
NEW YORK STATE
REGISTER

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State agencies must specify in each notice which proposes a rule the last date on which they will accept public comment. Agencies must always accept public comment: for a minimum of 60 days following publication in the *Register* of a Notice of Proposed Rule Making, or a Notice of Emergency Adoption and Proposed Rule Making; and for 30 days after publication of a Notice of Revised Rule Making, or a Notice of Emergency Adoption and Revised Rule Making in the *Register*. When a public hearing is required by statute, the hearing cannot be held until 60 days after publication of the notice, and comments must be accepted for at least 5 days after the last required hearing. When the public comment period ends on a Saturday, Sunday or legal holiday, agencies must accept comment through the close of business on the next succeeding workday.

For notices published in this issue:

- the 60-day period expires on February 10, 2019
- the 30-day period expires on January 11, 2019

**ANDREW M. CUOMO
GOVERNOR**

**ROSSANA ROSADO
SECRETARY OF STATE**

NEW YORK STATE DEPARTMENT OF STATE

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NEW YORK STATE REGISTER

Be a part of the rule making process!

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

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

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

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

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

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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)

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RULE MAKING ACTIVITIES

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

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

Department of Agriculture and Markets

EMERGENCY RULE MAKING

Shell Eggs; Acidified Foods

I.D. No. AAM-40-18-00021-E

Filing No. 1093

Filing Date: 2018-11-27

Effective Date: 2018-12-17

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

Action taken: Repeal of Part 261; and addition of new Part 261 to Title 1 NYCRR.

Statutory authority: Agriculture and Markets Law, sections 16, 18 and 214-b

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

Specific reasons underlying the finding of necessity: The current Part 261, which gives the Department authority to inspect acidified food and egg shell producers, processors and manufacturers based on 21 CFR Parts 114 and 118, will lapse after September 18, 2018. This rulemaking repeals the current Part 261, and re-adopts portions of the current Part 261 to allow the Department to continue to inspect and regulate these entities, that produce and manufacture foods to be consumed by the general public to ensure that these establishments continue to comply with public health and safety minimum requirements. In re-adopting this portion, the Department is not amending the previously promulgated requirements, but instead, is preventing a lapse in the current Part 261.

Based on the facts and circumstances set forth above, the Department has determined that the immediate adoption of these rules is necessary for the preservation of public health and the general welfare and that compliance with Section 202(1) of the State Administrative Procedure Act would be contrary to the public interest.

Subject: Shell Eggs; Acidified Foods.

Purpose: To continue regulatory powers in connection with acidified foods and shell eggs used in foods for human consumption.

Text of emergency rule: Part 261 of 1 NYCRR is repealed and a new Part 261 is added thereto to read as follows:

PART 261

SHELL EGGS; ACIDIFIED FOODS

§ 261.1 Shell eggs

(a) Except where in conflict with the statutes of this State or with rules and regulations promulgated by the commissioner of agriculture and markets, the commissioner hereby adopts the current Federal regulation as it appears in title 21 of the "Code of Federal Regulations," Part 118 (revised as of April 1, 2013; U.S. Government Printing Office, Washington, DC 20402), at pages 300-310, entitled "Production, Storage, and Transportation of Shell Eggs."

(b) A copy of title 21 of the Code of Federal Regulations containing part 118 is maintained in a file at the Department of Agriculture and Markets, Division of Food Safety and Inspection, 10B Airline Drive, Albany, NY 12235, and at the Department of State, 99 Washington Avenue, Suite 650, Albany, NY 12231, and is available for public inspection and copying during regular business hours.

§ 261.2 Acidified foods

(a) Except where in conflict with the statutes of this State or with rules and regulations promulgated by the commissioner of agriculture and markets, the commissioner hereby adopts the current Federal regulation as it appears in title 21 of the "Code of Federal Regulations," Part 114 (revised as of April 1, 2013; U.S. Government Printing Office, Washington, DC 20402), at pages 291-297, entitled "Acidified Foods."

(b) A copy of title 21 of the Code of Federal Regulations containing part 114 is maintained in a file at the Department of Agriculture and Markets, Division of Food Safety and Inspection, 10B Airline Drive, Albany, NY 12235, and at the Department of State, 99 Washington Avenue, Suite 650, Albany, NY 12231, and is available for public inspection and copying during regular business hours.

§ 261.3 Exclusions

(a) The following establishments, businesses and operations are excluded from coverage under this Part:

(1) Establishments covered by Part 273 of this Title.

(2) Those businesses operating subject to Federal or State meat and poultry inspection laws and/or the rules and regulations promulgated thereunder.

(3) Those establishments now or in the future to be covered by specific rules and regulations promulgated pursuant to the Agriculture and Markets Law of the State of New York, including but not limited to the following Parts of this Title: Parts 16, 32, 36, 240, 256, 258, 270 and 275.

(b) The commissioner, however, may promulgate and adopt special or specific rules and regulations when he or she believes it necessary to cover or control the operations excluded by the provisions of subdivision (a) of this section.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. AAM-40-18-00021-EP, Issue of October 3, 2018. The emergency rule will expire January 25, 2019.

Text of rule and any required statements and analyses may be obtained from: John Luker, Asst. Director, Division of Food Safety & Inspection, NYS Dept. of Agriculture and Markets, 10B Airline Drive, Albany, NY 12235, (518) 457-5382, email: john.luker@agriculture.ny.gov

Regulatory Impact Statement

1. Statutory authority:

Agriculture and Markets Law ("AML") section 16 authorizes the Com-

missioner of Agriculture and Markets (“Commissioner”) to execute the laws of the State relative to the marketing and distribution of food. AML section 18 authorizes the Commissioner to enact rules necessary for the exercise of his power to execute such laws. AML section 214-b allows the Commissioner to promulgate regulations that aid in the prevention of the sale and distribution of misbranded or adulterated food.

2. Legislative objectives:

The proposed rule continues previously existing authority to regulate entities that produce, process, and manufacture acidified food and shell eggs. The proposal accords with the public policy objectives the Legislature sought to advance by enacting the statutory authority in that it will help protect the food supply of the State from adulteration by requiring that foods be produced, processed and manufactured in a manner that will help to ensure that such foods are and remain wholesome.

3. Needs and benefits:

On September 18, 2018, the Department’s authority to effectively regulate, inter alia, manufacturers of acidified foods and producers and processors of shell eggs was continued through the proposed rule, adopted as an emergency measure, preventing a lapse in the current rule. The proposed rule is needed to reduce the number of foodborne illnesses throughout the State. The State’s public health and safety will benefit by the adoption of the proposed rule. The proposed rule will continue to incorporate provisions of the federal regulations which establish good manufacturing practice standards applicable to acidified foods and shell eggs designed to ensure that such foods are not adulterated and do not contribute to foodborne illness.

Since the proposed rulemaking will continue to help reduce the threat of outbreaks of foodborne illnesses, consumers will benefit in the adoption of the federally established general manufacturing practices.

4. Costs:

a. Costs to regulated parties:

None; the proposed rule does not add any additional costs to regulated parties which did not previously exist.

b. Costs to state and local governments:

None; the proposed rule does not add any additional costs to state and local governments which did not previously exist.

5. Local government mandates:

None; the proposed rule does not add any additional local government mandates which did not previously exist.

6. Paperwork:

None.

7. Duplication:

The proposed amendments do not duplicate existing State requirements, nor establish any duplicative, overlapping or conflicting requirements. The federal regulations are incorporated to authorize the Department to require facilities within New York State to comply with the standards established by federal regulations.

8. Alternatives:

The Department did not consider any alternatives to the proposed rule. As set forth above, the Department is extending the applicability of the current provisions, and, to date, has not seen any reason to modify the current standards established in the proposed rulemaking.

9. Federal standards:

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

10. Compliance schedule:

The proposed rule was effective on September 18, 2018, the date that it was filed as an emergency rule; regulated parties were required to comply therewith on that date.

Regulatory Flexibility Analysis

The proposed rule will repeal Part 261 of 1 NYCRR and “readopt” three sections currently set forth therein; i.e., sections 261.8, 261.9, and 261.11, which incorporate by reference certain federal regulations governing the handling and/or manufacture of shell eggs and acidified foods respectively. The proposed rule imposes no new reporting, recordkeeping, or other compliance requirements on small businesses or local governments; nor imposes any adverse impact on small businesses or local governments that may not already exist, and accordingly, no regulatory flexibility analysis has been prepared in connection with the proposed rule, pursuant to SAPA section 202-b (3)(a).

Rural Area Flexibility Analysis

The proposed rule will repeal Part 261 of 1 NYCRR and “readopt” three sections currently set forth therein; i.e., sections 261.8, 261.9, and 261.11 which incorporate by reference certain federal regulations governing the handling and/or manufacture of shell eggs and acidified foods respectively. The proposed rule imposes no new regulatory burden upon regulated parties and will not, therefore, have an adverse impact upon rural areas because it imposes no reporting, recordkeeping or other compliance

requirements on public or private entities in rural areas that may not already exist, no rural area flexibility has been prepared in connection with the proposed rule, pursuant to SAPA section 202-bb(4)(a).

Job Impact Statement

The proposed rule will not have an adverse impact upon employment opportunities.

The proposed rule will repeal Part 261 of 1 NYCRR and “readopt” three sections currently set forth therein; i.e., sections 261.8, 261.9, and 261.11 which incorporate by reference certain federal regulations governing the handling and/or manufacture of shell eggs and acidified foods respectively. The proposed rule imposes no new regulatory burden upon regulated parties and will not, therefore, have an adverse impact upon jobs.

Assessment of Public Comment

The agency received no public comment.

Department of Audit and Control

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Reporting of Miscellaneous Abandoned Property

I.D. No. AAC-50-18-00001-P

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

Proposed Action: This is a consensus rule making to repeal section 115.1; add new section 115.1; and amend section 115.2 of Title 2 NYCRR.

Statutory authority: Abandoned Property Law, section 1414

Subject: Reporting of Miscellaneous Abandoned Property.

Purpose: To update and clarify requirements relating to the reporting of miscellaneous abandoned property.

Text of proposed rule: Part 115.1 is repealed and a new Part 115.1 is added to read as follows:

§ 115.1 Property to be reported

Property deemed abandoned pursuant to subdivisions (1), (1-a) or (1-b) of section 1315 of the Abandoned Property Law shall include, but not be limited to:

(a) Any unclaimed amount representing gift certificates sold after December 31, 1983, including gift certificates for merchandise only, remaining unclaimed for five years.

(b) Any amount representing outstanding checks issued on and after July 1, 1974 in payment for goods or for services, and any unclaimed amount received after July 1, 1974 for services not rendered or for goods not delivered that has remained unclaimed by the owner thereof for three years.

(c) Property referred to in subdivision (b) of this section shall include, but not be limited to: deposits or payments for repairs not made or purchases of goods or services not delivered; unrefunded overcharges; accounts payable balances, credit balances, accounts receivable credit balances, rebates, and outstanding checks issued to vendors and suppliers of goods or services.

Part 115.2 is amended to read as follows:

§ 115.2 Report of abandoned property.

(a) Verified written reports of property deemed abandoned pursuant to section 1315 of the Abandoned Property Law must be filed with the state comptroller [by corporations (other public corporations), joint stock companies individuals engaged in the conduct of business, associations of one or more individuals, committees or business trusts in this State].

(b) Such report shall be in such form as the State Comptroller may prescribe and shall set forth therein:

(1) the name and last known address, if any of the person or entity appearing to be entitled to such property;

(2) a description of such abandoned property;

(3) the amount of such abandoned property;

(4) the date such amount was demandable, payable or received; and

(5) such other identifying information as the State Comptroller may require.

(c)(1) Unpaid checks or drafts issued by the state of New York deemed abandoned under subdivision 4 of section 1315 of the Abandoned Property Law shall be reported to the State Comptroller on or before the 10th day of June in each year and shall be accompanied by payment to the

State Comptroller of all property which on the preceding 31st day of December was deemed abandoned property pursuant to subdivision 4 of section 1315 of the Abandoned Property Law excepting such property as since such date has ceased to be abandoned.

