
NEW YORK STATE
REGISTER

INSIDE THIS ISSUE:

- Growth, Cultivation, Sale, Distribution, Transportation, and Processing of Industrial Hemp
- START-UP NY Program
- Special Fishing Regulations for a Portion of Esopus Creek

Court Notices
Appendix

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

For notices published in this issue:

- the 60-day period expires on January 22, 2017
- the 45-day period expires on January 7, 2017
- the 30-day period expires on December 23, 2016

**ANDREW M. CUOMO
GOVERNOR**

**ROSSANA ROSADO
SECRETARY OF STATE**

NEW YORK STATE DEPARTMENT OF STATE

For press and media inquiries call:
(518) 474-0050

For *State Register* production, scheduling and subscription information
call: (518) 474-6957
E-mail: adminrules@dos.ny.gov

For legal assistance with *State Register* filing requirements
call: (518) 474-6740
E-mail: dos.dl.inetcounsel@dos.ny.gov

The *New York State Register* is now available on-line at:
www.dos.ny.gov/info/register.htm



The New York State Register (ISSN 0197 2472) is published weekly. Subscriptions are \$80 per year for first class mailing and \$40 per year for periodical mailing. The *New York State Register* is published by the New York State Department of State, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001. Periodical postage is paid at Albany, New York and at additional mailing offices.

POSTMASTER: Send address changes to the Department of State, Division of Administrative Rules, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001

 printed on recycled paper

NEW YORK STATE REGISTER

Be a part of the rule making process!

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

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

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

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

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

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.

The *Register* costs \$80 a year for a subscription mailed first class and \$40 for periodical (second) class. Prepayment is required. To order, send a check or money order payable to the NYS Department of State to the following address:

NYS Department of State
One Commerce Plaza
99 Washington Avenue
Suite 650
Albany, NY 12231-0001
Telephone: (518) 474-6957

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

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

Rule Making Activities

Agriculture and Markets, Department of

1 / Growth, Cultivation, Sale, Distribution, Transportation, and Processing of Industrial Hemp (EP)

Audit and Control, Department of

3 / Pre-Employment Physicals for Presumption Provisions (A)

Civil Service, Department of

3 / Notice of expiration

Economic Development, Department of

3 / START-UP NY Program (E)

Environmental Conservation, Department of

6 / Special Fishing Regulations for a Portion of Esopus Creek (E)

Financial Services, Department of

7 / Standard Financial Aid Award Letters for Institutions of Higher Education (A)

8 / Workers' Compensation Safe Patient Handling Program (A)

9 / Regulations Implementing Comprehensive Motor Vehicle Insurance Reparations Act; Unfair Claims Settlement Practices and Claim Cost Control Measures (P)

Gaming Commission, New York State

10 / Bonding of Video Lottery Agents to Prevent Potential Loss of State Revenue Earned from Video Lottery Gaming ("VLG") (P)

11 / Expands the Conflict of Interest Restrictions on Racing Secretaries and Their Assistants and Substitutes (P)

Health, Department of

12 / Zika Action Plan; Performance Standards (A)

13 / Direct Clinical Services-Supervised Individual Residential Alternatives (IRAs), Community Residences (CRs) and Day Habilitation (P)

Higher Education Services Corporation

14 / New York State Masters-in-Education Teacher Incentive Scholarship Program (E)

Public Service Commission

16 / Submetering of Electricity (A)

16 / Petition to Use Commercial Electric Meters (P)

16 / Standby Service Rate Design (P)

17 / Petition to Use Residential Electric Meters (P)

17 / Lease of Real Property (P)

17 / Standby Service Rate Design (P)

18 / Joint Utilities' SDSIP to Achieve the Commission's Reforming the Energy Vision (REV) Initiative (P)

18 / Standby Service Rate Design (P)

State University of New York

19 / State University of New York's Patents and Inventions Policy (A)

Hearings Schedule for Proposed Rule Makings / 20

Action Pending Index / 21

Securities Offerings

75 / State Notices

Advertisements for Bidders/Contractors

79 / Sealed Bids

Miscellaneous Notices/Hearings

83 / Notice of Abandoned Property Received by the State Comptroller

83 / Public Notice

Court Notices

87 / Uniform Rules for the Supreme and County Courts

Appendix / 89

RULE MAKING ACTIVITIES

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

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

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

Department of Agriculture and Markets

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Growth, Cultivation, Sale, Distribution, Transportation, and Processing of Industrial Hemp

I.D. No. AAM-47-16-00005-EP

Filing No. 1031

Filing Date: 2016-11-07

Effective Date: 2016-11-07

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

Proposed Action: Amendment of Part 159 of Title 1 NYCRR.

Statutory authority: Agriculture and Markets Law, sections 16, 18 and 508

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

Specific reasons underlying the finding of necessity: A farmer has planted thirty acres of industrial hemp and will not be able to sell it unless the proposed rule, which allows for such sale, is made effective close to the date of harvest.

Subject: Growth, cultivation, sale, distribution, transportation, and processing of industrial hemp.

Purpose: To allow industrial hemp to be sold, distributed, transported and processed.

Text of emergency/proposed rule: Section 159.2 of 1 NYCRR is amended to read as follows:

§ 159.2 Authorization to grow and cultivate industrial hemp
(a) Industrial hemp and industrial hemp seeds may not be possessed, grown, [or] cultivated, *sold, distributed, transported, or processed* unless an application therefor has been submitted to and authority has been granted by the Commissioner.

(b) Only an institution of higher education may submit an application to the Commissioner for authorization to grow, [or] cultivate, *possess, sell, distribute, transport, or process* industrial hemp.

(c) Industrial hemp may only be grown, cultivated, or processed upon registered premises.

(d) An application to grow, [or] cultivate, *possess, sell, distribute, transport, or process* industrial hemp (“*application*”) shall be made upon a form prescribed by the Commissioner and shall include an application fee of \$500.00. Each application and renewal application shall provide the information deemed necessary by the Commissioner for the administration of this Part, including but not limited to:

(1) a description of each premises where industrial hemp will be grown or cultivated, harvested, stored, studied, *processed* or disposed of, by physical address and by GPS co-ordinates;

(2) a diagram for each premises that visually depicts the buildings, structures and improvements on the premises and identifies their use, and that sets forth the relevant activities conducted at the premises; and

(3) a detailed summary of the issues and matters that the applicant intends to study in conjunction with growing, cultivating, or processing industrial hemp which may include:

i. the soils, growing conditions, and harvest methods suitable for the growth or cultivation of various types of industrial hemp in the State;

ii. the cultivars suitable for the growth or cultivation of various types of industrial hemp, including the cost of each cultivar; the yield of industrial hemp attributable to each such cultivar; and the inputs required to assure that each such cultivar, when planted, results in a satisfactory yield of industrial hemp;

iii. the markets that the applicant has identified, in consultation with appropriate commercial interests, that exist or that could feasibly be developed for various types of industrial hemp, including but not limited to markets for apparel, energy, food, paper, and tools;

iv. the means and methods that could feasibly be used to process, market, advertise, expose, or publicize products that contain, in whole or in predominate part, industrial hemp, to facilitate the wholesale and/or retail sale thereof.

(4) a transportation plan, if industrial hemp will be moved from one location on the registered premises to another, [or] from one registered premises to another registered premises, *or from a registered premises to an unregistered premises*, that sets forth information relevant to the security requirements set forth in section 159.6 of this Part.

(5) a security plan that sets forth the measures that the applicant intends to take to ensure that the security requirements set forth in section 159.6 of this Part are complied with.

(e) Applications [to grow, cultivate, process, and market industrial hemp] shall be evaluated in the order in which they are received. In the event that two or more applications are received at the same time, the Department will determine the order of receipt at random.

(f) The Commissioner may decline to grant authority to grow, cultivate, process, [and market] *sell, distribute, transport, and possess* industrial hemp, and may revoke or decline to renew an authorization to grow, [and] cultivate, *possess, sell, distribute, transport, and process* industrial hemp (“*an authorization*”), if he or she finds, after investigation and opportunity to be heard, that:

(1) the application does not set forth the information required pursuant to subdivision (d) of this section and fails to set forth such information within twenty days after the applicant has received notice that the required information was not set forth on the application; or

(2) ten authorizations to grow and cultivate industrial hemp have been issued and are in effect; or

(3) the applicant or authorization holder is not capable for whatever

reason of complying, or has failed to comply, with the provisions of this Part or with state or federal law relating to the possession, sale, [or] cultivation, *distribution, transportation and processing* of industrial hemp; or

(4) the Department determines, in its sole discretion, that it is or will be impracticable to regulate the applicant's or authorization holder's adherence to the requirements set forth in this Part; or

(5) the authorization holder has not complied with the requirements set forth in subdivision (e) of section 159.3 of this Part.

(g) [Authorization to grow and cultivate industrial hemp] *An authorization shall be for a period of three years from the date application therefor was approved by the Commissioner. Notwithstanding the preceding, the Commissioner may grant or renew an authorization [to grow and cultivate industrial hemp] for a period of more than three years if he or she determines that the issues and matters that the applicant or authorization holder intends to study or is studying cannot be adequately and fully studied within three years from the date that authorization is granted or renewed.*

An application for renewal shall be submitted to the Commissioner no later than thirty days prior to the date that the authorization expires and shall include an application fee of \$500.00.

(h) The Commissioner may grant or renew an authorization [to grow and cultivate industrial hemp] with conditions, including but not limited to one or more of the following:

(1) industrial hemp is grown and cultivated on a limited number of acres; [or]

(2) industrial hemp is grown and cultivated in a limited volume[.]; or

(3) *industrial hemp is not sold or distributed to a person(s) unwilling or unable to properly carry out the business of growing, cultivating, possessing, selling, distributing, transporting, or processing industrial hemp.*

(i) An authorization holder may surrender its authorization at any time; however, the requirements set forth in section 159.6 of this Part shall remain applicable and binding upon such authorization holder until its authorization period would otherwise have expired.

Section 159.3 of 1 NYCRR is amended to read as follows:

§ 159.3 Requirements

(a) Studies and reports.

(1) An authorization holder shall, no later than three months after the date [of] *that his or her* application [to grow or cultivate industrial hemp] was approved by the Commissioner, furnish to the Commissioner a report that provides, in detail, its findings and conclusions regarding the issues and matters set forth in its application [to grow or cultivate industrial hemp].

(2) An authorization holder shall every three months after furnishing a report of the type referred to in paragraph (1) of this subdivision, furnish a report that supplements, in detail, the findings and conclusions set forth in earlier report(s).

(3) An authorization holder may study issues and matters different from those set forth in its application [to grow or cultivate industrial hemp], with the prior written approval of the Commissioner, and all reports required pursuant to this section, furnished after the date of the Commissioner's approval, shall set forth findings and conclusions regarding such different issues and matters.

(b) Except as provided in subdivision (a) of section 159.6 of this Part and in this subdivision, industrial hemp may be grown, [or] cultivated[,] or harvested[, stored, and disposed of] only on the registered premises. Industrial hemp that has been harvested shall be stored in a secured facility except when it is being transported within the registered premises, to a laboratory for testing, or to another registered premises or facility approved by the Commissioner.

(c) [Industrial hemp may be transported off registered premises only if it is being transported to a laboratory for testing or to another registered premises or facility approved by the Commissioner.] Industrial hemp may be transported only in an enclosed, locked compartment of a truck or van where it cannot be seen from the outside of the vehicle, the contents of the vehicle are not disclosed, and the operator of the vehicle has been approved by the authorization holder to transport industrial hemp, as indicated in the record required to be maintained pursuant to paragraph (1) of subdivision (a) of section 159.4 of this Part.

(d) Testing and disposition.

(1) An authorization holder shall prepare, maintain, and make available to the Commissioner, upon request, a record that sets forth an accurate inventory of industrial hemp plants and seeds and shall reasonably ensure that no plant is possessed or grown or cultivated that would not meet the definition of industrial hemp because it contains a concentration of more than 0.3 percent of delta-9 tetrahydrocannabinol, on a dry basis.

(2) An authorization holder shall ensure that a representative sample of plants grown or cultivated from each variety of seed used for the purpose of growing or cultivating industrial hemp is analyzed at a laboratory approved by the Commissioner, to determine the concentration of delta-9 tetrahydrocannabinol therein. The authorization holder shall

furnish a report that sets forth the results of analysis(es) to the Commissioner promptly after such analysis(es) is made, in a form approved by the Commissioner.

(3) An authorization holder shall dispose of all plants determined, after laboratory analysis, to have a concentration of more than 0.3 percent of delta-9 tetrahydrocannabinol on a dry basis, and shall prepare and maintain on the registered premises for a period of two years, a record that sets forth the information required in section 159.4(a)(4)(iii) of this Part. The authorization holder shall make available to the Department such records upon request, in a form and at a location satisfactory to the Commissioner.

(4) *An authorization holder shall prepare a record that sets forth the name and address of each person who will receive industrial hemp or to whom industrial hemp has been sold or distributed and the volume of industrial hemp sold or distributed on each occasion when industrial hemp was sold or distributed.*

(e) An authorization holder shall, no later than fifteen days after having been granted authorization, notify, in writing, the applicable unit or units of law enforcement, including the unit or units of law enforcement in the political subdivision in which the registered premises is located, that it has received such authorization and shall provide such unit or units of law enforcement a copy of the security plan referred to in section 159.2(d)(5) of this Part and *the names and addresses of each person who will receive industrial hemp or to whom industrial hemp will be sold or distributed to*. The authorization holder shall, no later than fifteen days after having notified such unit or units of law enforcement, provide the Department with a copy of such notification. An authorization holder shall adequately monitor registered premises under its control and shall notify the appropriate unit or units of law enforcement and the Department regarding facts and circumstances that indicate that industrial hemp has been or may be held or possessed in violation of the provisions of this Part.

(f) (1) Notwithstanding any provision of this Part to the contrary, an authorization holder may enter into a contract with a person for that person to be involved in growing or cultivating, harvesting, storing, studying, transporting, *processing* and/or disposing of industrial hemp, if:

i. the contract has, prior to execution, been approved by the Commissioner; and

ii. the contract requires such subcontractor to comply with all relevant provisions of this Part.

(2) The Commissioner may decline to renew or may revoke an authorization [to grow and cultivate industrial hemp] if he or she finds, after investigation, that such subcontractor has failed to comply with all relevant provisions of this Part.

(g) *An authorization holder may sell and distribute industrial hemp to a person if:*

(1) *such sale or distribution is made pursuant to a contract that has, prior to execution, been approved by the Commissioner; and*

(2) *such contract requires the person to whom such industrial hemp has been sold or distributed to maintain a record that sets forth the volume of industrial hemp received, the use to which such industrial hemp was put and the volume of industrial hemp allocated to each use, and the volume of industrial hemp disposed of.*

Subdivision (a) of section 159.4 of 1 NYCRR is amended by adding a new paragraph (4) thereto, to read as follows:

(4) *the name of each person to whom industrial hemp is sold and/or distributed to, the date of each such sale or distribution, and the volume of industrial hemp sold or distributed, on each occasion when industrial hemp was sold or distributed.*

Subdivision (b) of section 159.4 of 1 NYCRR is amended to read as follows:

(b) The records and materials referred to in subdivision (a) of this section and paragraph (4) of subdivision (d) of section 159.3 of this Part shall be maintained on the registered premises, and *the records and materials referred to in paragraph (2) of subdivision (g) of section 159.3 of this Part shall be maintained on the premises of the person to whom industrial hemp has been sold or distributed, and all such records shall be made available to the Commissioner for two years from the date they were made or prepared.*

Section 159.4 of 1 NYCRR is amended by adding a new subdivision (c) thereto, to read as follows:

(c) *Each record, material, and plan required to be prepared pursuant to this Part shall be revised, as frequently as necessary, so as to be accurate.*

Subdivision (a) of section 159.6 of 1 NYCRR is amended to read as follows:

(a) An authorization holder shall take all actions necessary to ensure [that:

(1) industrial hemp is not removed from registered premises except for transportation to a laboratory for testing pursuant to the provisions of section 159.3(d)(2) of this Part or except as allowed by the Commissioner pursuant to his/her written authorization.

(2) industrial] *that industrial* hemp is not acquired, possessed, grown

or cultivated, harvested, stored, transported, *sold, processed, distributed* or disposed of except under conditions that ensure that it will not be [removed from registered premises or] used in violation of state or federal law.

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 February 4, 2017.

Text of rule and any required statements and analyses may be obtained from: Chris Logue, Director, Division of Plant Industry, NYS Dept. of Agriculture and Markets, 10B Airline Drive, Albany, NY 12235, (518) 457-2087, email: Christopher.Logue@agriculture.ny.gov

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

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

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

Regulatory Impact Statement

A regulatory impact statement is not submitted, but will be published in the Register within 30 days of the rule’s effective date.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted, but will be published in the Register within 30 days of the rule’s effective date

Rural Area Flexibility Analysis

A regulatory flexibility analysis is not submitted, but will be published in the Register within 30 days of the rule’s effective date

Job Impact Statement

The proposed rule would allow educational institutions to sell, distribute, transport, and/or process industrial hemp, if authorized by the Commissioner of Agriculture and Markets to do so. The proposed rule implements the provisions of Agriculture and Markets Law Article 29, as amended by chapter 256 of the laws of 2016, and allows an educational institution to sell, distribute, transport, and/or process industrial hemp if authorized by the Commissioner of Agriculture and Markets to do so – such activities were not, prior to the passage of the 2016 amendments to Agriculture and Markets Law Article 29 and under current regulations, permissible.

The proposed rule will remove restrictions presently placed upon authorized educational institutions and, as such, will have no impact, or perhaps a minor positive impact, upon jobs and employment opportunities in such institutions and private businesses that use industrial hemp in products produced or manufactured by them.

Department of Audit and Control

NOTICE OF ADOPTION

Pre-Employment Physicals for Presumption Provisions

I.D. No. AAC-37-16-00005-A

Filing No. 1025

Filing Date: 2016-11-03

Effective Date: 2016-11-23

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

Action taken: Addition of Part 382 to Title 2 NYCRR.

Statutory authority: Retirement and Social Security Law, sections 11, 311, 63(g)(1)(b), 507(g)(1)(b) and 605(h)(1)(b)

Subject: Pre-employment physicals for presumption provisions.

Purpose: To address the requirement that records of a pre-employment physical be submitted in the event such records no longer exist.

Text or summary was published in the September 14, 2016 issue of the Register, I.D. No. AAC-37-16-00005-P.

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

Text of rule and any required statements and analyses may be obtained from: Jamie Elacqua, Office of the State Comptroller, 110 State Street, Albany, NY 12236, (518) 473-4146, email: jelacqua@osc.state.ny.us

Assessment of Public Comment

The agency received no public comment.

Department of Civil Service

NOTICE OF EXPIRATION

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

Jurisdictional Classification

| I.D. No. | Proposed | Expiration Date |
|-------------------|------------------|------------------|
| CVS-44-15-00006-P | November 4, 2015 | November 3, 2016 |
| CVS-44-15-00008-P | November 4, 2015 | November 3, 2016 |
| CVS-44-15-00010-P | November 4, 2015 | November 3, 2016 |
| CVS-44-15-00012-P | November 4, 2015 | November 3, 2016 |
| CVS-44-15-00014-P | November 4, 2015 | November 3, 2016 |
| CVS-44-15-00017-P | November 4, 2015 | November 3, 2016 |
| CVS-44-15-00018-P | November 4, 2015 | November 3, 2016 |

Department of Economic Development

EMERGENCY RULE MAKING

START-UP NY Program

I.D. No. EDV-47-16-00003-E

Filing No. 1029

Filing Date: 2016-11-04

Effective Date: 2016-11-04

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

Action taken: Addition of Part 220 to Title 5 NYCRR.

Statutory authority: Economic Development Law, art. 21, sections 435-36; L. 2013, ch. 68

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

Specific reasons underlying the finding of necessity: On June 24, 2013, Governor Andrew Cuomo signed into law the SUNY Tax-free Areas to Revitalize and Transform UPstate New York (START-UP NY) program, which offers an array of tax benefits to eligible businesses and their employees that locate in facilities affiliated with New York universities and colleges. The START-UP NY program will leverage these tax benefits to attract innovative start-ups and high tech industries to New York so as to create jobs and promote economic development.

Regulatory action is required to implement the START-UP NY program. The legislation creating the START-UP NY program delegated to the Department of Economic Development the establishment of procedures for the implementation and execution of the START-UP NY program. Without regulatory action by the Department of Economic Development, procedures will not be in place to accept applications from institutions of higher learning desiring to create Tax-Free Areas, or businesses wishing to participate in the START-UP NY program.

Adoption of this rule will enable the State to begin accepting applications from businesses to participate in the START-UP NY program, and represent a step towards the realization of the strategic objectives of the START-UP NY program: attracting and retaining cutting-edge start-up companies, and positioning New York as a global leader in high tech industries.

Subject: START-UP NY Program.

Purpose: Establish procedures for the implementation and execution of START-UP NY.

Substance of emergency rule: START-UP NY is a new program designed to stimulate economic development and promote employment of New Yorkers through the creation of tax-free areas that bring together educational institutions, innovative companies, and entrepreneurial investment.

1) The regulation defines key terms, including: “business in the formative stage,” “campus,” “competitor,” “high tech business,” “net new job,” “new business,” and “underutilized property.”

2) The regulation establishes that the Commissioner shall review and approve plans from State University of New York (SUNY) colleges, City University of New York (CUNY) colleges, and community colleges seeking designation of Tax-Free NY Areas, and report on important aspects of the START-UP NY program, including eligible space for use as Tax-Free Areas and the number of employees eligible for personal income tax benefits.

3) The regulation creates the START-UP NY Approval Board, composed of three members appointed by the Governor, Speaker of the Assembly and Temporary President of the Senate, respectively. The START-UP NY Approval Board reviews and approves plans for the creation of Tax-Free NY Areas submitted by private universities and colleges, as well as certain plans from SUNY colleges, CUNY colleges, and community colleges, and designates Strategic State Assets affiliated with eligible New York colleges or universities. START-UP NY Approval Board members may designate representatives to act on their behalf during their absence. START-UP NY Approval Board members must remain disinterested, and recuse themselves where appropriate.

4) The regulation establishes eligibility criteria for Tax-Free Areas. Eligibility of vacant land and space varies based on whether it is affiliated with a SUNY college, CUNY college, community college, or private college, and whether the land or space in question is located upstate, downstate, or in New York City. The regulation prohibits any allocation of land or space that would result in the closure or relocation of any program or service associated with a university or college that serves students, faculty, or staff.

5) The regulation establishes eligibility requirements for businesses to participate in the START-UP program, and enumerates excluded industries. To be eligible, a business must: be a new business to the State at the time of its application, subject to exceptions for NYS incubators, businesses restoring previously relocated jobs, and businesses the Commissioner has determined will create net new jobs; comply with applicable worker protection, environmental, and tax laws; align with the academic mission of the sponsoring institution (the Sponsor); demonstrate that it will create net new jobs in its first year of operation; and not be engaged in the same line of business that it conducted at any time within the last five years in New York without the approval of the Commissioner. Businesses locating downstate must be in the formative stages of development, or engaged in a high tech business. To remain eligible, the business must, at a minimum, maintain net new jobs and the average number of jobs that existed with the business immediately before entering the program.

6) The regulation describes the application process for approval of a Tax-Free Area. An eligible institution may submit a plan to the Commissioner identifying land or space to be designated as a Tax-Free Area. This plan must: identify precisely the location of the applicable land or space; describe business activities to be conducted on the land or space; establish that the business activities in question align with the mission of the institution; indicate how the business would generate positive community and economic benefits; summarize the Sponsor's procedures for attracting businesses; include a copy of the institution's conflict of interest guidelines; attest that the proposed Tax-Free Area will not jeopardize or conflict with any existing tax-exempt bonds used to finance the Sponsor; and certify that the Sponsor has not relocated or eliminated programs serving students, faculty, or staff to create the vacant land. Applications by private institutions require approval by both the Commissioner and START-UP NY Approval Board. The START-UP NY Approval Board is to approve applications so as to ensure balance among rural, urban and suburban areas throughout the state.

7) A sponsor applying to create a Tax-Free Area must provide a copy of its plan to the chief executive officer of any municipality in which the proposed Tax-Free Area is located, local economic development entities, the applicable university or college faculty senate, union representatives and the campus student government. Where the plan includes land or space outside of the campus boundaries of the university or college, the institution must consult with the chief executive officer of any municipality in which the proposed Tax-Free Area is to be located, and give preference to underutilized properties identified through this consultation. The Commissioner may enter onto any land or space identified in a plan, or audit any information supporting a plan application, as part of his or her duties in administering the START-UP program.

8) The regulation provides that amendments to approved plans may be made at any time through the same procedures as such plans were originally approved. Amendments that would violate the terms of a lease between a sponsor and a business in a Tax-Free Area will not be approved. Sponsors may amend their plans to reallocate vacant land or space in the case that a business, located in a Tax-Free Area, is disqualified from the program but elects to remain on the property.

9) The regulation describes application and eligibility requirements for businesses to participate in the START-UP program. Businesses are to submit applications to sponsoring universities and colleges by 12/31/20.

An applicant must: (1) authorize the Department of Labor (DOL) and Department of Taxation and Finance (DTF) to share the applicant's tax information with the Department of Economic Development (DED); (2) allow DED to monitor the applicant's compliance with the START-UP program; (3) provide to DED, upon request, information related to its business organization, tax returns, investment plans, development strategy, and non-competition with any businesses in the community but outside of the Tax-Free Area; (4) certify efforts to ascertain that the business would not compete with another business in the same community but outside the Tax-Free Area, including an affidavit that notice regarding the application was published in a daily publication no fewer than five consecutive days; (5) include a statement of performance benchmarks as to new jobs to be created through the applicant's participation in START-UP; (6) provide a statement of consequences for non-conformance with the performance benchmarks, including proportional recovery of tax benefits when the business fails to meet job creation benchmarks in up to three years of a ten-year plan, and removal from the program for failure to meet job creation benchmarks in at least four years of a ten-year plan; (7) identify information submitted to DED that the business deems confidential, proprietary, or a trade secret. Sponsors forward applications deemed to meet eligibility requirements to the Commissioner for further review. The Commissioner shall reject any application that does not satisfy the START-UP program eligibility requirements or purpose, and provide written notice of the rejection to the Sponsor. The Commissioner may approve an application anytime after receipt; if the Commissioner approves the application, the business applicant is deemed accepted into the START-UP NY Program and can locate to the Sponsor's Tax-Free NY Area. Applications not rejected will be deemed accepted after sixty days. The Commissioner is to provide documentation of acceptance to successful applicants.

10) The regulation allows a business to amend a successful application at any time in accordance with the procedure of its original application. No amendment will be approved that would contain terms in conflict with a lease between a business and a SUNY college when the lease was included in the original application.

11) The regulation permits a business that has been rejected from the START-UP program to locate within a Tax-Free Area without being eligible for START-UP program benefits, or to reapply within sixty days via a written request identifying the reasons for rejection and offering verified factual information addressing the reasoning of the rejection. Failure to reapply within sixty days waives the applicant's right to resubmit. Upon receipt of a timely resubmission, the Commissioner may use any resources to assess the claim, and must notify the applicant of his or her determination within sixty days. Disapproval of a reapplication is final and non-appealable.

12) With respect to audits, the regulation requires businesses to provide access to DED, DTF, and DOL to all records relating to facilities located in Tax-Free Areas at a business location within the State during normal business hours. DED, DTF, and DOL are to take reasonable steps to prevent public disclosure of information pursuant to Section 87 of the Public Officers Law where the business has timely informed the appropriate officials, the records in question have been properly identified, and the request is reasonable.

13) The regulation provides for the removal of a business from the program under a variety of circumstances, including violation of New York law, material misrepresentation of facts in its application to the START-UP program, or relocation from a Tax-Free Area. Upon removing a business from the START-UP program, the Commissioner is to notify the business and its Sponsor of the decision in writing. This removal notice provides the basis for the removal decision, the effective removal date, and the means by which the affected business may appeal the removal decision. A business shall be deemed served three days after notice is sent. Following a final decision, or waiver of the right to appeal by the business, DED is to forward a copy of the removal notice to DTF, and the business is not to receive further tax benefits under the START-UP program.

14) To appeal removal from the START-UP program, a business must send written notice of appeal to the Commissioner within thirty days from the mailing of the removal notice. The notice of appeal must contain specific factual information and all legal arguments that form the basis of the appeal. The appeal is to be adjudicated in the first instance by an appeal officer who, in reaching his or her decision, may seek information from outside sources, or require the parties to provide more information. The appeal officer is to prepare a report and make recommendations to the Commissioner. The Commissioner shall render a final decision based upon the appeal officer's report, and provide reasons for any findings of fact or law that conflict with those of the appeal officer.

15) With regard to disclosure authorization, businesses applying to participate in the START-UP program authorize the Commissioner to disclose any information contained in their application, including the projected new jobs to be created.

16) In order to assess business performance under the START-UP program, the Commissioner may require participating businesses to submit annual reports within thirty days at the end of their taxable year describing the businesses' continued satisfaction of eligibility requirements, jobs data, an accounting of wages paid to employees in net new jobs, and any other information the Commissioner may require. The Commissioner shall prepare annual reports on the START-UP program for the Governor and publication on the DED website, beginning April 1, 2015. Information contained in businesses' annual reports may be published in these reports or otherwise disseminated.

17) The Freedom of Information Law is applicable to the START-UP program, subject to disclosure waivers to protect certain proprietary information submitted in support of an application to the START-UP program.

18) All businesses must keep relevant records throughout their participation in the START-UP program, plus three years. DED has the right to inspect all such documents upon reasonable notice.

19) If the Commissioner determines that a business has acted fraudulently in connection with its participation in the START-UP program, the business shall be immediately terminated from the program, subject to criminal penalties, and liable for taxes that would have been levied against the business during the current year.

20) The regulation requires participating universities and colleges to maintain a conflict of interest policy relevant to issues that may arise during the START-UP program, and to report violations of said policies to the Commissioner for publication.

This notice is intended to serve only as an emergency adoption, to be valid for 90 days or less. This rule expires February 1, 2017.

Text of rule and any required statements and analyses may be obtained from: Phillip Harmonick, New York State Department of Economic Development, 625 Broadway, Albany, New York 12207, (518) 292-5112, email: phillip.harmonick@esd.ny.gov

Regulatory Impact Statement

STATUTORY AUTHORITY:

Chapter 68 of the Laws of 2013 requires the Commissioner of Economic Development to promulgate rules and regulations to establish procedures for the implementation and execution of the SUNY Tax-free Areas to Revitalize and Transform UPstate New York program (START-UP NY). These procedures include, but are not limited to, the application processes for both academic institutions wishing to create Tax-Free NY Areas and businesses wishing to participate in the START-UP NY program, standards for evaluating applications, and any other provisions the Commissioner deems necessary and appropriate.

LEGISLATIVE OBJECTIVES:

The proposed rule is in accord with the public policy objectives the New York State Legislature sought to advance by enacting the START-UP NY program, which provides an incentive to businesses to locate critical high-tech industries in New York State as opposed to other competitive markets in the U.S. and abroad. It is the public policy of the State to establish Tax-Free Areas affiliated with New York universities and colleges, and to afford significant tax benefits to businesses, and the employees of those businesses, that locate within these Tax-Free Areas. The tax benefits are designed to attract and retain innovative start-ups and high-tech industries, and secure for New York the economic activity they generate. The proposed rule helps to further such objectives by establishing the application process for the program, clarifying the nature of eligible businesses and facilities, and describing key provisions of the START-UP NY program.

NEEDS AND BENEFITS:

The emergency rule is necessary in order to implement the statute contained in Article 21 of the Economic Development Law, creating the START-UP NY program. The statute directs the Commissioner of Economic Development to establish procedures for the implementation and execution of the START-UP NY program.

Upstate New York has faced longstanding economic challenges due in part to the departure of major business actors from the region. This divestment from upstate New York has left the economic potential of the region unrealized, and left many upstate New Yorkers unemployed.

START-UP NY will promote economic development and job creation in New York, particularly the upstate region, through tax benefits conditioned on locating business facilities in Tax-Free NY Areas. Attracting start-ups and high-tech industries is critical to restoring the economy of upstate New York, and to positioning the state as a whole to be competitive in a globalized economy. These goals cannot be achieved without first establishing procedures by which to admit businesses into the START-UP NY program.

The proposed regulation establishes procedures and standards for the implementation of the START-UP program, especially rules for the creation of Tax-Free NY Areas, application procedures for the admission of businesses into the program, and eligibility requirements for continued

receipt of START-UP NY benefits for admitted businesses. These rules allow for the prompt and efficient commencement of the START-UP NY program, ensure accountability of business participants, and promote the general welfare of New Yorkers.

COSTS:

I. Costs to private regulated parties (the business applicants): None. The proposed regulation will not impose any additional costs to eligible business applicants.

II. Costs to the regulating agency for the implementation and continued administration of the rule: None.

III. Costs to the State government: None.

IV. Costs to local governments: None.

LOCAL GOVERNMENT MANDATES:

The rule establishes certain property tax benefits for businesses locating in Tax-Free NY Areas that may impact local governments. However, as described in the accompanying statement in lieu of a regulatory flexibility analysis for small businesses and local governments, the program is expected to have a net-positive impact on local government.

PAPERWORK:

The rule establishes application and eligibility requirements for Tax-Free NY Areas proposed by universities and colleges, and participating businesses. These regulations establish paperwork burdens that include materials to be submitted as part of applications, documents that must be submitted to maintain eligibility, and information that must be retained for auditing purposes.

DUPLICATION:

The proposed rule will create a new section of the existing regulations of the Commissioner of Economic Development, Part 220 of 5 NYCRR. Accordingly, there is no risk of duplication in the adoption of the proposed rule.

ALTERNATIVES:

No alternatives were considered in regard to creating a new regulation in response to the statutory requirement. The regulation implements the statutory requirements of the START-UP NY program regarding the application process for creation of Tax-Free NY Areas and certification as an eligible business. This action is necessary in order to clarify program participation requirements and is required by the legislation establishing the START-UP NY program.

FEDERAL STANDARDS:

There are no federal standards applicable to the START-UP NY program; it is purely a State program that offers tax benefits to eligible businesses and their employees. Therefore, the proposed rule does not exceed any federal standard.

COMPLIANCE SCHEDULE:

The affected State agency (Department of Economic Development) and the business applicants will be able to achieve compliance with the regulation as soon as it is implemented.

Regulatory Flexibility Analysis

Participation in the START-UP NY program is entirely at the discretion of qualifying business that may choose to locate in Tax-Free NY Areas. Neither statute nor the proposed regulations impose any obligation on any business entity to participate in the program. Rather than impose burdens on small business, the program is designed to provide substantial tax benefits to start-up businesses locating in New York, while providing protections to existing businesses against the threat of tax-privileged start-up companies locating in the same community. Local governments may not be able to collect tax revenues from businesses locating in certain Tax-Free NY Areas. However, the regulation is expected to have a net-positive impact on local governments in light of the substantial economic activity associated with businesses locating their facilities in these communities.

Because it is evident from the nature of the proposed rule that it will have a net-positive impact on small businesses and local government, no further affirmative steps were needed to ascertain that fact and none were taken. Accordingly, a regulatory flexibility analysis for small businesses and local government is not required and one has not been prepared.

Rural Area Flexibility Analysis

The START-UP NY program is open to participation from any business that meets the eligibility requirements, and is organized as a corporation, partnership, limited liability company, or sole proprietorship. A business's decision to locate its facilities in a Tax-Free NY Area associated with a rural university or college would be no impediment to participation; in fact, START-UP NY allocates space for Tax-Free NY Areas specifically to the upstate region which contains many of New York's rural areas. Furthermore, START-UP NY specifically calls for the balanced allocation of space for Tax-Free NY Areas between eligible rural, urban, and suburban areas in the state. Thus, the regulation will not have a substantial adverse economic impact on rural areas, and instead has the potential to generate significant economic activity in upstate rural areas designated as Tax-Free

NY Areas. Accordingly, a rural flexibility analysis is not required and one has not been prepared.

Job Impact Statement

The regulation establishes procedures and standards for the administration of the START-UP NY program. START-UP NY creates tax-free areas designed to attract innovative start-ups and high-tech industries to New York so as to stimulate economic activity and create jobs. The regulation will not have a substantial adverse impact on jobs and employment opportunities; rather, the program is focused on creating jobs. Because it is evident from the nature of the rulemaking that it will have either no impact or a positive impact on job and employment opportunities, no further affirmative steps were needed to ascertain that fact and none were taken. Accordingly, a job impact statement is not required and one has not been prepared.

