  
Jurkowicz,Hannah B R - New York, NY  
Kaminsky,Erich M - Gansevoort, NY  
Kammerer,Denise A - Merrick, NY  
Kane,Caitlin M - Hamburg, NY  
Kane,Patrick A - West Seneca, NY  
Kane,Shaun P - Greenwood Lake, NY  
Kapral,Brenton M - Mountain View,CA  
Kasak,Thomas S - Floral Park, NY  
Katsaitis,Demetrios D - Highland, NY  
Kearns,Kathryn - Shelburne Fls,MA  
Keating,Michael C - Whitesboro, NY  
Kebea,Lorri B - Willow Grove,PA  
Kelly,Tracy M - Oyster Bay, NY  
Kemoh,John S - Yonkers, NY  
Kendall,Paul C - Syracuse, NY  
Kiehn,Alexander L - Munnsville, NY  
King,Cathleen M - Clifton Park, NY  
King,Eric R - Croton On Hudson, NY  
Kirsch,Monica - Lewiston, NY  
Kleinberger,Paulina E - Charlotte,NC  
Kline,Byron - Irvington, NJ  
Klopp,Joseph D - Derby, NY  
Knight,Monika A - Blossvale, NY  
Knoop,Janice L - Odenton,MD  
Koesling,Jessica A - Patchogue, NY  
Kohl,Sarah D - Corfu, NY  
Kolanda,Patricia J - Greene, NY  
Kotwicki,Kellie M - Sierra Vista,AZ  
Kovalevich,Samantha L - Islip Terrace, NY  
Kravitz,Jordan M - New York, NY  
Kroh,Christopher R - Attica, NY  
Kumar,Rajesh - Elmsford, NY  
Kupferman,Sarah B - Saratoga Spgs, NY  
La Gasse,Ashley M - San Antonio,TX  
La Medica,Erin A - Yonkers, NY  
La Pointe,Kara L - Massena, NY  
La Row,Paul M - Cayuta, NY  
Laclare Mceneany,Valentina E - Geneseo, NY  
Lake,Thomas M - Rochester, NY  
Lallier-Barron,Megan K - Eugene,OR  
Lamantia,Maria T - West Babylon, NY  
Lame,Maria - Woodside, NY  
Lamphier,Ethan J - Scio, NY  
Larsen,Samuel G - Southampton, NY  
Lassick,Kathleen L - Buffalo, NY  
Lau,Kristen H - Yonkers, NY  
Lauricella,Alicia M - Secaucus, NJ

Lawrence,Michael D - Downsville, NY  
 Lee,Chelsea E - Mohawk, NY  
 Lensbouer,Joshua J - Abingdon,MD  
 Leon,Brett J - Ilion, NY  
 Leonard,Jodi A - Fort Edward, NY  
 Lewis,Cherina L - Orlando,FL  
 Li,Jinghong - Flushing, NY  
 Lieberth,Kevin - Ausable Forks, NY  
 Lieberth,Shane P - Au Sable Forks, NY  
 Lindquist,James C - Patchogue, NY  
 Lindsay,Marie A - Ilion, NY  
 Lizzi,Emily A - Rensselaer, NY  
 Loftus,William F - South Nyack, NY  
 Lomot,Christopher T - Baldwin, NY  
 Long,David C - Mineola, NY  
 Lowery,Travis M - Fayetteville,NC  
 Lu,Nancy - Staten Island, NY  
 Lynch,Caitlin - Dix Hills, NY  
 Lynch,Laura T - Pearl River, NY  
 Lyons,John P - Buffalo, NY  
 Lyons,Vincent A - Baldwinsville, NY  
 Mac Donald,John A - Orchard Park, NY  
 Madero,Marie P - Syracuse, NY  
 Magwood,Jaclyn C - Newburgh, NY  
 Mahmud,Syed Z - Potomac,MD  
 Maier,David E - New Hartford, NY  
 Malican,Timothy P - East Aurora, NY  
 Maniscalco-Smith,Katina M - Latham, NY  
 Manno,Emma M - Hankins, NY  
 Manzek,Glenn L - Rochester, NY  
 Marano,Victoria M - Long Is City, NY  
 Marchesane,Alyssa J - Rome, NY  
 Mason,Bobbi E - New York, NY  
 Massaria,Andrew C - New Hyde Park, NY  
 Mathias,NYongale E - Kansas City,MO  
 Matican,Bradlyn J - Monticello, NY  
 Matrician,Elizabeth E - Carmel, NY  
 Matthews,Rachel A - Dexter, NY  
 Matthews,Thomas J - Delmar, NY  
 Mayes,Branden M - Levittown, NY  
 Mazzella,Monica I - North Salem, NY  
 Mc Aloon,Sarah L - Madrid, NY  
 Mc Carthy,Celynn A - Aurora,CO  
 Mc Clellan,Kenya N - Spring Valley, NY  
 Mc Coy,Maureen - Syosset, NY  
 Mc Donald,Montana G - Romulus, NY  
 Mc Evoy,Andrew L - Saratoga Spgs, NY  
 Mc Farley,Michael L - Rochester, NY  
 Mc Garrell,John J - Selden, NY  
 Mc Goldrick,Liam T - Garden City, NY  
 Mc Kee,Ryan P - Arkport, NY  
 Mc Keon,Margaret Kelly - Darien,CT  
 Mc Kernan,Cortland J - Olcott, NY  
 Mc Kinley,Lillian - Hammond,LA  
 Mc Laughlin,Abby R - East Quogue, NY  
 MCGovern,Jaime L - Salem,OR  
 Mcwatters,Caitlin Kennedy - Loudonville, NY  
 Meadows,Ryan P - Wantagh, NY  
 Mehlenbacher,Melissa S - Winter Garden,FL