(2) [Such report] All other property deemed abandoned under section 1315 of the Abandoned Property Law shall be filed with the State Comptroller on or before the 10th day of March in each year and shall be accompanied by payment to the State Comptroller of all property which on the preceding 31st day of December was deemed abandoned property pursuant to section 1315 of the Abandoned Property Law excepting such property as since such date has ceased to be abandoned.

Text of proposed rule and any required statements and analyses may be obtained from: Jamie Elacqua, Office of the State Comptroller, 110 State Street, Albany, NY 12235, (518) 473-4146, email: jelacqua@osc.ny.gov

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

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

Consensus Rule Making Determination

This is a consensus rulemaking proposed for the purpose of clarifying and updating regulations relating to the reporting of miscellaneous abandoned property. These technical amendments relate to the reporting of miscellaneous abandoned property required to be paid or delivered to the State Comptroller and not otherwise covered by sections of the Abandoned Property Law. It has been determined that no person is likely to object to the adoption of the rule as written.

Department of Civil Service

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-24-18-00003-A

Filing No. 1094

Filing Date: 2018-11-27

Effective Date: 2018-12-12

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

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

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

Subject: Jurisdictional Classification.

Purpose: To classify positions in the exempt class.

Text or summary was published in the June 13, 2018 issue of the Register, I.D. No. CVS-24-18-00003-P.

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

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

Assessment of Public Comment

The agency received no public comment.

Department of Health

EMERGENCY RULE MAKING

Update Standards for Adult Homes and Standards for Enriched Housing Programs

I.D. No. HLT-37-18-00008-E

Filing No. 1089

Filing Date: 2018-11-21

Effective Date: 2018-11-21

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

Action taken: Amendment of sections 486.7, 487.4, 488.4, 490.4 and 494.4 of Title 18 NYCRR.

Statutory authority: Social Services Law, sections 461 and 461-l(5)

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

Specific reasons underlying the finding of necessity: Compliance with the requirements of the State Administrative Procedure Act for filing of a regulation on a non-emergency basis including the requirement for a period of time for public comment cannot be met because to do so would be detrimental to the health and general welfare of individuals who primarily use a wheelchair for mobility and who are eligible for admission to adult care facilities.

Adult care facilities, including Adult Homes, Enriched Housing, and Assisted Living Programs, provide a range of care options in non-institutional, home-like, flexible living environments, and benefit the health and general welfare of individuals who require care but are capable of independent living. Denying otherwise eligible individuals admission to adult care facilities solely on the grounds that they primarily use a wheelchair for mobility compels such individuals to either enter nursing homes unnecessarily or continue living independently while foregoing the care they need.

The Department is concerned that some adult care facility operators may be denying admission solely on the grounds that applicants primarily use a wheelchair for mobility. Without this emergency regulation some operators will continue to refuse admission to otherwise eligible applicants, to the detriment of the health and general welfare of such individuals.

Subject: Update Standards for Adult Homes and Standards for Enriched Housing Programs.

Purpose: To prohibit residential providers from excluding an applicant based solely on the individual’s status as a wheelchair user.

Text of emergency rule: Section 486.7(c) of Title 18 of the NYCRR is amended as follows:

(c) Penalties for Part 487 of this Title.

Department regulations	Penalty per violation per day
487.3(a)	\$ 50
(b)	50
(d)	50
(e)	50
(f)	50
487.4(a)	\$ 50
[(b)](c)(1)	50
2	50
3	50
4	50
5	50
6	50
7	50
8	50
[(9)]	[50]
[(10)](9)	50
[(11)](10)	50
[(12)](11)	50
[(13)](12)	50
[(14)](13)	50
[(15)](14)	50
[(16)](15)	50
[(c)](d)	100
[(d)](e)	25
[(e)](f)	5
[(f)](g)	5
[(g)](h)	25
[(h)](i)	25
[(i)](j)(1)	25
(2)	25

Department regulations	Penalty per violation per day
[(j)](k)	25
[(k)](l)(1)	
[(k)](l)(2)	25
[(1)](m)(1)	10
(2)	10
[(m)](n)	10
[(k)](l)	NA
(ii)	1,000
(iii)	1,000
(iv)	1,000
[(n)](o)	10
[(o)](p)(1)	10
(2)	10
(3)	10
(4)	10
[(p)](q)	10
[(q)](r)	25

Section 486.7(f) of Title 18 of the NYCRR is amended as follows:
 (f) Penalties for Part 490 of this Title.

Department regulations	Penalty per violation per day
490.3(a)	\$ 50
(b)	50
(c)	50
(d)	50
(e)	50
490.4(a)	50
[(b)](c)(1)	50
(2)	50
(3)	50
(4)	50
(5)	50
(6)	50
(7)	50
(8)	50
(9)	50
[(10)]	[50]
[(11)](10)	50
[(12)](11)	50
[(13)](12)	50
[(14)](13)	50
[(15)](14)	50
[(16)](15)	50
[(17)](16)	50
[(18)](17)	50
[(d)](e)	100
[(e)](f)	25
[(f)](g)	25
[(g)](h)	25
[(h)](i)	25
[(i)](j)	25
[(j)](k)(1)	25
(2)	25
[(k)](l)	25

Department regulations	Penalty per violation per day
[(l)](m)(1)	50
[(m)](n)(1)	10
(2)	50
[(n)](o)	25
[(o)](p)	10
[(p)](q)	10
[(q)](r)	10
[(r)](s)	10
[(s)](t)	25

Subdivisions (b)-(q) of section 487.4 of Title 18 of the NYCRR are re-lettered (c)-(r) and a new subdivision (b) is added.

Reference to subdivision (b) is re-lettered to subdivision (c) in new subdivision (l).

Reference to subdivision (i) is re-lettered to subdivision (j) in new subdivision (m).

Reference to subdivision (b) is re-lettered to subdivision (c) in paragraph (2) of new subdivision (m).

Reference to subdivisions (f) and (g) are re-lettered (g) and (h) in new subdivision (n).

Paragraph (9) of new subdivision (c) is repealed and paragraphs (10)-(16) of new subdivision (c) are renumbered (9)-(15), to read as follows:

Section 487.4 Admission standards

(b) An operator shall not exclude an individual on the sole basis that such individual is a person who primarily uses a wheelchair for mobility, and shall make reasonable accommodations to the extent necessary to admit such individuals, consistent with the Americans with Disabilities Act of 1990, 42 U.S.C. 12101 et seq. and with the provisions of this section.

Subdivisions (b)-(k) of section 488.4 of Title 18 of the NYCRR are re-lettered (c)-(l) and a new subdivision (b) is added.

Reference to subdivision (b) is re-lettered subdivision (c) in new subdivision (h).

Reference to subdivision (d) is re-lettered subdivision (e) in new subdivision (i).

Reference to subdivision (b) is re-lettered to subdivision (c) in paragraph (2) of new subdivision (i).

Reference to subdivision (d) is re-lettered to subdivision (e) in new subdivision (j).

Paragraph (9) of new subdivision (c) is repealed and paragraphs (10)-(17) of new subdivision (c) are renumbered (9)-(16), to read as follows:

Section 488.4 Admission and retention standards

(b) An operator shall not exclude an individual on the sole basis that such individual is a person who primarily uses a wheelchair for mobility, and shall make reasonable accommodations to the extent necessary to admit such individuals, consistent with the Americans with Disabilities Act of 1990, 42 U.S.C. 12101 et seq. and with the provisions of this section.

Subdivisions (b)-(s) of section 490.4 of Title 18 of the NYCRR are re-lettered (c)-(t) and a new subdivision (b) is added.

Reference to subdivision (b) is re-lettered to subdivision (c) in new subdivision (m).

Reference to subdivisions (e), (f), and (j) are re-lettered to subdivisions (f), (g), and (k) in new subdivision (n).

Reference to subdivision (b) is re-lettered to subdivision (c) in paragraph (2) of new subdivision (n).

References to subdivision (f) and (g) are re-lettered to (g) and (h) in new subdivision (p).

Paragraph (9) of new subdivision (c) is repealed and paragraphs (10)-(18) of new subdivision (c) are renumbered (9)-(17), to read as follows:

Section 490.4 Admission and retention standards

(b) An operator shall not exclude an individual on the sole basis that such individual is a person who primarily uses a wheelchair for mobility, and shall make reasonable accommodations to the extent necessary to admit such individuals, consistent with the Americans with Disabilities Act of 1990, 42 U.S.C. 12101 et seq. and with the provisions of this section.

Subdivisions (b)-(j) of section 494.4 of Title 18 of the NYCRR are re-lettered (c)-(k) and a new subdivision (b) is added.

References to subdivision (b) is re-lettered to subdivision (c) in paragraph (4) of new subdivision (i).

Reference to subdivision (c) is re-lettered to subdivision (d) in new subdivision (k).

Paragraph (3) of new subdivision (e) is repealed and paragraph (4) of new subdivision (e) is renumbered (3), to read as follows:

Section 494.4 Admission and retention standards

(b) An operator shall not exclude an individual on the sole basis that such individual is a person who primarily uses a wheelchair for mobility, and shall make reasonable accommodations to the extent necessary to admit such individuals, consistent with the Americans with Disabilities Act of 1990, 42 U.S.C. 12101 et seq. and with the provisions of this section.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. HLT-37-18-00008-P, Issue of September 12, 2018. The emergency rule will expire January 19, 2019.

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

Regulatory Impact Statement

Statutory Authority:

The authority for the promulgation of these regulations is contained in sections 461 and 461-l(5) of Social Services Law. Section 461(1) provides the authority for the department to promulgate regulations for adult care facilities, specifically adult homes, enriched housing, and residences for adults. Section 461-l(5) provides the authority for Commissioner to promulgate regulations for assisted living programs.

Legislative Objectives:

The Legislature has determined that oversight of adult care facilities is in the interests of the state because the residents, who are typically over the age of 65, can be vulnerable to conditions that the resident is unable to change. The primary purpose of these amendments is to prevent adult care facilities from excluding an applicant on the sole basis that such individual is a person who primarily uses a wheelchair for mobility.

Needs and Benefits:

New York State has the responsibility to ensure the support and safety of its most vulnerable citizens. These amendments address Admission Standards (Part 487 – Adult Homes), and Admission and Retention Standards (Parts 488 – Enriched Housing, 490 – Residences for Adults, and 494 – Assisted Living Programs) for adult care facilities regulated by the Department of Health. The changes incorporate provisions that prohibit a provider from excluding an applicant on the sole basis that such applicant is a person who primarily uses a wheelchair for mobility, thereby aligning with the provisions of the Americans with Disabilities Act of 1990, 42 U.S.C. 12101 et seq.

Adult care facilities provide a range of care options in non-institutional, home-like, flexible living environments, to benefit the health and general welfare of individuals who require care but are capable of independent living. The amended regulations will ensure that individuals who are otherwise eligible for admission are not denied access to the benefits and services provided by adult care facilities solely because they primarily use a wheelchair for mobility.

Costs:

Costs to Private Regulated Parties:

Projected provider costs are minimal, as all regulated Parties are already required to maintain compliance with applicable federal, state and local laws, regulations and ordinances.

Costs to State Government:

There will be no costs incurred by State government.

Costs to Local Governments:

There will be no costs incurred by local governments.

Local Government Mandates:

There is no local government program, service, duty or responsibility imposed by the rule.

Paperwork:

There are no new reporting requirements imposed by the rule.

Duplication:

There are no other rules or other legal requirements of the state and federal governments that may duplicate, overlap or conflict with the rule.

Alternatives:

This rule is a necessary update to maintain the Department’s oversight of the adult care facility program and to align regulations with controlling law. There were no significant alternatives to this rule that achieve these goals.

Federal Standards:

Not applicable. Adult care facility programs are regulated by the State only.

Compliance Schedule:

Adult care facilities will be able to comply with this regulation upon promulgation.

Regulatory Flexibility Analysis

Effect of Rule:

The proposed regulations will apply to all adult homes, enriched housing, residences for adults, and assisted living programs in New York State.

This regulation will not impact local governments or small business unless they operate such adult care facilities. In such case, the flexibility afforded by the regulations is expected to minimize any costs of compliance as described below.

Compliance Requirements:

This regulation does not represent a practical change in compliance requirements, as providers are already required to maintain compliance with all applicable federal, state and local laws, regulations and ordinances.