Department of Environmental Conservation

EMERGENCY RULE MAKING

Special Fishing Regulations for a Portion of Esopus Creek

I.D. No. ENV-47-16-00001-E

Filing No. 1024

Filing Date: 2016-11-02

Effective Date: 2016-11-02

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

Action taken: Amendment of Part 10 of Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 11-0303, 11-0305, 11-1301 and 11-1303

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

Specific reasons underlying the finding of necessity: The immediate adoption of this rule is necessary for the preservation of the general welfare.

Subdivision 10.3(b) Table A of NYCRR designates fishing regulations for specially designated waters, including special regulations for a section of Esopus Creek located in Ulster County. This 11.9 mile stretch from the Shandaken tunnel outlet (Allaben) to Ashokan Reservoir currently provides a high quality recreational fishery for wild rainbow trout and wild and stocked brown trout. Harvest is limited to five trout per day with no more than two longer than twelve inches. The open season for trout extends from April 1 to November 30.

Normally, the diversion from Schoharie Reservoir via the Shandaken tunnel augments the flow of this section of Esopus Creek to the benefit of the trout population. However, since drought conditions have reduced the pool at Schoharie Reservoir to less than 10% of capacity, large quantities of suspended sediment have been entrained into the diversion such that the SPDES permit's immediate shutdown turbidity limit of 100 NTU has been exceeded since October 1st. In the short term, the augmented flow is preferable to the minimal natural flow resulting from continuing dry conditions. However, the negative impacts of the turbid diversion to the ecology of the stream become more severe with passing time and, in the absence of significant rainfall, it is increasingly probable that the remaining storage in Schoharie reservoir will be completely exhausted. For these reasons and also to discourage spawning trout from migrating upstream from Ashokan Reservoir and becoming stranded if Schoharie Reservoir storage is exhausted, the Department has directed that the diversion be severely curtailed.

While the above action is preferable to an unplanned cessation of the Shandaken tunnel diversion, the Department has several concerns with allowing the fishery to remain open until November 30th under the extremely low flows likely to persist during this period without a substantial tunnel diversion. First, trout are likely to become isolated in the remaining pools as the riffles between the pools become impassable to fish. Second, the anticipated low water levels and high concentrations of fish are not conducive to ethical fishing and would likely result in numerous fish being illegally hooked (snagged). Third, in order to maintain this high quality trout fishery, an adequate number of fish need to survive and overwinter this year. If the fishery were to remain open, the vulnerabilities resulting

from the first two concerns noted above could result in a level of harvest that could impair the future value of this fishery.

In response to this situation, the Department is closing this section of stream from the Shandaken tunnel outlet (Allaben) to a downstream boundary in Ashokan Reservoir from the mouth of Traver Hollow Stream due east to the old railroad causeway to all fishing from October 16, 2016 through January 16, 2017. Although the Department is hopeful that conditions will return to levels that will allow fishing to resume in the closed section on January 17, 2017 and for trout fishing to resume on April 1, 2017 as usual, the Department reserves the right to extend the closure for a longer period of time should conditions not improve sufficiently.

Subject: Special fishing regulations for a portion of Esopus Creek.

Purpose: Reduce trout mortality due to drought conditions.

Text of emergency rule: Subparagraphs 10.3(b)(56)(e) is amended to read as follows:

(56) Ulster

| | | | | | |
|-----|---|---------------------|--|----------|---------------------------------------|
| (e) | Esopus Creek (other than below) | Trout | April 1 through November 30 | Any size | 5 |
| | Portions of Esopus Creek and Ashokan Reservoir – Shandaken tunnel outlet (Allaben) to a downstream boundary in Ashokan Reservoir from the mouth of Traver Hollow Stream due east to the old railroad causeway | [Trout] All species | April 1 through [November 30] October 15; Fishing prohibited October 16 through January 16 | Any size | 5 with no more than 2 longer than 12" |

This notice is intended to serve only as an emergency adoption, to be valid for 90 days or less. This rule expires January 30, 2017.

Text of rule and any required statements and analyses may be obtained from: Fred Henson, Department of Environmental Conservation, 625 Broadway, Albany, NY 12233, (518) 402-8901, email: fred.henson@dec.ny.gov

Additional matter required by statute: A programmatic environmental impact statement is in file with the Department of Environmental Conservation.

Regulatory Impact Statement

1. Statutory Authority

Sections 11-0303 and 11-0305 of the Environmental Conservation Law (ECL) authorize the Department of Environmental Conservation (Department) to provide for the management and protection of the State's fisheries resources, taking into consideration ecological factors, public safety, and the safety and protection of private property. Sections 11-1301 and 11-1303 of the ECL empower the Department to fix by regulation open seasons, size and catch limits, and the manner of taking of all species of fish, except certain species of marine fish (listed in section 13-0339 of the Environmental Conservation Law), in all waters of the state.

2. Legislative Objectives

Open seasons, size restrictions, daily creel limits, and restrictions regarding the manner of taking fish are the basic tools used by the Department in achieving the Legislature's intent. The purpose of setting seasons is to prevent the over-exploitation of fish populations during vulnerable periods, such as during spawning, thereby insuring healthy fish populations. Size limits are necessary to maintain quality fisheries and to insure that adequate numbers survive to spawning size. Creel limits are used to distribute the harvest of fish among many anglers and angling days and to optimize resource benefits. Regulations governing the manner of taking fish enhance the quality of the recreational experience, provide for a variety of harvest techniques and angler preferences, and limit exploitation. Catch-and-release fishing regulations are used in waters capable of sustaining outstanding growth and survival of fish to reduce fishing mortality to the lowest possible level. Reduction of fishing mortality results in a larger population of desirable-sized fish and increases the quality of the recreational opportunities for anglers.

3. Needs and Benefits

Subdivision 10.3(b) Table A of NYCRR designates fishing regulations for specially designated waters, including special regulations for sections of Esopus Creek located in Ulster County. The 11.9 mile stretch affected by the proposed rulemaking currently provides a popular high quality recreational fishery for wild rainbow trout and wild and stocked brown trout.

Normally, the diversion from Schoharie Reservoir via the Shandaken tunnel augments the flow of this section of Esopus Creek to the benefit of

the trout population. However, since drought conditions have reduced the pool at Schoharie Reservoir to less than 10% of capacity, large quantities of suspended sediment have been entrained into the diversion such that the SPDES permit's immediate shutdown turbidity limit of 100 NTU has been exceeded since October 1st. In the short term, the augmented flow is preferable to the minimal natural flow resulting from continuing dry conditions. However, the negative impacts of the turbid diversion to the ecology of the stream become more severe with passing time and, in the absence of significant rainfall, it is increasingly probable that the remaining storage in Schoharie reservoir will be exhausted. For these reasons and also to discourage spawning trout from migrating upstream from Ashokan Reservoir and becoming stranded if Schoharie Reservoir storage is exhausted, the Department has directed that the diversion be severely curtailed.

While the above action is preferable to an unplanned cessation of the Shandaken tunnel diversion, the Department has several concerns with allowing the fishery to remain open until November 30th under the extremely low flows likely to persist during this period without a substantial tunnel diversion. First, trout are likely to become isolated in the remaining pools as the riffles between the pools become impassable to fish. Second, the anticipated low water levels and high concentrations of fish are not conducive to ethical fishing and would likely result in numerous fish being illegally hooked (snagged). Third, in order to maintain this high quality trout fishery, an adequate number of fish need to survive and overwinter this year. If the fishery were to remain open, the vulnerabilities resulting from the first two concerns noted above could result in a level of harvest that could impair the future value of this fishery.

In response to this situation, the Department is temporarily prohibiting all fishing on Esopus Creek between the Shandaken tunnel outlet (Allaben) and the mouth of Traver Hollow Stream in Ashokan Reservoir from October 21, 2016 through January 21, 2017. Although the Department is hopeful that conditions will return to levels that will allow fishing to resume in the closed section on January 22, 2017 and for trout fishing to resume on April 1, 2017 as usual, the Department reserves the right to extend the closure for a longer period of time should conditions not improve sufficiently.

4. Costs

Enactment of the emergency regulation described herein governing fishing will not result in increased expenditures by the State, local governments, or the general public.

5. Local Government Mandates

These amendments of 6 NYCRR will not impose any programs, services, duties or responsibilities upon any county, city, town, village, school district, or fire district.

6. Paperwork

No additional paperwork will be required as a result of these changes in regulations.

7. Duplication

There are no other state or federal regulations which govern the taking of fish.

8. Alternatives

The alternative to the regulation would be to retain the current fishing regulation, which the Department does not find acceptable. In the absence of the change, adequate numbers of fish may not overwinter, fish may be vulnerable to large scale harvest and catch and release mortality, and a high concentration of fish would be exposed to conditions not conducive to ethical angling (i.e., snagging).

9. Federal Standards

There are no minimum federal standards that apply to the regulation of sportfishing.

10. Compliance Schedule

This regulation will take effect immediately upon filing with the Department of State. Compliance with the closed period will be required as of October 21, 2016.

Regulatory Flexibility Analysis

1. Effect of rule:

The rule is intended to protect the trout fishery in Esopus Creek to avoid potential over-harvest and catch and release mortalities that would likely occur due to the low flow situation that currently exists. The rule would also eliminate unscrupulous fishing activity (i.e., snagging) that would likely occur given the current high density of fish in the area and the low flows.

2. Compliance requirements:

All fishing would be temporarily prohibited for ninety days from the date of filing. Absent further action by the Department, the open season for trout would resume on April 1, 2017.

3. Professional services:

NA.

4. Compliance costs:

NA.

5. Economic and technological feasibility:

NA.

6. Minimizing adverse impact:

Only the lower 11.9 miles of Esopus Creek between the Shandaken tunnel outlet (Allaben) and a downstream boundary in Ashokan Reservoir at the mouth of Traver Hollow Stream will be affected. This affords anglers the remainder of Ashokan Reservoir and Esopus Creek upstream of Allaben to fish under existing regulations. The open season for trout on the temporarily closed section of Esopus Creek will reopen on April 1, 2017.

7. Small business and local government participation:

The Department's outreach efforts on this rulemaking included notification to the area businesses. The Department will issue a press release on the regulation change, and notification of the temporary prohibition of fishing on the affected portion of Esopus Creek will be posted on the Department's website www.dec.ny. In addition, the Department will have staff on the stream to inform anglers of the closure and to suggest other fishing areas.

Rural Area Flexibility Analysis

This emergency rulemaking will close to fishing only one portion of one stream in the state. The remainder of Esopus Creek upstream from Allaben will remain open to fishing. In the context of ongoing drought conditions, the additional protection afforded fish in the temporarily closed section will help ensure the future of this renowned trout fishery. Therefore, the Department of Environmental Conservation has determined that this rule will not impose any significant adverse impact on rural areas.

The rulemaking simply closes an area to fishing for ninety days. Thus, the Department has determined that this rule will not impose any reporting, record-keeping, or other compliance requirements on public or private entities in rural areas.

Therefore, the Department has concluded that a rural area flexibility analysis is not required.

Job Impact Statement

The Department has determined that this emergency rulemaking will not have a substantial adverse impact on jobs and employment opportunities. The only jobs that could potentially be directly affected by this rule are fishing guides. While certain fishing guides may wish to take clients on this portion of Esopus Creek under typical flow conditions, the prevailing extreme low flow conditions are not attractive to such clients. Therefore, the effects are limited and temporary. Department knows of no guides that use this stream exclusively. The remainder of Esopus Creek upstream of Allaben is not impacted by this rulemaking and remains open to anglers and fishing guides.

Protection of the fish during this low water, high temperature period will benefit angling businesses and jobs by ensuring that sufficient fish will holdover this winter and will be available to support the fisheries in future years.

Therefore, the Department has determined that a job impact statement is not required.

Department of Financial Services

NOTICE OF ADOPTION

Standard Financial Aid Award Letters for Institutions of Higher Education

I.D. No. DFS-03-16-00003-A

Filing No. 1026

Filing Date: 2016-11-03

Effective Date: 2016-11-23

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

Action taken: Addition of Part 421 to Title 3 NYCRR.

Statutory authority: Banking Law, section 9-w

Subject: Standard financial aid award letters for institutions of higher education.

Purpose: Provides guidance to institutions of higher education for the implementation of a standard financial aid award letter.

Text or summary was published in the January 20, 2016 issue of the Register, I.D. No. DFS-03-16-00003-EP.

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

Revised rule making(s) were previously published in the State Register on July 13, 2016.

Text of rule and any required statements and analyses may be obtained from: Max Dubin, Department of Financial Services, One State Street, New York, NY 10004, (212) 480-7232, email: fsreg@dfs.ny.gov

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2019, 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

Workers' Compensation Safe Patient Handling Program

I.D. No. DFS-29-16-00020-A

Filing No. 1033

Filing Date: 2016-11-08

Effective Date: 2016-11-23

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

Action taken: Addition of Subpart 151-7 (Regulation 119) to Title 11 NYCRR.

Statutory authority: Financial Services Law, sections 202 and 302; Insurance Law, sections 301 and 2304(j)

Subject: Workers' Compensation Safe Patient Handling Program.

Purpose: To implement part A of chapter 60 of the Laws of 2014.

Text of final rule: Subpart 151-7

(Insurance Regulation 119)

Workers' Compensation Safe Patient Handling Program
§ 151-7.0 Preamble.

In March 2014, Governor Andrew M. Cuomo signed into law Part A of Chapter 60 of the Laws of 2014, which amended the Public Health Law and Insurance Law with regard to safe patient handling programs. Specifically, Part A of Chapter 60 added a new Title 1-A to Public Health Law Article 29-D. Section 2997-i of Title 1-A required the commissioner of health to establish a safe patient handling workgroup tasked with submitting a report to the commissioner of health by July 1, 2015. Section 2997-j of Title 1-A also required the commissioner of health to disseminate best practices, safe patient handling policies, and other resources and tools to all health care facilities covered by Title 1-A on or before January 1, 2016. Section 2997-k of Title 1-A required each health care facility to establish a safe patient handling committee by January 1, 2016, and requires a health care facility to establish a safe patient handling program on or before January 1, 2017. In addition, Part A of Chapter 60 added a new Insurance Law section 2304(j) to require the department to make rules establishing requirements for health care facilities to obtain a reduced workers' compensation insurance rate for safe patient handling programs implemented pursuant to Public Health Law section 2997-(k)(2) on or before July 1, 2016, which the department did on an emergency basis. Insurance Law section 2304(j) further requires the department to complete an evaluation of the results of the reduced rate, including changes in claim frequency and costs, and to report to the appropriate committees of the legislature on or before December 1, 2018 and again on or before December 1, 2020.

§ 151-7.1 Definitions.

In this Subpart, health care facility shall have the meaning set forth in Public Health Law section 2997-(h)(1).

§ 151-7.2 Safe patient handling program credits.

(a) For each workers' compensation insurance policy issued or renewed in this State on or after October 1, 2017, an insurer shall provide a credit to a health care facility that implements and maintains a safe patient handling program that meets the requirements of Public Health Law section 2997-(k)(2). The amount of the credit and the manner in which it is applied shall be in accordance with the approved manual filed by the rate service organization of which the insurer is a member.

(b) An insurer shall verify or obtain verification from a health care facility that the health care facility has implemented and maintains a safe patient handling program that meets the requirements of Public Health Law section 2997-(k)(2) before providing a credit.

§ 151-7.3 Reporting requirements.

By June 1 of each year, starting in 2018, every workers' compensation rate service organization shall submit a report to the superintendent regarding policies receiving a credit pursuant to this Part, including policy year payrolls, indemnity losses, indemnity claim counts, and medical losses by classification, and such other information as the superintendent may require. Every workers' compensation rate service organization shall

report the information, including adjustments, consistent with the comparable classification relativity review.

Final rule as compared with last published rule: Nonsubstantive changes were made in sections 151-7.0, 151-7.2 and 151-7.3.

Text of rule and any required statements and analyses may be obtained from: Joana Lucashuk, NYS Department of Financial Services, One State Street, New York, NY 10004, (212) 480-2125, email: joana.lucashuk@dfs.ny.gov

Revised Regulatory Impact Statement

The non-substantive changes made to the proposed rule have no bearing on the last published Regulatory Impact Statement. Therefore, no changes have been made to the RIS.

Revised Regulatory Flexibility Analysis

The non-substantive changes made to the proposed rule have no bearing on the last published Regulatory Flexibility Analysis for small businesses and local governments. Therefore, no changes have been made to the RFA.

Revised Rural Area Flexibility Analysis

The non-substantive changes made to the proposed rule have no bearing on the last published Rural Area Flexibility Analysis. Therefore, no changes have been made to the RAFA.

Revised Job Impact Statement

The non-substantive changes made to the proposed rule have no bearing on the last published Job Impact Statement. Therefore, no changes have been made to the JIS.

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2019, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment

The New York State Department of Financial Services ("Department") received written and oral comments from interested parties, including insurers, the New York Compensation Insurance Rating Board ("CIRB"), which is the workers' compensation rate service organization in New York, a national organization that represents over 350 property/casualty insurers, and a national organization that represents over 1,000 property/casualty insurers, in response to its publication of the proposed rule in the New York State Register.

Comment

The Department received questions asking by what date an insurer must start applying the workers' compensation insurance credit required by the proposed rule.

Department's Response

The Public Health Law requires a health care facility to implement and maintain a safe patient handling program on or before January 1, 2017. In addition, CIRB has not yet filed its manual with and received approval from the Department. Given the foregoing and since the Department must approve workers' compensation loss costs by October 1 of each year and many workers' compensation policies renew on or after October 1 annually, the Department amended the rule to make clear that the credit will apply to policies issued or renewed on or after October 1, 2017 only. The Department does not consider this to be a substantive change since the Department is only clarifying the effective date.

Comment

The trade organizations commented that the credit would be provided up front to all facilities that have implemented safe patient handling programs, which is problematic from an actuarial standpoint because it likely will not reflect actual claims experience. The trade organizations suggested that the actual loss experience of a health care facility serve as the basis for any resulting credit.

Department's Response

The proposed rule does not say that the credit must be provided up front to all facilities that have implemented safe patient handling programs. Rather, the rule says that the amount of the credit and the manner in which it is applied must be in accordance with the approved manual filed by the rate service organization of which the insurer is a member. Therefore, there is nothing in the rule that prohibits actual loss experience of a health care facility from serving as the basis for any resulting credit.

Moreover, the Department amended the rule to make clear that the credit will apply to policies issued or renewed on or after October 1, 2017 only. Since the Public Health Law requires a health care facility to have a safe patient handling program in place on or before January 1, 2017 and some health care facilities already have safe patient handling programs in place notwithstanding the Public Health Law, insurers should be able to use actual loss experience as a basis for a credit.

Comment

A trade organization commented that the proposed rule does not specify that the credit could be removed from the policy if the insured facility does not comply with the safe patient handling program.

Department's Response

The rule says that an insurer must provide a credit to a health care facility that implements and maintains a safe patient handling program that meets the requirements of Public Health Law § 2997-(k)(2). Therefore, it follows that if a health care facility is not maintaining a safe patient handling program that meets the requirements of the Public Health Law, then the insurer need not provide the credit. As a result, the Department did not make any changes in response to this comment.

Comment

The trade organizations commented that requiring an insurer to verify that a health care facility has implemented a safe patient handling program will amount to a huge administrative burden that will add increased costs to the system. A trade organization stated that insurers may not have the requisite expertise or ability to make determinations relative to compliance with the Public Health Law, while another trade organization stated that insurers are not the ones best suited to verify that a health care facility's safe patient handling program meets statutory requirements and suggested that the New York State Department of Health ("DOH") handle the verification.

Department's Response

As a preliminary matter, the Department may not, by rule, impose requirements on DOH because the Department does not regulate DOH. However, after meeting with a trade organization, the Department amended the proposed rule to clarify the Department's intent that the verification requirement includes obtaining verification from the health care facility, such as a certification from the health care facility that the facility has a safe patient handling program in conformance with the Public Health Law. The Department does not consider this change to be a substantive change because the Department is only clarifying what was intended.

Comment

During a meeting with a trade organization, member insurers questioned whether CIRB must submit to the Superintendent of Financial Services ("Superintendent") its first report required by the proposed rule by June 1, 2017. The trade organizations noted that the proposed rule requires CIRB to report a significant amount of data to the Superintendent, that it will be difficult and time consuming to capture all of the required data, and that the rule will add costs to the system. A trade organization also explained that there may even be some insurers whose systems are not currently capable of collecting this information in its entirety.

Department's Response

Insurance Law § 2304(j)(2) requires the Department to complete an evaluation of the results of the reduced rate, including changes in claim frequency and costs, and to report to the appropriate committees of the Legislature on or before December 1, 2018 and again on or before December 1, 2020. The Department is unable to evaluate the results of the reduced rate and make reports to the Legislature without the information requested from CIRB in the rule. However, after meeting with a trade organization, the Department amended the rule to make clear its intent that the requirement that a workers' compensation rate service organization submit a report to the Superintendent by June 1 of each year does not start until 2018. This should give insurers time to update their systems, if necessary, to collect this information and then report it to the workers' compensation rate service organization, which in turn will report data to the Superintendent. The Department does not consider this to be a substantive change since the Department is only clarifying the date for the initial report.

Comment

During a meeting with a trade organization, member insurers asked that the Department amend the proposed rule so that the credit does not apply to loss sensitive business, such as retrospectively rated policies and large deductible plans.

Department's Response

The credit in the proposed rule is no different from an experience modification, which applies to retrospectively rated policies and large deductible policies. Therefore, the Department did not make any changes in response to this comment.

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

Regulations Implementing Comprehensive Motor Vehicle Insurance Repairs Act; Unfair Claims Settlement Practices and Claim Cost Control Measures

I.D. No. DFS-47-16-00006-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 Appendix 13 (Regulation 68-C) and Part 216 (Regulation 64) of Title 11 NYCRR.

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

Subject: Regulations Implementing Comprehensive Motor Vehicle Insurance Repairs Act; Unfair Claims Settlement Practices and Claim Cost Control Measures.

Purpose: To update references to the address of the Department's Long Island office.

Text of proposed rule: Appendix 13 is amended as follows:

NYS Form NF-10 to Appendix 13 is repealed and a new NYS Form NF-10 to Appendix 13 is added. See Appendix in the back of this issue.

Section 216.6(h) is amended as follows:

(h) Any notice rejecting any element of a claim involving personal property insurance shall contain the identity and the claims processing address of the insurer, the insured's policy number, the claim number, and the following statement prominently set forth:

"Should you wish to take this matter up with the New York State Department of Financial Services, you may file with the Department either on its website at <http://www.dfs.ny.gov/consumer/fileacomplaint.htm> or you may write to or visit the Consumer Assistance Unit, Financial Frauds and Consumer Protection Division, New York State Department of Financial Services, at: One State Street, New York, NY 10004; One Commerce Plaza, Albany, NY 12257; [163B Mineola Boulevard, Mineola, NY 11501] 1399 Franklin Avenue, Garden City, NY 11530; or Walter J. Mahoney Office Building, 65 Court Street, Buffalo, NY 14202."

Section 216.7(d)(3) is amended as follows:

(3) Any letter of explanation or rejection of any element of a claim shall contain the identity and claims processing address of the insurer, the insured's policy number, the claim number and the following statement, prominently set forth:

"Should you wish to take this matter up with the New York State Department of Financial Services, you may file with the Department either on its website at <http://www.dfs.ny.gov/consumer/fileacomplaint.htm> or you may write to or visit the Consumer Assistance Unit, Financial Frauds and Consumer Protection Division, New York State Department of Financial Services, at: One State Street, New York, NY 10004; One Commerce Plaza, Albany, NY 12257; [163B Mineola Boulevard, Mineola, NY 11501] 1399 Franklin Avenue, Garden City, NY 11530; or Walter J. Mahoney Office Building, 65 Court Street, Buffalo, NY 14202."

Text of proposed rule and any required statements and analyses may be obtained from: Hoda Nairooz, Department of Financial Services, One State Street, New York, New York, 10004, (212) 480-5595, email: Hoda.Nairooz@dfs.ny.gov

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

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

Consensus Rule Making Determination

The Department of Financial Services ("DFS") relocated its Long Island office from 163B Mineola Boulevard, Mineola, NY 11501 to 1399 Franklin Avenue, Garden City, NY 11530. This amendment updates the address of the Department of Financial Services' Long Island office referenced in 11 NYCRR Part 216 and NYS Form NF-10 to Appendix 13. No person or entity is likely to object to this amendment.

Accordingly, this rulemaking is determined to be a consensus rulemaking, as defined in State Administrative Procedure Act ("SAPA") § 102(11), and is proposed pursuant to SAPA § 202(1)(b)(i). Therefore, this rulemaking is exempt from the requirement to file a Regulatory Impact Statement, Regulatory Flexibility Analysis for Small Businesses and Local Governments, or a Rural Area Flexibility Analysis.

Job Impact Statement

Amendment of the regulation will not adversely impact job or employment opportunities in New York, or have any adverse impact on self-employment opportunities, because the revision imposes no new or additional requirements on any insurer subject to the rule. The Department of Financial Services ("DFS") relocated its Long Island office from 163B Mineola Boulevard, Mineola, NY 11501 to 1399 Franklin Avenue, Garden City, NY 11530. This amendment updates the address of DFS's Long Island office referenced in 11 NYCRR Part 216 and the NYS Form NF-10 to Appendix 13. Therefore, the amendment will not result in any adverse impact on jobs or employment opportunities.

New York State Gaming Commission

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Bonding of Video Lottery Agents to Prevent Potential Loss of State Revenue Earned from Video Lottery Gaming (“VLG”)

I.D. No. SGC-47-16-00002-P

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

Proposed Action: Amendment of section 5103.5 of Title 9 NYCRR.

Statutory authority: Tax Law, sections 1601, 1604(b) and 1617-a; Racing, Pari-Mutuel Wagering and Breeding Law, sections 103(2), 104(1) and (19)

Subject: Bonding of video lottery agents to prevent potential loss of State revenue earned from video lottery gaming (“VLG”).

Purpose: To revise the manner in which the bond amount required from each VLG agent is determined, reflecting current vendor fees.

Text of proposed rule: Section 5103.5 of 9 NYCRR would be amended as follows:

§ 5103.5. Bonding of video lottery gaming agents.

(a) The commission shall require [a] *each video lottery gaming agent to provide to the commission a bond or other surety agreement, including [but not limited to] without limitation a letter of credit, issued by a surety company or banking institution authorized to transact business in the State and approved by the [State Insurance] Department [or Banking Department] of Financial Services as to solvency and responsibility, [from any licensed video lottery gaming agent] in such amount as the commission may determine, so as to avoid monetary loss to the State because of the video lottery gaming agent’s activities or those of a third party. [Such] For each video lottery gaming agent, the commission shall set the minimum amount of such bond or other surety agreement, which amount shall [at a minimum cover 65 percent of] be not less than the total of five days of estimated average daily net win [per the respective] at such video lottery gaming agent’s facility, as the commission may determine as appropriate, less an amount equal to the vendor’s fee for such video lottery gaming agent set forth in Tax Law section 1612(b)(1)(ii).*

[The figure for estimated net win will be established by the commission for each video lottery gaming facility and may be adjusted from time to time thereafter by the commission.] The bond or other surety agreement shall name as beneficiaries the commission and the State.

(b) The commission may seek additional *bond, surety or other guarantee of financial security consistent with the purposes of these regulations or video lottery gaming law, as the commission may [be deemed] deem appropriate.*

(c) The failure of the video lottery gaming agent to post such bond or surety agreement in the amount required by the commission shall be [deemed] a violation of *the requirements of such video gaming agent’s license.*

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

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

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

Regulatory Impact Statement

1. Statutory authority: The New York State Gaming Commission (“Commission”) is authorized to promulgate this rule by Tax Law Sections 1601 and 1617-a, and by Racing, Pari-Mutuel Wagering and Breeding Law (“Racing Law”) Sections 103(2) and 104(1, 19). Tax Law Section 1601 describes the purpose of the New York State Lottery for Education Law (Tax Law Article 34) as being to establish a lottery operated by the State, the net proceeds of which are applied exclusively to aid to education. Tax Law Section 1604(b) reads, “The [lottery] division may require a bond from any licensed agent, in an amount to be determined by the [lottery] division.” Tax Law Section 1617-a authorizes the licensing of Video Lottery Gaming (“VLG”) at certain racetracks in the State of New York. Racing Law Section 103(2) provides that the Commission is responsible to operate and administer the state lottery for education, as prescribed by

Article 34 of the Tax Law. Racing Law Section 104(1) provides the Commission with general jurisdiction over all gaming activities within the State and over any person, corporation or association engaged in such activities. Section 104(19) of such law authorizes the Commission to promulgate any rules it deems necessary to carry out its responsibilities.

2. Legislative objectives: To revise the manner in which the Commission determines the amount of the bond that is required from each video lottery agent to prevent potential loss of State revenue earned from video lottery gaming (“VLG”). The existing rule requires all video lottery agents to provide a bond that corresponds with no less than a defined percentage of five days of estimated average daily net win for each facility, which was intended to mirror the State’s net proceeds from VLG at each facility. However, the defined percentage was established when the vendor fees retained by video lottery agents were uniform, and vendor fees have fluctuated since the inception of VLG when the regulation governing bonding was promulgated. Revision of the existing rule will provide the Commission with flexibility to require bond coverage from each VLG agent that is consistent with the State retention percentage at the agent’s facility and the original intent of the regulation: to secure five days of the State’s share of net win at each facility.

3. Needs and benefits: Since the commencement of VLG, agents have been required to provide a bond that corresponded with no less than a defined percentage of five days of estimated average daily net win. The percentage used for the last decade has been 65, set to mirror the State’s statutory revenue retention from the facilities (that is, net win minus the 35 percent agent and vendor retention).

Following establishment of that initial percentage, laws have modified the vendor fee retained by each agent as compensation for operating a video lottery facility on the State’s behalf. In general, the agent and vendor retention is no longer 35 percent; the State retention is no longer 65 percent. The agent and vendor retention and the State retention now vary at each video gaming facility. Amendment of the existing rule will allow the flexibility to require bond coverage from each video gaming facility that is commensurate with the State retention percentage at such facility. The cost of securing a bond in the amount determined by the Commission pursuant to the proposed rule will be significantly less than the cost that is prescribed by the existing regulation.

While the existing rule allows Commission staff to grant waivers of the 65 percent requirement for good cause, amendment of the rule would make the bonding requirement consistent with the original intent: to secure five days of the State’s share of net win at a facility. Commission and video lottery agent staff would be spared the administrative burden involved in completing the waiver process required by § 5100.3 of the Commission’s regulations.

Non-substantive and stylistic corrections to the text of the rule are also proposed. A reference to the State Insurance Department or Banking Department would be changed to the Department of Financial Services.

4. Costs:

a. Costs to regulated parties for the implementation and continuing compliance with the rule: No additional costs to video lottery agents are anticipated. The cost of securing a bond in the amount determined by the Commission pursuant to the proposed rule will be significantly less than is prescribed by the existing regulation.

b. Costs to the agency, the State, and local governments for the implementation and continuation of the rule: No additional operating costs are anticipated.

c. Sources of cost evaluations: The Commission evaluated the impact of the new rule with input from video lottery agents.

5. Local government mandates: The proposed amendment does not impose any new programs, services, duties or responsibilities upon any country, city, town, village school district, fire district or other special district.

6. Paperwork: Requests for relief from the 65 percent bond requirement as prescribed in 9 NYCRR § 5100.3 will no longer be necessary. Video lottery agents will no longer need to submit a request for relief from the 65 percent bond amount regulatory requirement. Therefore, paperwork requirements would decrease.

7. Duplication: There are no relevant State programs or regulations that duplicate, overlap or conflict with the proposed amendment.

8. Alternatives: The Commission considered taking no regulatory action. However, the Commission determined that flexibility to require bond coverage from each VLG agent that is consistent with the State retention percentage at the agent’s facility is preferable to keeping a regulation that is inconsistent with its original intent: to secure five days of the State’s share of net win at each facility.

9. Federal standards: The proposed amendment does not exceed any minimum standards imposed by the federal government.

10. Compliance schedule: The proposal will not impact daily operation of video lottery gaming in a significant manner.

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

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

required for this rulemaking because it will have no adverse effect on small businesses, local governments, rural areas or jobs.

The proposed rulemaking would revise the manner in which the Gaming Commission determines the amount of the bond that is required from each video lottery agent to prevent potential loss of State revenue earned from video lottery gaming ("VLG"). The revised rule will provide the Commission with flexibility to require bond coverage from each VLG agent that is consistent with the State retention percentage at the agent's facility and the original intent of the regulation: to secure five days of the State's share of net win at each facility. This rulemaking will not result in significant technological changes. The proposed amendment does not impose any new programs, services, duties or responsibilities upon any country, city, town, village school district, fire district or other special district. No local government activity is involved. There will be no new reporting, record keeping or other compliance requirements on small businesses or local governments or rural areas. The proposed amendments will not adversely affect employment opportunities or jobs.

Based on the foregoing, no regulatory flexibility analysis for small businesses and local governments, rural area flexibility analysis, or a job impact statement is required for this proposed rulemaking.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Expands the Conflict of Interest Restrictions on Racing Secretaries and Their Assistants and Substitutes

I.D. No. SGC-47-16-00017-P

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

Proposed Action: Addition of section 4105.17; and repeal of section 4116.3 of Title 9 NYCRR.

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

Subject: Expands the conflict of interest restrictions on racing secretaries and their assistants and substitutes.

Purpose: To ensure the integrity of harness racing.

Text of proposed rule: Section 4116.3 of 9 NYCRR would be repealed.

A new section 4105.17 would be added to 9 NYCRR, as follows:

§ 4105.17. *Restriction on activities of officials.*

(a) *No officer, director or executive of a track, or a spouse of an officer, director, or executive of a track, shall drive a horse at such track except at limited pari-mutuel meetings or in nonbetting races, nor may a horse in which such person has any beneficial interest be entered in any overnight event at said track.*

(b) *No licensed racing secretary, assistant racing secretary or any person performing the duties of racing secretary or assistant racing secretary:*

(1) *shall be licensed as an owner, trainer or driver;*

(2) *own, train or drive a horse anywhere in any race in which pari-mutuel wagering occurs or in any race for which a purse is offered or awarded; or*

(3) *engage in any other horse racing activity that, in the judgment of the Commission, would create an actual or perceived conflict of interest with his or her duties in New York or otherwise would not be in the best interests of horse racing.*

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

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

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

Regulatory Impact Statement

1. **Statutory authority:** The New York State Gaming Commission ("Commission") is authorized to promulgate these rules pursuant to Racing Pari-Mutuel Wagering and Breeding Law sections 103(2), 104(1), 104(19) and 122. Under Section 103(2), the Commission is responsible to supervise, regulate, and administer all horse racing and pari-mutuel wagering activities in the State. Subdivision 1 of Section 104 confers upon the Commission general jurisdiction over all such gaming activities within the State and over the corporations, associations and persons engaged in such activities. Subdivision 19 of Section 104 authorizes the Commission to promulgate any rules and regulations that it deems necessary to carry out its responsibilities. Section 122 continues previous rules and regulations of the legacy New York State Racing and Wagering Board, subject to

the authority of the Commission to modify or abrogate such rules and regulations.

2. **Legislative objectives:** To enable the Commission to enhance the integrity and safety of standardbred pari-mutuel racing while generating reasonable revenue for the support of government.

3. **Needs and benefits:** This rule making is necessary to enhance the real and perceived integrity of New York racing by prohibiting certain practices that could compromise, or appear to compromise, the writing of races at New York standardbred pari-mutuel racetracks.

The rule making will add a new section 4105.17 to 9 NYCRR, expanding the conflict-of-interest restrictions on racing secretaries, assistant racing secretaries and anyone who performs their duties at a New York racetrack.

The current rule (section 4116.3) prohibits, during a racetrack's racing season, such officials from being licensed by the Commission as owners, trainers or drivers. There are, however, potential conflicts of interest that may arise when such officials participate in pari-mutuel standardbred races, even out of season or out of state. The other owners, trainers, and drivers against whom they would compete might be affected by subsequent decisions made by such officials in the performance of their duties. The appearance of such conflicts of interest can damage the perception of integrity upon which betting handle depends in New York. It can create dissatisfaction among horsepersons who feel that they were treated unfairly in retaliation for the conflicts that inevitably arise in such competitions. Participation in such competition can also result in actual conflicts of interest for such officials. This proposal will strengthen the current rule by broadly prohibiting such competition and by empowering the Commission to forbid any apparent conflicts of interest that may arise.