Mello,Sean P - Watertown, NY  
 Meredith,Kaylee A - West Monroe, NY  
 Mesch,Shannon M - Collins, NY  
 Mesick,Annmarie M - Utica, NY  
 Messinetti,Margaret C - Rocky Piont, NY  
 Milczakowskyj,Demetrius G - Auburn, NY  
 Milham,Carrie Anne N - Clifton Park, NY  
 Miller,Ashley M - Herkimer, NY  
 Miller,Jonathan M - West Seneca, NY  
 Miller,Meghan J - Plattsburgh, NY  
 Milligan,Sarah A - West Seneca, NY  
 Mininsky,Andrew J - Long Beach, NY  
 Mirro,Kathleen T - Centereach, NY  
 Mitrea,Diana M - Memphis,TN  
 Monast,Michelle V - Melrose, NY  
 Moore,Jordan S - Canandaigua, NY  
 Moreno,Amanda C - Uniondale, NY  
 Moritz,Jennifer M - Athens, NY  
 Muller,Peter W - Stony Point, NY  
 Murray,Thomas P - Patchogue, NY  
 Musaji,Yusufali F - Short Hills, NJ  
 Nash,Danielle M - Deer Park, NY  
 Nellis,Anne S - Clifton Park, NY  
 Nelson,Imani N Y - Freeport, NY  
 Nieves,Lirsaj N - Denton,TX  
 Nilubol,Chanigan - Bethesda,MD  
 Nolan,Emily R - Springville, NY  
 Norton,Rachael E - Homer, NY  
 Notar,Michael J - Schenectady, NY  
 O'Leary,John J - North Bellmore, NY  
 O'Leary,Michael D - Huntington St, NY  
 O'Malley,Bryan C - Northport, NY  
 O'Sullivan,Traci L - Brockport, NY  
 Orr,Richard D - Southampton, NY  
 Osborn,Amanda D - East Jewett, NY  
 Palmerini,Louis D - Suffield,CT  
 Paone,Amanda M - Cohoes, NY  
 Parsons,Sarah E - Greeneville,TN  
 Partridge,Amanda - Cobleskill, NY  
 Pasa,Hailee E - Davenport, NY  
 Patrie,Thomas C - Setauket, NY  
 Payne,Zachary W - Ransomville, NY  
 Pecan,Adam - Massapequa, NY  
 Pecherski,Danielle M - Oak Ridge, NJ  
 Peck,Christopher L - Batavia, NY  
 Pelaez,Jennifer L - Chicago,IL  
 Pelletier,Rebecca L - Poland, NY  
 Penny,Christina S - Morris, NY  
 Pepe,Ralph A - Lake Grove, NY  
 Perry,Robyn N - Frankfort, NY  
 Personale,Stephen J - Canandaigua, NY  
 Petersen,Diana L - Poughkeepsie, NY  
 Petkovsek,Adam N - Dolgeville, NY  
 Philippen,Kristina N - Massapequa, NY  
 Pignatello,Susan - Newburgh, NY  
 Pike,Caitlin A - Oswego, NY  
 Pisanello,Nick S - Albany, NY  
 Pisapia,John J - Medford, NY  
 Podlasek,Stacy L - Mattituck, NY