Professional Services:

This regulation is not expected to require any additional use of professional services.

Compliance Costs:

There are no additional compliance costs associated with this proposed regulation, as providers are already required to maintain compliance with applicable federal, state and local laws, regulations and ordinances.

Economic and Technological Feasibility:

This regulation is economically and technically feasible. The intent of the amended section of regulation is to protect the rights of individuals who rely in part on a wheelchair for mobility. Currently, all admissions should be based on the provider’s ability to meet the individual needs of each prospective resident, including but not limited to, the reasonable accommodation of the individual’s needs. If the facility is not able to meet the needs of prospective resident, they should not admit that individual.

Minimizing Adverse Impact:

There is no adverse impact. This regulation does not represent a practical change in compliance requirements, as providers are already required to maintain compliance with all applicable federal, state and local laws, regulations and ordinances.

Small Business and Local Government Participation:

The proposed regulation will have a 60-day public comment period.

For Rules That Either Establish or Modify a Violation or Penalties Associated With a Violation:

Chapter 524 of the Laws of 2011 requires agencies to include a “cure period” or other opportunity for ameliorative action to prevent the imposition of penalties on a party subject to enforcement when developing a regulation or explain in the Regulatory Flexibility Analysis why one is not included. As this proposed regulation does not create a new penalty or sanction, no cure period is necessary.

Rural Area Flexibility Analysis

Types and Estimated Numbers of Rural Areas:

This rule applies uniformly throughout the state, including rural areas. Rural areas are defined as counties with a population less than 200,000 and counties with a population of 200,000 or greater that have towns with population densities of 150 persons or fewer per square mile. The following 43 counties have a population of less than 200,000 based upon the United States Census estimated county populations for 2010 (<http://quickfacts.census.gov>). Approximately 17% of adult care facilities are located in rural areas.

Allegany County	Greene County	Schoharie County
Cattaraugus County	Hamilton County	Schuyler County
Cayuga County	Herkimer County	Seneca County
Chautauqua County	Jefferson County	St. Lawrence County
Chemung County	Lewis County	Steuben County
Chenango County	Livingston County	Sullivan County
Clinton County	Madison County	Tioga County
Columbia County	Montgomery County	Tompkins County
Cortland County	Ontario County	Ulster County
Delaware County	Orleans County	Warren County
Essex County	Oswego County	Washington County
Franklin County	Otsego County	Wayne County
Fulton County	Putnam County	Wyoming County
Genesee County	Rensselaer County	Yates County
	Schenectady County	

The following counties have a population of 200,000 or greater and towns with population densities of 150 persons or fewer per square mile. Data is based upon the United States Census estimated county populations for 2010.

Albany County	Monroe County	Orange County
Broome County	Niagara County	Saratoga County
Dutchess County	Oneida County	Suffolk County

Erie County

Onondaga County

There are 291 adult homes, 90 enriched housing programs, 0 residences for adults and 95 assisted living programs in rural areas.

Reporting, Recordkeeping and Other Compliance Requirements; and Professional Services:

This regulation does not represent a practical change in compliance requirements, as providers are already required to maintain compliance with all applicable federal, state and local laws, regulations and ordinances.

Costs:

There are no additional costs associated with this proposed regulation, as providers are already required to maintain compliance with applicable federal, state and local laws, regulations and ordinances.

Minimizing Adverse Impact:

There is no adverse impact. This regulation does not represent a practical change in compliance requirements, as providers are already required to maintain compliance with all applicable federal, state and local laws, regulations and ordinances.

Rural Area Participation:

The proposed regulation will have a 60-day public comment period.

Job Impact Statement

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

NOTICE OF ADOPTION**Criminal History Record Checks and Advanced Home Health Aides**

I.D. No. HLT-22-18-00010-A

Filing No. 1090

Filing Date: 2018-11-23

Effective Date: 2018-12-12

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

Action taken: Amendment of Parts 402, 403, 700, 763, 765, 766, 793, 794 and 1001 of Title 10 NYCRR.

Statutory authority: Public Health Law, sections 2899-a(4), 3602(17), 3612(5), 4010(4); Executive Law, section 845-b(12)

Subject: Criminal History Record Checks and Advanced Home Health Aides.

Purpose: This rule will implement statutory changes related to criminal history records checks and advanced home health aides.

Text or summary was published in the May 30, 2018 issue of the Register, I.D. No. HLT-22-18-00010-P.

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

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

Initial Review of Rule

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

Assessment of Public Comment

The New York State Department of Health (Department) received comments from seven entities regarding the proposed amendments to Parts 402, 403, 700, 763, 765, 766, 793, 794, and 1001 of Title 10 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

Comment: An advocacy organization that focuses on direct care workforce issues stated that the proposed regulations (specifically the proposed amendments to 10 NYCRR § 700.2(b)(54)) should detail the process for approval and monitoring of training for advanced home health aides.

Response: The Department will provide guidance on the procedures, approval, and monitoring of training programs. No changes were made to the regulation as a result of this comment.

Comment: An advocacy organization that focuses on direct care workforce issues stated that State Education Law § 6908(2)(b)(iv) requires that registered professional nurses (RNs) “visit individuals receiving services for the purpose of supervising the services provided by advanced home health aides no less than once every two weeks.” The commenter

noted that such visits have financial and operational implications and requested that the Department consider permitting options other than in-person visits, such as permitting remote supervision via the use of technology.

Response: Noting that State Education Law § 6908(2)(b)(iv) also requires an RN to be available to an advanced home health aide by telephone 24 hours a day, the Department, in consultation with the New York State Education Department, interprets the requirement for a “visit” once every two weeks to mean an “in-person” visit. No changes were made to the regulation as a result of this comment.

Comment: An advocacy organization that focuses on direct care workforce issues stated that the regulations should be amended to include details about the duration of certification for advanced home health aides and the process for recertification. The commenter suggested that a model can be found in the current requirements for home health aides, where certification lapses when an individual has not worked for a home care agency for two full years, and an aide can be recertified through the successful completion of a competency examination.

Response: The Department does not believe it is necessary to include the requested information about certification in the regulation. This information will be made available by the Department in the form of guidance. No changes to the regulation are necessary.

Comment: An advocacy organization that focuses on direct care workforce issues suggested that the regulations should include a requirement for the formation of a stakeholder workgroup.

Response: The Department has previously convened a workgroup related to advanced home health aides and intends to do so again. Convening a workgroup in this manner does not require a regulation. No changes were made to the regulation as a result of this comment.

Comment: An association representing long term care providers suggested that the scope of practice for advanced home health aides should be expanded to include additional tasks suggested by a workgroup convened by the Department.

Response: Pursuant to the New York State Education Law, the scope of practice for advanced home health aides will be established pursuant to regulations of the State Education Department. No changes were made to the regulation as a result of this comment.

Comment: Several commenters (an association of hospice programs, two associations representing long term care providers, an association representing adult care facility providers, and a certified home health agency) noted that when an individual declines services by an advanced home health aide, the regulation provides for the services to be provided by an RN. The commenters suggest that the regulation should include licensed practical nurses (LPNs) as well.

Response: Services provided by an advanced home health aide are considered skilled in nature and an extension of the RN’s practice. Consequently, individuals who exercise their right to refuse of services provided by an advanced home health aide should receive services from an RN. The Department will consider whether expanding the regulation to include LPNs could provide an appropriate level of care in the future. No changes were made to the regulation as a result of this comment.

Comment: An association of long term care providers and a certified home health agency noted that, in addition to requiring that advanced home health aides be supervised by RNs and not LPNs, the regulation eliminates current language permitting LPNs to supervise home health aides and personal care aides. The commenters believe that home health aides and personal care aides should continue to be supervised by LPNs.

Response: Pursuant to federal regulation 42 CFR 484.36, supervision of home health aides and personal care aides must be conducted by registered professional nurses. No changes were made to the regulation as a result of this comment.

Comment: An association of long term care providers and an association of adult care facilities commented that the regulation’s requirement that any failure by a supervising RN be reported to the Department is too broad and subjective.

Response: This provision is consistent Public Health Law § 206(30) and Education Law § 6909(8). The Department believes that a registered professional nurse that engages in improper behavior while supervising an advanced home health aide should be reported. The grounds for improper behavior by a supervising registered professional nurse are listed specifically in the regulation. No changes were made to the regulation as a result of this comment.

Comment: An association of long term care providers asked whether personal care aides and home health aides who have completed a state approved training program and are employed by an enhanced assisted living residence (EALR) are subject to the provisions of Part 403 related to the Home Care Services Registry (Registry).

Response: The regulations provide that all individuals who complete a state-approved home health aide or personal care aide training program and are employed by an EALR are subject to the Registry requirements.

Comment: An association of long term care providers and an association of adult care facilities asked if a licensed home care services agency associated with an Assisted Living Program (ALP) can offer advanced home health aide services to residents in the ALP.

Response: Section 494.3 of Title 18 specifically indicates that the provision of nursing and therapy services provided to individuals who reside in the ALP must be provided by a certified home health agency. Further, on June 7, 2012, the Department issued guidance regarding the Medicaid program's revised regulations, allowing ALPs to conduct initial and re-assessments directly or through contract with a certified home health agency. Services provided by an advanced home health aide are considered skilled in nature and an extension of the RN's practice.

Comment: An association of adult care facilities asked if the phrase "or services" could be added to 10 NYCRR § 402.3(i)(3) to clarify that the criminal history record check provisions apply to all unlicensed staff that have regular face to face interactions with residents.

Response: This clarification will be provided in guidance issued to providers. No changes were made to the regulation as a result of this comment.

Comment: A certified home health agency asked whether the organization employing an advanced home health aide must also employ the supervising RN.

Response: The supervising RN must be employed by the same entity which employs the advanced home health aide. No changes were made to the regulation as a result of this comment.

Comment: A certified home health agency requested clarification as to whether medical orders for advance home health aides must be in writing or if verbal orders can be obtained.

Response: Pursuant to 10 NYCRR 766.4, physician orders may be obtained verbally but signed orders must be obtained within 12 months. No changes were made to the regulation as a result of this comment.

Comment: A certified home health agency requested clarification as to whether the minimum 18 hours in-service training required for advanced home health aides under the regulations includes or is in addition to the 12 hours currently required for home health aides. The commenter expressed concern that a total of 30 hours would be a barrier to training.

Response: The minimum total hours of in-service training for advanced home health aides under the regulation is 18 hours. This includes the initial 12 hours for initial home health aide training. No changes were made to the regulation as a result of this comment.

Comment: A licensed home care services agency wrote to express concern that the demand for RNs will increase, as more RNs will be needed to oversee advanced home health aides. The commenter stated that recruitment may be more difficult as fewer RNs will be willing to accept the added responsibility.

Response: State Education Law § 6908 requires that RNs provide oversight of advanced home health aides. No changes were made to the regulation as a result of this comment.

Justice Center for the Protection of People with Special Needs

NOTICE OF ADOPTION

Protocols for Interviewing Service Recipients

I.D. No. JCP-31-18-00008-A

Filing No. 1091

Filing Date: 2018-11-26

Effective Date: 2018-12-12

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

Action taken: Addition of Part 705 to Title 14 NYCRR.

Statutory authority: Executive Law, section 553(28); L. 2014, ch. 394, section 3

Subject: Protocols for interviewing service recipients.

Purpose: To ensure interviews of service recipients during investigations are conducted in a safe and sensitive manner.

Text of final rule: A new Part 705 is added to title 14 to read as follows:

Part 705 *The Justice Center Protocols for Interviewing People Who Receive Services*

§ 705.1 *Background and Intent*

(a) *The Protection of People with Special Needs Act (the "Act") established the Justice Center for the Protection of People with Special Needs (the "Justice Center"). The Act charges the Justice Center with establishing consistent safeguards for vulnerable persons to protect against abuse, neglect and other conduct that may jeopardize their health, safety and welfare.*

(b) *To accomplish this goal, the Act requires the Justice Center to establish procedures for the timely response to, and effective investigation of, allegations of reportable incidents against individuals who receive services. During the course of an investigation of abuse and neglect it is often necessary for individuals who receive services to be interviewed. This regulation outlines the procedures developed by the Justice Center to ensure that interviews of individuals who receive services during the course of an investigation of alleged abuse and neglect are conducted in a safe and appropriately sensitive manner.*

§ 705.2 *Applicability*

This regulation applies to all investigations of alleged abuse and neglect conducted by the Justice Center, as well as investigations conducted by state agencies whose programs are under the jurisdiction of the Justice Center and by the facilities and programs defined in section 488(4) of the Social Services Law when acting as the delegate investigatory entity.