Finally, this rule making will move such restrictions from Part 4116 (Drivers) to Part 4105 (Officials at Race Meetings), based on the broadening of such restrictions.

4. **Costs:**

(a) **Costs to regulated parties for the implementation of and continuing compliance with the rule:** This amendment would not add any new mandated costs to the existing rules.

(b) **Costs to the agency, the state and local governments for the implementation and continuation of the rule:** None. There will be no costs to local governments because local governments do not regulate pari-mutuel racing activities.

(c) **The information, including the source(s) of such information and the methodology upon which the cost analysis is based:** The Commission has determined that no costs will be imposed because the rule does not create any mandatory new duty or obligation.

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

6. **Paperwork:** There are no changes in paperwork requirements. The proposed amendments will restrict certain activities that involve conflicts of interest.

7. **Duplication:** The proposed amendments do not duplicate any existing State or Federal requirement.

8. **Alternatives:** The Commission considered and rejected an alternative requirement that the enhanced restriction be limited to when such officials want to drive at other race meetings. The competition among drivers is more immediate and dangerous than that among trainers and owners. The Commission rejected this approach, however, because conflicts among trainers and owners might also have an effect on such officials, and the Commission does not want to allow such conflicts or perceived conflicts to arise. No other alternatives were considered.

9. **Federal standards:** None.

10. **Compliance schedule:** Regulated persons will be able to achieve compliance with the rule upon publication of a Notice of Adoption in the New York State Register.

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

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

This proposal concerns the restriction of the officials who are responsible for writing races at New York pari-mutuel harness racetracks, i.e., racing secretaries and their assistants or substitutes, not to participate in competitive horseracing at other racetracks, potentially against the same horsepersons who depend on such officials' unbiased writing of races, and not to have any other apparent conflict of interest that may undermine their performance of such duties. This rule will not have an adverse economic impact or reporting, record keeping or other compliance requirements on small businesses in rural or urban areas or on employment opportunities.

Department of Health

NOTICE OF ADOPTION

Zika Action Plan; Performance Standards

I.D. No. HLT-15-16-00016-A

Filing No. 1035

Filing Date: 2016-11-08

Effective Date: 2016-11-23

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

Action taken: Addition of section 40-2.24 to Title 10 NYCRR.

Statutory authority: Public Health Law, sections 602, 603 and 619

Subject: Zika Action Plan; Performance Standards.

Purpose: To require local health departments to develop a Zika Action Plan as a condition of State Aid.

Text of final rule: Pursuant to the authority vested in the Commissioner of Health by sections 602, 603 and 619 of the Public Health Law, Subpart 40-2 of Title 10 of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended by adding a new section 40-2.24, to be effective upon publication of a Notice of Adoption in the State Register, as follows:

§ 40-2.24 Zika Action Plan; performance standards.

(a) By April 15, 2016, the local health department shall adopt and implement a Zika Action Plan (ZAP), in accordance with guidance to be issued by the Department, and which shall include, but not be limited to, the following activities:

(1) for all local health departments:

- (i) human disease monitoring, response and control; and
- (ii) education about Zika virus and its prevention; and

(2) in addition, for those local health departments identified by the Department as jurisdictions where mosquitoes capable of transmitting the Zika virus are currently located or may be located in the future:

- (i) enhanced human disease monitoring, response, control;
- (ii) enhanced education about Zika virus and its prevention;
- (iii) mosquito trapping, testing and habitat inspections specific to *Aedes albopictus*, and for such other species as the Department may deem appropriate;

(iv) mosquito control; and

(v) identification and commitment of appropriate staff available to join State-coordinated rapid response teams, which may be deployed to those areas where the Department determines that there is the potential for transmission of Zika virus by mosquitoes.

(b) Local health departments shall update their ZAPs annually, or as directed by the Department, to include activities identified by the Department in guidance issued pursuant to subdivision (a) of this section.

(c) Local health departments shall submit such plans to the Department as part of the annual Application for State Aid made pursuant to section 40-1.0 of this Part. State Aid shall only be available for activities within ZAPs determined by the Department to be necessary and appropriate to control the spread of the Zika virus in guidance issued pursuant to subdivision (a) of this section.

Final rule as compared with last published rule: Nonsubstantive changes were made in section 40-2.24(b) and (c).

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

Revised Regulatory Impact Statement

Statutory Authority:

Article 6 of the Public Health Law (PHL) sets forth the statutory framework for the Department's State Aid program, which partially reimburses local health departments (LHDs) for eligible expenses related to specified public health services. PHL §§ 602(4), 603(1), and 619 authorize the commissioner to promulgate rules and regulations to effectuate the provisions of PHL Article 6. PHL § 619 specifies that such regulations shall include establishing standards of performance for core public health services and for monitoring performance, collecting data, and evaluating the provision of such services.

Legislative Objectives:

PHL Article 6 establishes a program that provides State Aid to LHDs to partially reimburse the cost of core public health services, including communicable disease control and emergency preparedness and response.

Needs and Benefits:

Zika virus is newly emerging as a worldwide threat to public health, and it is spreading widely in the Western Hemisphere. Zika virus has been associated with microcephaly and potentially other birth defects. In particular, there have been reports in Brazil and other countries of microcephaly in infants of mothers who were infected with Zika virus while pregnant. Developing research appears to support this association. Zika virus may also cause Guillain-Barré Syndrome, which can cause muscle weakness and sometimes paralysis. For these reasons, in February 2016, the World Health Organization declared the recent cluster of microcephaly and other neurological abnormalities associated with in utero exposure to the Zika virus a public health emergency of international concern.

Because 80% of cases are asymptomatic, limited control measures exist. Further, although Zika virus is transmitted primarily through the bite of a mosquito, sexual transmission has also been documented.

To date, the Department's Wadsworth Center has conducted tests on samples from more than 2,300 patients, and 55 have been found to be positive for Zika virus. New York has the second highest total of any state in the continental United States after Florida. With the exception of one possible case of sexual transmission, all of these infections have occurred in returning travelers from countries with active mosquito-borne transmission of Zika virus.

In the Western Hemisphere, the Zika virus has been primarily transmitted by a mosquito bite from the species *Aedes aegypti*. That species is not currently established in New York State; however, a related species of mosquito, *Aedes albopictus*, is established in New York City, as well as Orange, Nassau, Putnam, Rockland, Suffolk, and Westchester Counties. Additionally, Dutchess, Sullivan, and Ulster Counties are located on the northern border of these affected areas.

Because *Aedes albopictus* is a tropical mosquito, it has difficulty surviving cold winters, limiting its northward spread, but it has adapted to survive in a broader temperature range. Although researchers are currently uncertain if *Aedes albopictus* can effectively transmit the Zika virus, New York State must prepare for this contingency.

A primary public health objective is to reduce the risk to developing fetuses of pregnant women in New York State. As such, during the spring, summer and fall, it is important that the Department and LHDs take action to protect the health and safety of all New Yorkers from the Zika virus.

LHDs are integral State partners and play important roles in human disease monitoring, response and control; health education and prevention; and mosquito trapping, testing, habitat inspection, and control. As a result, it is essential that LHDs are prepared to respond to the threat of Zika virus in their communities. Many LHDs may need to respond to travel-associated cases only, because they do not have mosquitoes capable of transmitting Zika virus within their borders. However, those counties that do have mosquitoes capable of transmitting Zika virus generally have large human populations and a high number of travelers to affected areas.

Accordingly, these regulations require that, as a condition of State Aid for public health work, each LHD must adopt and implement a Zika Action Plan (ZAP) that includes specified elements, but that can also be tailored to the situation within its borders. Those counties that do not have *Aedes albopictus*, or other mosquitoes capable of transmitting the Zika virus, must perform human disease monitoring of travel-associated cases and provide education about Zika virus. For those counties that have, or that are at risk for acquiring, *Aedes albopictus*, or other mosquitoes capable of transmitting the Zika virus, additional required activities include: enhanced human disease monitoring and disease control; enhanced education about Zika virus and its prevention; mosquito trapping, testing and habitat inspection specific to *Aedes albopictus*, or other mosquitoes capable of transmitting the Zika virus; mosquito control; and identification and commitment of appropriate staff available to join State-coordinated rapid response teams, which may be deployed to those areas where the Department determines that there is a potential transmission of Zika virus by mosquitoes.

Costs:

Although exact costs cannot be predicted at this time, the Department does not expect compliance to result in significant costs with respect to plan development, which can be achieved using existing staff. Preparation time will vary according to the demographics of the jurisdiction served by the LHD. However, the cost of these personnel hours is expected to be greatly outweighed by the benefit to public health. LHDs may incur costs including salaries and related expenditures associated with ongoing human disease monitoring, response and control, as well as public education activities and programs.

Those LHDs identified by the Department as jurisdictions where mosquitoes capable of transmitting the Zika virus are currently located or may be located in the future may incur additional costs, including salaries and related expenditures associated with mosquito trapping, testing, and habitat inspections as well as expenditures related to mosquito control, to the extent such counties are not already performing these activities.

Local Government Mandates:

Although compliance is not strictly mandatory, the adoption, implementation, and updating of a ZAP is a condition of State Aid for general public health work. As set forth in the regulation, the activities that must be performed to be eligible for State Aid vary by county, and are described in detail below.

By April 15, 2016 all LHDs must electronically transmit a ZAP to the Department that describes how they will conduct timely education, as well as human disease monitoring and reporting of Zika virus.

For those LHDs identified by the Department as jurisdictions where mosquitoes capable of transmitting the Zika virus are currently located or may be located in the future, their ZAP must include processes and procedures for:

- (1) enhanced human disease monitoring, response and control;
- (2) enhanced education to the public and health care providers regarding the possibility of local Zika virus transmission and the risk to pregnant women;
- (3) mosquito trapping, testing, and habitat inspections;
- (4) mosquito control plans tailored to local needs; and
- (5) names, roles and contact information of LHD and/or county staff that will join the state-coordinated rapid response teams.

LHDs must update their ZAPs annually, or as directed by the Department, to include activities identified by the Department in guidance issued pursuant to subdivision (a) of 10 NYCRR § 40-2.24. LHDs must submit their ZAPs as part of the annual Application for State Aid made pursuant to 10 NYCRR § 40-1.0. State Aid will only be available for activities within ZAPs that are determined by Departmental guidance to be necessary and appropriate to control the spread of the Zika Virus.

Paperwork:

This regulation requires preparation of a ZAP to respond to an emergency threat to public health.

Duplication:

No relevant rules or legal requirements of the Federal and State governments duplicate, overlap or conflict with this rule.

Alternatives:

The alternative would be to continue a situation in which there is inconsistent approaches across the State with respect to monitoring and control of the spread of the Zika virus.

Federal Standards:

The rule does not exceed any minimum standards of the Federal government for the same or similar subject area.

Compliance Schedule:

These permanent regulations will be effective upon publication of a Notice of Adoption in the State Register. LHDs must adopt and implement their ZAPs by April 15, 2016, consistent with the emergency regulations issued on March 17, 2016.

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

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

Assessment of Public Comment

The agency received no public comment.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Direct Clinical Services-Supervised Individual Residential Alternatives (IRAs), Community Residences (CRs) and Day Habilitation

I.D. No. HLT-47-16-00007-P

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

Proposed Action: Amendment of section 86-10.5 of Title 10 NYCRR.

Statutory authority: Public Health Law, section 201(1)(v); and Social Services Law, section 363-a

Subject: Direct Clinical Services-Supervised Individual Residential Alternatives (IRAs), Community Residences (CRs) and Day Habilitation.

Purpose: To exclude direct clinical services from the reimbursement for Supervised IRAs, CRs and Day Habilitation.

Text of proposed rule: The title of Section 86-10.5 is amended to read as follows:

86-10.5 Trend Factor, [and] Increases to Compensation and Other Adjustments

Section 86-10.5 is amended by adding a new subdivision (c) to read as follows:

(c) *Other Adjustments.* Effective July 1, 2016, the reimbursement for Supervised Residential Habilitation and Day Habilitation will exclude costs for direct clinical services. Direct clinical services are defined as face-to-face clinical interventions delivered by clinical staff directly to program participants. Direct clinical services include occupational therapy (OT), physical therapy (PT), speech language pathology (SLP), psychology and social work, where OT, PT and SLP direct services are provided by staff who are licensed clinicians, and where psychology and social work services are not related to the provision or oversight of habilitation services and are delivered or supervised by licensed clinical staff.

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

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

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

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

Regulatory Impact Statement**Statutory Authority:**

Social Services Law (SSL) section 363-a and Public Health Law (PHL) section 201(1)(v) provide that the Department is the single state agency responsible for supervising the administration of the State's medical assistance ("Medicaid") program and for adopting such regulations, not inconsistent with law, as may be necessary to implement the State's Medicaid program.

Legislative Objective:

This amendment furthers the legislative objectives embodied in section 363-a of the Social Services Law, and section 201(1)(v) of the Public Health Law, and in Part I of chapter 60 of the laws of 2014. The amendment excludes the reimbursement of direct clinical services for Supervised Individualized Residential Alternatives (IRAs), Supervised Community Residences (CRs) and Day Habilitation.

Needs and Benefits:

The amendment complies with changes required by the federal Centers for Medicare and Medicaid Services (CMS) subsequent to the adoption of the regulation. Per CMS, effective July 1, 2016, the reimbursement for Supervised Residential Habilitation and Day Habilitation must exclude costs for direct clinical services. Direct clinical services are defined as face-to-face clinical interventions delivered by clinical staff directly to program participants. Direct clinical services include Occupational Therapy (OT), Physical Therapy (PT), Speech Language Pathology (SLP), Psychology and Social Work, where OT, PT and SLP Direct Services are provided by staff who are licensed clinicians, and where Psychology and Social Work services are not related to the provision or oversight of Habilitation services and are delivered or Supervised by Licensed clinical staff.

Costs:

There are no additional costs associated with this amendment. Providers will have the ability to bill for direct clinical services utilizing a separate fee methodology.

Costs to the Agency and to the State and its Local Governments:

The proposed regulations will result in no additional costs to the State.

The amendment does not apply to the State as a provider of services.

There will be no savings or costs to local governments as a result of this amendment because pursuant to Social Services Law sections 365 and 368-a, either local governments incur no costs for these services or the State reimburses local governments for their share of the cost of Medicaid funded programs and services.

Costs to Private Regulated Parties:

This amendment is not expected to affect costs to private regulated parties. Providers will have the ability to bill for direct clinical services utilizing a separate fee methodology.

Local Government Mandates:

There are no new requirements imposed by the rule on any county, city, town, village, school, fire or other special district.

Paperwork:

The amendment will not increase paperwork to be completed by providers.

Duplication:

The amendment does not duplicate any existing State or federal requirements that are applicable to services for persons with developmental disabilities.

Alternatives:

Since the change is mandated by Federal law, OPWDD and DOH did not consider any alternatives.

Federal Standards:

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

Compliance Schedule:

The amendment to the regulation is effective July 1, 2016. DOH expects to permanently adopt the regulations at the end of the public comments period. DOH expects to revise the rates on July 1, 2016.

Regulatory Flexibility Analysis

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

Rural Area Flexibility Analysis

No rural area flexibility analysis is required pursuant to section 202-bb(4)(a) of the State Administrative Procedure Act. The proposed amendment does not impose an adverse impact on facilities in rural areas, and it does not impose reporting, record keeping or other compliance requirements on facilities in rural areas.

Job Impact Statement

A job impact statement is not being submitted for this amendment because this amendment will not have a substantial adverse impact on jobs or employment opportunities.

The amendment excludes direct clinical services from the reimbursement for Supervised Individualized Residential Alternatives, Supervised Community Residences and Day Habilitation programs. The change will not impact the ability to provide these services.

The amendment, therefore, is expected to have no significant adverse impact on jobs and employment opportunities with providers.

Higher Education Services Corporation

EMERGENCY RULE MAKING

New York State Masters-in-Education Teacher Incentive Scholarship Program

I.D. No. ESC-47-16-00004-E

Filing No. 1030

Filing Date: 2016-11-07

Effective Date: 2016-11-07

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

Action taken: Addition of section 2201.17 to Title 8 NYCRR.

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

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 2201.17 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 2016 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 attending a New York State public institution of higher education who pursue a graduate program of study in an education program leading to a career as a teacher in public elementary or secondary 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 so that students can make informed choices and 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: New York State Masters-in-Education Teacher Incentive Scholarship Program.

Purpose: To implement the New York State Masters-in-Education Teacher Incentive Scholarship Program.

Text of emergency rule: New section 2201.17 is added to Title 8 of the New York Code, Rules and Regulations to read as follows:

Section 2201.17 New York State Masters-in-Education Teacher Incentive Scholarship Program.

(a) Definitions. As used in section 669-f of the Education Law and this section, the following terms shall have the following meanings:

(1) "Academic excellence" shall mean the attainment of a cumulative grade point average of 3.5 or higher upon completion of an undergraduate program of study from a college or university located within New York State.

(2) "Approved master's degree in education program" shall mean a program registered at a New York State public institution of higher education pursuant to Part 52 of the Regulations of the Commissioner of Education.

(3) "Award" shall mean a New York State Masters-in-Education Teacher Incentive Scholarship Program award pursuant to section 669-f of the New York State education law.

(4) "Elementary and secondary education" shall mean pre-kindergarten through grade 12 in a public school recognized by the board of regents or the university of the state of New York, including charter schools authorized pursuant to article fifty-six of the education law.

(5) "Full-time study" within an approved master's degree in education program shall be defined by the institution.

(6) "Initial certification" shall mean any certification issued pursuant to part 80 of this title which allows the recipient to teach in a classroom setting on a full-time basis.

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

(8) "Program" shall mean the New York State Masters-in-Education Teacher Incentive Scholarship Program codified in section 669-f of the education law.

(9) "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, or the city university of New York as defined in subdivision 2 of section 6202 of the education law.

(10) "Rank" shall mean an applicant's position, relative to all other applicants, based on cumulative grade point average upon completion of an undergraduate program of study from a college or university located within New York State.

(11) "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.

(12) "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-f of the Education Law; (ii) maintained full-time status as defined in this section; and (iii) possessed a cumulative grade point average of 3.5 or higher as of the date of the certification by the institution.

(13) "Teach in a classroom setting on a full-time basis" shall mean continuous employment providing classroom instruction in a public elementary or secondary school, including charter schools and public pre-kindergarten programs, located within New York State, for at least 10 continuous months, each school year, for a number of hours to be determined by the labor contract between the teacher and employer, or if none of the above apply, the chief administrator of the school.

(b) Eligibility. An applicant must satisfy the eligibility requirements contained in both sections 669-f and 661 of the education law, provided however that an applicant for this Program must meet the good academic standing requirements contained in section 669-f of the education law.

(c) Priorities. If there are more applicants than available funds, the following provisions shall apply:

(1) First priority shall be given to applicants who have received payment of an award pursuant to section 669-f of the education law for the academic year immediately preceding the academic year for which payment is sought and have successfully completed the academic term for which payment is sought. First priority shall include applicants who received payment of an award pursuant to section 669-f of the education law, were subsequently granted an interruption in graduate study by the corporation for the academic year immediately preceding the academic year for which payment is sought and have successfully completed the academic term for which payment is sought. If there are more applicants than available funds, recipients shall be chosen by lottery.

(2) Second priority shall be given to up to five hundred new applicants, within the remaining funds available for the Program, if any. If there are more applicants than available funds, recipients shall be chosen by rank, starting at the applicant with the highest cumulative grade point average beginning in the 2016-17 academic year. In the event of a tie, distribution of any remaining funds shall be done by lottery.

(d) Administration.

(1) Applicants for an award shall apply for program eligibility at such times, on forms and in a manner prescribed by the corporation. The corporation may require applicants to provide additional documentation evidencing eligibility.

(2) Recipients of an award shall:

- (i) execute a service contract prescribed by the corporation;
- (ii) request payment at such times, on forms and in a manner specified by the corporation;
- (iii) receive such awards for not more than four academic terms, or its equivalent, of full-time graduate study leading to certification as a public elementary or secondary classroom teacher, including charter schools, excluding any allowable interruption of study;
- (iv) facilitate the submission of information from their employer attesting to the recipient's job title, the full-time work status of the recipient, and any other information necessary for the corporation to determine compliance with the program's employment requirements on forms and in a manner prescribed by the corporation; and
- (v) provide any other information necessary for the corporation to determine compliance with the program's requirements.

(e) Amounts.

(1) The amount of the award shall be determined in accordance with section 669-f 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 grade point average and other eligibility requirements.

(3) Awards shall be reduced by the value of other educational grants and scholarships limited to tuition, as authorized by section 669-f of the education law.

(f) 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 capitalized amount shall continue to accrue and be calculated using simple interest until the amount is paid in full.

(5) 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, prorate the amount owed commensurate with service completed, discharge the amount owed, or take such other appropriate action.

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 February 4, 2017.

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 Masters-in-Education Teacher Incentive Scholarship Program ("Program") is codified within Article 14 of the Education Law. In particular, Subpart A of Chapter 56 of the Laws of 2015 created the Program by adding a new section 669-f to the Education Law. Subdivision 6 of section 669-f of the Education Law authorizes HESC to promulgate emergency regulations for the purpose of administering 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 objectives 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 in order 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-f to create the "New York State Masters-in-Education Teacher Incentive Scholarship Program" (Program). The objective of this Program is to incent New York's highest-achieving undergraduate students to pursue teaching as a profession.

Needs and benefits:

According to a recent Wall Street Journal article, many experts call teacher quality the most important school-based factor affecting learning. Studies underscore the impact of highly effective teachers and the need to put them in classrooms with struggling students to help them catch up. To improve teacher quality, New York State has significantly raised the bar by modifying the three required exams and adding the Educative Teacher Performance Assessment, known as edTPA, as part of the licensing requirement for all teachers. To supplement this effort, this Program aims to incentivize top undergraduate students to pursue their master's degree in New York State and teach in public elementary and secondary schools (including charter schools) across the State.

The Program provides for annual tuition awards to students enrolled full-time, at a New York State public institution of higher education, in a master's degree in education program leading to a career as a classroom teacher in elementary or secondary education. Eligible recipients may receive annual awards for not more than two academic years of full-time graduate study. The maximum amount of the award is equal to the annual tuition charged to New York State resident students attending a graduate program full-time at the State University of New York (SUNY). Payments will be made directly to schools on behalf of students upon certification of their successful completion of the academic term.

Students receiving a New York State Masters-in-Education Teacher Incentive Scholarship Program award must sign a service agreement and agree to teach in the classroom at a New York State public elementary or secondary school, which includes charter schools, for five years following completion of their master's degree. 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. There are no application fees, processing fees, or other costs to the applicants of this Program.

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

c. The maximum cost of the Program to the State is \$1.5 million in the first 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, together with supporting documentation, for eligibility. Each year recipients will file an electronic request for payment together with supporting documentation for up to two years of award payments. 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 the State Education Department, the State University of New York and the City University of New York with regard to this Program. Several alternatives were considered in the drafting of this regulation. For example, several alternatives were considered in defining terms used in the regulation as well as the administration of the Program. Given the statutory language as set forth in section 679-g 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 undergraduate unsubsidized Stafford loan rate in the event that the award is converted to 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 2201.17 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 economic impacts inasmuch as it implements a statutory student financial aid program that provides tuition benefits to students attending a New York State public institution of higher education who pursue their master's degree in an education program leading to a career as a teacher in public elementary or secondary 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 2201.17 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 students attending a New York State public institution of higher education who pursue their master's degree in an education program leading to a career as a teacher in public elementary or secondary education. Students will be rewarded for remaining and working in New York, which benefits 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 2201.17 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 economic impacts inasmuch as it implements a statutory student financial aid program that provides tuition benefits to students attending a New York State public institution of higher education who pursue their master's degree in an education program leading to a career as a teacher in public elementary or secondary education. Students will be rewarded for remaining and working in New York, which will benefit the State as well.

Public Service Commission

NOTICE OF ADOPTION**Submetering of Electricity****I.D. No.** PSC-22-16-00015-A**Filing Date:** 2016-11-07**Effective Date:** 2016-11-07

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

Action taken: On 10/13/16, the PSC adopted an order approving Avalon

Willoughby West LLC's (Avalon) notice of intent to submeter electricity at 100 Willoughby Street and 214 Duffield Street, Brooklyn, New York.

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

Subject: Submetering of electricity.

Purpose: To approve Avalon's notice of intent to submeter electricity at 100 Willoughby Street and 214 Duffield Street, Brooklyn, NY.

Substance of final rule: The Commission, on October 13, 2016, adopted an order approving Avalon Willoughby West LLC's notice of intent to submeter electricity at 100 Willoughby Street and 214 Duffield Street, Brooklyn, New York, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(15-E-0559SA1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Petition to Use Commercial Electric Meters**I.D. No.** PSC-47-16-00009-P

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

Proposed Action: The Public Service Commission is considering a petition filed by Itron, Inc. on November 4, 2016 to use the Itron Open Way Centron Commercial Meters, Types CP2SO and CP2SOA, with Hardware Version 3.1, in commercial electric meter applications.

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

Subject: Petition to use commercial electric meters.

Purpose: To consider the petition of Itron, Inc. to use the Itron CP2SO and CP2SOA in commercial electric meter applications.

Substance of proposed rule: The Public Service Commission is considering a petition filed by Itron Inc., on November 4, 2016 to use the Itron Centron Commercial Meters, Types CP2SO and CP2SOA, with Hardware Version 3.1, in commercial electric metering applications. The Commission may adopt, reject or modify, in whole or in part, the relief proposed and may resolve related matters.

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

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

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

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

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

(16-E-0634SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Standby Service Rate Design**I.D. No.** PSC-47-16-00010-P

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

Proposed Action: The Commission is considering a report filed by Central

Hudson Gas & Electric Corporation detailing the Company's current Standby Service rate design and considering whether modifications to such rates are warranted.

Statutory authority: Public Service Law, sections 5(1), 65(1), (2), (3), 66(1), (2), (3), (5), (8), (9), (10) and (12)

Subject: Standby Service rate design.

Purpose: To consider the report filed and the recommendations therein.

Substance of proposed rule: The Public Service Commission is considering a report filed by Central Hudson Gas & Electric Corporation (Central Hudson) in compliance with Commission Order issued May 19, 2016 in Case 14-M-0101 (REV Track Two Order) detailing rate design issues related to Service Classification No. 14 – Standby Service and Service Classification No. 10 – Buyback Service in its electric tariff schedule, P.S.C. No. 15 – Electricity. Central Hudson's report examines its current Standby and Buyback service rate design, and makes recommendations regarding various modifications to such rates identified in the REV Track Two Order. The report does not contain tariff amendments, and there is no effective date. The Commission may adopt, reject, or modify, in whole or in part, the relief proposed and may resolve related matters.

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

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

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

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

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

(16-M-0430SP6)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Petition to Use Residential Electric Meters

I.D. No. PSC-47-16-00011-P

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

Proposed Action: The Public Service Commission is considering a petition filed by Itron, Inc. on October 14, 2016 to use the Itron Open Way Riva Centron Residential Meters, Types C2SRD and CN2SRD, in residential electric meter applications.

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

Subject: Petition to use residential electric meters.

Purpose: To consider the petition of Itron, Inc. to use the Itron C2SRD and CN2SRD in residential electric meter applications.

Substance of proposed rule: The Public Service Commission is considering a petition filed by Itron, Inc. on October 14, 2016 to use the Itron OpenWay Riva Centron Residential Meters, Types C2SRD and CN2SRD, in residential electric metering applications. The Commission may adopt, reject or modify, in whole or in part, the relief proposed and may resolve related matters.

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

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

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

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

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

(16-E-0480SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Lease of Real Property

I.D. No. PSC-47-16-00012-P

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

Proposed Action: The Commission is considering the petition by New York State Electric & Gas Corporation (NYSEG) to lease space within a portion of a NYSEG facility located at 230 Baldwin Place Road, Mahopac, NY to Allied Dog Training, LLC.

Statutory authority: Public Service Law, section 70

Subject: Lease of real property.

Purpose: To consider NYSEG's request to lease a portion of certain real property to Allied Dog Training, LLC.

Substance of proposed rule: The Public Service Commission (Commission) is considering the petition by New York State Electric & Gas Corporation (NYSEG), for authority to lease space within a portion of NYSEG's facility located at 230 Baldwin Place Road, Mahopac, New York. The lessee is Allied Dog Training, LLC, who will use the space for the purpose of animal training and related activities. The Commission may adopt, reject, or modify, in whole or in part, the relief proposed and may resolve related matters.

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

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

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

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

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

(16-M-0624SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Standby Service Rate Design

I.D. No. PSC-47-16-00013-P

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

Proposed Action: The Commission is considering a report filed by Niagara Mohawk Power Corporation d/b/a National Grid detailing the Company's current Standby Service rate design and considering whether modifications to such rates are warranted.

Statutory authority: Public Service Law, sections 5(1), 65(1), (2), (3), 66(1), (2), (3), (5), (8), (9), (10) and (12)

Subject: Standby Service rate design.

Purpose: To consider the report filed and the recommendations therein.

Substance of proposed rule: The Public Service Commission is considering a report filed by Niagara Mohawk Power Corporation d/b/a National Grid (National Grid) in compliance with Commission Order issued May 19, 2016 in Case 14-M-0101 (REV Track Two Order) detailing rate design issues related to Standby Service and Buyback Service in its electric tariff schedule, P.S.C. No. 220 – Electricity. National Grid's report examines its current Standby and Buyback service rate design, and makes recommendations regarding various modifications to such rates identified in the REV Track Two Order. The report does not contain tariff amendments, and there is no effective date. The Commission may adopt, reject, or modify, in whole or in part, the relief proposed and may resolve related matters.

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

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

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

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

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

(16-M-0430SP9)

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

Standby Service Rate Design

I.D. No. PSC-47-16-00014-P

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

Proposed Action: The Commission is considering a report filed by New York State Electric and Gas Corporation and Rochester Gas & Electric Corporation detailing the Companies Standby Service rate design and considering whether modifications to such rates are warranted.

Statutory authority: Public Service Law, sections 5(1), 65(1), (2), (3), 66(1), (2), (3), (5), (8), (9), (10) and (12)

Subject: Standby Service rate design.

Purpose: To consider the report filed and the recommendations therein.

Substance of proposed rule: The Public Service Commission is considering a report filed by New York State Electric and Gas Corporation (NYSEG) and Rochester Gas & Electric Corporation (RG&E) (collectively, the Companies) in compliance with Commission Order issued May 19, 2016 in Case 14-M-0101 (REV Track Two Order) detailing rate design issues related Standby Service and Buyback Service in their electric tariff schedules, P.S.C. No. 120 – Electricity and P.S.C. No. 19 – Electricity, for NYSEG and RG&E, respectively. The Companies' report examines its current Standby and Buyback service rate design, and makes recommendations regarding various modifications to such rates identified in the REV Track Two Order. The report does not contain tariff amendments, and there is no effective date. The Commission may adopt, reject, or modify, in whole or in part, the relief proposed and may resolve related matters.

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

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

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

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

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

(16-M-0430SP8)

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

Joint Utilities' SDSIP to Achieve the Commission's Reforming the Energy Vision (REV) Initiative

I.D. No. PSC-47-16-00015-P

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

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

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

Subject: Joint Utilities' SDSIP to achieve the Commission's Reforming the Energy Vision (REV) initiative.

Purpose: Development of utilities' joint SDSIP for improving utility planning and operations functions under REV.

Substance of proposed rule: The Public Service Commission (Commission) is considering the Supplemental Distributed System Implementation Plan (DSIP) filed jointly by the utilities in response to the Commission's Order Adopting DSIP Guidance, issued on April 20, 2016 in Case 14-M-0101. The Commission directed the utilities to provide common approaches or resolutions necessary to operate in a dynamic environment in the Supplemental DSIP. The joint Supplemental DSIP filing required utilities to provide additional information necessary for long-term planning and coordination, and to further develop the contents presented in the individual utilities' respective Initial DSIP filings. DSIPs are intended to promote utility/stakeholder relations, allow third-parties to provide cost-effective market solutions to identified energy needs, expand the use of distributed energy resources (DER), and increase energy efficient measures. The DSIP filings are the first steps toward establishing a grid that can support increasing levels of DERs into the future and ultimately, achieving Reforming the Energy Vision (REV) goals and objectives. The Commission may adopt, reject, or modify, in whole or in part, the Supplemental DSIP, and may resolve other related matters.

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

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

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

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

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

(16-M-0411SP2)

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

Standby Service Rate Design

I.D. No. PSC-47-16-00016-P

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

Proposed Action: The Commission is considering a report filed by Consolidated Edison Company of New York, Inc. and Orange and Rockland Utilities, Inc. detailing the Companies' Standby Service rate design and considering whether modifications to such rates are warranted.

Statutory authority: Public Service Law, sections 5(1), 65(1), (2), (3), 66(1), (2), (3), (5), (8), (9), (10) and (12)

Subject: Standby Service rate design.

Purpose: To consider the report filed and the recommendations therein.

Substance of proposed rule: The Public Service Commission is considering a report filed by Consolidated Edison Company of New York, Inc. (Con Edison) and Orange and Rockland Utilities, Inc. (O&R) (collectively, the Companies) in compliance with Commission Order issued May 19, 2016 in Case 14-M-0101 (REV Track Two Order) detailing rate design issues related Standby Service and Buyback Service in their electric tariff schedules, P.S.C. No. 10 – Electricity and P.S.C. No. 3 – Electricity, for Con Edison and O&R, respectively. The Companies' report examines its current Standby and Buyback service rate design, and makes recommendations regarding various modifications to such rates identified in the REV Track Two Order. The report does not contain tariff amendments, and there is no effective date. The Commission may adopt, reject, or modify, in whole or in part, the relief proposed and may resolve related matters.

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

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

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

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

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

(16-M-0430SP7)

State University of New York

NOTICE OF ADOPTION

State University of New York's Patents and Inventions Policy

I.D. No. SUN-37-16-00006-A

Filing No. 1034

Filing Date: 2016-11-08

Effective Date: 2016-11-23

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

Action taken: Repeal of section 335.28; and addition of new section 335.28 to Title 8 NYCRR.

Statutory authority: Education Law, section 355(3)

Subject: State University of New York's Patents and Inventions Policy.

Purpose: Model best practices in the areas of innovation and technology transfer and comply with Federal law re: intellectual property rights.

Text or summary was published in the September 14, 2016 issue of the Register, I.D. No. SUN-37-16-00006-P.

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

Text of rule and any required statements and analyses may be obtained from: Lisa S. Campo, State University of New York, State University Plaza, Albany, New York 12246, (518) 320-1400, email:Lisa.Campo@SUNY.edu.

Assessment of Public Comment

1. Purpose:

This assessment of public comment is provided pursuant to section 202 of the New York State Administrative Procedure Act. Proposed changes to 8 NYCRR Part 335.28 were published to the NYS Register on September 14, 2016. The public comment period ended on October 29, 2016.

2. Summary and Analysis of Issues Raised:

The agency received written comments from members of the public in response to publication of the proposed rule. A summary of the issues raised is as follows:

a. The definition of the term "Net Royalty" in section (b)(8) is ambiguous;

b. The amount of time SUNY has to determine whether to retain title to its Intellectual Property is twelve months—an increase from the current six month time limit is unreasonable; and

c. The reference to "within the scope of the Creator's employment by SUNY" contained in section (d)(1)(a) is ambiguous.