Pollock, Theodore C - Saratoga Springs, NY  
Porpora, Gabriela I - East Northport, NY  
Portmore, Nancy E - E Northport, NY  
Potts, James R - Silver Spring, MD  
Powell, Franklin D - Myrtle Beach, SC  
Proukou, Alexander M - Henrietta, NY  
Putnam, Wendell C - Theresa, NY  
Quarantillo, Nicholas R - North Tonawanda, NY  
Quinn, Colin G - Garden City, NY  
Quinones, Ruben J - Massena, NY  
Rabal, John J - Nesconset, NY  
Radley, Brooke A - Pulaski, NY  
Ramdass, Nalini - Richmond Hill, NY  
Ramlochan, Theresa D - Albany, NY  
Ranalli, Andrew A - Niskayuna, NY  
Rarick, Amanda P - Palmyra, ME  
Reil, Anastasia Y - Saranac, NY  
Renz, Jordan R - Gilboa, NY  
Reynolds, Lewis H - Enola, PA  
Reynolds, Richelle R - Rome, NY  
Rhodafer, La Shawn D - Syracuse, NY  
Rich, Sandra L - Lockport, NY  
Richardson, Jennifer K - Altamont, NY  
Riedesel, Catherine M - Ripley, NY  
Riendeau, Colin L - Watertown, NY  
Riordan, Jenelle E - Rensselaer Falls, NY  
Ritz, Kevin W - Selkirk, NY  
Rivera-Cash, Edgar E - Poughkeepsie, NY  
Rivera, Dennis A - Poughkeepsie, NY  
Rivera, Laina M - Dobbs Ferry, NY  
Rivera, Sarai - Spring Valley, NY  
Rizzo, Christina M - Cutchogue, NY  
Roberti, Luke W - Merrick, NY  
Roberts, Fred - Wellsville, NY  
Robertson, Gary M - Albany, NY  
Robinson, Thomas L - Ronkonkoma, NY  
Rodriguez, Marilyn - Rochester, NY  
Rodriguez, Pamela J - Hicksville, NY  
Roller, Jennifer C - Shirley, NY  
Rourke, Kelsey L - Swan Lake, NY  
Rowe, Dymanaisa T S - Jacksonville, FL  
Ruoff, Bernard P - Levittown, NY  
Rutnik, Joshua - Delmar, NY  
Ryan, Taylor R - St Petersburg, FL  
Sage, Kristen L - Rochester, NY  
Sagginario, Nicholas - Bellport, NY  
Salice, Dominique F - Washington, DC  
Salman, Moneer I - Clifton, NJ  
Sanford, Grant D - Lake Placid, NY  
Sartoris, Kate E - Salem, NY  
Scalia, Katherine A - Gainesville, FL  
Scavelli, Anthony - Levittown, NY  
Scheller, Roberta - Woodbury, CT  
Schreiber, Kristen E - Ballston Lake, NY  
Schultz, James M - Tonawanda, NY  
Schumer, Elizabeth A - Buffalo, NY  
Scoggins, Sean M - Camden, NY  
Sears, Glenna S - Farmington, NY  
Seifried, Derek J - West Winfield, NY  
Seitz, Sharon E - Caledonia, NY  
Selenow, Christopher T - Irvington, NY  
Senick, Bethany R - Binghamton, NY  
Seufert, Dylan R - Buffalo, NY  
Sferlazza, Nicholas R - Southold, NY  
Sheedy, Elizabeth M - Halfmoon, NY  
Sheppard, Chessa L - Hampton Bays, NY  
Shubinsky, Paul S - Jericho, NY  
Sitton, Philip A - Warrior, AL  
Skagias, Constantine - Orchard Park, NY  
Smith, Ashanti D - Freeport, NY  
Smith, Dayvon D - Elmsford, NY  
Smith, Lindsay V - West Seneca, NY  
Smith, Zachary J - Newport News, VA  
Snedeker, James M - Callicoon, NY  
Soehren, Kevin J - Woodside, NY  
Sorenson, Mary E - Lewiston, NY  
Sorrento, Sylvia A - Troy, NY  
Soukup, Bryan J - Poquott, NY  
Spierer, Joshua A - Islandia, NY  
Spitz, Jessica J - Setauket, NY  
St Denis, Margaret E - Floral Park, NY  
St Mary, Ryan L - Bangor, NY  
Stafford, Caitlin R - Fairport, NY  
Staneck, Julie E - Islip, NY  
Stebbins, Mark W - Skaneateles, NY  
Steinberger, Sarah A - Ballston Lake, NY  
Stephens, Garrett J - Fort Myers, FL  
Stevenson, Mae H - Rochester, NY  
Stowell, Gregory S - Auburn, NY  
Strusienski, Shannon A - W Henrietta, NY  
Sukarat, Linda A - Endicott, NY  
Sullivan, Mary F - Johnson City, NY  
Suna, Theresa V - Island Park, NY  
Suter, Michael J - Lynbrook, NY  
Syme, Rachel E - Brooklyn, NY  
Symons, Michael S - Auburn, NY  
Szymanski, Julia O - Louisburg, NC  
Tappan, Christopher J - Horseheads, NY  
Tarity, Emily D - Ballston Spa, NY  
Taylor-Sholes, Eva M - Weedsport, NY  
Taylor, Tanzea - New York, NY  
Taylor, Tiffany - Honeoye Falls, NY  
Terry, Erin A - Morrisonville, NY  
Testa, Samantha M - Riverview, FL  
Thamsen, Michael W - Albany, NY  
Theofan, Henry C - West Roxbury, MA  
Thiel, Michael C - N Royalton, OH  
Thomas, Andrew R - Ilion, NY  
Thomas, Anthony - New Hyde Park, NY  
Thompson, Nia - Freeport, NY  
Thurber, Steven N - Cobleskill, NY  
Tierney, Marjorie A - Gansevoort, NY  
Tighe, Erin P - Northport, NY  
Todorov, Anthony - Hamburg, NY  
Tomaselli, Elizabeth C - Huntington Station, NY  
Torres, Eries A - Bronx, NY  
Trocchio, Jennifer A - Lindenhurst, NY  
Trumble, Ralph E - Logan, UT



Tucci,Kaitlin D - Wantagh, NY  
 Tudisco,Christina M - Massapequa, NY  
 Tuttle,Kalyn M - Alexandria,VA  
 Tyler-Brown,Elijah - Coram, NY  
 Vachher,Anju - Saint Paul,MN  
 Valenti,Dominick P - Lee Center, NY  
 Valerio,Robert J - Clay, NY  
 Van Meter,Nicole - Little Falls, NY  
 Vasquez,Desi - Amityville, NY  
 Volmar,Dadelie - Brentwood, NY  
 Waczkowski,Lisa H - Mesa,AZ  
 Waldby,Joshua L - Camillus, NY  
 Wall,Brandon L - Mc Donough, NY  
 Wallace,Chelsea L - Syracuse, NY  
 Walsh,David M - Congers, NY  
 Walsh,Janine C - Long Beach, NY  
 Walter Baskin,Benjamin J - Ballston Spa, NY  
 Walton,Meghan K - Seaside,CA  
 Warchocki,Christian D - North Tonawanda, NY  
 Weaver,Harry N - San Francisco,CA  
 Weinstein,Eric D - Ardsley, NY  
 Weiss,Robert M - Medford, NY  
 Weisz,Jeffrey M - Plainview, NY  
 Weller,Kimberly L - Dexter, NY  
 Whaley,Dawne M - Stony Point, NY  
 Whelan,Katelyn M - Smithtown, NY  
 White,Arianna C R - Norfolk,VA  
 White,Deonna R - Austin,TX  
 Whitten,Jennifer L - Otego, NY  
 Wieland,Jaelyn V - Scarsdale, NY  
 Wilcox,Kiel J - Schenectady, NY  
 Wood,Zachary C - East Amherst, NY  
 Woodbury,Jesse C - Spencer, NY  
 Wooden,Tyler A - Marion, NY  
 Yelder,Willie V - Brooklyn, NY  
 Yzquierdo,Susan M - Mechanicville, NY  
 Zajac,Richard - Long Beach, NY  
 Zdrojeski,Maria R - Prt Washingt, NY  
 Zielewicz,Sarah M - Endicott, NY