§ 705.3 *Legal Authority*

Subdivision 28 of section 553 of the Executive Law requires the Justice Center to develop protocols to ensure the safety of individuals receiving services who may have evidence relevant to an investigation of alleged abuse or neglect and requires that the protocols be developed in consultation with the Justice Center's statutorily created Advisory Council and the relevant State Oversight Agencies. These agencies include: the Office of Mental Health, the State Education Department, the Office of Alcoholism and Substance Abuse Services, the Office for People With Developmental Disabilities, the Office of Children and Family Services and the Department of Health.

§ 705.4 *Definitions*

Whenever used in this Part:

(a) *"Delegate Investigatory Entity" shall mean a facility or provider agency, or any other entity authorized by the regulations of a state oversight agency or the Justice Center to conduct an investigation of a reportable incident.*

(b) *"Justice Center" means the Justice Center for the Protection of People with Special Needs.*

(c) *"Personal Representative" shall mean a person authorized under state, tribal, military or other applicable law to act on behalf of a vulnerable person in making health care decisions or, for programs that serve children under the jurisdiction of the State Education Department or the Office of Children and Family Services, the service recipient's parent, guardian or other person legally responsible for such person as defined in subdivision 10 of section 488 of the Social Services Law. For other programs that serve children, the personal representative of the child would be the parent, guardian or other person authorized under law to make health care decisions.*

(d) *"Potential Witness" shall mean any service recipient known to be physically present in the place and at the time of the alleged abuse or neglect. It can also include any service recipient who it is believed may have information that could be useful to an investigation.*

(e) *"Service Provider" shall mean a provider of services as defined in subdivision 4 of section 488 of the Social Services Law.*

(f) *"Service Recipient" shall mean an individual who resides or is an inpatient in a residential facility or who receives services from a facility or provider agency, as defined in subdivision 9 of section 488 of the Social Services Law.*

(g) *"Confidential information" shall mean information that is protected from disclosure to a personal representative by any federal or state law or regulation.*

§ 705.5 *Notification Protocols*

(a) *Process for providing notification to alleged victims and/or their personal representatives.*

(1) *When a service provider is notified that a report of alleged abuse or neglect in their program has been accepted by the Justice Center, the service provider or state oversight agency, as appropriate, shall immediately attempt to notify any service recipients who are alleged victims of that alleged abuse or neglect, and/or their personal representatives, that the service recipient may be interviewed as part of the investigation. This notification may be completed through oral communication or in writing.*

(2) *The service provider or state oversight agency shall not make such notification to a personal representative if the alleged victim objects to such notification or if it would violate relevant confidentially laws, be contrary to court order, or is otherwise contrary to the best interests of the alleged victim or if the investigator has notified the service provider or state oversight agency that such notification would compromise the*

investigation. Objections by a service recipient to a personal representative being notified should be reviewed on an individual basis consistent with the existing standards that the relevant state oversight agency requires to be used to determine the ability of a service recipient to consent to services, programs and treatment. Service providers who are required to provide notifications pursuant to section 33.23 of the Mental Hygiene Law shall do so regardless of the exemptions outlined here.

(3) The service provider or state oversight agency shall document in writing that such notification was made or that there was a diligent effort to make such notification. If an alleged victim's personal representative is not notified for the reasons outlined in Part 705.5(a)(2), the service provider or state oversight agency shall document the reason. All such documentation shall be maintained in a consistent manner and be readily available for inspection upon request of the Justice Center or a state oversight agency. Service providers and state oversight agencies shall make this information available immediately upon request of the investigator.

(b) Process for providing notification to potential witnesses and/or their personal representatives.

(1) When a service provider is notified that a report of alleged abuse or neglect in their program has been accepted by the Justice Center, the service provider or state oversight agency, as appropriate, shall make a good faith effort to ascertain whether any service recipients in its program are potential witnesses to such incident, and shall attempt to notify those service recipients and/or their personal representatives that the service recipient may be interviewed as part of the investigation. This notification may be completed through oral communication or in writing.

(2) The service provider or state oversight agency shall not make such notification to a personal representative if the potential witness objects to such notification or if such notification would violate relevant confidentially laws, be contrary to court order, or is otherwise contrary to the best interests of the potential witness or if the investigator notifies the service provider that such notification would compromise the investigation. Objections by a service recipient to a personal representative being notified should be reviewed on an individual basis consistent with the existing standards that the relevant state oversight agency requires to be used to determine the ability of a service recipient to consent to services, programs and treatment.

(3) The service provider or state oversight agency shall document in writing that such notification was made or that there was a diligent effort to make such notification. If a potential witness' personal representative is not notified for the reasons outlined in Part 705.5(b)(2), the service provider or state oversight agency shall document the reason. All such documentation shall be maintained in a consistent manner and be readily available for inspection upon request of the Justice Center or a state oversight agency. Service providers and state oversight agencies shall make this information available immediately upon request of the investigator.

(4) If the personal representative of a potential witness is contacted, the service provider or state oversight agency shall not disclose confidential information regarding the allegation of abuse or neglect to the personal representative.

(c) Inquiry of personal representative. The service provider shall ask the personal representative if he or she has additional information not known to the service provider concerning the most effective ways to communicate with the service recipient in order to support the interview process.

(d) Exceptions to notification requirements.

(1) Those service providers who are required to provide notifications pursuant to section 33.23 of the Mental Hygiene Law are not required to provide additional notification pursuant to this regulation.

(2) If an alleged victim or potential witness does not have a personal representative, there is no need for a service provider to comply with these notification and documentation requirements pertaining to personal representatives.

§ 705.6 Interview Protocols

(a) Determinations regarding appropriateness of conducting an interview.

(1) Prior to commencing an interview, an investigator must determine if the interview can be conducted in a safe, sensitive and timely manner. To make this determination, an investigator may consider any relevant facts or circumstances, including: the setting where and circumstances under which the interview is to be conducted; the opinion of a service recipient's personal representative; the service recipient's diagnosis; any information received after consulting with the service recipient's licensed health professionals; information in the service recipient's files; observations of the service recipient's behavior; information obtained from service provider employees; the service recipient's capability to provide information to assist the investigation; and information obtained from engaging in preliminary inquiries with service recipients to establish that proceeding with an interview would be appropriate.

(2) A formal clinical assessment is not required prior to interviewing a service recipient.

(3) If conducting an interview of the service recipient would be clinically contraindicated, despite the provision of appropriate accommodations, the interview shall not take place, except where circumstances exist which support a determination that there exists an overriding health and safety need to proceed with the interview. Such circumstances may include but not be limited to: an investigator reasonably believes that a service recipient has information relevant to maintaining or securing the safety of service recipients and is capable of reliably communicating that information; an investigator reasonably believes that failure to interview a service recipient may allow for the destruction of evidence or for a subject to evade law enforcement; or a delay in interviewing a service recipient may allow a subject to evade law enforcement. Prior to proceeding with the interview, the investigator shall consult with and obtain approval of his or her supervisor. Further, such investigator shall document in the investigative record the reason why it was appropriate to proceed with the interview and include the steps taken to protect the service recipient's health, safety, and wellbeing during the interview.

(b) Information from a service provider.

(1) An investigator must notify a service provider if he or she will need specific information from a service provider to determine whether to proceed with an interview, including the identity of any additional service recipient witnesses for whom the service provider did not make the required notification as set forth in Section 705.5(b)(1).

(2) The service provider shall supply the Justice Center or the delegate investigatory entity with the requested information within 72 hours of receiving such notification from an investigator.

(3) The requested information may be conveyed verbally or in writing.

(c) Communication. If an investigator determines that a service recipient may have difficulty comprehending questions due to linguistic or other barriers, such investigator shall work with a service provider to provide the service recipient with the means to communicate with the investigator.

(d) Personal Representative Presence at an Interview.

(1) A personal representative may be permitted to accompany a service recipient who is an alleged victim or a potential witness during an interview, except when: (i) the service recipient objects to the personal representative being present during the interview; or (ii) the investigator believes the presence of the personal representative would impede the investigation. Objections by a service recipient to a personal representative being present during an interview should be reviewed on an individual basis consistent with the existing standards that the relevant state oversight agency requires to be used to determine the ability of a service recipient to consent to services, programs and treatment.

(2) When a service recipient is being interviewed as a potential witness, the investigator should be especially sensitive to the presence a personal representative if the service recipient witness will be questioned about injuries or other confidential information relating to the alleged victim of abuse or neglect. In any instance in which confidential information will be discussed, the investigator may require that: (i) the personal representative leave the interview during the time in which confidential information is discussed; or (ii) the personal representative be present outside the interview room or available by telephone, to provide any needed support to the service recipient during the interview process.

(3) If a personal representative is allowed to be present during an interview, the personal representative may not interfere with the interview. If an investigator believes that the personal representative is interfering with the interview, the investigator may take appropriate actions to prevent such interference, including speaking with the personal representative or stopping the interview. If an investigator determines that a personal representative should not be present or should leave an interview once it is underway, the investigator must document the rationale for such decision in the investigative record.

(4) If a personal representative cannot attend an interview in a timely manner, the service provider may provide appropriate technology to allow the personal representative to participate in the interview. This may entail the use of a conference call line or a video conference, if available. An investigator shall not be required to unreasonably delay an interview to allow for a personal representative to participate.

(e) Information for service recipients. Prior to beginning an interview with a service recipient, the investigator shall advise service recipients and/or their personal representatives about what to expect in an interview. The investigator shall explain that participation in an interview is voluntary. In addition, and as applicable, the investigator shall advise the service recipient and/or his or her personal representative about searches of the service recipient's personal property and searches of the service recipient's person for the purposes of non-criminal investigations.

Final rule as compared with last published rule: Nonsubstantive changes were made in sections 705.5(a)(2), (b)(2), 705.6(a)(3), (d)(1), (2) and (3).

Text of rule and any required statements and analyses may be obtained from: Rebecca Mudie, NYS Justice Center for the Protection of People with Special Needs, 161 Delaware Avenue, Delmar, NY 12054, (518) 549-0254, email: rebecca.mudie@justicecenter.ny.gov

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

A revised Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement are not required because changes made to the last published rules do not necessitate revision to the previously published Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement.

Initial Review of Rule

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

Assessment of Public Comment

The NYS Justice Center for the Protection of People with Special Needs (the Justice Center) received two comments from the public in response to the Notice of Proposed Rulemaking that appeared in the August 8, 2018 edition of the State Register regarding proposed regulations governing the process by which service recipients may be interviewed when they are victims or witnesses to abuse or neglect.

One comment received by the Justice Center raised concerns that both the language allowing for an interview to proceed when it would be clinically contraindicated as well as the involvement of a personal representative lacked clarity. While the Justice Center does not believe the language has or will lead to confusion in practice, the language has been amended to more clearly specify the protocols in both of these provisions.

Another comment received by the Justice Center was that the use of the term “existing standards” when reviewing a service recipient’s objection to personal representative notification could be made clearer due there being multiple standards regarding individual capacity in decision making. The language has been amended to refer to the standards utilized by the relevant state oversight agency of the program in which the individual is served.

Department of Labor

REVISED RULE MAKING NO HEARING(S) SCHEDULED

Employee Scheduling (Call-In Pay)

I.D. No. LAB-47-17-00011-RP

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

Proposed Action: Amendment of sections 142-2.3 and 142-3.3 of Title 12 NYCRR.

Statutory authority: Labor Law, sections 21(11) and 659(2)

Subject: Employee Scheduling (Call-In Pay).

Purpose: To strengthen existing call-in pay protections involving employee scheduling.

Text of revised rule: Sections 142-2.3 and 142-3.3 of 12 NYCRR are amended to read as follows:

§ 142-2.3 Call-in pay.