Each comment received by the agency was assessed upon receipt. Each comment was assessed as being consistent with comments received during the process of developing the proposed rule with input from key stakeholders. Efforts to amend 8 NYCRR Part 335.28 commenced approximately five years ago with the agency's launch of a robust stakeholder engagement process. Since 2013, the stakeholder engagement process has been particularly vigorous. The agency has presented proposed changes to and solicited feedback from individuals within and outside the agency, including stakeholders within the SUNY system, individuals from external agencies, and members of the public. This was done through interactive webinars, in-person presentations, and various other forms of outreach. Stakeholders who participated in the process and gave feedback include presidents, chief academic officers, vice presidents for research, faculty, students, technology transfer professionals, United University Professions, the SUNY Patents and Inventions Policy Board, and members of the public. An analysis of the issues raised by comments received since publication of the proposed rule on the NYS Register is set forth below:

a. The issue related to the definition of Net Royalty is one that has been adequately addressed in the proposed changes to the rule. Specifically, the definition of Net Royalty in the proposed rule was narrowed substantially from earlier versions to allow SUNY to deduct only "out-of-pocket costs

incurred by SUNY and not reimbursed by licensees." This change was made in consultation with faculty stakeholders in an effort to narrow the field of eligible expense deductions and to maintain complete transparency in the method by which royalties are calculated. Additionally, consistent with such efforts towards transparency in the process, section (a)(3) of the rule allows the Creator of the Intellectual Property to request an accounting of the distribution of royalties earned by SUNY. This provision was included to address any concerns with regard to ambiguity in the definition of Net Royalty. Further, pursuant to section (f)(1) of the proposed rule, all agency decisions regarding evaluation, marketing, development, protection, maintenance, or enforcement of Intellectual Property (all expense-generating activities) are to be made in consultation with the Creator. This issue was also addressed with stakeholders prior to publication of the proposed rule.

b. The issue related to the one-year time period that SUNY will observe to make an initial determination of whether it will take title to its own Intellectual Property has been adequately addressed by the proposed changes to the rule. It is important to note that earlier iterations of the proposed rule did not provide for any time period restrictions. In response to faculty feedback, SUNY then proposed a two-year time period. With further concern, SUNY and stakeholders determined that a one-year time period was reasonable, appropriately addressed the concerns raised by both sides, and is consistent with the federal rules governing such matters. This issue was also addressed directly and consistently in communication with stakeholders prior to publication of the proposed rule.

c. The issue related to the asserted ambiguity of the language "within the scope of the Creator's employment by SUNY" included within section (d)(1)(a) has been adequately addressed in the proposed changes to the rule. The proposed rule eliminates ambiguities contained in the current rule by changing the test by which ownership to Intellectual Property is determined. The current rule uses a facilities and "own-time" test to determine ownership. This test has proven ambiguous and difficult to administer in practice. The proposed rule seeks to clarify these ambiguities by implementing a two-part test whereby ownership is based on whether the Intellectual Property was created 1) within the scope of the Creator's SUNY employment; or 2) through substantial use of SUNY resources. The phrase "scope of employment" is a legal term of art requiring a fact-specific inquiry. Thus, with respect to the proposed rule, ownership is determined on a case-by-case basis and the inquiry as to whether Intellectual Property was created within the Creator's "scope of employment" is a fact-specific inquiry evaluated on an individualized basis. The implementation of this two-part test is consistent with best practices in higher education. This issue was also addressed with stakeholders prior to publication of the proposed rule.

3. Significant Alternatives Suggested

At least one of the comments suggested that the distribution of royalties not be shifted from a gross to net calculation. Also, with respect to the issue raised in (b) above, it was suggested that the current six month time limit not be increased to a twelve month time limit.

4. Statement of Reasons why Significant Alternatives were not Incorporated into Rule:

The significant alternatives suggested by the comments were not incorporated into the final rule because each alternative was previously raised and addressed within the version of the proposed rule published to the NYS Register on September 14, 2016. Specifically, each comment was received by the agency during SUNY's robust stakeholder engagement process undertaken throughout the course of developing the proposed rule. As mentioned above, SUNY's stakeholder engagement process consisted of working with faculty, students, and campus and union leadership over the course of approximately five years to develop a comprehensive and thoroughly vetted policy. The five-year long stakeholder engagement process enabled SUNY to ensure that it properly considered and addressed all concerns and suggestions prior to commencing the rulemaking process. Based on the foregoing, significant alternatives were not incorporated into the final rule for adoption.

5. Description of Changes Made in the Rule as a Result of Comments:

There were no changes made to the rule as a result of comments received.

**HEARINGS SCHEDULED
FOR PROPOSED RULE MAKINGS**

| Agency I.D. No. | Subject Matter | Location—Date—Time |
|------------------------------------|---|--|
| Labor, Department of | | |
| LAB-42-16-00016-P | Farm worker minimum wage | Department of Labor, Bldg. 2, State Campus, Albany, NY—Dec. 5, 2016, 10:00 a.m. |
| Long Island Power Authority | | |
| LPA-41-16-00007-P | PSEG Long Island’s balanced billing program | H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—Nov. 28, 2016, 10:00 a.m. Long Island Power Authority, 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY—Nov. 28, 2016, 2:00 p.m. |
| LPA-41-16-00008-P | Authority’s power supply charge | H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—Nov. 28, 2016, 10:00 a.m. Long Island Power Authority, 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY—Nov. 28, 2016, 2:00 p.m. |
| LPA-41-16-00009-P | Authority’s smart grid small generator interconnection procedures | H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—Nov. 28, 2016, 10:00 a.m. Long Island Power Authority, 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY—Nov. 28, 2016, 2:00 p.m. |
| LPA-41-16-00010-P | Authority’s revenue decoupling mechanism | H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—Nov. 28, 2016, 10:00 a.m. Long Island Power Authority, 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY—Nov. 28, 2016, 2:00 p.m. |
| LPA-41-16-00011-P | Authority’s visual benefits assessment | H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—Nov. 28, 2016, 10:00 a.m. Long Island Power Authority, 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY—Nov. 28, 2016, 2:00 p.m. |
| Public Service Commission | | |
| PSC-40-16-00023-P | Major gas rate filing | Department of Public Service, Agency Bldg. Three, 3rd Fl. Hearing Rm., Albany, NY—Dec. 5, 2016, 10:00 a.m., and daily on succeeding business days as needed. (Evidentiary Hearing)* *On occasion, there are requests to reschedule or postpone evidentiary hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 16-G-0369. |
| State, Department of | | |
| DOS-46-16-00007-P | Sugarhouse alternative activity provisions | Department of State, 99 Washington Ave., Rm. 505, Albany, NY—Jan. 3, 2017, 10:00 a.m. |

ACTION PENDING INDEX

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

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

For additional information concerning any of the proposals

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

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

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

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

ADIRONDACK PARK AGENCY

| | | | |
|-------------------|----------------|--------------------------|--|
| APA-09-16-00005-P | 03/02/17 | Access to Agency Records | To conform Adirondack Park Agency rules to the Public Officers Law and rules promulgated by the Committee on Open Government |
| APA-39-16-00030-P | 11/15/17 | Access to Agency Records | To conform Adirondack Park Agency rules to the Public Officers Law and rules promulgated by the Committee on Open Government |

AGRICULTURE AND MARKETS, DEPARTMENT OF

| | | | |
|--------------------|----------------|---|--|
| AAM-23-16-00005-P | 06/08/17 | National Institute of Standards and Technology ("NIST") Handbook 44; receipts issued by taxicab operators, digital scales | To incorporate NIST Handbook 44 (2016 edition); to allow handwritten taxicab receipts; to liberalize scale requirements |
| AAM-35-16-00017-P | 08/31/17 | Program rules for New York State Grown & Certified | Inform interested parties of the program, its purpose, participation requirements, qualifying product & rules of participation |
| AAM-42-16-00006-P | 10/19/17 | Sanitation in retail food stores and method of sale, at retail, of certain food | To cause the republication of regulations governing retail food stores and the method of sale of certain foods at retail |
| AAM-47-16-00005-EP | 11/23/17 | Growth, cultivation, sale, distribution, transportation, and processing of industrial hemp | To allow industrial hemp to be sold, distributed, transported and processed |

AUDIT AND CONTROL, DEPARTMENT OF

| | | | |
|-------------------|----------------|--|--|
| AAC-46-16-00019-P | 11/16/17 | Contract Award Protest Procedure for Contract Awards Subject to The Comptroller's Approval | Sets forth the procedure to be used when an interested party challenges certain contract awards by a public contracting entity |
|-------------------|----------------|--|--|

CHILDREN AND FAMILY SERVICES, OFFICE OF

| | | | |
|-------------------|----------------|--|--|
| CFS-24-16-00001-P | 06/15/17 | Child care for children experiencing homelessness. | To reduce barriers for children experiencing homelessness to receive child care assistance and to attend child care. |
|-------------------|----------------|--|--|

Action Pending Index**NYS Register/November 23, 2016**

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|--|----------|--|---|
| CHILDREN AND FAMILY SERVICES, OFFICE OF | | | |
| CFS-39-16-00002-P | 09/28/17 | Provisions relating to the revocation, suspension, limitation or denial of an operating certificate for an adult care facility | To conform the provisions for actions taken on operating certificates for adult care facilities to State law |
| CFS-45-16-00001-P | 11/09/17 | Criminal history checks of prospective foster and adoptive parents and adult household members | To implement changes to the Social Services Law regarding criminal history checks |
| CIVIL SERVICE, DEPARTMENT OF | | | |
| CVS-07-16-00006-P | 02/16/17 | Jurisdictional Classification | To classify a position in the exempt class |
| CVS-07-16-00009-P | 02/16/17 | Jurisdictional Classification | To classify a position in the exempt class |
| CVS-11-16-00001-P | 03/16/17 | Jurisdictional Classification | To delete positions from and classify positions in the exempt and non-competitive classes |
| CVS-11-16-00002-P | 03/16/17 | Jurisdictional Classification | To classify a position in the exempt class |
| CVS-11-16-00003-P | 03/16/17 | Jurisdictional Classification | To classify positions in the non-competitive class |
| CVS-14-16-00005-P | 04/06/17 | Supplemental military leave benefits | To extend the availability of supplemental military leave benefits for certain New York State employees until December 31, 2016 |
| CVS-15-16-00004-P | 04/13/17 | Jurisdictional Classification | To classify a position in the exempt class |
| CVS-15-16-00005-P | 04/13/17 | Jurisdictional Classification | To delete positions from and classify positions in the non-competitive class |
| CVS-15-16-00006-P | 04/13/17 | Jurisdictional Classification | To classify a position in the exempt class |
| CVS-15-16-00007-P | 04/13/17 | Jurisdictional Classification | To delete positions from and classify positions in the exempt and non-competitive classes |
| CVS-15-16-00008-P | 04/13/17 | Jurisdictional Classification | To classify a position in the non-competitive class |
| CVS-20-16-00005-P | 05/18/17 | Jurisdictional Classification | To delete positions from and classify positions in the non-competitive class |
| CVS-20-16-00006-P | 05/18/17 | Jurisdictional Classification | To classify positions in the non-competitive class |
| CVS-26-16-00003-P | 06/29/17 | Jurisdictional Classification | To classify positions in the exempt class and to delete positions from the non-competitive class |
| CVS-26-16-00004-P | 06/29/17 | Jurisdictional Classification | To classify a position in the non-competitive class |
| CVS-26-16-00005-P | 06/29/17 | Jurisdictional Classification | To delete a position from and classify a position in the exempt class |
| CVS-26-16-00006-P | 06/29/17 | Jurisdictional Classification | To classify a position in the non-competitive class |
| CVS-26-16-00007-P | 06/29/17 | Jurisdictional Classification | To classify positions in the non-competitive classes |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|-------------------------------------|----------|-------------------------------|---|
| CIVIL SERVICE, DEPARTMENT OF | | | |
| CVS-26-16-00008-P | 06/29/17 | Jurisdictional Classification | To classify a position in the non-competitive class |
| CVS-26-16-00009-P | 06/29/17 | Jurisdictional Classification | To classify positions in the exempt class |
| CVS-26-16-00010-P | 06/29/17 | Jurisdictional Classification | To classify positions in the non-competitive class |
| CVS-26-16-00011-P | 06/29/17 | Jurisdictional Classification | To classify positions in the non-competitive class |
| CVS-29-16-00001-P | 07/20/17 | Jurisdictional Classification | To classify positions in the exempt class |
| CVS-29-16-00002-P | 07/20/17 | Jurisdictional Classification | To delete subheading & positions from; to add heading, subheading & positions in exempt and non-competitive classes |
| CVS-29-16-00003-P | 07/20/17 | Jurisdictional Classification | To delete positions from the exempt and non-competitive classes |
| CVS-29-16-00004-P | 07/20/17 | Jurisdictional Classification | To delete positions from the non-competitive class |
| CVS-29-16-00005-P | 07/20/17 | Jurisdictional Classification | To classify a position in the exempt class |
| CVS-29-16-00006-P | 07/20/17 | Jurisdictional Classification | To classify a position in the exempt class |
| CVS-29-16-00007-P | 07/20/17 | Jurisdictional Classification | To classify a position in the non-competitive class |
| CVS-29-16-00008-P | 07/20/17 | Jurisdictional Classification | To classify a position in the exempt class and to delete a position from the non-competitive class |
| CVS-29-16-00009-P | 07/20/17 | Jurisdictional Classification | To classify positions in the exempt class |
| CVS-29-16-00010-P | 07/20/17 | Jurisdictional Classification | To classify positions in the exempt class |
| CVS-29-16-00011-P | 07/20/17 | Jurisdictional Classification | To classify a position in the exempt class |
| CVS-29-16-00012-P | 07/20/17 | Jurisdictional Classification | To classify positions in the exempt class |
| CVS-29-16-00013-P | 07/20/17 | Jurisdictional Classification | To classify a position in the exempt class |
| CVS-29-16-00014-P | 07/20/17 | Jurisdictional Classification | To classify a position in the non-competitive class |
| CVS-29-16-00015-P | 07/20/17 | Jurisdictional Classification | To delete positions from the non-competitive class |
| CVS-29-16-00016-P | 07/20/17 | Jurisdictional Classification | To delete positions from the exempt and non-competitive classes |
| CVS-29-16-00017-P | 07/20/17 | Jurisdictional Classification | To classify a position in the exempt class and to delete a position from the non-competitive class |

Action Pending Index

NYS Register/November 23, 2016

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|-------------------------------------|----------|-------------------------------|---|
| CIVIL SERVICE, DEPARTMENT OF | | | |
| CVS-29-16-00018-P | 07/20/17 | Jurisdictional Classification | To delete subheading & positions from; to add heading, subheading & positions in exempt and non-competitive classes |
| CVS-35-16-00004-P | 08/31/17 | Jurisdictional Classification | To classify positions in the exempt class |
| CVS-35-16-00005-P | 08/31/17 | Jurisdictional Classification | To delete positions from and classify positions in the non-competitive class. |
| CVS-35-16-00006-P | 08/31/17 | Jurisdictional Classification | To classify a position in the exempt class |
| CVS-35-16-00007-P | 08/31/17 | Jurisdictional Classification | To classify a position in the exempt class |
| CVS-35-16-00008-P | 08/31/17 | Jurisdictional Classification | To classify a position in the exempt class |
| CVS-35-16-00009-P | 08/31/17 | Jurisdictional Classification | To classify positions in the exempt class |
| CVS-35-16-00010-P | 08/31/17 | Jurisdictional Classification | To classify positions in the non-competitive class |
| CVS-35-16-00011-P | 08/31/17 | Jurisdictional Classification | To classify a position in the non-competitive class |
| CVS-35-16-00012-P | 08/31/17 | Jurisdictional Classification | To classify a position in the exempt class |
| CVS-44-16-00001-P | 11/02/17 | Jurisdictional Classification | To classify a position in the exempt class |
| CVS-44-16-00002-P | 11/02/17 | Jurisdictional Classification | To classify a position in the exempt class |
| CVS-44-16-00003-P | 11/02/17 | Jurisdictional Classification | To classify a position in the exempt class |
| CVS-44-16-00004-P | 11/02/17 | Jurisdictional Classification | To classify a position in the exempt class and to delete a position from the non-competitive class |
| CVS-44-16-00005-P | 11/02/17 | Jurisdictional Classification | To delete a position from and classify a position in the non-competitive class |
| CVS-44-16-00006-P | 11/02/17 | Jurisdictional Classification | To classify a position in the exempt class |
| CVS-44-16-00007-P | 11/02/17 | Jurisdictional Classification | To classify a position in the exempt class |
| CVS-44-16-00008-P | 11/02/17 | Jurisdictional Classification | To classify a position in the non-competitive class |
| CVS-44-16-00009-P | 11/02/17 | Jurisdictional Classification | To classify positions in the non-competitive class |
| CVS-46-16-00001-P | 11/16/17 | Jurisdictional Classification | To classify a position in the exempt class |
| CVS-46-16-00002-P | 11/16/17 | Jurisdictional Classification | To classify positions in the non-competitive class |
| CVS-46-16-00003-P | 11/16/17 | Jurisdictional Classification | To classify positions in the exempt class |
| CVS-46-16-00004-P | 11/16/17 | Jurisdictional Classification | To delete a position from and classify a position in the exempt class |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|---|----------|---|--|
| CORRECTION, STATE COMMISSION OF | | | |
| CMC-44-16-00022-P | 11/02/17 | Annual report of pregnant inmate restraint | To prescribe a form and manner for local correctional facilities to submit a statutorily required annual report |
| CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF | | | |
| CCS-39-16-00004-P | 09/28/17 | Parole Board decision making | To clearly establish what the Board must consider when conducting an interview and rendering a decision |
| CRIMINAL JUSTICE SERVICES, DIVISION OF | | | |
| CJS-25-16-00004-P | 06/22/17 | Handling of Ignition Interlock Cases Involving Certain Criminal Offenders. | To promote public/traffic safety, offender accountability and quality assurance through the establishment of minimum standards. |
| EDUCATION DEPARTMENT | | | |
| EDU-06-16-00004-P | 02/09/17 | School counseling, certification requirements for school counselors and the school counselor program registration requirements. | To implement policy enacted by the Board of Regents to enhance existing public school district guidance programs to require comprehensive developmental counseling programs for all students in grades prekindergarten through 12 by certified school counselors |
| EDU-10-16-00018-RP | 03/09/17 | Dental Anesthesia Certification Requirements for Licensed Dentists | To conform regulations to the current practice of dental anesthesia administration |
| EDU-22-16-00006-EP | 06/01/17 | Teacher certification in career and technical education | Establishes a new pathway for Transitional A certificate |
| EDU-26-16-00016-ERP | 06/29/17 | Teacher certification in career and technical education | Establishes new pathways for Transitional A certificate |
| EDU-27-16-00002-ERP | 07/06/17 | Superintendent determination as to academic proficiency for certain students with disabilities to graduate with a local diploma | To expand the safety net options for students with disabilities to graduate with local diplomas when certain conditions are met |
| EDU-39-16-00009-P | 09/28/17 | Substitute Teachers | To provide a sunset date for the amendments made to 80-5.4 at the July Regents meeting |
| EDU-39-16-00033-EP | 09/28/17 | Assessments for the New York State Career Development and Occupational Studies (CDOS) Commencement Credential | Establish conditions and procedures for approval of work-readiness assessments for the CDOS credential |
| EDU-39-16-00034-P | 09/28/17 | Uniform Violent or Disruptive Incident Reporting System (VADIR) | To revise the categories of violent and disruptive incidents for VADIR reporting |
| EDU-42-16-00001-EP | 10/19/17 | Establishment of tuition rates | To clarify that the Education Department maintains discretion in establishing tuition rates based on a financial audit |
| EDU-44-16-00012-P | 11/02/17 | Education requirements for Occupational Therapists and Occupational Therapy Assistants | Provides that licenses may be granted to applicants who have completed education exceeding current requirements for licensure |
| EDU-44-16-00013-EP | 11/02/17 | Teacher certification examination requirements | To establish additional safety nets for the content specialty examinations |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|--|----------|--|--|
| EDUCATION DEPARTMENT | | | |
| EDU-44-16-00023-P | 11/02/17 | Posting of Child Abuse Hotline Number and Instructions to Use Office of Children and Family Services Website | To implement the requirements of Chapter 105 of the Laws of 2016 |
| EDU-45-16-00005-EP | 11/09/17 | Annual Professional Performance Reviews (APPR) of classroom teachers and building principals | To provide New York City with flexibility in the student performance category for teacher and principal evaluations. |
| EDU-45-16-00006-P | 11/09/17 | Eligibility for Participation in Interscholastic Sports and Duration of Competition | Clarifies when a student's eligibility for athletic competition may be extended and the use of the athletic placement process |
| ENVIRONMENTAL CONSERVATION, DEPARTMENT OF | | | |
| *ENV-45-15-00028-P | 11/09/16 | Science-based State sea-level rise projections | To establish a common source of sea-level rise projections for consideration in relevant programs and decision-making |
| ENV-51-15-00005-P | 12/22/16 | Big bore air rifles | To allow big bore air rifles as legal implements for hunting big game |
| ENV-52-15-00010-P | 12/29/16 | Procedures for modifying or extinguishing a conservation easement held by the NYS DEC | Establish standards for the DEC to follow when modifying or extinguishing a CE and provide for a formal public review process |
| ENV-11-16-00004-P | 06/07/17 | Solid Waste Management Regulations | Amend the rules that implement the solid waste program in New York State to incorporate changes in law and technology |
| ENV-19-16-00006-EP | 06/30/17 | Chemical Bulk Storage (CBS) | To amend Part 597 of the CBS regulations |
| ENV-26-16-00002-P | 06/29/17 | To amend 6 NYCRR Part 40 pertaining to recreational party and charter boat regulations for striped bass | To allow filleting of striped bass aboard party and charter boats |
| ENV-31-16-00003-P | 09/30/17 | Waste Fuels | Update permit references, rule citations, monitoring, record keeping, reporting requirements, and incorporate federal standards |
| ENV-36-16-00002-P | 11/02/17 | Lake Champlain drainage basin | To reclassify certain surface waters in Lake Champlain Drainage Basin, in Clinton, Essex, Franklin, Warren, Washington counties |
| ENV-39-16-00011-P | 09/28/17 | Sportfishing (freshwater) and associated activities | To revise sportfishing regulations and associated activities |
| FINANCIAL SERVICES, DEPARTMENT OF | | | |
| DFS-17-16-00003-P | exempt | Plan of Conversion by Commercial Travelers Mutual Insurance Company | To convert a mutual accident and health insurance company to a stock accident and health insurance company |
| DFS-39-16-00007-P | 09/28/17 | Charges for Professional Health Services | Limit reimbursement of no-fault health care services provided outside NYS to highest fees in fee schedule for services in NYS |
| DFS-39-16-00008-P | 09/28/17 | CYBERSECURITY REQUIREMENTS FOR FINANCIAL SERVICES COMPANIES | To require effective cybersecurity to protect consumers and ensure the safe and sound operation of Department-regulated entities |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|--|----------|---|---|
| FINANCIAL SERVICES, DEPARTMENT OF | | | |
| DFS-41-16-00006-P | 10/12/17 | Inspecting, Securing and Maintaining Vacant and Abandoned Residential Real Property | To implement the requirements imposed by the recent additions to the Real Property Actions and Proceedings Law |
| DFS-41-16-00012-P | 10/12/17 | Commercial Crime Coverage Exclusions | To prohibit certain insurance exclusions for loss/damage caused by an employee previously convicted of criminal offense |
| DFS-45-16-00003-P | 11/09/17 | Agent Training Allowance Subsidies | To update the limits of training allowance subsidies contained in 11 NYCRR 12 (Regulation 50) |
| DFS-47-16-00006-P | 11/23/17 | Regs Implementing Comprehensive Motor Veh Ins Reparations Act; Unfair Claims Settlement Practices & Claim Cost Control Measures | To update references to the address of the Department's Long Island office |
| GAMING COMMISSION, NEW YORK STATE | | | |
| SGC-37-16-00007-P | 09/14/17 | Require thoroughbred horse trainers to complete four hours of continuing education each year | To preserve the integrity of pari-mutuel racing while generating reasonable revenue for the support of government |
| SGC-38-16-00004-P | 09/21/17 | Definition of the "wire" at the finish of a harness race | To preserve the integrity of pari-mutuel racing while generating reasonable revenue for the support of government |
| SGC-42-16-00002-P | 10/19/17 | Casino alcoholic beverage licenses | To regulate the presence and sale of alcoholic beverages on the premises of gaming facilities |
| SGC-42-16-00003-P | 10/19/17 | Prescribing methods of notice to applicants, registrants, and licensees and restrictions on employee wagering | To set forth the methods of notice and restrict employee wagering |
| SGC-42-16-00004-P | 10/19/17 | To set forth the standards for electronic table game systems | To prescribe the technical standards for the testing and certification of electronic table game systems |
| SGC-45-16-00002-P | 11/09/17 | Permit jockeys to wear trade logos and own name on jockey clothing | To preserve the safety and integrity of pari-mutuel racing while generating reasonable revenue for the support of government |
| SGC-45-16-00004-P | 11/09/17 | Anti-stacking of NSAIDs and diclofenac made a 48 hour NSAID | To enable the Commission to preserve the integrity of pari-mutuel racing while generating reasonable revenue for the support of |
| SGC-47-16-00002-P | 11/23/17 | Bonding of video lottery agents to prevent potential loss of State revenue earned from video lottery gaming ("VLG") | To revise the manner in which the bond amount required from each VLG agent is determined, reflecting current vendor fees |
| SGC-47-16-00017-P | 11/23/17 | Expands the conflict of interest restrictions on racing secretaries and their assistants and substitutes | To ensure the integrity of harness racing |
| HEALTH, DEPARTMENT OF | | | |
| *HLT-14-94-00006-P | exempt | Payment methodology for HIV/AIDS outpatient services | To expand the current payment to incorporate pricing for services |
| *HLT-46-15-00006-P | 12/20/16 | Early Intervention Program | To conform existing program regulations to federal regulations and state statute |
| HLT-16-16-00002-P | 04/20/17 | NYS Medical Indemnity Fund | To provide additional guidance and clarity to the Fund's requirements and operations |