*For further information contact:* Kimberly Zeto, New York State Retirement Systems, 110 State St., Albany, NY 12244, (518) 474-3502

**PUBLIC NOTICE**

**New York State and Local Retirement System**

Pursuant to Retirement and Social Security Law, the New York State and Local Employees' Retirement System hereby gives public notice of the following:

The persons whose names and last known addresses are set forth below appear from records of the above named Retirement System to be entitled to accumulated contributions held by said retirement system whose membership terminated pursuant to Section 340, Subdivision f, of the Retirement and Social Security Law on or before September 30, 2018. This notice is published pursuant to Section 109 of the Retirement and Social Security Law of the State of New York. A list of the names contained in this notice is on file and open to public inspection at the office of the New York State and Local Retirement System located at the 110 State St., in the City of Albany, New York. At the expiration of six months from the date of the publication of this notice. The accumulated contributions of the persons so listed shall be deemed abandoned and shall be placed in the pension accumulation fund to be used for the purpose of said fund. Any ac-

cumulated contributions so deemed abandoned and transferred to the pension accumulation fund may be claimed by the persons who made such accumulated contributions or, in the event of his death, by his estate or such person as he shall have nominated to receive such accumulated contributions, by filing a claim with the State Comptroller in such form and in such a manner as may be prescribed by him, seeking the return of such abandoned contributions. In the event such claim is properly made the State Comptroller shall pay over to the person or persons or estate making the claim such amount of such accumulated contributions without interest.

Miller, Joseph W - Olean, NY  
 Towers, Ty H - Oxford, NY

*For further information contact:* Kimberly Zeto, New York State Retirement Systems, 110 State St., Albany, NY 12244, (518) 474-3502

**PUBLIC NOTICE**

Department of State  
 F-2018-0816

Date of Issuance – November 14, 2018

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 (CZMA) of 1972, as amended.

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

In F-2018-0816, The City of Peekskill is proposing to remove and replace the existing Fleischmann Pier within the Hudson River at Charles Point Park, City of Peekskill, Westchester County. The City's consistency certification and supporting materials can be downloaded at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2018-0816-C.PeekskillConsCert>

The City has proposed that the new pier will be 487 feet long by 11 feet (ft) wide and will be located 25 to 34 ft north of the existing pier. A dolphin is proposed on the north side of the pier at its western terminus. About 90 ft from the end of the pier, there will be a 16-ft-wide boarding ramp area to accommodate large tour vessels, which will accommodate ADA-compliant gangways for boarding and disembarking passengers. There will be 10-ft-wide double gates at this boarding ramp area, on either side of the pier, and at the end of the pier. In addition to a new pier running parallel to the position of the existing one (to be removed), there will be three floating docks that will be accessed by gangways running northward from the pier. These docks will be used for short-term mooring of smaller boats and launching of small watercraft. Two aluminum frame docks for smaller boats will each measure 8 ft by 50 ft [400 square (sq) ft] and be connected to the pier by a 4 ft by 30 ft (120 sq ft) gangway connecting each to the pier. A third ADA-compliant kayak launch will measure 12 ft by 18 ft (216 sq ft), and be connected to the pier by a 6 ft by 12 ft (72 sq ft) floating dock and a 4 foot by 50 foot (200 sq ft) aluminum gangway. All of the pier components, including floating docks, have a collective area of 7,058 square feet.

The proposed activity would be located within or has the potential to affect the following Special Management or Regulated Area(s):

- City of Peekskill Local Waterfront Revitalization Program: [https://www.dos.ny.gov/opd/programs/WFRvitalization/LWRP\\_status.html](https://www.dos.ny.gov/opd/programs/WFRvitalization/LWRP_status.html);
- Hudson Highlands Significant Coastal Fish and Wildlife Habitat: [https://www.dos.ny.gov/opd/programs/consistency/scfw\\_habitats.html](https://www.dos.ny.gov/opd/programs/consistency/scfw_habitats.html);
- Hudson Highlands (HH-14) Scenic Area of Statewide Significance: <https://www.dos.ny.gov/opd/programs/consistency/scenicass.html>;

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 by Thursday, November 29, 2018.

*Comments should be addressed to:* Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

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

### PUBLIC NOTICE

Department of State  
Uniform Code Regional Boards of Review

Pursuant to 19 NYCRR 1205, the petition below has 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 or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2018-0475 Matter of Timothy Lener, 75 Cooley Street, Pleasantville, NY, 10570, for a variance concerning safety requirements, including ceiling height, at a dwelling located at Five Silkman Road, Town of Lewisboro, NY.

### PUBLIC NOTICE

Department of State  
Uniform Code Regional Boards of Review

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2018-0518 Matter of Louis Campano, 108 North Road, Eastchester, NY 10707 seeking a variance concerning the height of a pipe exposed in basement at the dwelling as mentioned which is below the required height of 6'4" owned by Leonard Carraturo.

2018-0521 Matter of KTM Architects, Kimberly Martelli seeking a variance concerning ceiling height at a dwelling located at 81 Seaview Avenue, New Rochelle, NY 10801 owned by Teresa Cotterall-Lagana.

2018-0522 Matter of Clem McCann for a property located at 83 Bridle Path, Ossining, NY 10562 owned by Ann H. Obuck seeking a variance concerning stair width.