(a) *Call-in pay shall be provided as set forth below.*

(1) *Reporting to work.* An employee who by request or permission of the employer reports for work on any [day] shift shall be paid for at least four hours[, or the number of hours in the regularly scheduled shift, whichever is less, at the basic minimum hourly wage] of call-in pay.

(2) *Unscheduled shift.* An employee who by request or permission of the employer reports to work for any shift for hours that have not been scheduled at least 14 days in advance of the shift shall be paid an additional two hours of call-in pay. Where an employer provides a weekly schedule, 14-day period referenced in this section may be measured from the last day of the schedule.

(3) *Cancelled shift.* An employee whose shift is cancelled by the employer shall be paid for at least two hours of call-in pay, if the shift is cancelled within 14 days, or for at least four hours of call-in pay if the shift is cancelled within 72 hours, in advance of the scheduled start of such shift.

(4) *On-call.* An employee who is required by the employer to be available to report to work for any shift shall be paid for at least four hours of call-in pay.

(5) *Call for schedule.* An employee who is required by the employer

to be in contact with the employer within 72 hours of start of the shift to confirm whether to report to work shall be paid for at least four hours of call-in pay.

(b) *Calculation of call-in pay.* Call-in pay shall be calculated as follows.

(1) *Actual attendance.* Payments for time of actual attendance shall be calculated at the employee’s regular rate or overtime rate of pay, whichever is applicable, minus any allowances permitted under this Part.

(2) *Minimum rate.* Payments for other hours of call-in pay shall be calculated at the basic minimum hourly rate with no allowances. Such payments are not payments for time worked or work performed and need not be included in the regular rate for purposes of calculating overtime pay.

(3) *Offsets.* Call-in pay shall not be offset by the required use of leave time, or by payments in excess of those required under this Part.

(4) *Shorter work days.* The four hours of call-in pay for reporting to work and for cancelled shifts under paragraphs (1) and (3) of subdivision (a) of this section may be reduced to the lesser number of hours that the employee is scheduled to work and normally works, for that shift.

(c) *Applicability.* This section applies to all employees, except as provided below.

(1) *This section shall not apply to employees who are covered by a valid collective bargaining agreement that expressly provides for call-in pay.*

(2) *Paragraphs (2) through (5) of subdivision (a) of this section shall not apply to employees during work weeks when their weekly wages exceed 40 times the applicable basic hourly minimum wage rate.*

(3) *In addition, paragraphs (2) through (5) of subdivision (a) of this section shall also not apply to employees whose duties are directly dependent on weather conditions, or to employees whose duties are necessary to protect the health or safety of the public or any person, or to employees whose assignments are subject to work orders, or cancellations thereof; provided, however, that such employees also receive weekly compensation that exceeds the number of compensable hours worked times the applicable basic minimum wage rate, with no allowances.*

(4) *Paragraph (2) of subdivision (a) of this section (unscheduled shift) shall not apply to: (i) any new employee during the first two weeks of employment; or (ii) any employee who volunteers to cover a new shift or a previously scheduled shift. For purposes of this section, the term “new shift” shall mean the first two weeks of an additional shift that results in a net increase in staffing at a single workplace during the period of time covered by such shift; the term “previously scheduled shift” shall mean a shift that would not have been subject to unscheduled shift call-in pay if worked by the employee who was originally assigned to work that shift; and the term “volunteers” shall mean that the employee may refuse to cover the new or previously scheduled shift.*

(5) *Paragraphs (2) and (3) of subdivision (a) of this section (unscheduled shift and cancelled shift) shall not apply when an employer responds to weather or other travel advisories by offering employees the option to voluntarily reduce or increase their scheduled hours, so that employees may stay home, arrive early, arrive late, depart early, depart late, or any combination thereof, without call-in pay for unscheduled or cancelled shifts.*

(6) *In addition, paragraph (3) of subdivision (a) of this section (cancelled shift) shall also not apply when an employer cancels a shift at the employee’s request for time off, or when operations at the workplace cannot begin or continue due to an act of God or other cause not within the employer’s control, including, but not limited to, a state of emergency declared by federal, state, or local government.*

(d) *Safe Harbor.* For purposes of paragraph (4) of subdivision (c) of this section, there shall be a rebuttable presumption that an employee has volunteered to cover a new or previously scheduled shift if the employer provides a written good faith estimate of hours to all employees upon hiring, or after the effective date of this section for previously hired employees, which may be amended at the employee’s request or upon two weeks’ notice by the employer, and if the request to cover a new or previously scheduled shift is either: (i) made by the employee whose shift would be covered; or (ii) made by the employer in a written communication to a group of employees requesting a volunteer from among the group and identifying a reasonable deadline for responses. If no employee volunteers prior to the deadline, the employer may assign an employee to cover the shift without the additional call-in pay required for unscheduled shifts.

§ 142-3.3 Call-in pay.

(a) *Call-in pay shall be provided as set forth below.*

(1) *Reporting to work.* An employee who by request or permission of the employer reports for work on any [day] shift shall be paid for at least four hours[, or the number of hours in the regularly scheduled shift, whichever is less, at the basic minimum hourly wage] of call-in pay.

(2) *Unscheduled shift.* An employee who by request or permission of the employer reports to work for any shift for hours that have not been scheduled at least 14 days in advance of the shift shall be paid an ad-

ditional two hours of call-in pay. Where an employer provides a weekly schedule, 14-day period referenced in this section may be measured from the last day of the schedule.

(3) **Cancelled shift.** An employee whose shift is cancelled by the employer shall be paid for at least two hours of call-in pay, if the shift is cancelled within 14 days, or for at least four hours of call-in pay if the shift is cancelled within 72 hours, in advance of the scheduled start of such shift.

(4) **On-call.** An employee who is required by the employer to be available to report to work for any shift shall be paid for at least four hours of call-in pay.

(5) **Call for schedule.** An employee who is required by the employer to be in contact with the employer within 72 hours of start of the shift to confirm whether to report to work shall be paid for at least four hours of call-in pay.

(b) **Calculation of call-in pay.** Call-in pay shall be calculated as follows.

(1) **Actual attendance.** Payments for time of actual attendance shall be calculated at the employee's regular rate or overtime rate of pay, whichever is applicable, minus any allowances permitted under this Part.

(2) **Minimum rate.** Payments for other hours of call-in pay shall be calculated at the basic minimum hourly rate with no allowances. Such payments are not payments for time worked or work performed and need not be included in the regular rate for purposes of calculating overtime pay.

(3) **Offsets.** Call-in pay shall not be offset by the required use of leave time, or by payments in excess of those required under this Part.

(4) **Shorter work days.** The four hours of call-in pay for reporting to work and for cancelled shifts under paragraphs (1) and (3) of subdivision (a) of this section may be reduced to the lesser number of hours that the employee is scheduled to work and normally works, for that shift.

(c) **Applicability.** This section applies to all employees, except as provided below.

(1) This section shall not apply to employees who are covered by a valid collective bargaining agreement that expressly provides for call-in pay.

(2) Paragraphs (2) through (5) of subdivision (a) of this section shall not apply to employees during work weeks when their weekly wages exceed 40 times the applicable basic hourly minimum wage rate.

(3) In addition, paragraphs (2) through (5) of subdivision (a) of this section shall also not apply to employees whose duties are directly dependent on weather conditions, or to employees whose duties are necessary to protect the health or safety of the public or any person, or to employees whose assignments are subject to work orders, or cancellations thereof; provided, however, that such employees also receive weekly compensation that exceeds the number of compensable hours worked times the applicable basic minimum wage rate, with no allowances.

(4) Paragraph (2) of subdivision (a) of this section (unscheduled shift) shall not apply to: (i) any new employee during the first two weeks of employment; or (ii) any employee who volunteers to cover a new shift or a previously scheduled shift. For purposes of this section, the term "new shift" shall mean the first two weeks of an additional shift that results in a net increase in staffing at a single workplace during the period of time covered by such shift; the term "previously scheduled shift" shall mean a shift that would not have been subject to unscheduled shift call-in pay if worked by the employee who was originally assigned to work that shift; and the term "volunteers" shall mean that the employee may refuse to cover the new or previously scheduled shift.

(5) Paragraphs (2) and (3) of subdivision (a) of this section (unscheduled shift and cancelled shift) shall not apply when an employer responds to weather or other travel advisories by offering employees the option to voluntarily reduce or increase their scheduled hours, so that employees may stay home, arrive early, arrive late, depart early, depart late, or any combination thereof, without call-in pay for unscheduled or cancelled shifts.

(6) In addition, paragraph (3) of subdivision (a) of this section (cancelled shift) shall also not apply when an employer cancels a shift at the employee's request for time off, or when operations at the workplace cannot begin or continue due to an act of God or other cause not within the employer's control, including, but not limited to, a state of emergency declared by federal, state, or local government.

(d) **Safe Harbor.** For purposes of paragraph (4) of subdivision (c) of this section, there shall be a rebuttable presumption that an employee has volunteered to cover a new or previously scheduled shift if the employer provides a written good faith estimate of hours to all employees upon hiring, or after the effective date of this section for previously hired employees, which may be amended at the employee's request or upon two weeks' notice by the employer, and if the request to cover a new or previously scheduled shift is either: (i) made by the employee whose shift would be covered; or (ii) made by the employer in a written communication to a group of employees requesting a volunteer from among the group and

identifying a reasonable deadline for responses. If no employee volunteers prior to the deadline, the employer may assign an employee to cover the shift without the additional call-in pay required for unscheduled shifts.

Revised rule compared with proposed rule: Substantive revisions were made in sections 142-2.3 and 142-3.3.

Text of revised proposed rule and any required statements and analyses may be obtained from Michael Paglialonga, Department of Labor, State Office Campus, Building 12, Room 509, Albany, NY 12240, (518) 457-4380, email: regulations@labor.ny.gov

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

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

Revised Regulatory Impact Statement

STATUTORY AUTHORITY:

Labor Law §§ 21(11) and 659(2).

LEGISLATIVE OBJECTIVES:

The Legislature, in adopting the New York State Minimum Wage Act, empowered the Commissioner of Labor to promulgate regulations as she "deems necessary or appropriate to carry out the purposes of this article and to safeguard the minimum wage" (L. 1960, Ch. 619, § 2, at Labor Law § 652(2) & (4)), to order "such modifications of or additions to any regulations as he may deem appropriate to effectuate the purposes of this article" (Labor Law § 659(2)), and to investigate hours worked (Labor Law §§ 660(b)(1) & 661).

The regulations to be amended. In 1960, based on the Legislature's delegation of authority, the Commissioner promulgated a new Minimum Wage Order for Miscellaneous Industries and Occupations (currently codified at 12 NYCRR Part 142) (hereinafter "the Wage Order"). The Wage Order contains "Call-in pay" regulations (12 NYCRR §§ 142-2.3 & 142-3.3) that require employers to pay employees who report to work for four hours of work or the amount of their regularly scheduled shift, whichever is less, at the applicable minimum wage rate.

Public hearings. In 2017, the Commissioner published notices of hearings pursuant to Labor Law § 659(2) soliciting public testimony regarding employer scheduling practices including "just-in-time," "call-in," or "on-call" scheduling for employees subject to the Wage Order. The Commissioner held those hearings on September 28, October 3, October 11, and October 17, 2017, in Albany, Binghamton, Buffalo, and New York City, respectively. Recordings of those hearings, and copies of written testimony received in connection with those hearings, are available online at www.labor.ny.gov/scheduling.

The proposed rule. The proposed regulation amends the Wage Order's Call-in pay regulations (12 NYCRR §§ 142-2.3 & 142-3.3) to strengthen the protections for employees who report to work, who report for unscheduled shifts, who have shifts cancelled at the last minute, who are required to be on-call, and who are required to call-in to be scheduled for work. The proposed regulation includes provisions addressing the calculation and applicability of call-in pay under various circumstances.

NEEDS AND BENEFITS:

Testimony received through the four public hearings referenced above demonstrated that work schedule unpredictability has a detrimental impact both employees and employers.

Employers. Business and industry advocates agreed that many industries require flexibility and employers need a mechanism to adjust to unpredictable circumstances like an employee calling out sick, a worker leaving unexpectedly, delays in the delivery of materials or inclement weather conditions. For businesses, testimony pointed to a decrease in employee turnover and an increase in attendance and worker loyalty as likely benefits of predictable scheduling practices. In addition, these proposed regulations still allow employers, without an unfair burden, to contend with unforeseen issues, including severe weather, fluctuations due to seasonal demand and other market conditions like material supply and emergency situations.