Action Pending Index**NYS Register/November 23, 2016**

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|--|----------|---|---|
| HEALTH, DEPARTMENT OF | | | |
| HLT-35-16-00018-P | 08/31/17 | All Payer Database (APD) | To define the parameters for operating the APD regarding mandatory data submission by healthcare payers as well as data release |
| HLT-37-16-00023-P | 09/14/17 | Medical Use of Marihuana | To authorize nurse practitioners to register with DOH in order to issue certifications to patients with qualifying conditions |
| HLT-37-16-00024-P | 09/14/17 | Medical Use of Marihuana | To comprehensively regulate the manufacture, sale and use of medical marihuana |
| HLT-39-16-00031-P | 09/28/17 | Non-prescription Emergency Contraceptives Drugs | Allow pharmacies to dispense non-prescription emerg. contraceptive drugs for Medicaid female recipients without a written order |
| HLT-39-16-00032-P | 09/28/17 | Expanded Syringe Access Program | To eliminate the word "demonstration" |
| HLT-40-16-00030-P | 10/05/17 | Transgender Related Care and Services | To amend provisions regarding Medicaid coverage of transition-related transgender care and services |
| HLT-41-16-00002-EP | 10/12/17 | Residential Health Care Facility Quality Pool | To reward NYS facilities with the highest quality outcomes as determined by methodology developed by regulation |
| HLT-41-16-00005-P | 10/12/17 | Compounded Trend to Cost of Living Adjustments (COLAs) for Direct Care Workers | To update the methodology to reflect a compounded cost of living adjustment and to remove a superfluous component |
| HLT-47-16-00007-P | 11/23/17 | Direct Clinical Services-Supervised Individual Residential Alternatives (IRAs), Community Residences (CRs) & Day Habilitation | To exclude direct clinical services from the reimbursement for Supervised IRAs, CRs and Day Habilitation |
| JOINT COMMISSION ON PUBLIC ETHICS, NEW YORK STATE | | | |
| JPE-37-16-00002-EP | 09/14/17 | Source of funding reporting | To implement legislative changes made to the source of funding disclosure requirements |
| JPE-37-16-00003-EP | 09/14/17 | Adjudicatory proceedings and appeals procedures for matters under the Commission's jurisdiction | To implement legislative changes made to the Commission's adjudicatory proceedings |
| LABOR, DEPARTMENT OF | | | |
| LAB-03-16-00009-P | 01/19/17 | Employer Imposed Limitations on the Inquiry, Discussion, and Disclosure of Wages | This regulation sets forth standards for limitations on inquiry, discussion, or the disclosure of wages amongst employees |
| LAB-42-16-00015-P | 10/19/17 | Minimum Wage | To comply with chapter 54 of the Laws of 2016 that increased the minimum wage |
| LAB-42-16-00016-P | 12/05/17 | Farm Worker Minimum Wage | To comply with chapter 54 of the Laws of 2016 that increased the minimum wage |
| LIQUOR AUTHORITY, STATE | | | |
| LQR-02-16-00002-P | 01/12/17 | Update outdated Freedom of Information Law procedures utilized by Authority | To update Authority procedures and ensure compliance with Freedom of information Law requirements under Pub. Off. Law., art. 6 |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|---|----------------|---|--|
| LONG ISLAND POWER AUTHORITY | | | |
| *LPA-08-01-00003-P | exempt | Pole attachments and related matters | To approve revisions to the authority's tariff |
| *LPA-41-02-00005-P | exempt | Tariff for electric service | To revise the tariff for electric service |
| *LPA-04-06-00007-P | exempt | Tariff for electric service | To adopt provisions of a ratepayer protection plan |
| *LPA-03-10-00004-P | exempt | Residential late payment charges | To extend the application of late payment charges to residential customers |
| LPA-41-16-00007-P | exempt | PSEG Long Island's balanced billing program | To implement improvements to the balanced billing program |
| LPA-41-16-00008-P | exempt | The Authority's Power Supply Charge | To move certain capacity related power supply costs from base rates to the Authority's Power Supply Charge |
| LPA-41-16-00009-P | exempt | The Authority's Smart Grid Small Generator Interconnection Procedures | To update the Authority's Smart Grid Small Generator Interconnection Procedures |
| LPA-41-16-00010-P | exempt | The Authority's Revenue Decoupling Mechanism | To change the RDM from a semi-annual to an annual rate resetting process |
| LPA-41-16-00011-P | exempt | The Authority's Visual Benefits Assessment | To effectuate a settlement between the Authority and the Town of Southampton regarding collection of arrears |
| MOTOR VEHICLES, DEPARTMENT OF | | | |
| MTV-46-16-00020-P | 11/16/17 | Hearings for persons who persistently evade the payment of tolls | To hold hearings for persons subject to a registration suspension due to persistently evading the payment of tolls |
| NIAGARA FALLS WATER BOARD | | | |
| *NFW-04-13-00004-EP | exempt | Adoption of Rates, Fees and Charges | To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders |
| *NFW-13-14-00006-EP | exempt | Adoption of Rates, Fees and Charges | To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders |
| POWER AUTHORITY OF THE STATE OF NEW YORK | | | |
| *PAS-01-10-00010-P | exempt | Rates for the sale of power and energy | Update ECSB Programs customers' service tariffs to streamline them/include additional required information |
| PAS-41-16-00013-P | exempt | Rates for the Sale of Power and Energy | To recover the Authority's Fixed Costs |
| PAS-41-16-00014-P | exempt | Rates for the Sale of Power and Energy | To align rates and costs |
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-28-97-00032-P | exempt | General service by Central Hudson Gas & Electric Corporation | To limit certain special provisions |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|---|--|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-34-97-00009-P | exempt | Collection agency fees by Consolidated Edison Company of New York, Inc. | To pass collection agency fees on to the customer |
| *PSC-04-98-00015-P | exempt | Interconnection service overcharges by Niagara Mohawk Power Corporation | To consider a complaint by Azure Mountain Power Co. |
| *PSC-19-98-00008-P | exempt | Call forwarding by CPU Industries Inc./MKL Net, et al. | To rehear the petition |
| *PSC-02-99-00006-EP | exempt | Intralata freeze plan by New York Telephone Company | To approve the plan |
| *PSC-09-99-00012-P | exempt | Transfer of books and records by Citizens Utilities Company | To relocate Ogden Telephone Company's books and records out-of-state |
| *PSC-15-99-00011-P | exempt | Electronic tariff by Woodcliff Park Corp. | To replace the company's current tariff with an electronic tariff |
| *PSC-50-99-00009-P | exempt | Retail access uniform business practices by The Brooklyn Union Gas Company and KeySpan Gas East Corporation d/b/a Brooklyn Union of Long Island | To approve a joint petition requesting a waiver extension of a requirement set forth in the commission's order |
| *PSC-52-99-00006-P | exempt | Wide area rate center calling | To implement number conservation measures |
| *PSC-12-00-00001-P | exempt | Winter bundled sales service election date by Central Hudson Gas & Electric Corporation | To revise the date |
| *PSC-14-00-00004-EP | exempt | NXX code in the 716 NPA by Broadview Networks | To assign an NXX code in Buffalo |
| *PSC-14-00-00026-P | exempt | Interconnection agreement between New York Telephone Company d/b/a Bell Atlantic-New York and Media Log, Inc. | To review the terms and conditions of the negotiated agreement |
| *PSC-14-00-00027-P | exempt | Interconnection agreement between New York Telephone Company d/b/a Bell Atlantic-New York and Pilgrim Telephone, Inc. | To review the terms and conditions of the negotiated agreement |
| *PSC-14-00-00029-P | exempt | Interconnection agreement between New York Telephone Company d/b/a Bell Atlantic-New York and CoreComm New York, Inc. | To review the terms and conditions of the negotiated agreement |
| *PSC-16-00-00012-P | exempt | Termination of local telecommunications traffic by Hyperion Communications of New York, Inc. | To determine appropriate compensation levels |
| *PSC-21-00-00007-P | exempt | Initial tariff schedule by Drew Road Association | To set forth the rates, charges, rules and regulations |
| *PSC-31-00-00026-P | exempt | Water service by Windover Water Works | To abandon the water system |
| *PSC-33-00-00010-P | exempt | Electric rate and restructuring plan by Rochester Gas and Electric Corporation | To evaluate possible modifications |
| *PSC-36-00-00039-P | exempt | Steam increase by Consolidated Edison Company of New York, Inc. | To provide for an annual increase in the first year of a proposed four-year rate plan |
| *PSC-37-00-00001-EP | exempt | Interruptible gas customers | To ensure customers have an adequate supply of alternative fuel available |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|---|--|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-39-00-00004-P | exempt | Blockable central office codes by PaeTec Communications, Inc. | To review the commission's requirements for assignment of numbering resources |
| *PSC-44-00-00014-P | exempt | Recovery of costs through adjustment mechanisms by Consolidated Edison Company of New York, Inc. | To permit the recovery of certain costs |
| *PSC-49-00-00007-P | exempt | Gas sales and purchases by Corning Natural Gas Corporation | To determine whether certain gas sales and purchases were in the public interest and whether customers should bear the resulting costs |
| *PSC-01-01-00023-P | exempt | Installation, maintenance and ownership of service laterals by Rochester Gas and Electric Corporation | To update and clarify the provisions |
| *PSC-06-01-00009-P | exempt | Uniform system of accounts by Rochester Gas and Electric Corporation | To defer an item of expense beyond the end of the year in which it was incurred |
| *PSC-13-01-00001-P | exempt | Request for accounting authorization by Rochester Gas and Electric Corporation | To defer an item of expense beyond the end of the year in which it was incurred |
| *PSC-13-01-00002-P | exempt | Request for accounting authorization by Rochester Gas and Electric Corporation | To defer an item of expense beyond the end of the year in which it was incurred |
| *PSC-13-01-00003-P | exempt | Request for accounting authorization by Rochester Gas and Electric Corporation | To defer an item of expense beyond the end of the year in which it was incurred |
| *PSC-15-01-00012-P | exempt | Transfer of a controlling leasehold interest by Huntley Power LLC | To approve the transfer |
| *PSC-22-01-00006-P | exempt | Con Edison's phase 4 plan for retail access by AES Energy, Inc. | To review the request for rehearing |
| *PSC-26-01-00012-P | exempt | Interconnection of networks between Sprint PCS and Verizon New York Inc. | To review the terms and conditions of the negotiated agreement |
| *PSC-36-01-00010-P | exempt | Competitive metering by eBidenergy.com | To clarify meter ownership rules and requirements |
| *PSC-44-01-00005-P | exempt | Annual reconciliation of gas costs by Corning Natural Gas Corporation | To authorize the company to include certain gas costs |
| *PSC-01-02-00007-P | exempt | Accounting and rate treatment of proceeds by Consolidated Edison Company of New York, Inc. | To consider proceeds from sale of nuclear generating facilities |
| *PSC-05-02-00005-P | exempt | Uniform system of accounts by Consolidated Edison Company of New York, Inc. | To defer expenditures incurred in connection with emergency response services affected by the World Trade Center disaster |
| *PSC-06-02-00015-P | exempt | Network reliability performance mechanism by Consolidated Edison Company of New York, Inc. | To earn rewards for meeting the targets of the network reliability performance mechanism |
| *PSC-07-02-00032-P | exempt | Uniform business practices | To consider modification |
| *PSC-29-02-00014-P | exempt | Financing by Valley Energy, Inc. | To issue a note and allocate costs |
| *PSC-49-02-00021-P | exempt | Requests for lightened regulation by PSEG Power Bellport, LLC | To consider the company's request |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|--|--|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-08-03-00009-P | exempt | Provision of gas service to World Kitchen Incorporated | To establish terms and conditions |
| *PSC-09-03-00012-P | exempt | Incremental service line installations by New York State Electric & Gas Corporation | To revise the current flat rate per foot charged |
| *PSC-09-03-00014-P | exempt | Deferral accounting by Consolidated Edison Company of New York, Inc. and Orange and Rockland Utilities, Inc. | To defer expense items beyond the end of the year(s) in which they were incurred |
| *PSC-11-03-00012-P | exempt | Economic development plan by New York State Electric & Gas Corporation | To consider the plan |
| *PSC-18-03-00004-P | exempt | Lightened regulation by East Hampton Power and Light Corporation (EHPLC) | To provide for lightened regulation and grant financing approval |
| *PSC-22-03-00020-P | exempt | Inter-departmental gas pricing by Consolidated Edison Company of New York, Inc. | To revise the method used in steam and steam-electric generating stations |
| *PSC-32-03-00020-P | exempt | Issuance of debt and approval of surcharge by Rainbow Water Company | To approve necessary financing |
| *PSC-34-03-00019-P | exempt | Issuance of securities by KeySpan East Corporation d/b/a KeySpan Energy Delivery Long Island | To obtain authorization to issue securities |
| *PSC-35-03-00009-P | exempt | Interconnection agreement between Verizon New York Inc. and MCIMetro Access Transmission Services LLC | To amend the agreement |
| *PSC-36-03-00010-P | exempt | Performance assurance plan by Verizon New York | To consider changes |
| *PSC-39-03-00013-P | exempt | Complaint by State University of New York (SUNY) regarding a NYSEG operating agreement | To consider the complaint |
| *PSC-40-03-00015-P | exempt | Receipt of payment of bills by St. Lawrence Gas Company | To revise the process |
| *PSC-41-03-00008-P | exempt | Lightened regulation by Sterling Power Partners, L.P. | To consider granting lightened regulation |
| *PSC-41-03-00010-P | exempt | Annual reconciliation of gas expenses and gas cost recoveries | To consider filings of various LDCs and municipalities |
| *PSC-41-03-00011-P | exempt | Annual reconciliation of gas expenses and gas cost recoveries | To consider filings of various LDCs and municipalities |
| *PSC-42-03-00005-P | exempt | Interest rate by the Bath Electric, Gas, and Water Systems | To use an alternate interest rate |
| *PSC-43-03-00036-P | exempt | Merchant function backout credit and transition balancing account by KeySpan Gas East Corporation | To continue the credit and account until May 31, 2005 |
| *PSC-43-03-00037-P | exempt | Merchant function backout credit and transition balancing account by The Brooklyn Union Gas Company | To continue the credit and account until May 31, 2005 |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|---|--|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-44-03-00009-P | exempt | Retail access data between jurisdictional utilities | To accommodate changes in retail access market structure or commission mandates |
| *PSC-47-03-00024-P | exempt | Lightened regulation and financing approval by Medford Energy LLC | To consider the requests |
| *PSC-02-04-00008-P | exempt | Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York | To rehear the Nov. 25, 2003 order |
| *PSC-06-04-00009-P | exempt | Transfer of ownership interest by SCS Energy LLC and AE Investors LLC | To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC |
| *PSC-10-04-00005-P | exempt | Temporary protective order | To consider adopting a protective order |
| *PSC-10-04-00008-P | exempt | Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue | To amend the agreement |
| *PSC-14-04-00008-P | exempt | Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds | To submeter gas service to commercial customers located at the Buffalo Speedway |
| *PSC-15-04-00022-P | exempt | Submetering of electricity by Glenn Gardens Associates, L.P. | To permit submetering at 175 W. 87th St., New York, NY |
| *PSC-21-04-00013-P | exempt | Verizon performance assurance plan by Metropolitan Telecommunications | To clarify the appropriate performance level |
| *PSC-22-04-00010-P | exempt | Approval of new types of electricity meters by Powell Power Electric Company | To permit the use of the PE-1250 electronic meter |
| *PSC-22-04-00013-P | exempt | Major gas rate increase by Consolidated Edison Company of New York, Inc. | To increase annual gas revenues |
| *PSC-22-04-00016-P | exempt | Master metering of water by South Liberty Corporation | To waive the requirement for installation of separate water meters |
| *PSC-25-04-00012-P | exempt | Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P. | To amend the agreement |
| *PSC-27-04-00008-P | exempt | Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates | To amend the agreement |
| *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 |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|--|---|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-35-04-00017-P | exempt | Application form for distributed generation by Orange and Rockland Utilities, Inc. | To establish a new supplementary application form for customers |
| *PSC-43-04-00016-P | exempt | Accounts recievable by Rochester Gas and Electric Corporation | To include in its tariff provisions for the purchase of ESCO accounts recievable |
| *PSC-46-04-00012-P | exempt | Service application form by Consolidated Edison Company of New York, Inc. | To revise the form and make housekeeping changes |
| *PSC-46-04-00013-P | exempt | Rules and guidelines governing installation of metering equipment | To establish uniform statewide business practices |
| *PSC-02-05-00006-P | exempt | Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc. | To consider imposing remedial actions against the company and its owners, officers and directors |
| *PSC-09-05-00009-P | exempt | Submetering of natural gas service by Hamlet on Olde Oyster Bay | To consider submetering of natural gas to a commercial customer |
| *PSC-14-05-00006-P | exempt | Request for deferred accounting authorization by Freeport Electric Inc. | To defer expenses beyond the end of the fiscal year |
| *PSC-18-05-00009-P | exempt | Marketer Assignment Program by Consolidated Edison Company of New York, Inc. | To implement the program |
| *PSC-20-05-00028-P | exempt | Delivery point aggregation fee by Allied Frozen Storage, Inc. | To review the calculation of the fee |
| *PSC-25-05-00011-P | exempt | Metering, balancing and cashout provisions by Central Hudson Gas & Electric Corporation | To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11 |
| *PSC-27-05-00018-P | exempt | Annual reconciliation of gas costs by New York State Electric & Gas Corporation | To consider the manner in which the gas cost incentive mechanism has been applied |
| *PSC-41-05-00013-P | exempt | Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities | To consider the filings |
| *PSC-45-05-00011-P | exempt | Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation | To defer certain costs |
| *PSC-46-05-00015-P | exempt | Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC | To consider the sale |
| *PSC-47-05-00009-P | exempt | Transferral of gas supplies by Corning Natural Gas Corporation | To approve the transfer |
| *PSC-50-05-00008-P | exempt | Long-term debt by Saratoga Glen Hollow Water Supply Corp. | To obtain long-term debt |
| *PSC-04-06-00024-P | exempt | Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc. | To approve of the transfer |
| *PSC-06-06-00015-P | exempt | Gas curtailment policies and procedures | To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|---|---|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-07-06-00009-P | exempt | Modification of the current Environmental Disclosure Program | To include an attributes accounting system |
| *PSC-22-06-00019-P | exempt | Hourly pricing by National Grid | To assess the impacts |
| *PSC-22-06-00020-P | exempt | Hourly pricing by New York State Electric & Gas Corporation | To assess the impacts |
| *PSC-22-06-00021-P | exempt | Hourly pricing by Rochester Gas & Electric Corporation | To assess the impacts |
| *PSC-22-06-00022-P | exempt | Hourly pricing by Consolidated Edison Company of New York, Inc. | To assess the impacts |
| *PSC-22-06-00023-P | exempt | Hourly pricing by Orange and Rockland Utilities, Inc. | To assess the impacts |
| *PSC-24-06-00005-EP | exempt | Supplemental home energy assistance benefits | To extend the deadline to Central Hudson's low-income customers |
| *PSC-25-06-00017-P | exempt | Purchased power adjustment by Massena Electric Department | To revise the method of calculating the purchased power adjustment and update the factor of adjustment |
| *PSC-34-06-00009-P | exempt | Inter-carrier telephone service quality standards and metrics by the Carrier Working Group | To incorporate appropriate modifications |
| *PSC-37-06-00015-P | exempt | Procedures for estimation of customer bills by Rochester Gas and Electric Corporation | To consider estimation procedures |
| *PSC-37-06-00017-P | exempt | Procedures for estimation of customer bills by Rochester Gas and Electric Corporation | To consider estimation procedures |
| *PSC-39-06-00018-P | exempt | Order establishing rate plan by Central Hudson Gas & Electric Corporation and the Consumer Protection Board | To consider the petitions for rehearing |
| *PSC-39-06-00019-P | exempt | Investigation of Richard M. Osborne by Corning Natural Gas Corporation | To determine the interests, plans and commitments that will be in place if he is successful in blocking the merger of Corning Gas and C&T Enterprises |
| *PSC-39-06-00022-P | exempt | Uniform business practices and related matters by U.S. Energy Savings Corporation | To establish a contest period |
| *PSC-40-06-00005-P | exempt | Orion Integral automatic meter reading transmitter by New York State Electric and Gas Corporation | To permit gas utilities in NYS to use the Badger Meter Incorporated Orion Integral transmitters |
| *PSC-42-06-00011-P | exempt | Submetering of electricity by 225 5th LLC | To submeter electricity at 255 Fifth Ave., New York, NY |
| *PSC-43-06-00014-P | exempt | Electric delivery services by Strategic Power Management, Inc. | To determine the proper mechanism for the rate-recovery of costs |
| *PSC-44-06-00014-P | exempt | Electric power outages in Northwest Queens by Consolidated Edison Company of New York, Inc. | To review the terms and conditions of the agreement |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|---|--|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-45-06-00007-P | exempt | Alleged failure to provide electricity by Robert Andrews | To assess validity of allegations and appropriateness of fines |
| *PSC-01-07-00031-P | exempt | Enforcement mechanisms by National Fuel Gas Distribution Corporation | To modify enforcement mechanisms |
| *PSC-04-07-00012-P | exempt | Petition for rehearing by Orange and Rockland Utilities, Inc. | To clarify the order |
| *PSC-06-07-00015-P | exempt | Meter reading and billing practices by Central Hudson Gas & Electric Corporation | To continue current meter reading and billing practices for electric service |
| *PSC-06-07-00020-P | exempt | Meter reading and billing practices by Central Hudson Gas & Electric Corporation | To continue current meter reading and billing practices for gas service |
| *PSC-11-07-00010-P | exempt | Investigation of the electric power outages by the Consolidated Edison Company of New York, Inc. | To implement the recommendations in the staff's investigation |
| *PSC-11-07-00011-P | exempt | Storm-related power outages by Consolidated Edison Company of New York, Inc. | To modify the company's response to power outages, the timing for any such changes and other related matters |
| *PSC-17-07-00008-P | exempt | Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc. | To amend the agreement |
| *PSC-18-07-00010-P | exempt | Existing electric generating stations by Independent Power Producers of New York, Inc. | To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation |
| *PSC-20-07-00016-P | exempt | Tariff revisions and making rates permanent by New York State Electric & Gas Corporation | To seek rehearing |
| *PSC-21-07-00007-P | exempt | Natural Gas Supply and Acquisition Plan by Corning Natural Gas Corporation | To revise the rates, charges, rules and regulations for gas service |
| *PSC-22-07-00015-P | exempt | Demand Side Management Program by Consolidated Edison Company of New York, Inc. | To recover incremental program costs and lost revenue |
| *PSC-23-07-00022-P | exempt | Supplier, transportation, balancing and aggregation service by National Fuel Gas Distribution Corporation | To explicitly state in the company's tariff that the threshold level of elective upstream transmission capacity is a maximum of 112,600 Dth/day of marketer-provided upstream capacity |
| *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. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|---|---|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-45-07-00005-P | exempt | Customer incentive programs by Orange and Rockland Utilities, Inc. | To establish a tariff provision |
| *PSC-02-08-00006-P | exempt | Additional central office codes in the 315 area code region | To consider options for making additional codes |
| *PSC-03-08-00006-P | exempt | Rehearing of the accounting determinations | To grant or deny a petition for rehearing of the accounting determinations |
| *PSC-04-08-00010-P | exempt | Granting of easement rights on utility property by Central Hudson Gas & Electric Corporation | To grant easement rights to Millennium Pipeline Company, L.L.C. |
| *PSC-04-08-00012-P | exempt | Marketing practices of energy service companies by the Consumer Protection Board and New York City Department of Consumer Affairs | To consider modifying the commission's regulation over marketing practices of energy service companies |
| *PSC-08-08-00016-P | exempt | Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al. | To consider the transfer |
| *PSC-12-08-00019-P | exempt | Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation | To consider the request |
| *PSC-12-08-00021-P | exempt | Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation | To consider the request |
| *PSC-13-08-00011-P | exempt | Waiver of commission policy and NYSEG tariff by Turner Engineering, PC | To grant or deny Turner's petition |
| *PSC-13-08-00012-P | exempt | Voltage drops by New York State Electric & Gas Corporation | To grant or deny the petition |
| *PSC-23-08-00008-P | exempt | Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project | To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project |
| *PSC-23-08-00009-P | exempt | The transfer of certain real property with an original cost under \$100,000 in the Town of Throop | To consider the filing for the transfer of certain real property in the Town of Throop |
| *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 |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|---|--|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-32-08-00009-P | exempt | The ESCO referral program for KEDNY to be implemented by October 1, 2008 | To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program |
| *PSC-33-08-00008-P | exempt | Noble Allegany's request for lightened regulation | To consider Noble Allegany's request for lightened regulation as an electric corporation |
| *PSC-36-08-00019-P | exempt | Land Transfer in the Borough of Manhattan, New York | To consider petition for transfer of real property to NYPH |
| *PSC-39-08-00010-P | exempt | RG&E's economic development plan and tariffs | Consideration of the approval of RG&E's economic development plan and tariffs |
| *PSC-40-08-00010-P | exempt | Loans from regulated company to its parent | To determine if the cash management program resulting in loans to the parent should be approved |
| *PSC-41-08-00009-P | exempt | Transfer of control of cable TV franchise | To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved |
| *PSC-43-08-00014-P | exempt | Annual Reconciliation of Gas Expenses and Gas Cost Recoveries | The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries |
| *PSC-46-08-00008-P | exempt | Property transfer in the Village of Avon, New York | To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York |
| *PSC-46-08-00010-P | exempt | A transfer of indirect ownership interests in nuclear generation facilities | Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities |
| *PSC-46-08-00014-P | exempt | The attachment of cellular antennae to an electric transmission tower | To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower |
| *PSC-48-08-00005-P | exempt | A National Grid high efficiency gas heating equipment rebate program | To expand eligibility to customers converting from oil to natural gas |
| *PSC-48-08-00008-P | exempt | Petition for the master metering and submetering of electricity | To consider the request of Bay City Metering, to master meter & submeter electricity at 345 E. 81st St., New York, New York |
| *PSC-48-08-00009-P | exempt | Petition for the submetering of electricity | To consider the request of PCV/ST to submeter electricity at Peter Cooper Village & Stuyvesant Town, New York, New York |
| *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 |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|---|---|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-53-08-00012-P | exempt | Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY | Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY |
| *PSC-53-08-00013-P | exempt | To transfer common stock and ownership | To consider transfer of common stock and ownership |
| *PSC-01-09-00015-P | exempt | FCC decision to redefine service area of Citizens/Frontier | Review and consider FCC proposed redefinition of Citizens/Frontier service area |
| *PSC-02-09-00010-P | exempt | Competitive classification of independent local exchange company, and regulatory relief appropriate thereto | To determine if Chazy & Westport Telephone Corporation more appropriately belongs in scenario 1 rather than scenario 2 |
| *PSC-05-09-00008-P | exempt | Revenue allocation, rate design, performance metrics, and other non-revenue requirement issues | To consider any remaining non-revenue requirement issues related to the Company's May 9, 2008 tariff filing |
| *PSC-05-09-00009-P | exempt | Numerous decisions involving the steam system including cost allocation, energy efficiency and capital projects | To consider the long term impacts on steam rates and on public policy of various options concerning the steam system |
| *PSC-06-09-00007-P | exempt | Interconnection of the networks between Frontier Comm. and WVT Communications for local exchange service and exchange access | To review the terms and conditions of the negotiated agreement between Frontier Comm. and WVT Comm. |
| *PSC-07-09-00015-P | exempt | Transfer certain utility assets located in the Town of Montgomery from plant held for future use to non-utility property | To consider the request to transfer certain utility assets located in the Town of Montgomery to non-utility assets |
| *PSC-07-09-00017-P | exempt | Request for authorization to defer the incremental costs incurred in the restoration work resulting from the ice storm | To allow the company to defer the incremental costs incurred in the restoration work resulting from the ice storm |
| *PSC-07-09-00018-P | exempt | Whether to permit the submetering of natural gas service to an industrial and commercial customer at Cooper Union, New York, NY | To consider the request of Cooper Union, to submeter natural gas at 41 Cooper Square, New York, New York |
| *PSC-12-09-00010-P | exempt | Charges for commodity | To charge customers for commodity costs |
| *PSC-12-09-00012-P | exempt | Charges for commodity | To charge customers for commodity costs |
| *PSC-13-09-00008-P | exempt | Options for making additional central office codes available in the 718/347 numbering plan area | To consider options for making additional central office codes available in the 718/347 numbering plan area |
| *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 |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|---|---|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-17-09-00011-P | exempt | Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes | Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes |
| *PSC-17-09-00012-P | exempt | Petition for the submetering of gas at commercial property | To consider the request of Turner Construction, to submeter natural gas at 550 Short Ave., & 10 South St., Governors Island, NY |
| *PSC-17-09-00014-P | exempt | Benefit-cost framework for evaluating AMI programs prepared by the DPS Staff | To consider a benefit-cost framework for evaluating AMI programs prepared by the DPS Staff |
| *PSC-17-09-00015-P | exempt | The construction of a tower for wireless antennas on land owned by National Grid | To approve, reject or modify the petition to build a tower for wireless antennas in the Town of Onondaga |
| *PSC-18-09-00012-P | exempt | Petition for rehearing of Order approving the submetering of electricity | To consider the request of Frank Signore to rehear petition to submeter electricity at One City Place in White Plains, New York |
| *PSC-18-09-00013-P | exempt | Petition for the submetering of electricity | To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York |
| *PSC-18-09-00017-P | exempt | Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers | To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower |
| *PSC-20-09-00016-P | exempt | The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc | To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with it's AMI pilots etc |
| *PSC-20-09-00017-P | exempt | The recovery of, and accounting for, costs associated with CHG&E's AMI pilot program | To consider a filing of CHG&E as to the recovery of, and accounting for, costs associated with it's AMI pilot program |
| *PSC-22-09-00011-P | exempt | Cost allocation for Consolidated Edison's East River Repowering Project | To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project |
| *PSC-25-09-00005-P | exempt | Whether to grant, deny, or modify, in whole or in part, the petition | Whether to grant, deny, or modify, in whole or in part, the petition |
| *PSC-25-09-00006-P | exempt | Electric utility implementation plans for proposed web based SIR application process and project status database | To determine if the proposed web based SIR systems are adequate and meet requirements needed for implementation |
| *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. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|---|--|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-29-09-00011-P | exempt | Consideration of utility compliance filings | Consideration of utility compliance filings |
| *PSC-32-09-00009-P | exempt | Cost allocation for Consolidated Edison's East River Repowering Project | To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project |
| *PSC-34-09-00016-P | exempt | Recommendations made in the Management Audit Final Report | To consider whether to take action or recommendations contained in the Management Audit Final Report |
| *PSC-34-09-00017-P | exempt | To consider the transfer of control of Plattsburgh Cablevision, Inc. d/b/a Charter Communications to CH Communications, LLC | To allow the Plattsburgh Cablevision, Inc. to distribute its equity interest in CH Communications, LLC |
| *PSC-36-09-00008-P | exempt | The increase in the non-bypassable charge implemented by RG&E on June 1, 2009 | Considering exemptions from the increase in the non-bypassable charge implemented by RG&E on June 1, 2009 |
| *PSC-37-09-00015-P | exempt | Sale of customer-generated steam to the Con Edison steam system | To establish a mechanism for sale of customer-generated steam to the Con Edison steam system |
| *PSC-37-09-00016-P | exempt | Applicability of electronic signatures to Deferred Payment Agreements | To determine whether electronic signatures can be accepted for Deferred Payment Agreements |
| *PSC-39-09-00015-P | exempt | Modifications to the \$5 Bill Credit Program | Consideration of petition of National Grid to modify the Low Income \$5 Bill Credit Program |
| *PSC-39-09-00018-P | exempt | The offset of deferral balances with Positive Benefit Adjustments | To consider a petition to offset deferral balances with Positive Benefit Adjustments |
| *PSC-40-09-00013-P | exempt | Uniform System of Accounts - request for deferral and amortization of costs | To consider a petition to defer and amortize costs |
| *PSC-51-09-00029-P | exempt | Rules and guidelines for the exchange of retail access data between jurisdictional utilities and eligible ESCOs | To revise the uniform Electronic Data Interchange Standards and business practices to incorporate a contest period |
| *PSC-51-09-00030-P | exempt | Waiver or modification of Capital Expenditure condition of merger | To allow the companies to expend less funds for capital improvement than required by the merger |
| *PSC-52-09-00006-P | exempt | ACE's petition for rehearing for an order regarding generator-specific energy deliverability study methodology | To consider whether to change the Order Prescribing Study Methodology |
| *PSC-52-09-00008-P | exempt | Approval for the New York Independent System Operator, Inc. to incur indebtedness and borrow up to \$50,000,000 | To finance the renovation and construction of the New York Independent System Operator, Inc.'s power control center facilities |
| *PSC-05-10-00008-P | exempt | Petition for the submetering of electricity | To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY |
| *PSC-05-10-00015-P | exempt | Petition for the submetering of electricity | To consider the request of 243 West End Avenue Owners Corp. to submeter electricity at 243 West End Avenue, New York, NY |
| *PSC-06-10-00022-P | exempt | The Commission's Order of December 17, 2009 related to redevelopment of Consolidated Edison's Hudson Avenue generating facility | To reconsider the Commission's Order of December 17, 2009 related to redevelopment of the Hudson Avenue generating facility |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|---|--|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-07-10-00009-P | exempt | Petition to revise the Uniform Business Practices | To consider the RESA petition to allow rescission of a customer request to return to full utility service |
| *PSC-08-10-00007-P | exempt | Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847 | Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847 |
| *PSC-08-10-00009-P | exempt | Consolidated Edison of New York, Inc. energy efficiency programs | To modify approved energy efficiency programs |
| *PSC-12-10-00015-P | exempt | Recommendations made by Staff intended to enhance the safety of Con Edison's gas operations | To require that Con Edison implement the Staff recommendations intended to enhance the safety of Con Edison's gas operations |
| *PSC-14-10-00010-P | exempt | Petition for the submetering of electricity | To consider the request of 61 Jane Street Owners Corporation to submeter Electricity at 61 Jane Street, Manhattan, NY |
| *PSC-16-10-00005-P | exempt | To consider adopting and expanding mobile stray voltage testing requirements | Adopt additional mobile stray voltage testing requirements |
| *PSC-16-10-00007-P | exempt | Interconnection of the networks between TDS Telecom and PAETEC Communications for local exchange service and exchange access | To review the terms and conditions of the negotiated agreement between TDS Telecom and PAETEC Communications |
| *PSC-16-10-00015-P | exempt | Interconnection of the networks between Frontier and Choice One Communications for local exchange service and exchange access | To review the terms and conditions of the negotiated agreement between Frontier and Choice One Communications |
| *PSC-18-10-00009-P | exempt | Electric utility transmission right-of-way management practices | To consider electric utility transmission right-of-way management practices |
| *PSC-19-10-00022-P | exempt | Whether National Grid should be permitted to transfer a parcel of property located at 1 Eddy Street, Fort Edward, New York | To decide whether to approve National Grid's request to transfer a parcel of vacant property in Fort Edward, New York |
| *PSC-22-10-00006-P | exempt | Requirement that Noble demonstrate that its affiliated electric corporations operating in New York are providing safe service | Consider requiring that Noble demonstrate that its affiliated electric corporations in New York are providing safe service |
| *PSC-22-10-00008-P | exempt | Petition for the submetering of electricity | To consider the request of 48-52 Franklin Street to submeter electricity at 50 Franklin Street, New York, New York |
| *PSC-24-10-00009-P | exempt | Verizon New York Inc. tariff regulations relating to voice messaging service | To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff |
| *PSC-25-10-00012-P | exempt | Reassignment of the 2-1-1 abbreviated dialing code | Consideration of petition to reassign the 2-1-1 abbreviated dialing code |
| *PSC-25-10-00015-P | exempt | To allow NYWC to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2009 | Consideration of NYWC's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2009 |
| *PSC-27-10-00016-P | exempt | Petition for the submetering of electricity | To consider the request of 9271 Group, LLC to submeter electricity at 960 Busti Avenue, Buffalo, New York |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|---|---|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-31-10-00007-P | exempt | Waiver of the Attachment 23 requirement in 2001 Rate Order that NMPC Board of Directors consist of "outside directors" | To consider the waiver of the requirement that a majority of NMPC Board of directors consist of "outside directors" |
| *PSC-34-10-00003-P | exempt | The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program | The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program |
| *PSC-34-10-00005-P | exempt | Approval of a contract for \$250,000 in tank repairs that may be a financing | To decide whether to approve a contract between the parties that may be a financing of \$250,000 for tank repairs |
| *PSC-34-10-00006-P | exempt | The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program | The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program |
| *PSC-36-10-00010-P | exempt | Central Hudson's procedures, terms and conditions for an economic development plan | Consideration of Central Hudson's procedures, terms and conditions for an economic development plan |
| *PSC-40-10-00014-P | exempt | Disposition of a state sales tax refund | To determine how much of a state sales tax refund should be retained by National Grid |
| *PSC-40-10-00021-P | exempt | Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall | To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall |
| *PSC-41-10-00018-P | exempt | Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter | Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers |
| *PSC-41-10-00022-P | exempt | Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY | Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY |
| *PSC-42-10-00011-P | exempt | Petition for the submetering of electricity | To consider the request of 4858 Group, LLC to submeter electricity at 456 Main Street, Buffalo, New York |
| *PSC-43-10-00016-P | exempt | Utility Access to Ducts, Conduit Facilities and Utility Poles | To review the complaint from Optical Communications Group |
| *PSC-44-10-00003-P | exempt | Third and fourth stage gas rate increase by Corning Natural Gas Corporation | To consider Corning Natural Gas Corporation's request for a third and fourth stage gas rate increase |
| *PSC-51-10-00018-P | exempt | Commission proceeding concerning three-phase electric service by all major electric utilities | Investigate the consistency of the tariff provisions for three-phase electric service for all major electric utilities |
| *PSC-11-11-00003-P | exempt | The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service | The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service |
| *PSC-12-11-00008-P | exempt | To allow NYWC to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2010 | Consideration of NYWC's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2010 |
| *PSC-13-11-00005-P | exempt | Exclude the minimum monthly bill component from the earnings test calculation | Exclude the minimum monthly bill component from the earnings test calculation |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|--|--|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-13-11-00007-P | exempt | Budget allocations and use of System Benefits Charge funds to pay State Cost Recovery Fee | To encourage cost effective gas and electric energy conservation in the State |
| *PSC-14-11-00009-P | exempt | Petition for the submetering of electricity | To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York |
| *PSC-16-11-00011-P | exempt | The Energy Efficiency Portfolio Standard | To promote gas and electricity energy conservation programs in New York |
| *PSC-19-11-00007-P | exempt | Utility price reporting requirements related to the Commission's "Power to Choose" website | Modify the Commission's utility electric commodity price reporting requirements related to the "Power to Choose" website |
| *PSC-20-11-00012-P | exempt | Petition for the submetering of electricity | To consider the request of KMW Group LLC to submeter electricity at 122 West Street, Brooklyn, New York |
| *PSC-20-11-00013-P | exempt | Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges | To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable |
| *PSC-22-11-00004-P | exempt | Whether to permit the use of the Sensus accWAVE for use in residential gas meter applications | To permit gas utilities in New York State to use the Sensus accWAVE diaphragm gas meter |
| *PSC-23-11-00018-P | exempt | NYSERDA's energy efficiency program for low-income customers | To promote energy conservation in New York State |
| *PSC-26-11-00007-P | exempt | Water rates and charges | To approve an increase in annual revenues by about \$25,266 or 50% |
| *PSC-26-11-00009-P | exempt | Petition for the submetering of electricity at commercial property | To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York |
| *PSC-26-11-00012-P | exempt | Waiver of generation retirement notice requirements | Consideration of waiver of generation retirement notice requirements |
| *PSC-29-11-00011-P | exempt | Petition requesting the Commission reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order. | To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing. |
| *PSC-35-11-00011-P | exempt | Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8 | Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters |
| *PSC-36-11-00006-P | exempt | To consider expanding mobile stray voltage testing requirements | Adopt additional mobile stray voltage testing requirements |
| *PSC-38-11-00002-P | exempt | Operation and maintenance procedures pertaining to steam trap caps | Adopt modified steam operation and maintenance procedures |
| *PSC-38-11-00003-P | exempt | Waiver of certain provisions of the electric service tariffs of Con Edison | Consideration of waiver of certain provisions of the electric service tariffs of Con Edison |
| *PSC-40-11-00010-P | exempt | Participation of regulated local exchange carriers in the New York Data Exchange, Inc. (NYDE) | Whether to partially modify its order requiring regulated local exchange carriers' participation NYDE |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|--|---|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-40-11-00012-P | exempt | Granting of transfer of plant in-service to a regulatory asset | To approve transfer and recovery of unamortized plant investment |
| *PSC-42-11-00018-P | exempt | Availability of telecommunications services in New York State at just and reasonable rates | Providing funding support to help ensure availability of affordable telecommunications service throughout New York |
| *PSC-43-11-00012-P | exempt | Transfer of outstanding shares of stock | Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC |
| *PSC-47-11-00007-P | exempt | Remedying miscalculations of delivered gas as between two customer classes | Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations |
| *PSC-48-11-00007-P | exempt | Transfer of controlling interests in generation facilities from Dynegy to PSEG | Consideration of the transfer of controlling interests in electric generation facilities from Dynegy to PSEG |
| *PSC-48-11-00008-P | exempt | Petition for the submetering of electricity | To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York |
| *PSC-51-11-00010-P | exempt | The Total Resource Cost (TRC) test, used to analyze measures in the Energy Efficiency Portfolio Standard program | Petitioners request that the TRC test and/or its application to measures should be revised |
| *PSC-52-11-00017-P | exempt | Reparations and refunds | Reparations and refunds |
| *PSC-01-12-00007-P | exempt | The New York State Reliability Council's revisions to its rules and measurements | To adopt revisions to various rules and measurements of the New York State Reliability Council |
| *PSC-01-12-00008-P | exempt | Transfer of real property and easements from NMPNS to NMP3 | Consideration of the transfer of real property and easements from NMPNS to NMP3 |
| *PSC-01-12-00009-P | exempt | Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove | To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered |
| *PSC-11-12-00002-P | exempt | Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff | Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff |
| *PSC-11-12-00005-P | exempt | Transfer of land and water supply assets | Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman |
| *PSC-13-12-00005-P | exempt | Authorization to transfer certain real property | To decide whether to approve the transfer of certain real property |
| *PSC-17-12-00007-P | exempt | Whether a proposed agreement for the provision of water service by Saratoga Water Services, Inc. is in the public interest | Whether the Commission should issue an order approving the proposed provision of water service |