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Uniform Code Regional Boards of Review

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2018-0525 Patricia Graham, 15 N. Dutcher Street, Irvington, NY 10533 matter of a variance concerning required height below a beam and ceiling height in bathroom for the dwelling as mentioned at 15 N. Dutcher Street, Irvington, NY.

2018-0526 Craig Garrow, PO Box 786, Malone, NY 12953 matter of a variance concerning multiple codes for ceiling height and room area for a dwelling located at 13 Cedar Street, Malone, NY 12953.

2018-0527 Jane and George Davidson, 131 Crane Street, Scotia NY 12302 matter of a variance for multiple dwelling MRL (30) for a dwelling located at 1138-40 Glenwood Blvd., Schenectady, NY.

### PUBLIC NOTICE

Department of State  
Uniform Code Variance / Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. 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 or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2018-0519 In the matter of James Lane, Dryden Apartment Company, LLC, 11 South Street, P.O. Box 322, Dryden, NY 13053 for Wayne Woodward, 169 Blakeslee Hill Road, Newfield, NY concerning safety requirements including a variance for reduction in required height of existing exterior and interior handrails and guardrails.

Involved is the certificate of compliance inspection of an existing residential occupancy, two stories in height, located at 110 North Geneva Street, City of Ithaca, County of Tompkins, New York.

2018-0523 In the matter of Henry Hansteen, 374 Van Dorn Road South, Ithaca, NY 14850 concerning safety requirements including a variance for reduction in required height of existing exterior porch guardrails.

Involved is the certificate of compliance inspection of an existing residential occupancy, two stories in height, located at 128 Farm Street, City of Ithaca, County of Tompkins, New York.

### PUBLIC NOTICE

Department of State  
Uniform Code Variance / Appeal Petitions

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2018-0524 In the matter of Jeremy Thompson, 408 Madison Street, Ithaca, New York 14850 concerning safety requirements including a variance for reduction in required height of existing interior handrails and guardrails.

Involved is the certificate of compliance inspection of an existing residential occupancy, two stories in height, located at 408 Madison Street, City of Ithaca, County of Tompkins, New York.

### PUBLIC NOTICE

Department of State  
Uniform Code Variance / Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. 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 or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2018-0531 In the matter of Moll Properties, Inc., Monica Moll, 44 Dart Drive, Ithaca, NY 14850 concerning safety requirements including a variance for reduction in required height of existing handrails and guardrails.

Involved is the certificate of compliance inspection of an existing residential occupancy, two stories in height, located at 519 East Buffalo Street, City of Ithaca, County of Tompkins, New York.

**PUBLIC NOTICE**

**Department of Taxation and Finance  
Interest Rates**

The Commissioner of Taxation and Finance hereby sets the interest rates for the months of January, February, and March 2019 pursuant to sections 697(j) and 1096(e) of the Tax Law, as follows:

For purposes of section 697(j) the overpayment rate of interest is set at 5 percent per annum, and the underpayment rate of interest is set at 8.5 percent per annum. For purposes of section 1096(e), the overpayment rate of interest is set at 5 percent per annum, and the underpayment rate of interest is set at 10 percent per annum. (The underpayment rates set pursuant to sections 697(j) and 1096(e) may not be less than 7.5 percent per annum.) Pursuant to section 1145(a)(1) of the Tax Law, the underpayment rate for State and local sales and use taxes administered by the Commissioner of Taxation and Finance is 14.5 percent per annum. The underpayment rate for the special assessments on hazardous waste imposed by section 27-0923 of the Environmental Conservation Law is 15 percent.

For the interest rates applicable to overpayments (refunds) and underpayments (late payments and assessments) of the following taxes administered by the Commissioner of Taxation and Finance for the period January 1, 2019 through March 31, 2019, see the table below:

1/1/19 - 3/31/19  
Interest Rate Per  
Annum  
Compounded Daily

Commonly viewed tax types	Refunds	Late Payments & Assessments
Income **	5%	8.5%
Sales and use	5%	14.5% *
Withholding	5%	10%
Corporation **	5%	10%
All other tax types	Refunds	Late Payments & Assessments
Alcoholic Beverage	5%	10%
Authorized Combative Sports	5%	10%
Beverage Container Deposits	5%	10%
Cigarette	NA	10%
Congestion Surcharge	5%	10%
Diesel Motor Fuel	5%	10%
Estate	5%	8.5%
Fuel Use Tax	***	***
Generation-Skipping Transfer	5%	8.5%
Hazardous Waste	5%	15%
Highway Use	5%	10%
Medical Marihuana	5%	10%
New York City Taxicab and Hail Vehicle Trip Tax	5%	10%
Metropolitan Commuter Transportation Mobility Tax	5%	8.5%
Mortgage Recording	5%	10%

Motor Fuel	5%	10%
Petroleum Business	5%	10%
Real Estate Transfer	5%	10%
Tobacco Products	NA	10%
Transportation Network Company Assessment	5%	10%
Waste Tire Fee	5%	10%
Wireless Communications Surcharge	5%	14.5%

\* The Tax Law requires the interest rate on sales tax assessments or late payments to be set at 14-1/2% for this quarter. However, if the Commissioner determines that the failure to pay or the delay in payment is due to reasonable cause and not willful neglect, the Commissioner may impose interest at the corporation tax late payment and assessment rate. That rate is 10% for this quarter.

\*\* There are a number of state and local governmental bodies that have interest rates tied to the overpayment and underpayment rates contained in either section 697(j) (Income Tax) or section 1096(e) (Corporation Tax) of the Tax Law. For purposes of section 697(j) and section 1096(e) of the Tax Law, the overpayment rate for this period is 5%. For purposes of section 697(j) of the Tax Law, the underpayment rate for this period is 8.5%. For purposes of section 1096(e) of the Tax Law, the underpayment rate for this period is 10%.