Employees. Many workers and advocates described the precarious nature of jobs that involve schedules with little to no worker input, schedules that vary wildly day-to-day or week-to-week, and schedules that demand around-the-clock availability. Workers said they often do not find out until hours before their shift whether they will work that day and face involuntary rotation or shift extensions with little to no notice. Even as part-time workers, they must be ready to work during the amount of time equivalent to working a full-time job, but are not compensated and, in the end, do not actually work many shifts for which they're supposed to be available. The hearings revealed that low wage workers are most likely to contend with the difficulties of unpredictable work schedules as well as be severely impacted by unpredictable work scheduling practices that commonly involve announcing schedules less than a week, or sometimes less than a day, in advance. Additionally:

- Testimony at these hearings showed that unpredictable work schedules negatively impact workers' income, leaving them without the ability to

hold a second job – potentially having to turn down all other opportunities for outside income – or receive a reliable and predictable paycheck. These scheduling practices prevent workers from working full-time or making overtime, budget for recurring expenses and large purchases, pursue further educational opportunities like attending college classes, and securing reliable and affordable transportation.

- Testimony showed that workers were unable to predict childcare with employees sometimes being forced to pay in advance and lose that money if the need never materialized. Such scheduling practices also impacted their eligibility for supportive services like childcare subsidies and limited their access to high-quality and reliable childcare.

- Testimony also pointed to the inability to achieve an appropriate work-life balance with unpredictable schedules that cause stress and psychological distress, which has been shown to lead to unhealthy behaviors like smoking and excessive alcohol consumption. In addition, these practices made it more difficult for individuals trying to get their life back together (as a domestic violence survivor, for example) by eliminating dependable routines. Testimony pointed to problems workers had attending important family gatherings, buying tickets to events, and attending to their own or a family member's health needs.

- Testimony also showed that unpredictable scheduling is bad for business, resulting in high turnover, which leads to lost productivity and higher unemployment insurance contributions. This, in turn, can cause reduced morale and low customer satisfaction, which, in industries like home health care, can leave patients severely impacted. Today, sophisticated technology and algorithms has changed the nature of work and how workers are notified of work hours and require the state's regulatory framework to be updated to address and acknowledge the realities of modern working conditions.

- Testimony pointed to numerous benefits of increased predictability in scheduling, including stability in workers' lives as workers get more control and are allowed a voice in setting their own schedules. Workers would be compensated for the time they give up for the sake of the employer but retain the ability to have a flexible schedule if desired and the ability to swap shifts without employer intervention – all while participating in a transparent scheduling process.

The proposed regulation updates the Wage Order's long-established call-in pay regulations (12 NYCRR §§ 142-2.3 & 142-3.3) to protect minimum wage employees from unpredictable work schedule practices, while providing for appropriate exceptions for emergency and other unforeseen circumstances.

COSTS:

This proposed regulation does not impose any mandatory costs on the regulated community, as employers may avoid call-in pay by providing sufficient notice to employees of work schedules. Additionally, the requirements of the proposed regulation provide for exceptions for unforeseeable or unavoidable changes or delays in informing employees of their work schedule, including changes necessitated due to declared states of emergency and during the initial two weeks of an employee's employment. Furthermore, the revisions in the proposed rule provide for greater flexibility to employers who operate are subject to outside forces like weather (e.g., snow removal), at the will of customers and customer needs (e.g., funeral homes, emergency transportation, health care), or due to customer cancellations or last-minute orders, should not be required to pay employees additional money under such circumstances. Costs for employers who fail to comply with the requirements of the proposed regulation are limited to the payment of employees at their regular rate of pay for actual attendance at work and pay for other hours required by this proposed rule at the applicable minimum wage rate.

The Department of Labor also estimates that there will be no increased or additional costs to the Department, or to state and local governments to implement this regulation.

LOCAL GOVERNMENT MANDATES:

None. Employees of federal, state and municipal governments and political subdivisions thereof are generally excluded from coverage under the Minimum Wage Law and the Wage Order by Labor Law §§ 651(5)(n) and 12 NYCRR §§ 142-2.14(b) & 142-3.12(b).

PAPERWORK:

This rulemaking does not impact any reporting requirements currently required in either statute or regulation.

DUPLICATION:

This rulemaking does not duplicate, overlap, or conflict with any other state or federal requirements.

ALTERNATIVES:

There were no significant alternatives considered.

FEDERAL STANDARDS:

There are no federal standards relating to this rule.

COMPLIANCE SCHEDULE:

Employers who do not currently provide timely notice of scheduling changes will need up to 14 days to comply with this rulemaking. While no

schedule has been set, any future adoption will provide businesses with sufficient time to comply with the rulemaking.

Revised Regulatory Flexibility Analysis

EFFECT OF RULE: The proposed regulation amends the Minimum Wage Order for Miscellaneous Industries and Occupations (12 NYCRR Part 142) (hereinafter "the Wage Order") to strengthen the Call-in pay regulation (12 NYCRR §§ 142-2.3 & 142-3.3) to protections for employees who report to work, who report for unscheduled shifts, who have shifts cancelled at the last minute, who are required to be on-call, and who are required to call-in to be scheduled for work. The rule includes provisions addressing the calculation and applicability of call-in pay under various circumstances, and the revisions in the proposed rule provide for greater flexibility to employers who operate are subject to outside forces like weather (e.g., snow removal), at the will of customers and customer needs (e.g., funeral homes, emergency transportation, health care), or due to customer cancellations or last minute orders, should not be required to pay employees additional money under such circumstances. The proposed rule does not apply to local governments.

COMPLIANCE REQUIREMENTS: Small businesses and local governments will not have to undertake any new reporting, recordkeeping, or other affirmative act, other than providing timely notice of scheduling changes, in order to comply with this regulation. The proposed revisions further assist small businesses and ensure that unavoidable costs can be avoided.

PROFESSIONAL SERVICES: No professional services would be required to effectuate the purposes of this regulation.

COMPLIANCE COSTS: The Department estimates that there will be no costs to the small businesses or local governments to implement this regulation, and the proposed revisions help to alleviate concerns about unavoidable costs for employers. See Regulatory Impact Statement, at Costs.

ECONOMIC AND TECHNOLOGICAL FEASIBILITY: The regulation does not require any use of technology to comply.

MINIMIZING ADVERSE IMPACT: The Department does not anticipate that this regulation will adversely impact small businesses or local governments. Since no adverse impact to small businesses or local governments will be realized, it was unnecessary for the Department to consider approaches for minimizing adverse economic impacts as suggested in State Administrative Procedure Act § 202-b(1). Furthermore, the revised rulemaking helps to ensure that no adverse impact to small businesses will be realized by eliminating costs that could be difficult to avoid with certain types of work duties.

SMALL BUSINESS AND LOCAL GOVERNMENT PARTICIPATION: The Department does not anticipate that this rule will have an adverse economic impact upon small businesses or local governments, nor will it impose new reporting, recordkeeping, or other compliance requirements upon them. Nevertheless, small businesses and local governments had opportunity to participate in the rulemaking process by participating in public hearings that were held pursuant to Labor Law § 659 and by providing comment during the public comment period.

Revised Rural Area Flexibility Analysis

TYPES AND ESTIMATED NUMBERS OF RURAL AREAS: The Department anticipates that this regulation will have a positive or neutral impact upon all areas of the state; there is no adverse impact anticipated upon any rural area of the state resulting from adoption of this regulation.

REPORTING, RECORDKEEPING AND OTHER COMPLIANCE REQUIREMENTS; AND PROFESSIONAL SERVICES: This regulation will not impact reporting, recordkeeping or other compliance requirements.

PROFESSIONAL SERVICES: No professional services will be required to comply with this regulation.

COSTS: The Department estimates that there will be no new or additional costs to rural areas to implement this regulation. Furthermore, the revisions in the proposed rule provide for greater flexibility to employers who operate are subject to outside forces like weather (e.g., snow removal), at the will of customers and customer needs (e.g., funeral homes, emergency transportation, health care), or due to customer cancellations or last-minute orders, should not be required to pay employees additional money under such circumstances. The proposed revisions further assist small businesses and ensure that unavoidable costs can be avoided. See Regulatory Impact Statement at Costs.

MINIMIZING ADVERSE IMPACT: The Department does not anticipate that this regulation will have an adverse impact upon any region of the state. As such, different requirements for rural areas were not necessary. Furthermore, the revised rulemaking helps to ensure that no adverse impact to small businesses will be realized by eliminating costs that could be difficult to avoid with certain types of work duties.

RURAL AREA PARTICIPATION: The Department does not anticipate that the regulation will have an adverse economic impact upon rural areas nor will it impose new reporting, recordkeeping, or other compliance

requirements. Nevertheless, rural areas in the state had an opportunity to participate in the rulemaking process by participating in public hearings that were held pursuant to Labor Law § 659 and by providing comment during the public comment period.

Revised Job Impact Statement

NATURE OF IMPACT: The Department of Labor (hereinafter “Department”) projects there will be no adverse impact on jobs or employment opportunities in the State of New York as a result of this regulation. The nature and purpose of this regulation is such that it will not have an adverse impact on jobs or employment opportunities.

CATEGORIES AND NUMBERS AFFECTED: The Department does not anticipate that this regulation will have an adverse impact on jobs or employment opportunities in any category of employment. This regulation will apply to employees covered by the Minimum Wage Order for Miscellaneous Industries and Occupations (12 NYCRR Part 142) (hereinafter “the Wage Order”) and will exclude workers who are covered by collective bargaining agreements that provide for call-in pay and workers whose weekly wages exceed 40 times the applicable minimum wage. The Wage Order covers all industries and occupations other than those that are covered by the hospitality and the building services industries. The Department’s Division of Research and Statistics estimates that just under one million employees will be covered by this regulation, based on the number of employees who work in industries and occupations other than hospitality and building service whose weekly wages do not exceed 40 times the hourly minimum wage.

REGIONS OF ADVERSE IMPACT: The Department does not anticipate that this regulation will have an adverse impact upon jobs or employment opportunities statewide or in any particular region of the state.

MINIMIZING ADVERSE IMPACT: Since the Department does not anticipate any adverse impact upon jobs or employment opportunities resulting from this regulation, no measures to minimize any unnecessary adverse impact on existing jobs or to promote the development of new employment opportunities are required. Furthermore, the revised rulemaking helps to ensure that no adverse impact to small businesses will be realized by eliminating costs that could be difficult to avoid with certain types of work duties.

SELF-EMPLOYMENT OPPORTUNITIES: The Department does not foresee a measurable impact upon opportunities for self-employment resulting from adoption of this regulation.

Assessment of Public Comment

The Department received comments following publication of the proposed rulemaking in the November 22, 2017 edition of the NY Register. The following represents a summary and analysis of such comments, and the reasons why any significant alternatives were not incorporated into the rulemaking. Generally, comments were received arguing against the adoption of the present rulemaking, and comments were received commending the Department for this proposal and urging its adoption.

Comment 1:

Very few employees earn 40 times the minimum wage on an hourly basis; this should be lowered.

Response 1:

The rulemaking does not apply to employees earning 40 times the applicable minimum wage on an hourly basis, but rather only to employees who earn less than 40 times the applicable minimum wage on a weekly basis.

Comment 2:

Shifts that were cancelled due to an employee calling in (e.g., sick) should not require payment to the employee who called in sick.

Response 2:

The rulemaking does not require any additional compensation for employees who call in or otherwise notify their employer that they will not be working a shift. Rather, additional payment is only required where the cancellation is due to the action or decision of the employer. Furthermore, the rulemaking has been revised to provide employers and employees with greater flexibility to provide coverage for scheduling changes that are outside of the employer’s control or through reasonable efforts by an employer to solicit volunteers to cover.

Comment 3:

Employers that operate subject to outside forces like weather (e.g., snow removal), at the will of customers and customer needs (e.g., funeral homes, emergency transportation, health care), or due to customer cancellations or last-minute orders, should not be required to pay employees additional money under such circumstances.