| *PSC-17-12-00008-P | exempt | Whether a proposed agreement for the provision of water service by Saratoga Water Services, Inc. is in the public interest | Whether the Commission should issue an order approving the proposed provision of water service |
| *PSC-17-12-00009-P | exempt | Whether a proposed agreement for the provision of water service by Saratoga Water Services, Inc. is in the public interest | Whether the Commission should issue an order approving the proposed provision of water service |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|--|--|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-19-12-00019-P | exempt | EEPS programs administered by New York State Electric & Gas Corporation and Rochester Gas and Electric Corporation | To modify the C&I sector by combining multiple approved C&I programs into a single C&I program for each PA |
| *PSC-19-12-00022-P | exempt | Approval of a combined heat and power performance program funding plan administered by NYSEERDA | Modify NYSEERDA's EEPS programs budget and targets to fund the CHP program |
| *PSC-19-12-00023-P | exempt | Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than \$100,000 | To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc. |
| *PSC-21-12-00006-P | exempt | Tariff filing requirements and refunds | To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted |
| *PSC-21-12-00011-P | exempt | Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47 | Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47 |
| *PSC-23-12-00005-P | exempt | EEPS multifamily programs administered by Consolidated Edison Company of New York, Inc. | To redesign the multifamily electric and gas programs and modify the budgets and targets |
| *PSC-23-12-00007-P | exempt | The approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility | To consider the approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility |
| *PSC-23-12-00009-P | exempt | Over earnings sharing between rate payers and shareholders | To establish an Earnings Sharing Mechanism to be applied following the conclusion of Corning's rate plan |
| *PSC-27-12-00012-P | exempt | Implementation of recommendations made in a Management Audit Report | To consider implementation of recommendations made in a Management Audit Report |
| *PSC-28-12-00013-P | exempt | Exemption of reliability reporting statistics for the purpose of the 2012 Reliability Performance Mechanism | Consideration of Orange and Rockland Utilities request for exemption of the 2012 reliability reporting statistics |
| *PSC-29-12-00019-P | exempt | Waiver of 16 NYCRR 894.1 through 894.4 | To allow the Town of Hamden to waive certain preliminary franchising procedures to expedite the franchising process. |
| *PSC-30-12-00010-P | exempt | Waiver of 16 NYCRR 894.1 through 894.4 | To allow the Town of Andes to waive certain preliminary franchising procedures to expedite the franchising process |
| *PSC-33-12-00009-P | exempt | Telecommunications companies ability to attach to utility company poles | Consideration of Tech Valley's ability to attach to Central Hudson poles |
| *PSC-35-12-00014-P | exempt | To implement an abandonment of White Knight's water system | To approve the implementation of abandonment of White Knight's water system |
| *PSC-37-12-00009-P | exempt | Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers | Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers |
| *PSC-42-12-00009-P | exempt | Regulation of Gipsy Trail Club, Inc.'s long-term financing agreements | To exempt Gipsy Trail Club, Inc. from Commission regulation of its financing agreements |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|---|--|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-45-12-00008-P | exempt | Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff | Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff |
| *PSC-45-12-00010-P | exempt | Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District | Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District |
| *PSC-50-12-00003-P | exempt | Affiliate standards for Corning Natural Gas Corporation | To resolve issues raised by Corning Natural Gas Corporation in its petition for rehearing |
| *PSC-04-13-00006-P | exempt | Expansion of mandatory day ahead hourly pricing for customers of Orange and Rockland Utilities with demands above 100 kW | To consider the expansion of mandatory day ahead hourly pricing for customers with demands above 100 kW |
| *PSC-04-13-00007-P | exempt | Authorization to transfer certain real property. | To decide whether to approve the transfer of certain real property. |
| *PSC-06-13-00008-P | exempt | Verizon New York Inc.'s retail service quality | To investigate Verizon New York Inc.'s retail service quality |
| *PSC-08-13-00012-P | exempt | Filing requirements for certain Article VII electric facilities | To ensure that applications for certain electric transmission facilities contain pertinent information |
| *PSC-08-13-00014-P | exempt | Uniform System of Accounts - Request for Accounting Authorization | To allow the company to defer an item of expense or capital beyond the end of the year in which it was incurred |
| *PSC-12-13-00007-P | exempt | Protecting company water mains | To allow the company to require certain customers to make changes to the electrical grounding system at their homes |
| *PSC-13-13-00008-P | exempt | The potential waiver of 16 NYCRR 255.9221(d) completion of integrity assessments for certain gas transmission lines. | To determine whether a waiver of the timely completion of certain gas transmission line integrity assessments should be granted. |
| *PSC-17-13-00008-P | exempt | Provision of historical utility pricing information for comparison purposes for residential ESCO customers | Provision of historical utility pricing information for comparison purposes for residential ESCO customers |
| *PSC-17-13-00010-P | exempt | Provision of historical pricing information for comparison purposes for residential ESCO customers | Provision of historical pricing information for comparison purposes for residential ESCO customers |
| *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 |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|--|--|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-21-13-00009-P | exempt | Reporting requirements for natural gas local distribution companies | To help ensure efficient and economic expansion of the natural gas system as appropriate |
| *PSC-22-13-00009-P | exempt | On remand from New York State court litigation, determine the recovery of certain deferred amounts owed NFG by ratepayers | On remand, to determine the recovery of certain deferral amounts owed NFG from ratepayers |
| *PSC-23-13-00005-P | exempt | Waiver of partial payment, directory database distribution, service quality reporting, and service termination regulations | Equalize regulatory treatment based on level of competition and practical considerations |
| *PSC-24-13-00009-P | exempt | Repowering options for the Cayuga generating station located in Lansing, New York, and alternatives | To establish whether utility plans should include repowering options for the Cayuga generating station, or other alternatives |
| *PSC-24-13-00010-P | exempt | Repowering options for the Dunkirk generating station located in Dunkirk, New York, and alternatives | To establish whether utility plans should include repowering options for the Dunkirk generating station, or other alternatives |
| *PSC-25-13-00008-P | exempt | To deny, grant or modify, in whole or in part, Central Hudson's rehearing request. | To deny, grant or modify, in whole or in part, Central Hudson's rehearing request. |
| *PSC-25-13-00009-P | exempt | Provision by utilities of natural gas main and service lines. | To help ensure efficient and economic expansion of the natural gas system as appropriate. |
| *PSC-25-13-00012-P | exempt | To deny, grant or modify, in whole or in part, Central Hudson's rehearing request. | To deny, grant or modify, in whole or in part, Central Hudson's rehearing request. |
| *PSC-27-13-00014-P | exempt | Columbia Gas Transmission Corporation Cost Refund | For approval for temporary waiver of tariff provisions regarding its Columbia Gas Transmission Corporation cost refund. |
| *PSC-28-13-00014-P | exempt | Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces | To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces |
| *PSC-28-13-00016-P | exempt | The request of NGT for lightened regulation as a gas corporation. | To consider whether to approve, reject, or modify the request of Niagara gas transport of Lockport, NY LLC. |
| *PSC-28-13-00017-P | exempt | The request by TE for waiver of regulations requiring that natural gas be odorized in certain gathering line segments | Consider the request by TE for waiver of regulations that gas be odorized in certain lines |
| *PSC-32-13-00009-P | exempt | To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices | To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices |
| *PSC-32-13-00010-P | exempt | Permission to write off and eliminate record keeping for regulatory reserves for Pensions and Other Post Retirement Benefits | To allow write off and eliminate record keeping of Pension and Other Post Retirement Benefits Reserves |
| *PSC-32-13-00012-P | exempt | To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion | To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion |
| *PSC-33-13-00027-P | exempt | Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines. | Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|---|--|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-33-13-00029-P | exempt | Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy. | To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy. |
| *PSC-34-13-00004-P | exempt | Escrow account and surcharge to fund extraordinary repairs | To approve the establishment of an escrow account and surcharge |
| *PSC-37-13-00007-P | exempt | Dissolution of Garrow Water Works Company, Inc.. | To allow for the dissolution of Garrow Water Works Company, Inc. |
| *PSC-39-13-00010-P | exempt | NY-Sun initiative within the Customer-Sited Tier of the RPS Program. | To increase the statewide adoption of customer sited photovoltaic solar generation through the NY-Sun Initiative. |
| *PSC-42-13-00013-P | exempt | Failure to Provide Escrow Information | The closure of the Escrow Account |
| *PSC-42-13-00015-P | exempt | Failure to Provide Escrow Information | The closure of the Escrow Account |
| *PSC-43-13-00015-P | exempt | Petition for submetering of electricity | To consider the request of 2701 Kingsbridge Terrace L.P. to submeter electricity at 2701 Kingsbridge Terrace, Bronx, N.Y. |
| *PSC-45-13-00021-P | exempt | Investigation into effect of bifurcation of gas and electric utility service on Long Island. | To consider a Petition for an investigation into effect of bifurcation of gas and electric utility service on Long Island. |
| *PSC-45-13-00022-P | exempt | Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4) | To consider a waiver of certain regulations relating to the content of an application for transmission line siting |
| *PSC-45-13-00023-P | exempt | Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4). | To consider a waiver of certain regulations relating to the content of an application for transmission line siting |
| *PSC-45-13-00024-P | exempt | Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4); waiver of filing deadlines. | To consider a waiver of certain regulations relating to the content of an application for transmission line siting |
| *PSC-45-13-00025-P | exempt | Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4). | To consider a waiver of certain regulations relating to the content of an application for transmission line siting |
| *PSC-47-13-00009-P | exempt | Petition for submetering of electricity. | To consider the request of Hegeman Avenue Housing L.P. to submeter electricity at 39 Hegeman Avenue, Brooklyn, N.Y. |
| *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. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|--|---|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-51-13-00011-P | exempt | Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing. | To ensure there is a reasonable basis for data submitted in support of a request for a change in rates. |
| *PSC-52-13-00012-P | exempt | The development of reliability contingency plan(s) to address the potential retirement of Indian Point Energy Center (IPEC). | To address the petition for rehearing and reconsideration/motion for clarification of the IPEC reliability contingency plan(s). |
| *PSC-52-13-00015-P | exempt | To enter into a loan agreement with the banks for up to an amount of \$94,000. | To consider allowing Knolls Water Company to enter into a long-term loan agreement. |
| *PSC-01-14-00017-P | exempt | Residential Time-of-Use Rates | To establish residential optional time of use delivery and commodity rates |
| *PSC-03-14-00009-P | exempt | disposition of tax refunds and other related matters | to determine the disposition of tax refunds and other related matters |
| *PSC-04-14-00005-P | exempt | National Fuel Gas Corporation's Conservation Incentive Programs. | To modify National Fuel Gas Corporation's Non-Residential Conservation Incentive Program. |
| *PSC-05-14-00010-P | exempt | The New York State Reliability Council's revisions to its rules and measurements | To adopt revisions to various rules and measurements of the New York State Reliability Council |
| *PSC-07-14-00008-P | exempt | Petition for submetering of electricity | To consider the request of Greater Centennial Homes HDFC, Inc. to submeter electricity at 102, 103 and 106 W 5th Street, et al. |
| *PSC-07-14-00012-P | exempt | Water rates and charges | Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project |
| *PSC-08-14-00015-P | exempt | Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities | To improve Verizon New York Inc.'s service quality and the Customer Trouble Report Rate levels at certain central office entities |
| *PSC-10-14-00006-P | exempt | Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance | To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance |
| *PSC-11-14-00003-P | exempt | Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces | To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces |
| *PSC-16-14-00014-P | exempt | Whether to order NYSEG to provide gas service to customers when an expanded CPCN is approved and impose PSL 25-a penalties. | To order gas service to customers in the Town of Plattsburgh after approval of a town wide CPCN and to impose penalties. |
| *PSC-16-14-00015-P | exempt | Whether Central Hudson should be permitted to defer obligations of the Order issued on October 18, 2013 in Case 13-G-0336. | Consideration of the petition by Central Hudson to defer reporting obligations of the October 18, 2013 Order in Case 13-G-0336 |
| *PSC-16-14-00016-P | exempt | Waiver of Commission regulations governing termination of service. | Consider United Water New York Inc.'s proposal to expand termination of service provisions. |
| *PSC-17-14-00003-P | exempt | Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism | Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|--|--|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-17-14-00004-P | exempt | To consider certain portions of petitions for rehearing, reconsideration and/or clarification | To consider certain portions of petitions for rehearing, reconsideration and/or clarification |
| *PSC-17-14-00007-P | exempt | To consider petitions for rehearing, reconsideration and/or clarification | To consider petitions for rehearing, reconsideration and/or clarification |
| *PSC-17-14-00008-P | exempt | To consider certain portions of petitions for rehearing, reconsideration and/or clarification | To consider certain portions of petitions for rehearing, reconsideration and/or clarification |
| *PSC-19-14-00014-P | exempt | Market Supply Charge | To make tariff revisions to the Market Supply Charge for capacity related costs |
| *PSC-19-14-00015-P | exempt | Whether to permit the use of the Sensus accuWAVE for use in residential and commercial gas meter applications | To permit gas utilities in New York State to use the Sensus accuWAVE 415TC gas meter |
| *PSC-19-14-00018-P | exempt | Uniform System of Accounts, deferral of an expense item | Authorization of a deferral for an expense item beyond the end of the year in which it was incurred |
| *PSC-22-14-00013-P | exempt | Petition to transfer and merge systems, franchises and assets. | To consider the Comcast and Time Warner Cable merger and transfer of systems, franchises and assets. |
| *PSC-23-14-00010-P | exempt | Whether to permit the use of the GE Dresser Series B3-HPC 11M-1480 rotary gas met for use in industrial gas meter applications | To permit gas utilities in New York State to use the GE Dresser Series B3-HPC 11M-1480 rotary gas meter |
| *PSC-23-14-00014-P | exempt | Waiver of the negative revenue adjustment associated with KEDLI's 2013 Customer Satisfaction Performance Metric | Consideration of KEDLI's waiver request pertaining to its 2013 performance under its Customer Satisfaction Metric |
| *PSC-24-14-00005-P | exempt | To examine LDC's performance and performance measures. | To improve gas safety performance. |
| *PSC-26-14-00010-P | exempt | Petitioner requests an order authorizing its participation in the next Main Tier solicitation offered under the RPS Program. | To enable continued operation of a 21 MW biomass fueled electric generating facility in Chateaugay, New York. |
| *PSC-26-14-00013-P | exempt | Waiver of RG&E's tariffed definition of emergency generator. | To consider waiver of RG&E's tariffed definition of emergency generator. |
| *PSC-26-14-00017-P | exempt | Existing ratemaking and rate design practices will be revised with a focus on outcomes and incentives. | To use the Commission's ratemaking authority to foster a DER-intensive system. |
| *PSC-26-14-00020-P | exempt | New electric utility backup service tariffs and standards for interconnection may be adopted. | To encourage development of microgrids that enhance the efficiency, safety, reliability and resiliency of the electric grid. |
| *PSC-26-14-00021-P | exempt | Consumer protections, standards and protocols pertaining to access to customer data may be established. | To balance the need for the information necessary to support a robust market with customer privacy concerns. |
| *PSC-28-14-00014-P | exempt | Petition to transfer systems, franchises and assets. | To consider the Comcast and Charter transfer of systems, franchise and assets. |
| *PSC-30-14-00023-P | exempt | Whether to permit the use of the Sensus iPERL Fire Flow Meter. | Pursuant to 16 NYCRR Part 500.3 , it is necessary to permit the use of the Sensus iPERL Fire Flow Meter. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|--|--|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-30-14-00025-P | exempt | Allocation of uncommitted Technology and Market Development Funds to the Combined Heat & Power Performance Program. | To consider allocation of uncommitted Technology & Market Development Funds to the Combined Heat & Power Performance Program. |
| *PSC-30-14-00026-P | exempt | Petition for a waiver to master meter electricity. | Considering the request of Renaissance Corporation of to master meter electricity at 100 Union Drive,Albany, NY. |
| *PSC-31-14-00004-P | exempt | To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross | To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross |
| *PSC-32-14-00009-P | exempt | Refueling options for the Dunkirk generating station located in Dunkirk, New York, and alternatives | To address the joint petition for rehearing of the Commission's Order related to refueling the Dunkirk generating station |
| *PSC-32-14-00012-P | exempt | Whether to grant or deny, in whole or in part, the Connect New York Coalition's petition | To consider the Connect New York Coalition's petition seeking a formal investigation and hearings |
| *PSC-34-14-00009-P | exempt | Whether to approve the Quadlogic S10N residential submeter. | Approval of the Quadlogic S10N Smart Meter for use in residential electric submetering is required by 16 NYCRR Parts 93 and 96. |
| *PSC-35-14-00004-P | exempt | Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY | To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY |
| *PSC-35-14-00005-P | exempt | Whether to permit the use of the Sensus iConA electric meter | Pursuant to 16 NYCRR Parts 92 and 93, Commission approval is necessary to permit the use of the Sensus iConA electric meter |
| *PSC-36-14-00009-P | exempt | Modification to the Commission's Electric Safety Standards. | To consider revisions to the Commission's Electric Safety Standards. |
| *PSC-36-14-00010-P | exempt | The procurement of Main Tier renewable resources will become the responsibility of the State's electric utilities. | To ensure the development of large-scale renewables in New York State to promote fuel diversity and reduce carbon emissions. |
| *PSC-36-14-00011-P | exempt | To defer pension settlement losses associated with retirements in the year ended March 31, 2014. | To resolve the ratemaking of the pension settlement loss. |
| *PSC-38-14-00003-P | exempt | Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program. | Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program. |
| *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. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|--|--|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-38-14-00008-P | exempt | The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn. | The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn. |
| *PSC-38-14-00010-P | exempt | Inter-carrier telephone service quality standard and metrics and administrative changes. | To review recommendations from the Carrier Working Group and incorporate appropriate modifications to the existing Guidelines. |
| *PSC-38-14-00012-P | exempt | Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2. | Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2. |
| *PSC-38-14-00018-P | exempt | New electric utility demand response tariffs may be adopted. | To develop mature DER markets by enabling the development and use of DR as an economic system resource. |
| *PSC-39-14-00020-P | exempt | Whether to permit the use of the Mueller Systems 400 Series and 500 Series of water meters | Pursuant to 16 NYCRR section 500.3, whether to permit the use of the Mueller Systems 400, and 500 Series of water meters |
| *PSC-40-14-00008-P | exempt | To consider granting authorization for Buy Energy Direct to resume marketing to residential customers. | To consider granting authorization for Buy Energy Direct to resume marketing to residential customers. |
| *PSC-40-14-00009-P | exempt | Whether to permit the use of the Itron Open Way Centron Meter with Hardware 3.1 for AMR and AMI functionality. | Pursuant to 16 NYCRR Parts 93, is necessary to permit the use of the Itron Open Way Centron Meter with Hardware 3.1. |
| *PSC-40-14-00011-P | exempt | Late Payment Charge. | To modify Section 7.6 - Late Payment Charge to designate a specific time for when a late payment charge is due. |
| *PSC-40-14-00013-P | exempt | Regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY. | To consider regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY. |
| *PSC-40-14-00014-P | exempt | Waiver of 16 NYCRR Sections 894.1 through 894.4(b)(2) | To allow the Town of Goshen, NY, to waive certain preliminary franchising procedures to expedite the franchising process. |
| *PSC-40-14-00015-P | exempt | Late Payment Charge. | To modify Section 6.6 - Late Payment Charge to designate a specific time for when a late payment charge is due. |
| *PSC-42-14-00003-P | exempt | Annual Reconciliation of Gas Expenses and Gas Cost Recoveries | The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries |
| *PSC-42-14-00004-P | exempt | Winter Bundled Sales Service Option | To modify SC-11 to remove language relating to fixed storage charges in the determination of the Winter Bundled Sales charge |
| *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.. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|--|--|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-01-15-00014-P | exempt | State Universal Service Fund Disbursements | To consider Edwards Telephone Company's request for State Universal Service Fund disbursements |
| *PSC-01-15-00017-P | exempt | Reimbursement of costs for construction under 16 NYCRR 230 | To determine proper reimbursement for costs related to trenching and construction |
| *PSC-03-15-00002-P | exempt | Waiver of tariff provisions related to SC 14 Non-Core Transportation Services for Electric Generation | To determine whether a waiver is warranted |
| *PSC-04-15-00008-P | exempt | Re-billing SC No. 2 customers from March 2008 through March 2014. | To determine whether re-billing SC No. 2 customers by the Companies' proposed methodology customers is appropriate. |
| *PSC-04-15-00010-P | exempt | To modify the retail access program under SC No. 19 - Seller Transportation Aggregation Service. | To modify the retail access program to implement Tier 2A - Storage Capacity Release and make other tariff changes. |
| *PSC-04-15-00011-P | exempt | To modify the retail access program under SC No. 8 - Seller Services. | To modify the retail access program to implement Tier 2A - Storage Capacity Release and make other tariff changes. |
| *PSC-04-15-00012-P | exempt | Disposition of tax refunds and other related matters. | To determine the disposition of tax refunds and other related matters. |
| *PSC-07-15-00006-P | exempt | Whether to order a remand regarding payphone rates | Whether to order a remand regarding payphone rates and award refunds |
| *PSC-08-15-00009-P | exempt | Approval of a surcharge. | To allow or disallow Emerald Green Lake Louise Marie Water Company, Inc. for a surcharge. |
| *PSC-08-15-00010-P | exempt | Request pertaining to the lawfulness of National Grid USA continuing its summary billing program. | To grant, deny, or modify URAC Rate Consultants' request that National Grid cease its summary billing program. |
| *PSC-10-15-00007-P | exempt | Notification concerning tax refunds | To consider Verizon New York Inc.'s partial rehearing or reconsideration request regarding retention of property tax refunds |
| *PSC-10-15-00008-P | exempt | Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes | Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes |
| *PSC-10-15-00009-P | exempt | Contingency Tariffs regarding demand response issues | To consider Contingency Tariffs regarding demand response issues |
| *PSC-12-15-00007-P | exempt | The Annual Reconciliation of Gas Expenses and Gas Cost Recoveries codified at Title 16 NYCRR Section 720.6.5 | Examine the Annual Reconciliation of Gas Expenses and Gas Cost Recoveries mechanism |
| *PSC-13-15-00024-P | exempt | Whether Leatherstocking should be permitted to recover a shortfall in earnings | To decide whether to approve Leatherstocking's request to recover a shortfall in earnings |
| *PSC-13-15-00026-P | exempt | Whether to permit the use of the Sensus Smart Point Gas AMR/AMI product | To permit the use of the Sensus Smart Point Gas AMR/AMI product |
| *PSC-13-15-00027-P | exempt | Whether to permit the use of the Measurlogic DTS 310 electric submeter | To permit the use of the Measurlogic DTS 310 submeter |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|--|--|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-13-15-00028-P | exempt | Whether to permit the use of the SATEC EM920 electric meter | To permit necessary to permit the use of the SATEC EM920 electric meter |
| *PSC-13-15-00029-P | exempt | Whether to permit the use the Triacta Power Technologies 6103, 6112, 6303, and 6312 electric submeters | To permit the use of the Triacta submeters |
| *PSC-17-15-00004-P | exempt | Rehearing of the Commission's Order Adopting Regulatory Policy Framework and Implementation Plan | Consideration of a petition for rehearing |
| *PSC-17-15-00007-P | exempt | To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million | To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million |
| *PSC-18-15-00004-P | exempt | National Grid's electric Economic Development Programs | To revise the economic development assistance to qualified businesses |
| *PSC-18-15-00005-P | exempt | Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism | Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism |
| *PSC-18-15-00007-P | exempt | National Grid's Economic Development Programs | To authorize a new economic development program for National Grid's natural gas service territory |
| *PSC-19-15-00011-P | exempt | Gas Safety Performance Measures and associated negative revenue adjustments | To update the performance measures applicable to KeySpan Gas East Corporation d/b/a National Grid |
| *PSC-20-15-00006-P | exempt | Implementation of the proposed Microgrid Business Model as a reliability and demand management resource | Consider implementation of the proposed Microgrid Business Model as a reliability and demand management resource |
| *PSC-22-15-00015-P | exempt | To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a) | To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a) |
| *PSC-23-15-00005-P | exempt | The modification of New York American Water's current rate plan | Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff |
| *PSC-23-15-00006-P | exempt | The modification of New York American Water's current rate plan | Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff |
| *PSC-25-15-00008-P | exempt | Notice of Intent to Submeter electricity. | To consider the request of 165 E 66 Residences, LLC to submeter electricity at 165 East 66th Street, New York, New York. |
| *PSC-26-15-00014-P | exempt | To consider the request for partial waiver of the energy audit requirements in 16 NYCRR Section 96.5(k) | To consider the request for partial waiver of the energy audit requirements in 16 NYCRR Section 96.5(k) |
| *PSC-27-15-00014-P | exempt | Authorization for NYAW to accrue interest on internal reserve debit balances | To allow NYAW to accrue interest on internal reserve debit balances |
| *PSC-28-15-00006-P | exempt | The minor electric rate filing of Mohawk Municipal Commission | Whether to increase Mohawk Municipal Commission's annual electric revenues by approximately \$113,119 or 13.74% |
| *PSC-29-15-00018-P | exempt | Approval of ratemaking related to amendment a certificate of public convenience and necessity | To approve or reject the ratemaking aspects of SLG's petition to amend its certificate of public convenience and necessity |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|--|---|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-29-15-00025-P | exempt | Joint Petition for authority to transfer real property located at 624 West 132nd Street, New York, NY | Whether to authorize the proposed transfer of real property located at 624 West 132nd Street, New York, NY |
| *PSC-31-15-00007-P | exempt | Plan to convert petroleum pipeline into a natural gas pipeline | Whether to approve the proposed conversion plan submitted by NIC Holding Corp |
| *PSC-32-15-00005-P | exempt | Petition for rehearing of the Order Adopting Dynamic Load Management Filings with Modifications | To consider a petition for rehearing of the Order Adopting Dynamic Load Management Filings with Modifications |
| *PSC-32-15-00006-P | exempt | Development of a Community Solar Demonstration Project. | To approve the development of a Community Solar Demonstration Project. |
| *PSC-32-15-00012-P | exempt | Proposed standards for Commission oversight of Distributed Energy Resource suppliers. | To consider proposed standards for Commission oversight of Distributed Energy Resource suppliers. |
| *PSC-33-15-00009-P | exempt | Remote net metering of a demonstration community net metering program. | To consider approval of remote net metering of a demonstration community net metering program. |
| *PSC-33-15-00012-P | exempt | Remote net metering of a Community Solar Demonstration Project. | To consider approval of remote net metering of a Community Solar Demonstration Project. |
| *PSC-34-15-00021-P | exempt | Petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs | To consider the petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs |
| *PSC-35-15-00011-P | exempt | Demand based Standby Service Charges levied upon Offset Tariff customers accounts | To consider a revision to demand based Standby Service Charges levied upon Offset Tariff customers accounts |
| *PSC-35-15-00014-P | exempt | Consideration of consequences against Light Power & Gas, LLC for violations of the UBP | To consider consequences against Light Power & Gas, LLC for violations of the UBP |
| *PSC-37-15-00007-P | exempt | Submetered electricity | To consider the request of 89 Murray Street Ass. LLC, for clarification of the submetering order issued December 20, 2007 |
| *PSC-38-15-00008-P | exempt | Notice of Intent to submeter electricity | To consider the request of Community Counseling and Mediation to submeter electricity at 226 Linden Blvd., Brooklyn, New York |
| *PSC-40-15-00014-P | exempt | Whether to permit the use of the Open Way 3.5 with cellular communications | To consider the use of the Open Way 3.5 electric meter, pursuant to 16 NYCRR Parts 92 and 93 |
| *PSC-41-15-00005-P | exempt | Intergrow disputes National Grid's revenue assurance calculations | To consider whether the revenue assurance National Grid is requiring of Intergrow for the new interconnection is appropriate |
| *PSC-41-15-00009-P | exempt | Main Tier of the Renewable Portfolio Standard program | To consider allocating funding from the Main Tier to an eligible hydroelectric facility |
| *PSC-41-15-00011-P | exempt | Deferral of incremental costs incurred in 2014 associated with increased gas leak response and repair activities | To consider a petition by Con Edison to defer certain incremental costs associated with gas leak response and repair activities |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|--|--|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-42-15-00006-P | exempt | Deferral of incremental expenses associated with NERC's new Bulk Electric System (BES) compliance requirements approved by FERC. | Consideration of Central Hudson's request to defer incremental expenses associated with new BES compliance requirements. |
| *PSC-42-15-00013-P | exempt | Annual Reconciliation of Gas Expenses and Gas Cost Recoveries. | The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries. |
| *PSC-44-15-00028-P | exempt | Deferral of incremental expenses associated with new compliance requirements | Consideration of Central Hudson's request to defer incremental expenses associated with new compliance requirements |
| *PSC-44-15-00030-P | exempt | System Improvement Plan mechanism | To consider Bath's petition to implement a SIP mechanism |
| PSC-47-15-00012-P | exempt | Reimbursement of costs for construction under 16 NYCRR 230 | To determine proper reimbursement for costs related to trenching and construction |
| PSC-47-15-00013-P | exempt | Whitepaper on Implementing Lightened Ratemaking Regulation. | Consider Whitepaper on Implementing Lightened Ratemaking Regulation. |
| PSC-48-15-00010-P | exempt | Lightened and incidental regulation of a 55 MW electric and steam generating facility. | Consider the lightened and incidental regulation of a 55 MW electric and steam generating facility. |
| PSC-48-15-00011-P | exempt | Proposal to retire Huntley Units 67 and 68 on March 1, 2016. | Consider the proposed retirement of Huntley Units 67 and 68. |
| PSC-49-15-00009-P | exempt | Petition for rehearing of the Order Establishing Interim Ceilings on the Interconnection of Net Metered Generation | To consider a Petition for rehearing of the Order Establishing Interim Ceilings on the Interconnection of Net Metered Generation |
| PSC-50-15-00006-P | exempt | The reduction of rates. | To consider the reduction of rates charged by Independent Water Works, Inc. |
| PSC-50-15-00008-P | exempt | The transfer of 1,064 utility poles. | To consider the transfer of 1,064 utility poles from Orange and Rockland Utilities, Inc. to Frontier Communications Corp. |
| PSC-50-15-00009-P | exempt | Notice of Intent to submeter electricity. | To consider the request to submeter electricity at 31-33 Lincoln Road and 510 Flatbush Avenue, Brooklyn, New York. |
| PSC-51-15-00010-P | exempt | Modification of the EDP | To consider modifying the EDP |
| PSC-51-15-00011-P | exempt | National Grid's electric Economic Development Programs | To consider modifications to the economic development assistance to qualified businesses |
| PSC-52-15-00015-P | exempt | Consequences pursuant to the Commission's Uniform Business Practices (UBP). | To consider whether to impose consequences on Astral for its apparent non-compliance with Commission requirements. |
| PSC-01-16-00002-P | exempt | Revenue assurance calculations | To consider whether the revenue assurance National Grid is requiring of Tiashoke for the upgraded service is appropriate |
| PSC-01-16-00003-P | exempt | Deferral of expenses | To consider a petition for the deferral of expenses |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|--|--|
| PUBLIC SERVICE COMMISSION | | | |
| PSC-01-16-00005-P | exempt | Proposed amendment to Section 5, Attachment 1.A of the Uniform Business Practices | To consider amendment to Section 5, Attachment 1.A of the Uniform Business Practices |
| PSC-04-16-00007-P | exempt | Whether Hamilton Municipal Utilities should be permitted to construct and operate a municipal gas distribution facility. | Consideration of the petition by Hamilton Municipal Utilities to construct and operate a municipal gas distribution facility. |
| PSC-04-16-00010-P | exempt | Proposed revisions to add and clarify provisions related to electric generators under SC No. 14. | To consider revisions to SC No. 14 and align the electric generator provisions with its downstate companies, KEDLI and KEDNY. |
| PSC-04-16-00011-P | exempt | Investigation that certain practices of Central Hudson Gas and Electric Corporation resulted in violations of HEFPA. | To consider the Petition of Nobody Leaves Mid-Hudson to investigate Central Hudson for claims of HEFPA violations. |
| PSC-04-16-00012-P | exempt | Proposal to mothball three gas turbines located at the Astoria Gas Turbine Generating Station. | Consider the proposed mothball of three gas turbines located at the Astoria Gas Turbine Generating Station. |
| PSC-04-16-00013-P | exempt | Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic. | Consider whether three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic. |
| PSC-06-16-00007-P | exempt | Transfer of water supply assets. | To consider the sale of water supply assets of Northeast Water Services to Suez Water Owego-Nichols, Inc. |
| PSC-06-16-00010-P | exempt | Lakewood disputes National Grid's revenue assurance calculations, specifically the duration used. | To consider whether the revenue assurance National Grid is requiring of Lakewood for the new interconnection is appropriate. |
| PSC-06-16-00012-P | exempt | Inclusion of a Farm and Food Community program in the community distributed generation program. | To consider the inclusion of a Farm and Food Community program in the community distributed generation program. |
| PSC-06-16-00013-P | exempt | Continued deferral of approximately \$16,000,000 in site investigation and remediation costs. | To consider the continued deferral of approximately \$16,000,000 in site investigation and remediation costs. |
| PSC-06-16-00014-P | exempt | MEGA's proposed demonstration CCA program. | To consider MEGA's proposed demonstration CCA program. |
| PSC-07-16-00016-P | exempt | Use of the Electro Industries Shark 200 electric submeter in residential applications | To consider the use of the Electro Industries Shark 200 submeter |
| PSC-07-16-00018-P | exempt | The use of the Open Way Centron 3.5 commercial meter, with 4G LTE cellular or modem communications for electric metering | To consider the use of the Itron Open Way Centron 3.5 meter |
| PSC-08-16-00007-P | exempt | Notice of Intent to submeter electricity. | To consider the Notice of Intent of BOP MW Residential Market LLC and BOP MW Residential Affordable LLC to submeter electricity. |
| PSC-11-16-00013-P | exempt | Leakage survey and corrosion inspection requirements | To establish protocols and timeframes for completing leakage surveys and corrosion inspections on gas service lines |
| PSC-11-16-00016-P | exempt | Notice of Intent to submeter electricity | To consider the Notice of Intent of 504 Myrtle Residential Owner LLC to submeter electricity at 504 Myrtle Avenue, Brooklyn, NY |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|---|---|
| PUBLIC SERVICE COMMISSION | | | |
| PSC-11-16-00017-P | exempt | Notice of Intent to submeter electricity | To consider the Notice of Intent of 140 West Street Condominium to submeter electricity at 100 Barclay Street, New York, NY |
| PSC-11-16-00018-P | exempt | Rolling Meadows Water Corporation's rates for the provision of water | To consider an increase in Rolling Meadows Water Corporation's annual water revenues by approximately \$169,841 or 34.05% |
| PSC-12-16-00003-P | exempt | The use of the GE Energy low voltage transformers | To consider the use of the GE Energy low voltage transformers |
| PSC-12-16-00004-P | exempt | The option to opt out of using an AMR device, and substitute an electro-mechanical meter, at no additional charge | To consider the option to opt out of using an AMR device, and substitute an electro-mechanical meter, at no additional charge |
| PSC-12-16-00005-P | exempt | Notice of Intent to submeter electricity | To consider the Notice of Intent of 3475 Third Avenue Owner Realty LLC to submeter electricity at 3475 Third Avenue, Bronx, NY |
| PSC-12-16-00007-P | exempt | Deferral of incremental costs incurred in 2015 associated with increased gas leak response and repair activities | To consider a petition by Con Edison to defer certain incremental costs associated with gas leak response and repair activities |
| PSC-12-16-00008-P | exempt | Notice of Intent to submeter electricity. | To consider the Notice of Intent of Promenade Global LLC to submeter electricity at 150 West 225th Street, Bronx, New York. |
| PSC-13-16-00008-P | exempt | Standby rate exemption for Offset Tariff customers | Consideration of the standby rate exemption for Offset Tariff customers |
| PSC-13-16-00009-P | exempt | Notice of Intent to submeter electricity | To consider the Notice of Intent of Franklin Place Condominium to submeter electricity at 5 Franklin Place, New York, New York |
| PSC-14-16-00007-P | exempt | Regulation of customer name changes on pending interconnection applications for grandfathered projects. | To consider regulation of customer name changes on pending interconnection applications for grandfathered projects. |
| PSC-14-16-00008-P | exempt | Resetting retail markets for ESCO mass market customers. | To ensure consumer protections with respect to residential and small non-residential ESCO customers. |
| PSC-15-16-00010-P | exempt | Proposed financial incentives for projects undertaken through the Targeted Demand Management program | To consider financial incentives for projects undertaken through the Targeted Demand Management program |
| PSC-15-16-00012-P | exempt | Adequate service of Verizon New York, Inc. | To consider the adequacy of Verizon New York Inc.'s service quality |
| PSC-17-16-00004-P | exempt | Major electric rate filing | To consider an increase in Con Edison's electric delivery revenues of approximately \$482 million or 9.5% |
| PSC-17-16-00005-P | exempt | Major gas rate filing | To consider an increase in KEDNY's gas delivery revenues by approximately \$290 million or 32% |
| PSC-17-16-00006-P | exempt | Proposal to revise General Rule 20 Standby Service | To consider proposed tariff revisions related to standby service multi-party offset under General Rule 20 |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|----------------|---|---|
| PUBLIC SERVICE COMMISSION | | | |
| PSC-17-16-00007-P | exempt | Major gas rate filing | To consider an increase in Con Edison's gas delivery revenues of approximately \$154 million or 13.4% |
| PSC-17-16-00008-P | exempt | Major gas rate filing | To consider an increase in KEDLI's gas delivery revenues by approximately \$175 million or 27% |
| PSC-18-16-00013-P | exempt | Amendments to the Uniform Business Practices of ESCOs. | To ensure consumer protection for ESCO customers. |
| PSC-18-16-00014-P | exempt | Amendments to the Uniform Business Practices of ESCOs. | To ensure consumer protection for ESCO customers. |
| PSC-18-16-00015-P | exempt | Petitions for rehearing of the Order Resetting Retail Energy Markets and Establishing Further Process. | To ensure consumer protections for ESCO customers. |
| PSC-18-16-00016-P | exempt | Amendments to the Uniform Business Practices of ESCOs. | To ensure consumer protection for ESCO customers. |
| PSC-18-16-00018-P | exempt | Amendments to the Uniform Business Practices of ESCOs. | To ensure consumer protection for ESCO customers. |
| PSC-19-16-00010-P | 05/11/17 | Technical Amendments of State regulations | To align State regulations with their corollary Federal regulations |
| PSC-19-16-00011-P | exempt | Public Street Lighting - LED Options | To consider the addition of LED options to O&R's SC No. 4 - Public Street Lighting |
| PSC-19-16-00012-P | exempt | Proposed corporate reorganization and transfer of ownership interests between members in Cricket Valley Energy Center, LLC | To consider corporate reorganization and transfer of ownership interests between members in Cricket Valley Energy Center, LLC |
| PSC-20-16-00008-P | exempt | Consideration of consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP). | To consider consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP). |
| PSC-20-16-00009-P | exempt | Standards for affiliate relationships. | To consider whether to permit the expansion of employees who are permitted to perform services on behalf of affiliates. |
| PSC-20-16-00010-P | exempt | Deferral and recovery of incremental expense. | To consider deferring costs of conducting leak survey and repairs for subsequent recovery. |
| PSC-20-16-00011-P | exempt | Enetics LD-1120 Non-Intrusive Load Monitoring Device in the Statewide Residential Appliance Metering Study. | To consider the use of the Enetics LD-1120 Non-Intrusive Load Monitoring Device. |
| PSC-21-16-00008-P | exempt | GE I-210+c with Silver Spring Network Interface Card (NIC) 510 | To consider the use of the GE I-210+c with Silver Spring Networks Interface Card (NIC) 510 |
| PSC-22-16-00010-P | exempt | Notice of Intent to submeter electricity and waiver of 16 NYCRR § 96.5(k)(3). | To consider the Notice of Intent to submeter electricity and waiver of 16 NYCRR § 96.5(k)(3). |
| PSC-22-16-00011-P | exempt | Petition for rehearing of the Order Modifying Standardized Interconnection Requirements and alternative enforcement mechanisms. | To ensure compliance with the Standardized Interconnection Requirements. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|---|---|
| PUBLIC SERVICE COMMISSION | | | |
| PSC-22-16-00013-P | exempt | Disposition of tax refunds and other related matters. | To consider the disposition of tax refunds and other related matters. |
| PSC-23-16-00009-P | exempt | Transfer of assets and dissolution of Birch Hill Water Company Inc. | To consider the transfer of assets and dissolution of the Birch Hill Water Company Inc. |
| PSC-23-16-00010-P | exempt | Minor water rate filing | To consider an increase in Pheasant Hill Water Corporation's annual water revenues by approximately \$66,325 or 126% |
| PSC-23-16-00011-P | exempt | Notification concerning tax refunds | To consider Verizon New York Inc.'s request to retain a portion of a property tax refund |
| PSC-23-16-00013-P | exempt | Acquisition of all of the assets of Beaver Dam Lake Water Corporation | To consider the acquisition of all assets of Beaver Dam Lake Water Corporation by New York American Water Company Inc. |
| PSC-24-16-00008-P | exempt | Notice of Intent to submeter electricity. | To consider the Notice of Intent to submeter electricity at 220 Central Park South, New York, New York. |
| PSC-24-16-00009-P | exempt | Petition to submeter gas service. | To consider the Petition of New York City Economic Development Corp. to submeter gas at Pier 17, 89 South Street, New York, NY. |
| PSC-25-16-00008-P | exempt | Consideration of the Avangrid Implementation Plan and audit recommendations. | To consider Avangrid's Implementation Plan. |
| PSC-25-16-00009-P | exempt | To delay Companies' third-party assessments of customer personally identifiable information until 2018. | To extend the time period between the Companies' third-party assessments of customer personally identifiable information. |
| PSC-25-16-00010-P | exempt | Consideration of Consolidated Edison Company of New York, Inc.'s Implementation Plan and audit recommendations. | To consider Consolidated Edison Company of New York, Inc.'s Implementation Plan. |
| PSC-25-16-00014-P | exempt | Consideration of the National Grid companies' Implementation Plan and audit recommendations. | To consider the National Grid companies' Implementation Plan. |
| PSC-25-16-00015-P | exempt | Consideration of the National Fuel Gas Distribution Corporation Implementation Plan and audit recommendations. | To consider National Fuel Gas Distribution Corporation's Implementation Plan. |
| PSC-25-16-00016-P | exempt | Consideration of the Orange and Rockland Utilities, Inc. Implementation Plan and audit recommendations. | To consider Orange and Rockland Utilities, Inc.'s Implementation Plan. |
| PSC-25-16-00017-P | exempt | Consideration of the Central Hudson Gas & Electric Corporation Implementation Plan and audit recommendations. | To consider Central Hudson Gas & Electric Corporation 's Implementation Plan. |
| PSC-25-16-00018-P | exempt | Proposed Community Choice Aggregation Data Security Agreement. | To ensure appropriate consumer protections in Community Choice Aggregation programs. |
| PSC-25-16-00019-P | exempt | Revision of customer service metrics. | To consider revisions to customer service metrics previously approved by the Commission. |