\*\*\* Under section 527(f) of the Tax Law, the interest rates relating to the Fuel Use tax are set pursuant to the International Fuel Tax Agreement (IFTA). For more information regarding IFTA interest rates, see [www.iftach.org](http://www.iftach.org).

For further information contact: Kathleen Chase, Office of Counsel, Department of Taxation and Finance, W. A. Harriman Campus, Albany, NY 12227, (518) 530-4153

For rates for previous periods, visit the Department of Taxation and Finance website: [www.tax.ny.gov/taxnews/int\\_curr.htm](http://www.tax.ny.gov/taxnews/int_curr.htm)



# COURT NOTICES

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## AMENDMENT OF RULE

### Rules of the Chief Judge

Pursuant to Article VI, § 28(c) of the State Constitution and section 211 of the Judiciary Law, upon consultation with the Administrative Board of the Courts, and with the approval of the Court of Appeals of the State of New York, I hereby amend, effective immediately, Part 36 of the Rules of the Chief Judge, by deleting the bracketed material and adding the underlined material.

#### Section 36.0 Preamble.

Public trust in the judicial process demands that appointments by judges be fair, impartial and beyond reproach. Accordingly, these rules are intended to ensure that appointees are selected on the basis of merit, without favoritism, nepotism, politics or other factors *unrelated* to the qualifications of the appointee or the requirements of the case.

The rules cannot be written in a way that foresees every situation in which they should be applied. Therefore, the appointment of trained and competent persons, and the avoidance of factors unrelated to the merit of the appointments or the value of the work performed, are fundamental objectives that should guide all appointments made, and orders issued, pursuant to this Part.

#### Section 36.1 Application.

(a) Except as set forth in subdivision (b) of this section, this Part shall apply to the following appointments made by any judge or justice of the Unified Court System:

- (1) guardians;
- (2) guardians ad litem, including guardians ad litem appointed to investigate and report to the court on particular issues, and their counsel and assistants;
- (3) attorneys for the child who are not paid from public funds, in those judicial departments where their appointments are authorized;
- (4) court evaluators;
- (5) attorneys for alleged incapacitated persons;
- (6) court examiners;
- (7) supplemental needs trustees;
- (8) receivers;
- (9) referees (other than special masters and those otherwise performing judicial functions in a quasi-judicial capacity); [and]
- (10) the following persons [or entities] performing services for guardians or receivers:

- (i) counsel;
- (ii) accountants;
- (iii) auctioneers;
- (iv) appraisers;
- (v) property managers; *and*
- (vi) real estate brokers; and

(11) a public administrator within the City of New York and for the Counties of Westchester, Onondaga, Erie, Monroe, Suffolk and Nassau and counsel to the public administrator, except that only sections 36.2(c) and 36.4(f) of this Part shall apply, and that section 36.2(c) of this Part shall not apply to incumbents in these positions until one year after the effective date of this paragraph.

(b) Except for sections 36.2(c)(6) and 36.2(c)(7) of this Part, this Part shall not apply to:

- (1) appointments of attorneys for the child pursuant to section

243 of the Family Court Act, guardians ad litem pursuant to section 403-a of the Surrogate's Court Procedure Act, or the Mental Hygiene Legal Service;

(2) the appointment of, or the appointment of any persons or entities performing services for, any of the following:

(i) a guardian who is a relative of:

(a) the subject of the guardianship proceeding; or

(b) the beneficiary of a proceeding to create a supplemental needs trust; a person or entity nominated as guardian by the subject of the proceeding or proposed as guardian by a party to the proceeding; a supplemental needs trustee nominated by the beneficiary of a supplemental needs trust or proposed by a proponent of the trust; or a person or entity having a legally recognized duty or interest with respect to the subject of the proceeding;

(ii) a guardian ad litem nominated by an infant of 14 years of age or over;

(iii) a nonprofit institution performing property management or personal needs services, or acting as court evaluator;

(iv) a bank or trust company as a depository for funds or as a supplemental needs trustee;

(v) except as set forth in section 36.1(a)(11), a public official vested with the powers of an administrator;

(vi) a person or institution whose appointment is required by law; or

(vii) a physician whose appointment as a guardian ad litem is necessary where emergency medical or surgical procedures are required; [and] *or*

(3) an appointment other than above without compensation, except that the appointee must file a notice of appointment pursuant to section 36.4(b) of this Part.

#### Section 36.2 Appointments.

(a) Appointments by the judge. All appointments of the persons [or entities] set forth in section 36.1 of this Part, including those persons [or entities] set forth in section 36.1(a)(10) of this Part who perform services for guardians or receivers, shall be made by the judge authorized by law to make the appointment. In making appointments of persons [or entities] to perform services for guardians or receivers, the appointing judge may consider the recommendation of the guardian or receiver.

(b) Use of lists.

(1) All appointments pursuant to this Part shall be made by the appointing judge from the appropriate list of applicants established by the Chief Administrator of the Courts pursuant to section 36.3 of this Part.

(2) An appointing judge may appoint a person [or entity] not on the appropriate list of applicants upon a finding of good cause, which shall be set forth in writing and shall be filed with the fiduciary clerk at the time of the making of the appointment. The appointing judge shall send a copy of such writing to the Chief Administrator. A judge may not appoint a person [or entity] that has been removed from a list pursuant to section 36.3(e) of this Part.

(3) Appointments made from outside the lists shall remain subject to all of the requirements and limitations set forth in this Part, except that the appointing judge may waive any education and training requirements where completion of these requirements would be impractical.