Response 3:

The Department has revised the rulemaking in response to this comment to provide an expanded exception for employees whose duties are (1) weather dependent, (2) necessary to protect the health or safety of the public or any person, or (3) subject to large or unpredictable orders from

customers and customer needs. With regard to orders from customers, such exception is limited to orders or requests from customers outside of the traditional retail or customer service setting, such as large print shop orders or last-minute events.

Comment 4:

The cost to implement and administer the rulemaking would be cost-prohibitive and harmful, including for employers that depend on negotiated or government funding, like Medicare-funded home health care and education, or for small businesses.

Response 4:

The Department has revised the rulemaking in response to this comment to provide greater flexibility for employers and to minimize or eliminate any required costs associated with this rulemaking. Such revisions provide for greater flexibility and options to eliminate unavoidable costs through proactive compliance measures by employers.

Comment 5:

Workers who desire or require additional flexibility to accommodate their last-minute scheduling needs could be harmed by a regulatory approach that increases employers’ costs and limits their flexibility.

Response 5:

As described above, the Department has revised the rulemaking in response to this comment.

Comment 6:

The exception in (c)(4) of the rulemaking (exempting employers who cease operations due to acts of god or circumstances outside of their control) should be expanded to apply to all of the scheduling requirements of the rulemaking and to include situations which could endanger the health or safety of any employee or person, or cause damage to property.

Response 6:

The Department has revised the rulemaking in response to this comment.

Comment 7:

The 14-day notice requirement is too long and will require, in practice, as much a 21-day notice.

Response 7:

The Department has revised the rulemaking to measure the 14-day requirement from the last day of the schedule, rather than from the start of the workweek so as to limit the requirement to 14 days, rather than requiring as much as 21 days.

Comment 8:

The Department should clarify what “voluntary” means within the context of an employee working a shift without the requisite advanced notice. Requests for employees to volunteer should be made in writing, as should the employee’s consent to such.

Response 8:

The Department has revised the rulemaking in response to this comment.

Comment 9:

The Department should reconsider the scope of employers within the coverage of this rulemaking to exclude non-profits and weather-dependent businesses.

Response 9:

The Department has revised the rulemaking in response to this comment.

Comment 10:

All employers should be required to provide a good-faith estimate of employees’ work schedules.

Response 10:

The Department has revised the rulemaking in response to this comment.

Comment 11:

The rulemaking will have a negative financial impact on employers, who may not be able to avoid last-minute schedule changes.

Response 11:

The Department has revised the rulemaking in response to this comment to provide employers with greater flexibility and to limit costs where additional pay would be required at no fault of the employer.

Comment 12:

Employees who are not designated as “heads of households” on their federal tax returns should be exempt from the rulemaking.

Response 12:

The Department disagrees as such status is facially irrelevant to the need for a predictable schedule and could have a potentially disparate impact based upon gender or other protected classes.

Comment 13:

The rulemaking should be amended to include an affirmative record-keeping obligation. Conversely, the rulemaking is onerous in that employers will need to keep records of all employee schedules and the records that support compliance with the rulemaking.

Response 13:

While no affirmative rulemaking requirement is included in the revised proposed rulemaking, employers are encouraged to keep and maintain additional records that can help demonstrate their compliance.

Comment 14:

The rulemaking should apply to independent contractors as well.

Response 14:

This exceeds the Department's rulemaking authority under Article 19 of the Labor Law.

Comment 15:

The effective date of the rulemaking should be delayed providing employers with time to comply.

Response 15:

The Department agrees, and any future adoption will provide businesses with sufficient time to comply with the rulemaking.

Comment 16:

Temporary staffing agencies should be exempted as their entire business model is based around last minute scheduling.

Response 16:

The Department has revised the rulemaking in response to this comment to provide employers with greater flexibility to respond to last-minute orders and customer requests.

Comment 17:

It is not clear if the rulemaking preempts local laws, such as New York City's Fair Workweek Law.

Response 17:

The preemptive effect of the rulemaking is a matter for the courts, not the Department.

Comment 18:

Students working for schools or non-profits should be exempted from the rulemaking.

Response 18:

Students working in a not-for-profit organization or institution are exempt from the Minimum Wage Order for Miscellaneous Industries, which contains the rulemaking, so long as the organization is organized and operated exclusively for these charitable, educational, or religious purposes, and they attend an institution leading to a degree or certificate.

Comment 19:

The proposed rule is difficult for employers, many of them in the health care sector, who rely on government funding to operate.

Response 19:

The Department has revised the rulemaking in response to this comment to provide greater flexibility for employers and to minimize or eliminate any required costs associated with this rulemaking. Such revisions provide for greater flexibility and options to eliminate unavoidable costs through proactive compliance measures by employers.

Comment 20:

Employees who work shorter shifts will incur higher proportionate costs for cancelled shifts.

Response 20:

The Department has revised the rule to provide for 2 hours of call-in pay if the shift is scheduled more than 72 hours in advance of the scheduled shift, or 4 hours of call-in pay if it is cancelled with less than 72 hours in advance. This should lessen the effect on employees who work shorter shifts.

Office of Mental Health

NOTICE OF WITHDRAWAL

Children's Mental Health Rehabilitation Services

I.D. No. OMH-47-18-00003-W

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

Action taken: Notice of proposed rule making, I.D. No. OMH-47-18-00003-P, has been withdrawn from consideration. The notice of proposed rule making was published in the *State Register* on November 21, 2018.

Subject: Children's Mental Health Rehabilitation Services.

Reason(s) for withdrawal of the proposed rule: Did not receive sign-off from RRU.

Office for People with Developmental Disabilities

NOTICE OF ADOPTION

Telehealth

I.D. No. PDD-32-18-00003-A

Filing No. 1092

Filing Date: 2018-11-26

Effective Date: 2018-12-12

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

Action taken: Amendment of Subpart 635-13 and Part 679 of Title 14 NYCRR.

Statutory authority: Mental Hygiene Law, sections 13.07, 13.09(b), 16.00; Public Health Law, sections 2999-cc and 2999-dd

Subject: Telehealth.

Purpose: To authorize telehealth as a new modality for the delivery of clinical services.

Text of final rule: • New paragraph 679.1(c)(4) is added as follows, and all remaining paragraphs are renumbered accordingly:

(4) *Providing access to clinical services to a person located in his/her residence or other temporary location via telehealth (see glossary) while the provider is located either at a main clinic site certified by OPWDD or at a certified satellite site (see glossary).*

• New subdivision 679.2(c) is added as follows, and all remaining paragraphs are renumbered accordingly:

(c) *Section 367-u of the Social Services Law provides that the commissioner shall not exclude from the payment of medical assistance funds the delivery of healthcare services through telehealth when the services are provided pursuant to section 2999-cc(3) of the Public Health Law and meet the requirements of federal law, rules and regulations.*

• New subdivision 679.2(f) is added as follows:

(f) *Section 2999-cc of the Public Health Law provides that health care services, which must include the assessment, diagnosis, consultation, treatment, education, care management, and/or self-management of a patient, may be provided via the use of electronic information and communication technologies between qualifying providers located at a distant site and a patient located at an originating site.*

• New subdivision 679.2(g) is added as follows:

(g) *Section 4406-g of the Public Health Law provides that a health maintenance organization shall not exclude from coverage a service that is covered under an enrollee contract of a health maintenance organization because the service is delivered via telehealth.*

• New subdivision 679.2(h) is added as follows:

(h) *Sections 3217-h and 4306-g of the Insurance Law provide that under an insurance policy that provides comprehensive coverage for hospital, medical or surgical care, said services shall not be excluded from coverage because the service is delivered via telehealth.*

• Existing subdivision 679.5(c) is amended as follows:

(c) *A clinic visit may include face-to-face service as defined by allowable Current Procedural Terminology (CPT)/Healthcare Common Procedure Coding System (HCPCS) and/or Current Dental Terminology (CDT) codes, or such allowable services provided via telehealth.*

• Existing subdivision 679.6(b) is amended as follows:

(b) *Each agency that operates a clinic treatment facility shall provide OPWDD information it requests, including but not limited to the following: services provided by CPT/HCPCS and/or CDT codes, where such services were delivered, including the location of both the provider and the individual when services are delivered via telehealth, (i.e., on-site or at a certified satellite site, or, prior to April 1, 2016, off-site) and revenues by funding source or payee. These data shall correspond to the identical time period of the cost report.*

• New subdivision 679.99(w) is added as follows, and all remaining subdivisions are renumbered accordingly:

(w) *Telehealth. The use of electronic information and communication technologies by a health care provider to deliver health care services to an individual while such individual is located at a site that is different from the site where the health care provider is located.*

• New subdivision 635-13.4(c) is added as follows, and all remaining subdivisions are renumbered accordingly:

(c) *IPSIDD services are prohibited from being delivered via telehealth.*

Final rule as compared with last published rule: Nonsubstantive changes were made in section 679.2(f), (g) and (h).

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

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

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

Changes to the text of this regulation do not necessitate a revision to the previously filed regulatory impact statement, regulatory flexibility analysis, rural area flexibility analysis and job impact statement as the changes to the text are technical and involve correction to numbering and lettering only.

Initial Review of Rule

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

Assessment of Public Comment

The agency received no public comment.

Public Service Commission

NOTICE OF ADOPTION

Tariff Amendments

I.D. No. PSC-05-18-00005-A

Filing Date: 2018-11-21

Effective Date: 2018-11-21

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

Action taken: On 11/15/18, the PSC adopted an order approving, with modifications, National Fuel Gas Distribution Corporation's (NFG) tariff amendments to P.S.C. No. 9 — Gas, regarding Pilot Programs.

Statutory authority: Public Service Law, section 66(12)

Subject: Tariff amendments.

Purpose: To approve, with modifications, NFG's tariff amendments to P.S.C. No. 9 — Gas, regarding Pilot Programs.

Substance of final rule: The Commission, on November 15, 2018, adopted an order approving, with modifications, National Fuel Gas Distribution Corporation's (NFG) tariff amendments to P.S.C. No. 9 — Gas, related to its Distributed Generation (DG), Natural Gas Vehicle (NGV) and Partnership to Revitalize the Industrial Manufacturing Economy of Western New York (PRIME-WNY) Pilot Programs. The tariff amendments filed by NFG and listed in the Appendix shall become effective on December 1, 2018, provided it files further revisions as discussed in the body of this order regarding the modifications to the surcharge applicable to customers in its PRIME-WNY Pilot Program to become effective on not less than one day's notice on December 1, 2018. A tariff filing made and approved in Case 14-M-0565 has affected Leaf No. 0-3 that was originally filed for approval in this case. Therefore, to avoid any duplication or conflict, NFG is directed to file Seventh Revised Leaf 0-3 incorporating provisions that were previously approved by the Commission since the tariff amendment listed in the Appendix was filed, on not less than one day's notice to become effective on December 1, 2018. NFG's DG and NGV Pilot Programs shall be made permanent, beginning on December 1, 2018. NFG's PRIME-WNY program will begin a three-year test pilot beginning on December 1, 2018, 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, 3 Empire State Plaza, Albany, New York 12223-1350, (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.

(17-G-0799SA1)

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-07-18-00016-A

Filing Date: 2018-11-26

Effective Date: 2018-11-26

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

Action taken: On 11/15/18, the PSC adopted an order approving Silo Ridge Condo Association's (Silo Ridge) notice of intent to submeter electricity at 5021 Route 44, Amenia, 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 Silo Ridge's notice of intent to submeter electricity.

Substance of final rule: The Commission, on November 15, 2018, adopted an order approving Silo Ridge Condo Association's notice of intent to submeter electricity at 5021 Route 44, Amenia, New York, located in the service territory of New York State Electric & Gas Corporation, 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, 3 Empire State Plaza, Albany, New York 12223-1350, (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.

(17-E-0792SA1)

NOTICE OF ADOPTION

Electric Metering Equipment

I.D. No. PSC-09-18-00010-A

Filing Date: 2018-11-21

Effective Date: 2018-11-21

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

Action taken: On 11/15/18, the PSC adopted an order approving Itron Inc.'s (Itron) petition to use its OpenWay Riva CENTRON CP2SRA electric meter for electric metering applications in New York State.