Action Pending Index

NYS Register/November 23, 2016

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|---|--|
| PUBLIC SERVICE COMMISSION | | | |
| PSC-25-16-00020-P | exempt | Notice of Intent to submeter electricity. | To consider the Notice of Intent of Gemini Residential, LLC to submeter electricity at 225 East 39th Street, New York, New York. |
| PSC-25-16-00021-P | exempt | Notice of Intent to submeter electricity. | To consider the Notice of Intent of 28th Highline Associates, LLC to submeter electricity at 520 West 28th Street, New York, NY. |
| PSC-25-16-00022-P | exempt | Transfer of ownership interests in Crestwood Pipeline East LLC. | Consideration of transfer of ownership interests in Crestwood Pipeline East LLC. |
| PSC-25-16-00023-P | exempt | Use of the Elster Solutions Energy Axis transponder. | To consider the use of the Elster Solutions Energy Axis transponder. |
| PSC-25-16-00024-P | exempt | Pole Attachment Rules. | To determine that the Commission's existing pole attachment rules apply to wireless providers. |
| PSC-25-16-00025-P | exempt | Acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel. | To consider acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel. |
| PSC-25-16-00026-P | exempt | Use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter, in residential fire service applications. | To consider the use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter in fire service applications. |
| PSC-25-16-00027-P | exempt | Use of the Badger Meter HR E LCD High Resolution E Series Encoder Register. | To consider the use of the Badger Meter HR E LCD High Resolution E Series Encoder Register. |
| PSC-25-16-00028-P | exempt | Notice of Intent to submeter electricity. | To consider the Notice of Intent of 421 Kent Development LLC to submeter electricity at 60 South 8th Street, Brooklyn, New York. |
| PSC-25-16-00029-P | exempt | Use of the Orion Water Endpoints meter reading system. | To consider the use of the Orion Water Endpoints. |
| PSC-26-16-00019-P | exempt | Major water rate filing. | To consider a proposal to increase annual base rates by approximately \$11.6 million or 13.7%. |
| PSC-26-16-00021-P | exempt | To extend the implementation date for its retail access program cash-out process. | To consider an extension for the implementation of the retail access program cash-out process. |
| PSC-28-16-00013-P | exempt | Initial Tariff Schedule which includes rates, charges, rules and regulations for water service. | To consider the proposed Initial Tariff Schedule and initial rate for water service. |
| PSC-28-16-00015-P | exempt | Major water rate filing. | To consider a proposal to increase revenues by approximately \$8.49 million or 8.3% and consolidate tariffs and rates. |
| PSC-28-16-00016-P | exempt | A petition for reconsideration of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework. | To determine appropriate rules for and calculation of the distributed generation reliability credit. |
| PSC-28-16-00017-P | exempt | A petition for rehearing of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework. | To determine appropriate rules for and calculation of the distributed generation reliability credit. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|--|--|
| PUBLIC SERVICE COMMISSION | | | |
| PSC-29-16-00021-P | exempt | Use of the Silver Spring Network Commercial Gas Interface Management Unit - IMU 200. | To consider the use of the Silver Spring Network Commercial Gas Interface Management Unit - IMU 200. |
| PSC-29-16-00022-P | exempt | Petitions for Rehearing of the Commission's Order Adopting Low Income Program Modifications and Directing Utility Filings. | To establish rates, terms, and conditions for low income utility programs. |
| PSC-29-16-00023-P | exempt | Use of the Silver Spring Network Residential Gas Interface Management Unit - IMU 300 and IMU 300A. | To consider the use of the Silver Spring Network Residential Gas Interface Management Unit - IMU 300 and IMU 300A. |
| PSC-29-16-00024-P | exempt | Participation of NYPA customers in surcharge-funded clean energy programs. | To consider participation of NYPA customers in surcharge-funded clean energy programs. |
| PSC-29-16-00025-P | exempt | Proposed modifications to gas safety violations metric adopted in Case 12-G-0202. | To consider NMPC's petition to modify gas safety violations metric. |
| PSC-30-16-00005-P | exempt | Notice of Intent to submeter electricity | To consider the Notice of Intent of 616 First Avenue LLC to submeter electricity at 626 First Avenue, New York, New York |
| PSC-30-16-00006-P | exempt | The application of NYSEG's tariff to a remote net metering host account owned by Cornell University | To determine the appropriate tariff treatment for the Cornell account |
| PSC-30-16-00007-P | exempt | The Municipal Electric and Gas Alliance's Community Choice Aggregation Implementation Plan | To ensure appropriate consumer protections |
| PSC-31-16-00004-P | exempt | Proposed acquisition of 100% of the assets of WBA by NYAW and to address other matters related to the acquisition. | To consider the proposed acquisition of all assets of WBA by NYAW and other matters related to the acquisition. |
| PSC-32-16-00003-P | exempt | Performance Assurance Plan waiver for certain wholesale service quality metrics. | To consider Verizon's waiver petition concerning certain wholesale service quality results. |
| PSC-32-16-00004-P | exempt | Notice of Intent to submeter electricity. | To consider the Notice of Intent of 58 Corner LLC to submeter electricity at 600 W. 58th Street, New York, New York. |
| PSC-32-16-00005-P | exempt | Major gas rate filing. | To consider an increase in National Fuel's gas delivery revenues of approximately \$41.7 million or 15.27%. |
| PSC-32-16-00007-P | exempt | Utility DSIPs to achieve the Commission's Reforming the Energy Vision (REV) initiative. | Development of utility DSIPs for improving utility planning and operations functions under REV. |
| PSC-32-16-00008-P | exempt | Proposed revisions to add and clarify provisions related to electric generators under SC No. 14. | To consider revisions to SC No. 14 - Daily Balancing Service. |
| PSC-32-16-00009-P | exempt | Proposed acquisition of 100% of the assets of New Vernon and Whitlock Farms by NYAW. | To consider the proposed acquisition of assets of New Vernon and Whitlock Farms by NYAW. |
| PSC-32-16-00010-P | exempt | Notice of Intent to submeter electricity. | To consider the Notice of Intent to submeter electricity at 30 Park Place, New York, New York. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|----------------|--|--|
| PUBLIC SERVICE COMMISSION | | | |
| PSC-32-16-00011-P | exempt | Notice of Intent to submeter electricity. | To consider the Notice of Intent to submeter electricity at 138-35 39th Avenue, Flushing, New York. |
| PSC-32-16-00012-P | exempt | Benefit-Cost Analysis Handbooks. | To evaluate proposed methodologies of benefit-cost evaluation. |
| PSC-33-16-00001-EP | 08/17/17 | Use of escrow funds for repairs. | To authorize the use of escrow account funds for repairs. |
| PSC-33-16-00003-P | exempt | Use of the Silver Spring Network communication device in utility metering applications. | To consider the use of the Silver Spring Network communication device. |
| PSC-33-16-00004-P | exempt | Design and implementation of Low-Income Energy Efficiency Program proposed by Massena Electric Department. | To consider the design and implementation of a Low-Income Energy Efficiency Program proposed by Massena Electric Department. |
| PSC-33-16-00005-P | exempt | Exemption from certain charges for delivery of electricity to its Niagara Falls, New York facility. | Application of System Benefits Charges, Renewable Portfolio Standard charges and Clean Energy Fund surcharges. |
| PSC-33-16-00006-P | exempt | Lightened regulatory regime applicable to Indeck Corinth Limited Partnership. | To determine the extent to which Indeck Corinth Limited Partnership will be regulated under the Public Service Law. |
| PSC-34-16-00004-P | exempt | Proposed revisions to the General Information Section III.8(W) - AMR/AMI Meter Opt-out. | To consider revisions to AMR/AMI meter opt-out and manual meter reading charge provisions. |
| PSC-34-16-00005-P | exempt | Community Choice Aggregation (CCA) Data Services. | To consider the implementation of fees for CCA Data Services requested by CCA Administrators. |
| PSC-34-16-00006-P | exempt | Community Choice Aggregation (CCA) Data Services. | To consider the implementation of fees for CCA Data Services requested by CCA Administrators. |
| PSC-34-16-00007-P | exempt | Proposed revisions to the General Rule 6.10 - AMR/AMI Meter Opt-out. | To consider revisions to AMR/AMI meter opt-out and manual meter reading charge provisions. |
| PSC-34-16-00008-P | exempt | Community Choice Aggregation (CCA) Data Services. | To consider the implementation of fees for CCA Data Services requested by CCA Administrators. |
| PSC-34-16-00009-P | exempt | Community Choice Aggregation (CCA) Data Services. | To consider the implementation of fees for CCA Data Services requested by CCA Administrators. |
| PSC-34-16-00010-P | exempt | Community Choice Aggregation (CCA) Data Services. | To consider the implementation of fees for CCA Data Services requested by CCA Administrators. |
| PSC-34-16-00011-P | exempt | Community Choice Aggregation (CCA) Data Services. | To consider the implementation of fees for CCA Data Services requested by CCA Administrators. |
| PSC-34-16-00012-P | exempt | Community Choice Aggregation (CCA) Data Services. | To consider the implementation of fees for CCA Data Services requested by CCA Administrators. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|--|---|
| PUBLIC SERVICE COMMISSION | | | |
| PSC-34-16-00013-P | exempt | Community Choice Aggregation (CCA) Data Services. | To consider the implementation of fees for CCA Data Services requested by CCA Administrators. |
| PSC-34-16-00014-P | exempt | Petition to submeter electricity. | To consider the petition of Elmo Homes, Inc. to submeter electricity at 728 41st Street, Brooklyn, New York. |
| PSC-34-16-00015-P | exempt | Community Choice Aggregation (CCA) Data Services. | To consider the implementation of fees for CCA Data Services requested by CCA Administrators. |
| PSC-34-16-00016-P | exempt | Notice of Intent to submeter electricity. | To consider the Notice of Intent of Snowplow LH LLC to submeter electricity at 252 East 57th Street, New York, NY. |
| PSC-34-16-00017-P | exempt | Notice of Intent to submeter electricity. | To consider the Notice of Intent of 212 Fifth Avenue Venture LLC to submeter electricity at 212 Fifth Avenue, New York, NY. |
| PSC-34-16-00018-P | exempt | Standby Service. | To consider the implementation of a standby reliability credit and an offset tariff provision. |
| PSC-34-16-00019-P | exempt | Standby Service. | To consider the implementation of a standby reliability credit and an offset tariff provision. |
| PSC-34-16-00020-P | exempt | Standby Service. | To consider the implementation of a standby reliability credit and an offset tariff provision. |
| PSC-34-16-00021-P | exempt | Standby Service. | To consider the implementation of a standby reliability credit and an offset tariff provision. |
| PSC-34-16-00022-P | exempt | Standby Service. | To consider the implementation of a standby reliability credit and an offset tariff provision. |
| PSC-35-16-00014-P | exempt | Proposed acquisition of 100% of the assets of Hoey-DeGraw by NYAW and to address other matters related to the acquisition | To consider the proposed acquisition of 100% of assets of Hoey-DeGraw by NYAW and other matters related to the acquisition |
| PSC-35-16-00015-P | exempt | NYSRC's revisions to its rules and measurements | To consider revisions to various rules and measurements of the NYSRC |
| PSC-36-16-00003-P | exempt | Petition regarding the Commission's July 14, 2016 Order Denying Petition. | To consider the terms and conditions of utility service received by Fastrac Markets, LLC. |
| PSC-36-16-00004-P | exempt | Recovery of costs for installation of electric service. | To consider the recovery of costs for installation of electric service. |
| PSC-36-16-00005-P | exempt | Disposition of tax refunds received by New York American Water Company, Inc. | To determine the disposition of tax refunds and other related matters. |
| PSC-37-16-00008-P | exempt | Sources and mechanisms of funding related to the Clean Energy Standard. | To promote and maintain renewable and zero-emission electric energy resources. |
| PSC-37-16-00009-P | exempt | Transfer of the James A. FitzPatrick Nuclear Power Plant from Entergy Nuclear FitzPatrick, LLC to Exelon Generation Company, LLC | To ensure safe and adequate electric generation facilities. |
| PSC-37-16-00010-P | exempt | Zero Emission Credit requirement of the Clean Energy Standard. | To avoid adverse air emissions from fossil-fueled generation that would replace nuclear generation. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|--|--|
| PUBLIC SERVICE COMMISSION | | | |
| PSC-37-16-00011-P | exempt | Temperature Controlled and Interruptible Provisions. | To consider proposed revisions to tariff provisions related to temperature controlled and interruptible customers. |
| PSC-37-16-00012-P | exempt | Sources and mechanisms of funding related to the Clean Energy Standard. | To promote and maintain renewable and zero-emission electric energy resources. |
| PSC-37-16-00013-P | exempt | Temperature Controlled and Interruptible Provisions. | To consider proposed revisions to tariff provisions related to temperature controlled and interruptible customers. |
| PSC-37-16-00014-P | exempt | Notice of Intent to submeter electricity. | To consider the Notice of Intent to submeter electricity at 301 East 61st Street, New York, New York. |
| PSC-37-16-00015-P | exempt | Notice of Intent to submeter electricity. | To consider the Notice of Intent of 10 Sullivan Condominium to submeter electricity at 10 Sullivan Street, New York, New York. |
| PSC-38-16-00005-P | exempt | Disposition of tax refunds and other related matters | To consider the disposition of tax refunds and other related matters |
| PSC-38-16-00006-P | exempt | Request for waiver of the individual metering requirements of Opinion 76-17 and 16 NYCRR Part 96 | To consider the request for waiver of the individual metering requirements of Opinion 76-17 and 16 NYCRR Part 96 |
| PSC-38-16-00008-P | exempt | The capacity limit for net energy metering of farm waste electric generating equipment | Increase in the capacity threshold, from 1 MW to 2 MW, for net energy metering of farm waste electric generation |
| PSC-38-16-00009-P | exempt | Disposition of tax refunds and other related matters | To consider the disposition of tax refunds and other related matters |
| PSC-39-16-00012-P | exempt | The Clean Energy Standard. | To promote and maintain renewable and zero-emission electric energy resources. |
| PSC-39-16-00013-P | exempt | The Clean Energy Standard. | To promote and maintain renewable and zero-emission electric energy resources. |
| PSC-39-16-00014-P | exempt | The Clean Energy Standard. | To promote and maintain renewable and zero-emission electric energy resources. |
| PSC-39-16-00015-P | exempt | The Clean Energy Standard. | To promote and maintain renewable and zero-emission electric energy resources. |
| PSC-39-16-00016-P | exempt | The Clean Energy Standard. | To promote and maintain renewable and zero-emission electric energy resources. |
| PSC-39-16-00017-P | exempt | The Clean Energy Standard. | To promote and maintain renewable and zero-emission electric energy resources. |
| PSC-39-16-00018-P | exempt | The Clean Energy Standard. | To promote and maintain renewable and zero-emission electric energy resources. |
| PSC-39-16-00019-P | exempt | The Clean Energy Standard. | To promote and maintain renewable and zero-emission electric energy resources. |
| PSC-39-16-00020-P | exempt | The Clean Energy Standard. | To promote and maintain renewable and zero-emission electric energy resources. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|---|---|
| PUBLIC SERVICE COMMISSION | | | |
| PSC-39-16-00021-P | exempt | The Clean Energy Standard. | To promote and maintain renewable and zero-emission electric energy resources. |
| PSC-39-16-00022-P | exempt | The Clean Energy Standard. | To promote and maintain renewable and zero-emission electric energy resources. |
| PSC-39-16-00023-P | exempt | The Clean Energy Standard. | To promote and maintain renewable and zero-emission electric energy resources. |
| PSC-39-16-00024-P | exempt | The Clean Energy Standard. | To promote and maintain renewable and zero-emission electric energy resources. |
| PSC-39-16-00025-P | exempt | The Clean Energy Standard. | To promote and maintain renewable and zero-emission electric energy resources. |
| PSC-39-16-00026-P | exempt | The Clean Energy Standard. | To promote and maintain renewable and zero-emission electric energy resources. |
| PSC-39-16-00027-P | exempt | The Clean Energy Standard. | To promote and maintain renewable and zero-emission electric energy resources. |
| PSC-39-16-00028-P | exempt | Consolidated Edison Company of New York, Inc.'s replevin acts and practices. | To review Consolidated Edison Company of New York, Inc.'s replevin acts and practices. |
| PSC-39-16-00029-P | exempt | Minor rate filing. | To consider an increase in annual revenues of about \$158,709 or 20%. |
| PSC-40-16-00001-EP | exempt | Prohibition on enrollments, and de-enrollment requirements, on energy service companies (ESCOs) regarding low-income customers. | To protect low-income residential customers from unnecessary costs and to conserve low-income assistance program funds. |
| PSC-40-16-00003-P | exempt | Low income program implementation plan filed by New York State Electric and Gas Corp. and Rochester Gas & Electric Corp. | To establish rates, terms, and conditions for the Companies' low income utility programs. |
| PSC-40-16-00004-P | exempt | Low income program implementation plan filed by KeySpan Gas East Corp. d/b/a National Grid. | To establish rates, terms, and conditions for the Company's low income utility programs. |
| PSC-40-16-00005-P | exempt | Cost recovery for Non-Wire Alternative (NWA) Project. | To consider Central Hudson's proposed revisions regarding the recovery of costs and incentives associated with NWA Project. |
| PSC-40-16-00006-P | exempt | Petition to waive the ECAM proration billing method for SC No. 5 customers. | To consider the request of Central Hudson to waive the ECAM proration billing method for SC No. 5 customers. |
| PSC-40-16-00007-P | exempt | Low income program implementation plan filed by National Fuel Gas Distribution Corporation. | To establish rates, terms, and conditions for the Company's low income utility programs. |
| PSC-40-16-00008-P | exempt | Low income program implementation plan filed by Consolidated Edison Company of New York, Inc. | To establish rates, terms, and conditions for the Company's low income utility programs. |
| PSC-40-16-00009-P | exempt | Low income program implementation plan filed by Niagara Mohawk Power Corporation. | To establish rates, terms, and conditions for the Company's low income utility programs. |
| PSC-40-16-00010-P | exempt | Low income program implementation plan filed by Orange and Rockland Utilities, Inc.. | To establish rates, terms, and conditions for the Company's low income utility programs. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|--|--|
| PUBLIC SERVICE COMMISSION | | | |
| PSC-40-16-00011-P | exempt | Low income program implementation plan filed by the Brooklyn Union Gas Company d/b/a National Grid NY. | To establish rates, terms, and conditions for the Company's low income utility programs. |
| PSC-40-16-00012-P | exempt | Low income program implementation plan filed by Central Hudson Gas & Electric Corporation. | To establish rates, terms, and conditions for the Company's low income utility programs. |
| PSC-40-16-00013-P | exempt | Surcharge to recover costs of Dynamic Load Management Programs. | To consider a surcharge to recover costs of the Dynamic Load Management Programs. |
| PSC-40-16-00014-P | exempt | Surcharge to recover costs of Dynamic Load Management Programs. | To consider a surcharge to recover costs of the Dynamic Load Management Programs. |
| PSC-40-16-00015-P | exempt | Notice of Intent to submeter electricity. | To consider the Notice of Intent to submeter electricity at 175 Huguenot Street, New Rochelle, New York. |
| PSC-40-16-00016-P | exempt | Notice of Intent to submeter electricity. | To consider the Notice of Intent to submeter electricity at 301 East 50th Street, New York, New York. |
| PSC-40-16-00017-P | exempt | Request for waiver of 16 NYCRR sections 96.5(a) and 96.6(b) | To consider the request for waiver of 16 NYCRR sections 96.5(a) and 96.6(b) |
| PSC-40-16-00018-P | exempt | Petition for commercial electric meter. | To consider the petition to use the Itron OpenWay Riva commercial meter in electric metering applications. |
| PSC-40-16-00019-P | exempt | Surcharge to recover costs of Dynamic Load Management Programs. | To consider a surcharge to recover costs of the Dynamic Load Management Programs. |
| PSC-40-16-00020-P | exempt | Notice of Intent to submeter electricity. | To consider the Notice of Intent of 501 Broadway Troy, LLC to submeter electricity at 501 Broadway, Troy, New York. |
| PSC-40-16-00021-P | exempt | Surcharge to recover costs of Dynamic Load Management Programs. | To consider a surcharge to recover costs of the Dynamic Load Management Programs. |
| PSC-40-16-00022-P | exempt | The addition of LED lighting options to SC No. 4 - Off-Street Lighting and SC No. 5 - Municipal Street Lighting Service. | To consider the addition of LED lighting options for Jamestown's street and off-street lighting service classifications. |
| PSC-40-16-00023-P | exempt | Major gas rate filing. | To consider an increase in Conring's gas delivery revenues of approximately \$5.9 million or 44.7%. |
| PSC-40-16-00024-P | exempt | Tariff revisions regarding National Grid's LED lighting option wattages. | To consider National Grid's proposed revisions updating its LED lighting option wattages in its street lighting tariff. |
| PSC-40-16-00025-P | exempt | Consequences pursuant to the Commission's Uniform Business Practices (UBP). | To consider whether to impose consequences on Smart One for its apparent non-compliance with Commission requirements. |
| PSC-40-16-00026-P | exempt | Compliance filing establishing an interruptible gas service sales rate. | To consider RG&E's proposed revisions to establish an interruptible gas service sales rate. |
| PSC-40-16-00027-P | exempt | Consequences pursuant to the Commission's Uniform Business Practices (UBP). | To consider whether to impose consequences on Marathon for its apparent non-compliance with Commission requirements. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|---|---|
| PUBLIC SERVICE COMMISSION | | | |
| PSC-40-16-00028-P | exempt | Consequences pursuant to the Commission's Uniform Business Practices (UBP). | To consider whether to impose consequences on ABC for its apparent non-compliance with Commission requirements. |
| PSC-41-16-00015-P | exempt | To consider proposed amendments to the original criteria to grandfathering established in the Transition Plan | To modify the Transition Plan in response to new and unanticipated conditions |
| PSC-41-16-00016-P | exempt | Proposed revision to Rule 25.5 - Meter Reading (Rule 25.5) | To consider a revision to Rule 25.5 regarding the costs for telephone circuits for distributed generation projects |
| PSC-41-16-00017-P | exempt | Utility tariffs to implement the Clean Energy Standard | To promote and maintain renewable and zero-emission electric energy resources |
| PSC-41-16-00018-P | exempt | Rider T - Commercial Demand Response Programs (Rider T) | To consider modifications to Rider T regarding its Commercial System Relief Program and Distribution Load Relief Program |
| PSC-42-16-00005-EP | exempt | Appointment of a temporary operator for Whitlock Farms Water Company and New Vernon Water Company | To ensure the provision of safe and adequate water service to customers by appointment of a temporary operator |
| PSC-42-16-00007-P | exempt | New communications protocols for interruptible customers. | To establish new communications protocols to ensure that interruptible customers have sufficient back-up fuel. |
| PSC-42-16-00008-P | exempt | Annual Reconciliation of Gas Expenses and Gas Cost Recoveries. | To consider filings of LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries. |
| PSC-42-16-00009-P | exempt | Petition to submeter electricity. | To consider the petition to submeter electricity at 549-561 41st Street, Brooklyn, New York. |
| PSC-42-16-00010-P | exempt | Request for a limited waiver of certain tariff provisions. | To consider a request for a limited waiver of the tariff's unauthorized gas usage and non-compliance penalty provisions. |
| PSC-42-16-00011-P | exempt | Petition for modifications to the New York State Standardized Interconnection Requirements and Application Process. | To update the SIR to clear the backlog, implement cost sharing, and streamline interconnection. |
| PSC-42-16-00012-P | exempt | Transfer of certain streetlights located in the Town of Orangetown. | To consider the transfer of certain streetlights from Orange and Rockland to the Town of Orangetown. |
| PSC-42-16-00013-P | exempt | Annual Reconciliation of Gas Expenses and Gas Cost Recoveries. | To consider a request for a waiver of certain tariff provisions and 16 NYCRR Section 720-6.5(g). |
| PSC-42-16-00014-P | exempt | Proposed Public Policy Transmission Needs/ Public Policy Requirements, as defined under the NYISO tariff. | To identify any proposed Public Policy Transmission Needs/Public Policy Requirements for referral to the NYISO. |
| PSC-43-16-00003-P | exempt | Notice of Intent to submeter electricity. | To consider the Notice of Intent of Haus LLC to submeter electricity at 152 Freeman Street, Brooklyn, New York. |
| PSC-43-16-00004-P | exempt | Notice of Intent to submeter electricity. | To consider the Notice of Intent of 50 West Street Condominium to submeter electricity at 50 West Street, New York, New York. |

Action Pending Index

NYS Register/November 23, 2016

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|---|---|
| PUBLIC SERVICE COMMISSION | | | |
| PSC-43-16-00005-P | exempt | NYSRC's revisions to its rules and measurements. | To consider revisions to various rules and measurements of the NYSRC. |
| PSC-44-16-00010-EP | exempt | Use of escrow funds for repairs. | To condition the use of escrow account funds for repairs. |
| PSC-44-16-00015-P | exempt | Surcharge to recover costs of Dynamic Load Management Programs | To consider a surcharge to recover costs of the Dynamic Load Management Programs |
| PSC-44-16-00016-P | exempt | Consideration of comments made by NFG regarding the audit process and the use of guidance documents in regulation | To consider NFG's arguments and if the Commission should modify its practices |
| PSC-44-16-00017-P | exempt | Valuation of and compensation for electricity generated by distributed resources | To implement framework that will benefit ratepayers and customer-generators and further State policy |
| PSC-44-16-00018-P | exempt | Notice of Intent to submeter electricity | To consider the Notice of Intent to submeter electricity at 325 Kent Avenue, Brooklyn, New York |
| PSC-44-16-00019-P | exempt | Transfer of certain streetlights located in the City of Kingston | To consider the transfer of certain streetlights from Central Hudson to the City of Kingston |
| PSC-44-16-00020-P | exempt | Transfer of a parcel of property located in the Town of North Castle | To consider the transfer of a parcel of property from Con Edison to the Town of North Castle |
| PSC-44-16-00021-P | exempt | Minor rate filing of Municipal Commission of Boonville | To consider an increase in annual revenues of about \$161,477 or 4.2% |
| PSC-45-16-00007-P | exempt | Proposed debt financing for CCI Rensselaer LLC. | To consider proposed debt financing for CCI Rensselaer LLC. |
| PSC-45-16-00008-P | exempt | Petition to use a commercial electric meter. | To consider the petition to use the Landis+Gyr S4X Commercial Meter with Gridstream Series 5 RF Mesh IP AMI. |
| PSC-45-16-00009-P | exempt | Petition to use a residential gas meter. | To consider the petition to use the Elster/American AT210TC gas meter in residential applications. |
| PSC-45-16-00010-P | exempt | Petition to use a residential gas meter. | To consider the petition to use the Sensus RT230TC temperature compensated gas meter in residential applications. |
| PSC-45-16-00011-P | exempt | Petition to use a residential electric meter. | To consider the petition to use the Landis+Gyr Focus AXe Meter with Gridstream Series 5 RF Mesh IP AMI. |
| PSC-45-16-00012-P | exempt | Disposition of property tax benefits. | To consider the disposition of property tax benefits. |
| PSC-45-16-00013-P | exempt | Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives. | To consider the Interconnection Survey Process and Proposed Earnings Adjustment Mechanism. |
| PSC-45-16-00014-P | exempt | Disposition of property tax benefits. | To consider the disposition of property tax benefits. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|--|---|
| PUBLIC SERVICE COMMISSION | | | |
| PSC-45-16-00015-P | exempt | Arbor Hills Water Works Inc.'s rates for the provision of water. | To consider an increase in Arbor Hills Water Works Inc.'s annual water revenues by approximately \$36,500 or 45%. |
| PSC-45-16-00016-P | exempt | Boniville Water Company Inc.'s rates for the provision of water. | To consider an increase in Boniville Water Company Inc.'s annual water revenues by approximately \$25,000 or 45%. |
| PSC-45-16-00017-P | exempt | Knolls Water Co., Inc.'s rates for the provision of water. | To consider an increase in Knolls Water Co., Inc.'s annual water revenues by approximately \$26,600 or 45%. |
| PSC-45-16-00018-P | exempt | Proposed water supply agreement between NYAW and Glen Cove. | To consider the proposed water supply agreement between NYAW and Glen Cove. |
| PSC-46-16-00008-P | exempt | Consideration of the NYISO's AC Transmission Public Policy Transmission Need (PPTN) Viability and Sufficiency Assessment. | To consider whether NYISO should proceed to further evaluate solutions to a AC Transmission PPTN. |
| PSC-46-16-00009-P | exempt | Waiver of the ten-member minimum for CDG projects in appropriate circumstances. | Consideration of appropriate treatment of small CDG projects on multi-resident properties. |
| PSC-46-16-00010-P | exempt | Proposed modifications to the Phase III Storm Hardening Order. | To consider modifications to the Phase III Storm Hardening Order. |
| PSC-46-16-00011-P | exempt | Excess generation credits held by CDG project sponsors at the end of an annual billing period. | Consideration of appropriate treatment of excess generation credits. |
| PSC-46-16-00012-P | exempt | Implementation program rules for the Renewable Energy Standard (RES) and Zero-Emission Credit (ZEC) requirement. | To promote and maintain renewable and zero-emission electric energy resources. |
| PSC-46-16-00013-P | exempt | Notice of Intent to submeter electricity. | To consider the Notice of Intent of Hudson Cornell Tech LLC, to submeter electricity at 1 East Loop Road, New York, New York. |
| PSC-46-16-00014-P | exempt | Notice of Intent to submeter electricity. | To consider the Notice of Intent of 846 6th Avenue Venture, to submeter electricity at 50 West 30th Street, New York, New York. |
| PSC-46-16-00015-P | exempt | The eligibility of street lighting and area lighting accounts for remote net metering. | Consideration of eligibility for remote net metering. |
| PSC-46-16-00016-P | exempt | Tariff revisions regarding Central Hudson's LED lighting options under its service classifications, SC No. 5 and SC No. 8. | To consider revisions to Central Hudson's LED lighting options in area lighting and street lighting service classifications. |
| PSC-46-16-00017-P | exempt | Tariff revisions regarding Central Hudson's traffic signal service classification, SC No. 9. | To consider revisions to Central Hudson's traffic signal service classification. |
| PSC-46-16-00018-P | exempt | Con Edison's proposed pilot shared solar program for low-income customers. | Consideration of the authorization and appropriate design of a utility-owned low-income shared solar program. |
| 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 |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|---|----------------|---|---|
| PUBLIC SERVICE COMMISSION | | | |
| PSC-47-16-00011-P | exempt | Petition to use residential electric meters | To consider the petition of Itron, Inc. to use the Itron C2SRD and CN2SRD in residential electric meter applications |
| PSC-47-16-00012-P | exempt | Lease of real property | To consider NYSEG's request to lease a portion of certain real property to Allied Dog Training, LLC |
| 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-47-16-00015-P | exempt | Joint Utilities' SDSIP to achieve the Commission's Reforming the Energy Vision (REV) initiative | Development of utilities' joint SDSIP for improving utility planning and operations functions under REV |
| PSC-47-16-00016-P | exempt | Standby Service rate design | To consider the report filed and the recommendations therein |
| STATE, DEPARTMENT OF | | | |
| DOS-39-16-00005-P | 09/28/17 | Requirements regarding brokers receiving funds, course subjects and hours, and business cards | To provide clarity regarding brokers obligations when receiving compensation, instruction requirements, and business cards |
| DOS-40-16-00029-EP | 11/21/17 | Signs on buildings utilizing truss type, pre-engineered wood or timber construction | To update references |
| DOS-45-16-00019-P | 11/09/17 | Rules relating to political consultants | To prescribe the statutorily mandated form for political consultants and related regulations relating to political consultants |
| DOS-46-16-00007-P | 01/03/18 | Sugarhouse Alternative Activity Provisions | To allow sugarhouses to conduct alternative activities that will support the maple product industry |
| TAXATION AND FINANCE, DEPARTMENT OF | | | |
| TAF-34-16-00023-P | exempt | Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith | To set the sales tax component and the composite rate per gallon for the period October 1, 2016 through December 31, 2016 |
| TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF | | | |
| *TDA-46-15-00005-RP | 02/15/17 | Storage of furniture and personal belongings | Provide clarification regarding allowances for the storage of furniture and personal belongings |
| TDA-36-16-00006-P | 09/07/17 | Supplemental Nutrition Assistance Program (SNAP) | Update State regulations to reflect federal requirements regarding the trafficking of SNAP benefits |
| TDA-37-16-00001-P | 09/14/17 | Child Support | To help ensure the State's compliance with federal rules for safeguarding confidential information, disclosing said information, where appropriate, to authorized persons and entities; and report delinquent child support payors to credit reporting agencies |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|---|----------|---|---|
| TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF | | | |
| TDA-37-16-00004-P | 09/14/17 | Public Assistance (PA) Use of Resources - General Policy | To update current PA resource exemptions related to automobiles |
| TDA-39-16-00006-P | 09/28/17 | Operational Plans for Uncertified Shelters for the Homeless | See attached |
| TDA-39-16-00010-EP | 09/28/17 | Standard Utility Allowances (SUAs) for the Supplemental Nutrition Assistance Program (SNAP) | These regulatory amendments set forth the federally mandated and approved SUAs as of 10/1/16 |
| THRUWAY AUTHORITY, NEW YORK STATE | | | |
| THR-46-16-00022-P | 11/16/17 | Amend the Authority's toll rules to enhance violation enforcement on the Thruway System | To deter toll evasion |
| TRANSPORTATION, DEPARTMENT OF | | | |
| TRN-41-16-00001-P | 10/12/17 | Provisions applicable to administrative hearings in Office of Proceedings | Update of rules applicable to administrative hearings and repeal of obsolete provisions in Part 558 |
| TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY | | | |
| TBA-46-16-00021-P | 11/16/17 | Proposal to strengthen toll violation enforcement at TBTA bridges and tunnels | To deter toll evasion |
| WORKERS' COMPENSATION BOARD | | | |
| *WCB-45-15-00025-P | 11/09/16 | Medical Treatment Guideline variances | Permit the Chair to require submission of variance requests via an electronic medical portal |
| *WCB-45-15-00026-P | 11/09/16 | Medical Authorizations | Permit the Chair to require submission of medical authorization requests via an electronic medical portal |
| *WCB-45-15-00027-P | 11/09/16 | Medical Treatment Guideline optional prior approval | Change the time to respond from business days to calendar days |
| WCB-44-16-00011-P | 11/02/17 | Administrative Appeals | Update the process for requesting administrative review of decisions by a law judge |

SECURITIES OFFERINGS

STATE NOTICES

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

DEALERS; BROKERS

Allocation Solutions 12, LLC
22790 US Hwy. 259 S, Mount Enterprise, TX 75681
State or country in which incorporated — Texas

Analytic Global Long/Short Equity Fund II, LP
555 W. Fifth St., 50th Fl., Los Angeles, CA 90013
Partnership — Analytic Investors, LLC

Analytic Global Low Volatility Fund LP
555 W. Fifth St., 50th Fl., Los Angeles, CA 90013
Partnership — Analytic Investors, LLC

Analytic U.S. Low Volatility Fund LP
555 W. Fifth St., 50th Fl., Los Angeles, CA 90013
Partnership — Analytic Investors, LLC

Applied DNA Sciences, Inc.
50 Health Sciences Dr., Stony Brook, NY 11790
State or country in which incorporated — Delaware

Ashwood Partners Securities LLC
152 W. 57th St., 5th Fl., New York, NY 10019
State or country in which incorporated — Delaware limited liability company

Bamboo Ecologic Corporation
13-382 Pohoiki Rd., Pahoia, HI 96778
State or country in which incorporated — Nevada

Bravura 99 Fund, L.P.
555 California St., Suite 3100, San Francisco, CA 94104
Partnership — Symphony Asset Management LLC, general partner

BTA Oil Producers, LLC
104 S. Pecos, Midland, TX 79701

CapitalWorks Fund IV, LP
Two Chagrin Highlands, 3000 Auburn Dr., Suite 430, Cleveland, OH 44122-4340
Partnership — CapitalWorks IV GP, LLC

Carroll Street Capital 160, LLC
c/o National Realty Investment Advisors, LLC, 1325 Paterson Plank Rd., 2nd Fl., Secaucus, NJ 07094
State or country in which incorporated — Delaware limited liability company

Cobblestone CP Senior Housing Fund, LP
125 E. Elm St., Suite 200, Conshohocken, PA 19428
Partnership — PPB CCPSH Mgt LLC

College Gardens Investment Associates LLC
6917 Arlington Rd., Suite 224, Bethesda, MD 20814
State or country in which incorporated — Delaware LLC

Cove Funding, LP
c/o Cove Funding GP LLC, 40 Wall St., Suite 501, New York, NY 10005
Partnership — Cove Funding GP LLC

CP Burn, LLC
67 Purchase St., Rye, NY 10580

Emmaus Catholic Church – Lakeway, Texas
1718 Lohmans Crossing Rd., Lakeway, TX 78734
State or country in which incorporated — Texas

GCH, Inc.
3457 Ringsby Ct., Unit 108, Denver, CO 80216
State or country in which incorporated — Colorado

Gravy Analytics, Inc.
1602 Village Market Blvd., Suite 230, Leesburg, VA 20175
State or country in which incorporated — Delaware

Harbor Light Securities, LLC
9325 Bay Plaza Blvd., Suite 205, Tampa, FL 33619
State or country in which incorporated — North Carolina limited liability company

Hawk Ridge Partners Offshore Ltd.
c/o Hawk Ridge Capital Management, L.P., 12424 Wilshire Blvd., Suite 1430, Los Angeles, CA 90025
State or country in which incorporated — Cayman Islands

Highland Capital Funds Distributor, Inc.
200 Crescent Court, Suite 700, Dallas, TX 75201
State or country in which incorporated — Delaware

Huron Flex Equity Fund Executives L.P., The
500 Griswold St., Suite 2700, Detroit, MI 48226
Partnership — Huron Capital Flex GP LLC

Huron Flex Equity Fund L.P., The
500 Griswold St., Suite 2700, Detroit, MI 48226
Partnership — Huron Capital Flex GP LLC

Huron Fund V Executives L.P., The
500 Griswold St., Suite 2700, Detroit, MI 48226
Partnership — Huron Capital Flag GP V LLC

Huron Fund V L.P., The

500 Griswold St., Suite 2700, Detroit, MI 48226

Partnership — Huron Capital Flag GP V LLC

ICG Credit Opportunities Fund LP

11111 Santa Monica Blvd., Suite 2100, Los Angeles, CA 90025

Partnership — ICG Credit Opportunities GP LLC

Intelligent Property Solutions, Inc.