(c) Disqualifications from appointment.

(1) No person shall be appointed who is a judge or housing judge of the Unified Court System of the State of New York, or who is a relative of, or related by marriage to, a judge or housing judge of the Unified Court System within the fourth degree of relationship.

(2) No person serving as a judicial hearing officer pursuant to Part 122 of the Rules of the Chief Administrator shall be appointed in actions or proceedings in a court in a county where he or she serves on a judicial hearing officer panel for such court.

(3) No person shall be appointed who is a full-time or part-time employee of the Unified Court System. No person who is the spouse, sibling, parent or child of an employee who holds a position at salary grade JG24 or above, or its equivalent, shall be appointed by a court within the judicial district where the employee is employed or, with respect to an employee with statewide responsibilities, by any court in the State.

(4)(i) No person who is a chair or executive director, or their equivalent, of a State or county political party (including any person or persons who, in counties of any size or population, possess or perform any of the titles, powers or duties set forth in Public Officers Law section 73[1][k]), or the spouse, sibling, parent or child of that official, shall be appointed while that official serves in that position and for a period of two years after that official no longer holds that position. This prohibition shall apply to the members, associates, counsel and employees of any law firms or entities while the official is associated with that firm or entity.

(ii) No person who has served as a campaign chair, coordinator, manager, treasurer or finance chair for a candidate for judicial office, or the spouse, sibling, parent or child of that person, or anyone associated with the law firm of that person, shall be appointed by the judge for whom that service was performed for a period of two years following the judicial election. If the candidate is a sitting judge, the disqualifications shall apply as well from the time the person assumes any of the above roles during the campaign for judicial office.

(5) No former judge or housing judge of the Unified Court System, or the spouse, sibling, parent or child of such judge, shall be appointed, within two years from the date the judge left judicial office, by a court within the jurisdiction where the judge served. Jurisdiction is defined as follows:

(i) the jurisdiction of a judge of the Court of Appeals shall be statewide;

(ii) the jurisdiction of a justice of an Appellate Division shall be the judicial department within which the justice served;

(iii) the jurisdiction of a justice of the Supreme Court and a judge of the Court of Claims shall be the principal judicial district within which the justice or judge served; and

(iv) with respect to all other judges, the jurisdiction shall be the principal county within which the judge served.

(6) No attorney who has been disbarred or suspended from the practice of law shall be appointed during the period of disbarment or suspension.

(7) No person convicted of a felony, or for five years following the date of sentencing after conviction of a misdemeanor (unless otherwise waived by the Chief Administrator upon application), shall be appointed unless that person receives a certificate of relief from disabilities.

(8) No receiver or guardian shall be appointed as his or her own counsel, and no person associated with a law firm of that receiver or guardian shall be appointed as counsel to that receiver or guardian, unless there is a compelling reason to do so.

(9) No attorney for an alleged incapacitated person shall be appointed as guardian to that person, or as counsel to the guardian of that person.

(10) No person serving as a court evaluator shall be appointed as guardian for the incapacitated person except under extenuating circumstances that are set forth in writing and filed with the fiduciary clerk at the time of the appointment.

(d) Limitations on appointments based upon compensation.

(1) No person [or entity] shall be eligible to receive more than one appointment within a calendar year for which the compensation

anticipated to be awarded to the appointee in any calendar year exceeds the sum of \$15,000.

(2) If a person [or entity] has been awarded more than an aggregate of \$100,000 [\$75,000] in compensation by all courts during any calendar year, the person [or entity] shall not be eligible for compensated appointments by any court during the next calendar year.

(3) For purposes of this Part, the term compensation shall mean awards by a court of fees, commissions, allowances or other compensation, excluding costs and disbursements.

(4) These limitations shall not apply where the appointment is necessary to maintain continuity of representation of or service to the same person or entity in further or subsequent proceedings.

Section 36.3 Procedure for appointment.

(a) Application for appointment. The Chief Administrator shall provide for the application by persons [or entities] seeking appointments pursuant to this Part on such forms as shall be promulgated by the Chief Administrator. The forms shall contain such information as is necessary to establish that the applicant meets the qualifications for the appointments covered by this Part and to apprise the appointing judge of the applicant's background.

(b) Qualifications for appointment. The Chief Administrator shall establish requirements of education and training for placement on the list of available applicants. These requirements shall consist, as appropriate, of substantive issues pertaining to each category of appointment— including applicable law, procedures, and ethics—as well as explications of the rules and procedures implementing the process established by this Part. Education and training courses and programs shall meet the requirements of these rules only if certified by the Chief Administrator. Attorney participants in these education and training courses and programs may be eligible for continuing legal education credit in accordance with the requirements of the Continuing Legal Education Board.

(c) Establishment of lists. The Chief Administrator shall establish separate lists of qualified applicants for each category of appointment, and shall make available such information as will enable the appointing judge to be apprised of the background of each applicant. The Chief Administrator may establish more than one list for the same appointment category where appropriate to apprise the appointing judge of applicants who have substantial experience in that category. Pursuant to section 81.32(b) of the Mental Hygiene Law, the Presiding Justice of the appropriate Appellate Division shall designate the qualified applicants on the lists of court examiners established by the Chief Administrator.

(d) Registration. The Chief Administrator shall establish a procedure requiring that each person [or entity] on a list reregister every two years in order to remain on the list.

(e) Removal from lists. The Chief Administrator may remove any person [or entity] from any list for unsatisfactory performance or any conduct incompatible with appointment from that list, or if disqualified from appointment pursuant to this Part. A person [or entity] may not be removed except upon receipt of a written statement of reasons for the removal and an opportunity to provide an explanation and to submit facts in opposition to the removal.