25 Broadway, 9th Fl., New York, NY 10004

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

Kidz Media Investments LLC

321 N. Pass Ave., #154, Burbank, CA 91505

Linden Terrace J-Dek LLC

31100 Solon Rd., Suite 9, Solon, OH 44139

State or country in which incorporated — Delaware

Macquarie Capital (USA) Inc.

125 W. 55th St., Level 22, New York, NY 10019

State or country in which incorporated — Delaware

Maimonides Associates, Inc.

c/o Maimonides Medical Center, 4802 Tenth Ave., Brooklyn, NY

11219

State or country in which incorporated — New York

Marble Point Investments I LP

c/o MP Investments GP Ltd., 20 Horseneck Lane, Greenwich, CT 06830

Partnership — MP Investments GP Ltd.

Marble Point Investments LP

c/o MP Investments GP Ltd., 20 Horseneck Lane, Greenwich, CT 06830

Partnership — MP Investments GP Ltd.

Metal Bank Limited

Suite 2508, Level 25, 31 Market St., Sydney, NSW, Australia 2000

State or country in which incorporated — Australia

New Harbor Capital Fund II, LP

500 W. Madison, Suite 2830, Chicago, IL 60661

Partnership — New Harbor Capital Fund II GP, LP

North Lion Fund LLC

60 S. Sixth St., Suite 2560, Minneapolis, MN 55402

State or country in which incorporated — Minnesota

Novita Pharmaceuticals, Inc.

1161 York Ave., Apt. 8C, New York, NY 10065

State or country in which incorporated — Delaware

NRIA Brooklyn I, LLC

c/o National Realty Investment Advisors, LLC, 1325 Paterson Plank Rd., 2nd Fl., Secaucus, NJ 07094

State or country in which incorporated — Delaware limited liability company

NRIA Brooklyn II, LLC

c/o National Realty Investment Advisors, LLC, 1325 Paterson Plank Rd., 2nd Fl., Secaucus, NJ 07094

State or country in which incorporated — Delaware limited liability company

NRIA II, LLC

c/o National Realty Investment Advisors, LLC, 1325 Paterson Plank Rd., 2nd Fl., Secaucus, NJ 07094

State or country in which incorporated — Delaware limited liability company

Origin Bancorp, Inc.

1511 N. Trenton St., Ruston, LA 71270

State or country in which incorporated — Louisiana

Paulson Special Situations Fund, LP

1251 Avenue of the Americas, New York, NY 10020

Partnership — Paulson Management III LLC

Paulson Advisers II LLC

Pennybacker IV, LP

c/o Pennybacker Capital Management, LLC, 3800 N. Lamar Blvd., Suite 350, Austin, TX 78756

Partnership — Pennybacker IV GP, LLC

Phillips Edison Grocery Center Reit III, Inc.

11501 Northlake Dr., Cincinnati, OH 45249

State or country in which incorporated — Maryland

Port Capital Small Cap Fund, LP

180 N. Stetson Ave., Suite 5780, Chicago, IL 60601

Partnership — Port Capital LLC

REI Energy 2016-A Income Fund, L.P.

1901 N. Central Expwy., Suite 300, Richardson, TX 75080

Partnership — REI Energy, LLC 2016-A Income Series

Rhapsody Fund, L.P.

555 California St., Suite 3100, San Francisco, CA 94104

Partnership — Symphony Asset Management LLC, general partner

Rock Solid Holdings, LLC

Nine Wynfield Dr., Lititz, PA 17543

RSE Collection, LLC

41 W. 25th St., 8th Fl., New York, NY 10010

State or country in which incorporated — Delaware

Sherman Real Estate Fund XII, LLC

500 Lake Cook Rd., Suite 280, Deerfield, IL 60015

State or country in which incorporated — Delaware

Small Asset Portfolio 1, LLC

c/o B.M. Smith and Associates, Inc., 2407 Columbia Pike, Suite 200, Arlington, VA 22204

State or country in which incorporated — Virginia

Smartlink Mobile Systems, LLC

1000 Centre Green Way, Suite 260, Cary, NC 27513

State or country in which incorporated — Delaware limited liability company

Snow Capital Investment Partners, L.P.

2000 Georgetowne Dr., Suite 200, Sewickley, PA 15143

Partnership — Snow Capital Management, LLC, general partner

Sojourner's Brewing Project LLC

1137 Colorado Blvd., Denver, CO 80204

Splitwise Inc.

150 Union St., #606, Providence, RI 02903

State or country in which incorporated — Delaware

Synergy Master Select Fund I LP
c/o Synergy Master Select Fund I GP LLC, 287 Bowman Ave.,
Purchase, NY 10577
Partnership — Synergy Master Select Fund I GP LLC

Trinity Village Florida LP
4999 St. Catherine St. W, Suite 300, Montreal, Quebec, Canada H3Z
1T3
Partnership — Trinity Village Florida GP LLC

VCOF II FAF, L.P.
Four Embarcadero Center, 20th Fl., San Francisco, CA 94111
Partnership — Vista Credit Opportunities Fund II GP, LLC

Verde Alpha Fund, Ltd.
c/o Ogier Fiduciary Services (Cayman) Limited, 89 Nexus Way, Grand
Cayman, Cayman Islands KY1-9007
State or country in which incorporated — Cayman Islands

Woodland-Interstate Investors LLC
Six E. Monroe St., Suite 300, Chicago, IL 60603
State or country in which incorporated — Delaware limited liability
company

ZDC & F LLC
111 W. Lewis St., Greensboro, NC 27406

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

DECOMMISSION FIRING RANGE, PHASE II Willard Drug Treatment Center Willard, Seneca County

Sealed bids for Project No. 45136-C, for Construction Work, Decommission Firing Range, Phase II, Willard Drug Treatment Center, 7116 County Route 132, Willard (Seneca County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Corrections and Community Supervision, until 2:00 p.m. on Wednesday, December 7, 2016, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of \$27,500 for C.

All successful bidders on a multiple trade project or the successful bidder on a single trade project will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$500,000 and \$1,000,000 for C.

Pursuant to State Finance Law § 139-j and § 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest notice of intent to solicit offers through final award and approval of the Procurement Contract by OGS D&C and Office of the State Comptroller ("restricted period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Frank Peris and Carl Ruppert in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the new Legislative and State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://ogs.ny.gov/aboutogs/regulations/defaultAdvisoryCouncil.asp>.

The substantial completion date for this project is 104 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 9:00 a.m. on November 17, 2016 at Willard Field Office, Route 96A, Grandview Building, Willard, NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be

admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

Phone the office of Donna Decker, (607) 869-5394 a minimum of 72 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

It is the policy of the State and the Office of General Services to encourage meaningful minority- and women-owned business enterprise participation in this project by contractors, subcontractors and suppliers under the Contract, and all bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs). The total contract goal can be obtained by utilizing any combination of MBE and /or WBE participation for subcontracting and supplies acquired under this Contract.

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

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

For questions about purchase of bid documents, please send an e-mail to D&C.Plans@ogs.ny.gov, or call 1-877-647-7526.

For additional information on this project, please use the link below and then click on the project number: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>.

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

Two (2) Electrical Work Contracts: 45491-E,
45493-E

Three (3) HVAC Work Contracts: 45493-H, 45497-H,
45498-H

Three (3) Plumbing Work Contracts: 45492-P, 45495-P,
45497-P

One (1) Roofing & Appurtenant Work Contracts: 45493-T

Sealed bids for the above Work located in the Geographic Contract Areas described below in Table 1 and comprising separate contracts for HVAC Work, Plumbing Work and Roofing Work, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Contract Administration, 35th Floor Corning Tower, Empire State Plaza, Albany, NY 12242, until 2:00 p.m. on the date indicated in Table 2 below, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of \$25,000.

This Advertisement for Bids is for multiple Job Order Contracts (hereinafter called JOC). A Job Order Contract is an indefinite quantity contract pursuant to which the Contractor will perform a series of in-

dividual 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

| Contract # | Geographic Contract Area | |
|------------|----------------------------------|--|
| | Area Title | Counties Served |
| 45491-E | 1 | Bronx, Kings, Nassau, New York, Queens, Richmond and Suffolk |
| 45492-P | 2 | Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster and Westchester |
| 45493-E,H | 3 | Albany, Columbia, Delaware, Fulton, Greene, Hamilton, Montgomery, Otsego, Rensselaer, Saratoga, Schenectady, Schoharie, Warren, and Washington |
| 45495-P | 5 | Broome, Tioga, Tompkins, Cortland, Chenango, Cayuga, Onondaga, Madison, Oneida, Oswego and Herkimer |
| 45497-H,P | 7 | Monroe, Wayne, Livingston, Ontario, Seneca, Yates, Steuben, Schuyler and Chemung |
| 45498-H | 8 | Niagara, Orleans, Genesee, Erie, Wyoming, Chautauqua, Allegany and Cattaraugus |
| Contract # | Geographic Roofing Contract Area | |
| | Area Title | Counties Served |
| 45493-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 |
|------------------------------------|----------------------------------|-----------------|
| 45493-H, 45495-P, 45497-P | \$ 500,000 | 7 December 2016 |
| 45491-E, 45492-P, 45497-H, 45498-H | \$ 750,000 | 7 December 2016 |
| 45493-E | \$ 1,000,000 | 7 December 2016 |
| 45493-T | \$ 1,500,000 | 7 December 2016 |

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 9:30 AM-11:30 AM on 15 November 2016.

Pre-Bid Conferences will be held in Large Conference Room, 34th Floor, ESP Corning Tower.

In Willard, NY

Pre-Bid will be held from 9:30 AM-11:30 AM on 16 November 2016.

Pre-Bid Conference will be held at the Grandview Building, Willard DTC.

In Orangeburg, NY

Pre-Bid will be held from 9:30 AM-11:30 AM on 17 November 2016.

The Pre-Bid Conference will be held at the Nathan S. Kline Institute for Psychiatric Research.

For directions to the Pre-Bids see “Directions to Pre-Bids”

Pre-bid attendees should allow sufficient time for parking and processing through building security by presenting a government-issued picture identification to building security officials and obtain a visitor’s pass.

It is the policy of the State and the Office of General Services to encourage minority business enterprise participation on these Contracts by contractors, subcontractors and suppliers, and all bidders are expected to cooperate in implementing this policy.

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

Pursuant to State Finance Law § 139-j and § 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest notice of intent to solicit offers through final award and approval of the Procurement Contract by OGS D&C and Office of the State Comptroller (“restricted period”) to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Frank Peris and Carl Ruppert in Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewycky, Deputy Director of Design & Construction, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a 4 year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the new Legislative and State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://ogs.ny.gov/aboutogs/regulations/defaultAdvisoryCouncil.asp>.

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>.

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

For questions about purchase of bid documents, please send an e-mail to D&C.Plans@ogs.ny.gov, or call toll free at 1-877-647-7526.

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

MISCELLANEOUS NOTICES/HEARINGS

Notice of Abandoned Property Received by the State Comptroller

Pursuant to provisions of the Abandoned Property Law and related laws, the Office of the State Comptroller receives unclaimed monies and other property deemed abandoned. A list of the names and last known addresses of the entitled owners of this abandoned property is maintained by the office in accordance with Section 1401 of the Abandoned Property Law. Interested parties may inquire if they appear on the Abandoned Property Listing by contacting the Office of Unclaimed Funds, Monday through Friday from 8:00 a.m. to 4:30 p.m., at:

1-800-221-9311
or visit our web site at:
www.osc.state.ny.us

Claims for abandoned property must be filed with the New York State Comptroller's Office of Unclaimed Funds as provided in Section 1406 of the Abandoned Property Law. For further information contact: Office of the State Comptroller, Office of Unclaimed Funds, 110 State St., Albany, NY 12236.

PUBLIC NOTICE Town of Amherst Office of Refuse Control

On November 1st, 2016 the Town of Amherst awarded a contract to Modern Disposal Services, Inc. pursuant to Section One Hundred Twenty-W (120-W) of the General Municipal Law for Solid Waste Services. The validity of this contract or the procedures which led to this award may be hereafter contested only by action, suit, or proceeding commenced within sixty (60) days after the date of this notice and only upon the ground or grounds that: (1) such award or procedure was not authorized pursuant to that section, or (2) any of the provisions of that section which should be complied with at the date of this publication have not been substantially complied with, or (3) a conflict of interest can be shown in the manner in which the contract was awarded; or by action, suit or proceeding commenced on the grounds that such contract was awarded in violation of the provisions of the Constitution.

PUBLIC NOTICE Department of Health

Pursuant to 42 CFR Section 447.205, the Department of Health hereby gives public notice of the following:

The Department of Health proposes to amend the Title XIX (Medicaid) State Plan for institutional, non-institutional, and long term care services to comply with enacted statutory provisions. The following changes are proposed:

All Services

The Department's proposal to adjust rates to take into account increased labor costs resulting from statutorily required increases in the New York State minimum wage is being amended to reflect a revision in the Medicaid expenditures. Under the statute, increases in the minimum wage will be phased in over a number of years until the minimum wage is \$15 per hour in all regions of the State, and Medicaid rates will be adjusted in those years to account for such increases.

The estimated annual net aggregate increase in gross Medicaid expenditures attributable to this initiative contained in the budget for state fiscal year 2016/2017 is approximately \$18,000,000 and state fiscal year 2017/2018 is approximately \$104,000,000.

The public is invited to review and comment on this proposed State Plan Amendment (SPA), copies of which will be available for public review on the Department's website at http://www.health.ny.gov/regulations/state_plans/status. In addition, SPAs approved since 2011 are also available for viewing on this website.

Copies of the proposed State Plan Amendments will be on file in each local (county) social services district and available for public review.

For the New York City district, copies will be available at the following places:

New York County
250 Church Street
New York, New York 10018

Queens County, Queens Center
3220 Northern Boulevard
Long Island City, New York 11101

Kings County, Fulton Center
114 Willoughby Street
Brooklyn, New York 11201

Bronx County, Tremont Center
1916 Monterey Avenue
Bronx, New York 10457

Richmond County, Richmond Center
95 Central Avenue, St. George
Staten Island, New York 10301

For further information and to review and comment, please contact:
Department of Health, Division of Finance and Rate Setting, 99 Washington Ave., One Commerce Plaza, Suite 1460, Albany, NY 12210, spa_inquiries@health.ny.gov

PUBLIC NOTICE Department of Health

Pursuant to 42 CFR Section 447.205, the Department of Health hereby gives public notice of the following:

The Department of Health proposes to amend the Title XIX (Medicaid) State Plan for institutional care related to temporary rate adjustments to providers that are undergoing closure, merger, consolidation, acquisition or restructuring themselves or other health care providers. These payments are authorized by current State statutory and regulatory provisions.

The temporary rate adjustments have been reviewed and approved for St. Barnabas Hospital, with aggregate payment amounts totaling up to \$30,000,000 for the period January 1, 2017 through December 31, 2019.

| | Type | YR 1 | YR 2 | YR 3 | Total |
|--------------|----------|------------|------------|------------|------------|
| St. Barnabas | Hospital | 10,000,000 | 10,000,000 | 10,000,000 | 30,000,000 |

The estimated net aggregate increase in Gross Medicaid Expenditures attributable to this initiative contained in the budget for State Fiscal Year 16/17 through SFY 19/20 by provider category is as follows: Institutional \$30,000,000.

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.

Copies of the proposed State Plan Amendments will be on file in each local (county) social services district and available for public review.

For the New York City district, copies will be available at the following places:

New York County
250 Church Street
New York, New York 10018

Queens County, Queens Center
3220 Northern Boulevard
Long Island City, New York 11101

Kings County, Fulton Center
114 Willoughby Street
Brooklyn, New York 11201

Bronx County, Tremont Center
1916 Monterey Avenue
Bronx, New York 10457

Richmond County, Richmond Center
95 Central Avenue, St. George
Staten Island, New York 10301

For further information and to review and comment, please contact: Department of Health, Division of Finance and Rate Setting, 99 Washington Ave., One Commerce Plaza, Suite 1460, Albany, NY 12210, spa_inquiries@health.ny.gov

PUBLIC NOTICE

Department of State
F-2016-0668

Date of Issuance – November 23, 2016

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program. The applicant’s consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2016-0668, Village of Haverstraw (Henry Hudson Quadricentennial Park), is proposing to install a walkway around Bowline Pond to provide public access to the waterfront within the Village of Haverstraw, Rockland County. As a result of wave and current activity from the Hudson River, the shoreline in Henry Hudson Quadricentennial Park is experiencing severe erosion. Walkways bordering the wa-

ter are damaged by flooding, creating a waterfront access point that is unsafe and unsightly. To prevent erosion of the proposed and existing infrastructure, an engineered shoreline will be placed where necessary. The project will reinforce certain erosion prone areas of the site with an engineered sill. Soft shoreline protection methods, such as brush mattresses, live states and live fascines, will also be utilized for stabilization and promotion of a healthy ecosystem. A portion of the path subject to flooding during extreme high tides will be raised. The stated purpose of the proposed activity is to provide safe and enjoyable public access to the waterfront, and to stabilize the shoreline in order to prevent erosion and loss of infrastructure.

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, December 8, 2016.

Comments should be addressed to the Consistency Review Unit, Department of State, Office of Planning and Development, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000; Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov.

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Susquehanna River Basin Commission
Commission Meeting

SUMMARY: The Susquehanna River Basin Commission will hold its regular business meeting on December 8, 2016, in Annapolis, Maryland. Details concerning the matters to be addressed at the business meeting are contained in the Supplementary Information section of this notice.

DATE: The meeting will be held on Thursday, December 8, 2016, at 9 a.m.

ADDRESSES: The meeting will be held at Loews Annapolis Hotel, Powerhouse – Point Lookout Rm. (Third Fl.), 126 West St., Annapolis, MD 21401.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel, (717) 238-0423, ext. 1312; fax: (717) 238-2436.

SUPPLEMENTARY INFORMATION: The business meeting will include actions or presentations on the following items: (1) informational presentation of interest to the Lower Susquehanna Subbasin area; (2) resolution concerning FY2018 federal funding of the Groundwater and Streamflow Information Program; (3) ratification/approval of contracts/grants; (4) notice for Montage Mountain Resorts, LP project sponsor to appear and show cause before the Commission; (5) regulatory compliance matters for Panda Hummel Station LLC, Panda Liberty LLC, and Panda Patriot LLC; and (6) Regulatory Program projects.

Projects listed for Commission action are those that were the subject of a public hearing conducted by the Commission on November 3, 2016, and identified in the notice for such hearing, which was published in 81 FR 69182, October 5, 2016.

The public is invited to attend the Commission’s business meeting. Comments on the Regulatory Program projects were subject to a deadline of November 14, 2016. Written comments pertaining to other items on the agenda at the business meeting may be mailed to the Susquehanna River Basin Commission, 4423 North Front St., Harrisburg, PA 17110-1788, or submitted electronically through <http://www.srb.com/publicinfo/publicparticipation.htm>. Such comments are due to the Commission on or before December 2, 2016. Comments will not be accepted at the business meeting noticed herein.

AUTHORITY: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: November 3, 2016.

Stephanie L. Richardson
Secretary to the Commission.

PUBLIC NOTICE

Uniform Code Regional Boards of Review

Pursuant to 19 NYCRR 1205, the petitions below have been received by the Department of State for action by the Uniform Code Regional Boards of Review. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2016-0143 Matter of Matthew McMloskey, President of Promontory Capital, 18 Locust St., Albany, NY. The petitioner requests a variance for a home located at 326 Western Ave., Albany, NY to allow an existing boiler room to remain without a fire separation as required by the Multiple Residence Law.

2016-0173 Matter of Zackery Weakley, 3028 Granville Ave., Schenectady, NY.

The petitioner requests a variance for his home located at 1101 Union Street, Schenectady, NY to allow an existing boiler room to remain without a fire separation as required by the Multiple Residence Law.

2016-0217 Matter of Michael S. Lipicki, 2116 Land End Rd., Huletts Landing, NY 12819. The petitioner requests a variance to allow a 0' (zero) setback for a residential occupancy where the Residential Code of New York State requires a 5' set back.

2016-0347 Matter of: Saratoga County Department of Public Works, 3654 Galway Rd., Ballston Spa, NY 12020 Attn: Christopher L Colby R.A., 103 Executive Dr., Suite 202, Windsor, NY 12553. The petitioner requests a variance to allow a single "unisex" bath room to be used where the code requires separate bathrooms for each sex as shown in the Plumbing Code of New York State.

COURT NOTICES

AMENDMENT OF RULE

Uniform Rules for the Supreme and County Courts

Pursuant to the authority vested in me, and with the advice and consent of the Administrative Board of the Courts, I hereby adopt Rule 32-a of section 202.70(g) of the Uniform Rules for the Supreme and County Courts (Rules of Practice for the Commercial Division), effective October 17, 2016, to read as follows:

Rule 32-a. Direct Testimony by Affidavit.

The court may require that direct testimony of a party's own witness in a non-jury trial or evidentiary hearing shall be submitted in affidavit form, provided, however, that the court may not require the submission of a direct testimony affidavit from a witness who is not under the control of the party offering the testimony. The submission of direct testimony in affidavit form shall not affect any right to conduct cross-examination or re-direct examination of the witness.

APPENDIX

The following Appendix was filed with a Notice of Proposed Rule Making pertaining to Regulations Implementing Comprehensive Motor Vehicle Insurance Regulations Act; Unfair

Claims Settlement Practices and Claim Cost Control Measures, I.D. DFS-47-16-00006-P, published in this issue of the State Register.

NEW YORK MOTOR VEHICLE NO-FAULT INSURANCE LAW
DENIAL OF CLAIM FORM

TO INSURER: Complete this form, including item 33. Send two copies to applicant. Upon the request of the injured person, the insurer should send to the injured person a copy of all prescribed claim forms and documents submitted by or on behalf of the injured person.

| | | | |
|--|--|--|---|
| NAME, ADDRESS AND NAIC NUMBER OF INSURER OR NAME AND ADDRESS OF SELF-INSURER | | For American Arbitration Association use | |
| A. POLICYHOLDER | B. POLICY NUMBER | C. DATE OF ACCIDENT | D. INJURED PERSON |
| E. CLAIM NUMBER | F. APPLICANT FOR BENEFITS (Name and address) | | G. AS ASSIGNEE YES <input type="checkbox"/> NO <input type="checkbox"/> |

TO APPLICANT: SEE REVERSE SIDE IF YOU WISH TO CONTEST THIS DENIAL

YOU ARE ADVISED THAT FOR REASONS NOTED BELOW:

1. Your entire claim is denied as follows:

2. A portion of your claim is denied as follows:

| | | | |
|--|----------|--|----------|
| <input type="checkbox"/> A. Loss of Earnings | \$ _____ | <input type="checkbox"/> D. Interest | \$ _____ |
| <input type="checkbox"/> B. Health Service Benefits | \$ _____ | <input type="checkbox"/> E. Attorney's Fee | \$ _____ |
| <input type="checkbox"/> C. Other Necessary Expenses | \$ _____ | <input type="checkbox"/> F. Death Benefit | \$ _____ |

REASON(S) FOR DENIAL OF CLAIM (Check reasons and explain below in item 33)

POLICY ISSUES

| | |
|--|---|
| <input type="checkbox"/> 3. Policy not in force on date of accident | <input type="checkbox"/> 6. Injured person not an "Eligible Injured Person" |
| <input type="checkbox"/> 4. Injured person excluded under policy conditions or exclusion | <input type="checkbox"/> 7. Injuries did not arise out of use or operation of a motor vehicle |
| <input type="checkbox"/> 5. Policy conditions violated: | <input type="checkbox"/> 8. Claim not within the scope of your election under Optional Basic Economic Loss coverage |
| <input type="checkbox"/> a. No reasonable justification given for late notice of claim | |
| <input type="checkbox"/> b. Reasonable justification not established--You may qualify for special expedited arbitration--See page 2 of this form for instructions. | |

LOSS OF EARNINGS BENEFITS DENIED

| | |
|--|--|
| <input type="checkbox"/> 9. Period of disability contested; period in dispute From _____ Through _____ | <input type="checkbox"/> 11. Exaggerated earnings claim of \$ _____ per month denied |
| <input type="checkbox"/> 10. Claimed loss not proven | <input type="checkbox"/> 12. Statutory offset taken |
| | <input type="checkbox"/> 13. Other, explained below |

OTHER REASONABLE AND NECESSARY EXPENSES DENIED

| | |
|--|--|
| <input type="checkbox"/> 14. Amount of claim exceeds daily limit of coverage | <input type="checkbox"/> 16. Incurred after one year from date of accident |
| <input type="checkbox"/> 15. Unreasonable or unnecessary expenses | <input type="checkbox"/> 17. Other, explained below |

HEALTH SERVICE BENEFITS DENIED

| | |
|---|---|
| <input type="checkbox"/> 18. Fees not in accordance with fee schedules | <input type="checkbox"/> 20. Treatment not related to accident |
| <input type="checkbox"/> 19. Excessive treatment, service or hospitalization From _____ Through _____ | <input type="checkbox"/> 21. Unnecessary treatment, service or hospitalization From _____ Through _____ |
| | <input type="checkbox"/> 22. Other, explained below |

COMPLETE ITEMS 23 THROUGH 32 IF CLAIM FOR HEALTH SERVICE BENEFITS IS DENIED

| | | |
|---|---------------------------------------|--------------------------------------|
| 23. Provider of Health Service (Name, Address and Zip Code) | 25. Period of bill - treatment dates | 29. Date final verification received |
| | 26. Date of bill | 30. Amount of bill \$ _____ |
| 24. Type of service rendered | 27. Date bill received by insurer | 31. Amount paid by insurer \$ _____ |
| | 28. Date final verification requested | 32. Amount in dispute \$ _____ |

33. State reason for denial, fully and explicitly (attach extra sheets if needed):

| | | |
|------------|---|----------------------------|
| DATE _____ | Name and Title of Representative of Insurer _____ | Telephone No. & Ext. _____ |
|------------|---|----------------------------|

Name and address of Insurer claim processor (Third Party Administrator), if applicable

Telephone No. & Ext.

DENIAL OF CLAIM FORM -- PAGE TWO

IF YOU WISH TO CONTEST THIS DENIAL, YOU HAVE THE FOLLOWING OPTIONS:

1. Should you wish to take this matter up with the New York State Department of Financial Services, you may file with the Department either on its website at <http://www.dfs.ny.gov/consumer/fileacomplaint.htm> or you may write to or visit the Consumer Assistance Unit, Financial Frauds and Consumer Protection Division, New York State Department of Financial Services, at: One State Street, New York, NY 10004; One Commerce Plaza, Albany, NY 12257; 1399 Franklin Avenue, Garden City, NY 11530, or Walter J. Mahoney Office Building, 65 Court Street, Buffalo, NY 14202.

Although the Department of Financial Services will attempt to resolve disputed claims, it cannot order or require an insurer to pay a disputed claim. If you wish to file a written complaint, send one copy of this Denial of Claim Form with copies of other pertinent documents with a letter fully explaining your complaint to the Department of Financial Services at one of the above addresses.

If you choose this option, you may at a later date still submit this dispute to arbitration or bring a lawsuit; or

2. **You may submit this dispute to arbitration.** If you wish to submit this claim to arbitration, then mail or e-mail a copy of this Denial of Claim Form along with a complete submission of all other pertinent documents and a table of contents listing your submissions, in duplicate together with a \$40 filing fee, payable by check, money order, or credit card to the American Arbitration Association (AAA) to:

AMERICAN ARBITRATION ASSOCIATION (AAA)
 NEW YORK INSURANCE CASE MANAGEMENT CENTER
 120 BROADWAY
 NEW YORK, NEW YORK 10271
nycimc.filing submissions@adr.org

Please contact the American Arbitration Association's customer service department at (917) 438-1660 with any questions about case filing.

A complete copy of this filing, listing all bills and proofs as well as a table of contents listing your submissions must be provided to the AAA and the insurer at the time of filing for arbitration. The filing must be complete with all necessary documentation, as any late submission may not be admissible at arbitration. The filing fee will be returned to you if the arbitrator awards you any portion of your claim. However, you may be assessed the costs of the arbitration proceeding if the arbitrator finds your claim to be frivolous, without factual or legal merit or was filed for the purpose of harassing the respondent. The decision of an arbitrator is binding, except for limited grounds for review set forth in the Law and regulations promulgated thereunder.

If you are contesting the denial of claim and wish to submit the dispute to arbitration, state on accompanying sheets the reason(s) you believe the denied or overdue benefits should be paid. Attach proof of disability and verification of loss of earnings in dispute, sign below, and send the completed form to the American Arbitration Association at the address given in item 2 above.

Loss of earnings: Date claim made: _____ Gross earnings per month \$ _____

Period of dispute: From _____ Through _____ Amount claimed: \$ _____

Health Services: (Attach bills in dispute and list each one separately)

| Name of Provider(s) | Date of Service | Amount of Bill | Amount in Dispute | Date Claim Mailed |
|---------------------|-----------------|----------------|-------------------|-------------------|
| | | | | |
| | | | | |
| | | | | |

Other Necessary Expenses: (Attach bills in dispute and list each one separately)

| Type of Expenses Claimed | Amount Claimed | Date Incurred | Date Claim Mailed | Amount in Dispute |
|--------------------------|----------------|---------------|-------------------|-------------------|
| | | | | |
| | | | | |
| | | | | |

Other: (attach additional sheet if necessary)

- * Upon your request, if you file for arbitration within 90 days of the date of this denial or the claim becoming overdue, your case will be scheduled for arbitration on a priority basis.
- * You qualify for special expedited arbitration if the insurer has determined that your written justification for submitting late notice of claim failed to meet a "reasonableness standard". Your specific request for special expedited arbitration must be filed within 30 days of the date of denial. Your filing must be complete and contain all information that you are submitting at the time of filing.

DENIAL OF CLAIM FORM -- PAGE THREE

3. You may bring a lawsuit to recover the amount of benefits you claim to be entitled to.

THE UNDERSIGNED AFFIRMS AND CERTIFIES AS TRUE UNDER THE PENALTY OF PERJURY THAT THIS FILING IS BEING MADE IN GOOD FAITH AND THAT UPON INFORMATION, BELIEF AND REASONABLE INQUIRY THE DOCUMENTS BEING SUBMITTED HERewith ARE NOT FRAUDULENT AND THAT EXACT COPIES OF ALL DOCUMENTS PROVIDED HERewith HAVE BEEN MAILED TO THE INSURER AGAINST WHOM THE ARBITRATION IS BEING REQUESTED. UNLESS DISCLOSED WITH THIS SUBMISSION, THE DISPUTED AMOUNTS REMAIN UNPAID TO THE APPLICANT BY ANY PAYOR AND THERE HAS BEEN NO OTHER FILING OF AN ARBITRATION REQUEST OR LAWSUIT TO RESOLVE THE DISPUTED MATTERS CONTAINED IN THIS SUBMISSION.

ANY PERSON WHO KNOWINGLY AND WITH INTENT TO DEFRAUD ANY INSURANCE COMPANY OR OTHER PERSON FILES AN APPLICATION FOR COMMERCIAL INSURANCE OR A STATEMENT OF CLAIM FOR ANY COMMERCIAL OR PERSONAL INSURANCE BENEFITS CONTAINING ANY MATERIALLY FALSE INFORMATION, OR CONCEALS FOR THE PURPOSE OF MISLEADING, INFORMATION CONCERNING ANY FACT MATERIAL THERETO, AND ANY PERSON WHO, IN CONNECTION WITH SUCH APPLICATION OR CLAIM, KNOWINGLY MAKES OR KNOWINGLY ASSISTS, ABETS, SOLICITS OR CONSPIRES WITH ANOTHER TO MAKE A FALSE REPORT OF THE THEFT, DESTRUCTION, DAMAGE OR CONVERSION OF ANY MOTOR VEHICLE TO A LAW ENFORCEMENT AGENCY, THE DEPARTMENT OF MOTOR VEHICLES OR AN INSURANCE COMPANY, COMMITS A FRAUDULENT INSURANCE ACT, WHICH IS A CRIME, AND SHALL ALSO BE SUBJECT TO A CIVIL PENALTY NOT TO EXCEED FIVE THOUSAND DOLLARS AND THE VALUE OF THE SUBJECT MOTOR VEHICLE OR STATED CLAIM FOR EACH VIOLATION.

| | | | |
|---------------------------|------------|------------------------------|------|
| ARBITRATION REQUESTED BY: | | | |
| LAST NAME | FIRST NAME | NAME OF LAW FIRM, IF ANY | |
| TELEPHONE NUMBER: | | | |
| FAX NUMBER: | | | |
| EMAIL ADDRESS: | | | |
| | | ADDRESS | |
| SIGNATURE | | ARE YOU AN ATTORNEY? | DATE |
| | | YES <input type="checkbox"/> | |
| | | NO <input type="checkbox"/> | |

IMPORTANT NOTICE TO APPLICANT

If box number 3 ("Policy not in force on date of accident") on the front of this form is checked as a reason for this denial, you may be entitled to No-Fault benefits from the Motor Vehicle Accident Indemnification Corporation (M.V.A.I.C.) (646-205-7800) located at 100 William Street, New York, New York 10038. The Insurance Law requires that you must file an Affidavit of Intention to Make Claim with M.V.A.I.C. Therefore, it is in your best interest to contact the M.V.A.I.C. immediately and file such an affidavit, even if you intend to contest this denial.