(f) Notwithstanding section 36.3(e), pending a final determination on the issue of removal, the Chief Administrator may temporarily suspend any person [or entity] from any list upon a showing of good cause that the person's conduct places clients or wards at significant risk of financial or other harm, or presents an immediate threat to the public.

Section 36.4 Procedure after appointment.

(a) Upon appointment of a fiduciary pursuant to this Part, the Court shall forward a copy of the appointment order to the designated fiduciary clerk within two (2) business days.

(b) Notice of appointment and certification of compliance.

(1) Every person [or entity] appointed pursuant to this Part shall file with the fiduciary clerk of the court from which the appointment is made, within 30 days of the making of the appointment:

(i) a notice of appointment; and

(ii) a certification of compliance with this Part, on such form as promulgated by the Chief Administrator. Copies of this form shall

be made available at the office of the fiduciary clerk and shall be transmitted by that clerk to the appointee immediately after the making of the appointment by the appointing judge. An appointee who accepts an appointment without compensation need not complete the certification of compliance portion of the form.

(2) The notice of appointment shall contain the date of the appointment and the nature of the appointment.

(3) The certification of compliance shall include:

(i) a statement that the appointment is in compliance with section 36.2(c) and (d) of this Part; and

(ii) a list of all appointments received, or for which compensation has been awarded, during the current calendar year and the year immediately preceding the current calendar year, which shall contain:

(a) the name of the judge who made each appointment;

(b) the compensation awarded; *and*

(c) where compensation remains to be awarded[;]

[(d)] (i) the compensation anticipated to be awarded; and

[(e)] (ii) separate identification of those appointments for which compensation of \$15,000 or more is anticipated to be awarded during any calendar year. The list shall include the appointment for which the filing is made.

(4) A person [or entity] who is required to complete the certification of compliance, but who is unable to certify that the appointment is in compliance with this Part, shall immediately so inform the appointing judge.

(c) Approval of compensation.

(1) Upon the approval of compensation of more than \$500, the court shall file with the fiduciary clerk (i) on such form as is promulgated by the Chief Administrator, a statement of approval of compensation, which shall contain a confirmation to be signed by the fiduciary clerk that the appointee has filed the notice of appointment and certification of compliance; and (ii) a copy of the proposed order approving compensation.

(2) The court shall not sign an order awarding compensation exceeding \$500 until such time as the fiduciary clerk has confirmed that the appointee has properly filed the notice of appointment and certification of compliance. *No compensation shall be awarded to an appointee who has not properly filed the notice of appointment and certification of compliance.*

(3) Each approval of compensation of \$5,000 or more to appointees pursuant to this section shall be accompanied by a statement, in writing, of the reasons therefor by the judge. The judge shall file a copy of the order approving compensation and the statement with the fiduciary clerk at the time of the signing of the order.

(4) Compensation to appointees shall not exceed the fair value of services rendered. Appointees who serve as counsel to a guardian or receiver shall not be compensated as counsel for services that should have been performed by the guardian or receiver.

(5) Unless otherwise directed by the court, a fiduciary appointee may utilize supporting attorneys and staff in their firm without additional Court approval. Support attorneys and staff may perform tasks only under the fiduciary appointee's direct supervision; all appearances and reports must be made by the fiduciary appointee; and all compensation earned by support attorneys or personnel shall be charged to the appointee for purposes of compensation limits pursuant to this Part.

(d) Reporting of compensation received by law firms. A law firm whose members, associates and employees have had a total of \$50,000 or more in compensation approved in a single calendar year for appointments made pursuant to this Part shall report such amounts on a form promulgated by the Chief Administrator.

(e) Reporting of compensation received by a referee to sell real property.

(1) A referee to sell real property shall make a letter application to the court to authorize payment over \$750 for a "good cause" adjournment or if there is a rebid or resale.

(2) Upon approval of compensation exceeding \$750 to a referee to sell real property, the Court shall file a copy of its compensation order with the appropriate fiduciary clerk, who shall generate the

required Unified Court System forms and monitor compliance and filing with the Part 36 processing unit. Payment of such compensation may not be made until the plaintiffs in the matter have received a copy of the court's compensation order.

(3) Exception. The procedure set forth in this section shall not apply to the appointment of a referee to sell real property and a referee to compute whose compensation for such appointments is not anticipated to exceed \$750.

(f) Approval and reporting of compensation received by counsel to the public administrator.

(1) A judge shall not approve compensation to counsel to the public administrator in excess of the fee schedule promulgated by the administrative board of the public administrator under SCPA 1128 unless accompanied by the judge's statement, in writing, of the reasons therefor, and by the appointee's affidavit of legal services under SCPA 1108 setting forth in detail the services rendered, the time spent, and the method or basis by which the requested compensation was determined.

(2) Any approval of compensation in excess of the fee schedule promulgated by the administrative board of the public administrator shall be reported to the Office of Court Administration on a form promulgated by the Chief Administrator and shall be accompanied by a copy of the order approving compensation, the judge's written statement, and the counsel's affidavit of legal services, which records shall be published as determined by the Chief Administrator.

(3) Each approval of compensation of \$5,000 or more to counsel shall be reported to the Office of Court Administration on a form promulgated by the Chief Administrator and shall be published as determined by the Chief Administrator.

Section 36.5 Publication of appointments.

(a) All forms filed pursuant to section 36.4 of this Part shall be public records.

(b) The Chief Administrator shall arrange for the periodic publication of the names of all persons [and entities] appointed by each appointing judge, and the compensation approved for each appointee.