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

Subject: Electric metering equipment.

Purpose: To approve Itron's OpenWay Riva CENTRON CP2SRA electric meter for electric metering applications in New York State.

Substance of final rule: The Commission, on November 15, 2018, adopted an order approving Itron Inc.'s petition to use its OpenWay Riva CENTRON CP2SRA electric meter for electric metering applications in New York State, 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, 3 Empire State Plaza, Albany, New York 12223-1350, (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.

(18-E-0077SA1)

NOTICE OF ADOPTION

Submetering of Electricity and Waiver Request

I.D. No. PSC-22-18-00006-A

Filing Date: 2018-11-26

Effective Date: 2018-11-26

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

Action taken: On 11/15/18, the PSC adopted an order approving WP North Tower LLC's (WP North Tower) notice of intent to submeter electricity at 55 Bank Street, White Plains, New York and request for waiver of 16 NYCRR section 96.5(k)(3).

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

Subject: Submetering of electricity and waiver request.

Purpose: To approve WP North Tower's notice of intent to submeter electricity and request for waiver of 16 NYCRR section 96.5(k)(3).

Substance of final rule: The Commission, on November 15, 2018, adopted an order approving WP North Tower LLC's notice of intent to submeter electricity at 55 Bank Street, White Plains, New York, New York, located in the service territory of Consolidated Edison Company of New York, Inc., and request for waiver of the energy audit and energy efficiency plan requirements in 16 NYCRR § 96.5(k)(3), subject to the terms and conditions set forth in the order, 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, 3 Empire State Plaza, Albany, New York 12223-1350, (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.

(18-E-0024SA1)

NOTICE OF ADOPTION

Electric Metering Equipment

I.D. No. PSC-24-18-00016-A

Filing Date: 2018-11-21

Effective Date: 2018-11-21

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

Action taken: On 11/15/18, the PSC adopted an order approving Artech USA's (Artech) petition to use its CID-17 and VCE-7 transformers for electric metering applications in New York State.

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

Subject: Electric metering equipment.

Purpose: To approve Artech's CID-17 and VCE-7 transformers for electric metering applications in New York State.

Substance of final rule: The Commission, on November 15, 2018, adopted an order approving Artech USA's petition to use its CID-17 and VCE-7 transformers for electric metering applications in New York State, 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, 3 Empire State Plaza, Albany, New York 12223-1350, (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.

(18-E-0208SA1)

NOTICE OF ADOPTION

Petition for Treatment of Tax Changes

I.D. No. PSC-26-18-00010-A

Filing Date: 2018-11-21

Effective Date: 2018-11-21

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

Action taken: On 11/15/18, the PSC adopted an order denying National Fuel Gas Distribution Corporation's (NFG) petition regarding NFG's proposed disposition of the net federal income tax savings resulting from the federal Tax Cuts and Jobs Act of 2017 (Tax Act).

Statutory authority: Public Service Law, section 66

Subject: Petition for treatment of tax changes.

Purpose: To deny NFG's petition for treatment of tax changes.

Substance of final rule: The Commission, on November 15, 2018, adopted an order denying National Fuel Gas Distribution Corporation's (NFG) petition regarding NFG's proposed disposition of the net federal income tax savings resulting from the federal Tax Cuts and Jobs Act of 2017. NFG is directed to file a cancellation supplement, on not less than one day's notice to become effective no later than November 28, 2018 cancelling the tariff amendment and suspension supplement filed in this proceeding and listed in the Appendix, 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, 3 Empire State Plaza, Albany, New York 12223-1350, (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.

(18-G-0337SA1)

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-26-18-00013-A

Filing Date: 2018-11-26

Effective Date: 2018-11-26

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

Action taken: On 11/15/18, the PSC adopted an order approving 650 Met Partners, LLC's (650 Met Partners) petition to submeter electricity at 195 Clarkson Avenue, Brooklyn, New York.

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

Subject: Submetering of electricity.

Purpose: To approve 650 Met Partners' petition to submeter electricity.

Substance of final rule: The Commission, on November 15, 2018, adopted an order approving 650 Met Partners, LLC's petition to submeter electricity at 195 Clarkson Avenue, Brooklyn, New York, located in the service territory of Consolidated Edison Company of New York, Inc., subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (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.

(17-E-0796SA1)

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-27-18-00005-A

Filing Date: 2018-11-26

Effective Date: 2018-11-26

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

Action taken: On 11/15/18, the PSC adopted an order approving Harmony Mills Riverview LLC's (Harmony Riverview) petition to submeter electricity at 100 North Mohawk Street, Cohoes, 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 Harmony Riverview's petition to submeter electricity.

Substance of final rule: The Commission, on November 15, 2018, adopted an order approving Harmony Mills Riverview LLC's petition to submeter electricity at 100 North Mohawk Street, Cohoes, New York, located in the service territory of Niagara Mohawk Power Corporation d/b/a National Grid, 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, 3 Empire State Plaza, Albany, New York 12223-1350, (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.

(18-E-0274SA1)

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-27-18-00006-A

Filing Date: 2018-11-26

Effective Date: 2018-11-26

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

Action taken: On 11/15/18, the PSC adopted an order approving Harmony Mills West LLC's (Harmony West) petition to submeter electricity at 50 and 100 North Mohawk Street, Cohoes, 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 Harmony West's petition to submeter electricity.

Substance of final rule: The Commission, on November 15, 2018, adopted an order approving Harmony Mills West LLC's petition to submeter electricity at 50 and 100 North Mohawk Street, Cohoes, New York, located in the service territory of Niagara Mohawk Power Corporation d/b/a National Grid, 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, 3 Empire State Plaza, Albany, New York 12223-1350, (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.

(18-E-0275SA1)

NOTICE OF ADOPTION

Submetering of Electricity and Waiver Request

I.D. No. PSC-34-18-00008-A

Filing Date: 2018-11-26

Effective Date: 2018-11-26

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

Action taken: On 11/15/18, the PSC adopted an order approving Roosevelt Parc LLC's (Roosevelt Parc) notice of intent to submeter electricity at 37-46 72nd Street, Jackson Heights, New York and request for waiver of 16 NYCRR section 96.5(k)(3).

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

Subject: Submetering of electricity and waiver request.

Purpose: To approve Roosevelt Parc's notice of intent to submeter electricity and request for waiver of 16 NYCRR section 96.5(k)(3).

Substance of final rule: The Commission, on November 15, 2018, adopted an order approving Roosevelt Parc LLC's notice of intent to submeter electricity at 37-46 72nd Street, Jackson Heights, New York, located in the service territory of Consolidated Edison Company of New York, Inc., and request for waiver of the energy audit and energy efficiency plan requirements in 16 NYCRR § 96.5(k)(3), subject to the terms and conditions set forth in the order, 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, 3 Empire State Plaza, Albany, New York 12223-1350, (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.

(18-E-0378SA1)

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-34-18-00012-A

Filing Date: 2018-11-26

Effective Date: 2018-11-26

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

Action taken: On 11/15/18, the PSC adopted an order approving Sheldrake Station Development LLC's (Sheldrake) petition to submeter electricity at 270 Waverly Avenue, Mamaroneck, 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 Sheldrake's petition to submeter electricity.

Substance of final rule: The Commission, on November 15, 2018, adopted an order approving Sheldrake Station Development LLC's petition to submeter electricity at 270 Waverly Avenue, Mamaroneck, New York, located in the service territory of Consolidated Edison Company of New York, Inc., subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (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.

(18-E-0387SA1)

NOTICE OF ADOPTION

Tariff Amendments

I.D. No. PSC-35-18-00004-A

Filing Date: 2018-11-21

Effective Date: 2018-11-21

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

Action taken: On 11/15/18, the PSC adopted an order approving National Fuel Gas Distribution Corporation's (NFG) tariff amendments to P.S.C. No. 9 — Gas, regarding Renewable Natural Gas.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Tariff amendments.

Purpose: To approve NFG's tariff amendments to P.S.C. No. 9 — Gas, regarding Renewable Natural Gas.

Substance of final rule: The Commission, on November 15, 2018, adopted an order approving National Fuel Gas Distribution Corporation's (NFG) tariff amendments to P.S.C. No. 9 — Gas, regarding Renewable Natural Gas (RNG) to add a definition for and identify RNG as a source of production gas that is subject to the Receipt Facility Maintenance Fee for Production Facilities. The tariff amendments filed by NFG and listed in the Appendix shall become effective on December 1, 2018, 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, 3 Empire State Plaza, Albany, New York 12223-1350, (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.

(18-G-0493SA1)

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

Waiver of Tariff Provision

I.D. No. PSC-50-18-00002-P

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

Proposed Action: The Commission is considering a petition filed by the Sisters of Charity Housing Development Corporation and Vincent's Village Associates, LLC for a waiver of a tariff requirement for metering of individual residences in apartment buildings.

Statutory authority: Public Service Law, sections 89-b and 89-c

Subject: Waiver of tariff provision.

Purpose: To determine if it is the public interest to waive individual metering requirements for the planned senior housing.

Substance of proposed rule: The Commission is considering a petition filed by the Sisters of Charity Housing Development Corporation and Vincent's Village Associates, LLC (collectively Petitioners), on November 14, 2018, for a waiver of a tariff requirement for metering of individual residences in apartment buildings.

Petitioners are developing Vincent's Village, a 93-unit low-income senior apartment complex in the Town of Clarkstown, Rockland County, with a planned completion date of 2020. The petition states that all housing units will have low-flow water fixtures, and given this, and the nature of the housing, water consumption will be uniform from unit to unit. Petitioners note the need for such housing in Rockland County and the economic benefits that will be derived from Vincent's Village's construction and operation. The tariff of Suez Water New York, Inc. (Suez), the water utility serving the Town of Clarkstown, requires that all new multi-unit housing developments be separately metered for water service. Petitioners are seeking a waiver of this requirement.

The full text of the petition and the full record of the proceeding may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject or modify, in whole or in part, the action proposed and may resolve related matters.

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

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: 60 days after publication of this notice.

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

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

(18-W-0708SP1)

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

Proposed Transfer of Interests in an Electric Generating Facility and Dedicated Natural Gas Pipeline

I.D. No. PSC-50-18-00003-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 joint petition filed by Binghamton BOP LLC and the City of Binghamton seeking approval for the transfer of direct ownership interests in an electric generating facility and dedicated natural gas pipeline.

Statutory authority: Public Service Law, sections 2(10), (11), (12), (13), 5(1)(b), 5-b, 64, 65, 66, 69 and 70

Subject: Proposed transfer of interests in an electric generating facility and dedicated natural gas pipeline.

Purpose: To consider the transfer of generating facility and dedicated gas pipeline if there is no market power or ratepayer harm.

Substance of proposed rule: The Commission is considering a petition filed by Binghamton BOP LLC (BBOP) and The City of Binghamton (City or Binghamton) (collectively, the Petitioners) for a declaratory ruling that the transfer of an approximately 47.7 MW electric generating facility, located at 22 Charles Street and 5 West Street in the City of Binghamton, from BBOP to the City does not require regulatory review under Section 70 of the Public Service Law (PSL).

Petitioners contend that Section 70 applies to the transfer of electric and gas plant, and that the facility is not electric plant because it has been deactivated and is not now used to generate or transmit electricity and it has not been used for electricity generation since January 2018. For instance, Petitioners represent that the turbine has been removed, the interconnection between facility and bulk system severed, and other steps taken to render the facility incapable of generating electricity. In the alternative, Petitioners request that the Commission approve the transfer pursuant to PSL Section 70 because, they contend, the transaction does not present any market power risk or potential harm to captive ratepayers. Notwithstanding this request, the Petitioners represent that BBOP transferred ownership of the facility to the City in December 2017.

The petition acknowledges that the City may decide at some future point to use the site for electric generation, and that the City is aware of the need for regulatory approvals that must be obtained before it may begin construction, development, or initiate electric generation activities at the site.

The petition explains that the facility was used for electric generation and was served by a 0.2-mile natural gas pipeline owned by BBOP pursuant to the terms and conditions of a Certificate of Environmental Compatibility and Public Need (Certificate) and applicable laws and regulations. Petitioners contend that the transfer of this pipeline does not require Section 70 review because it qualifies for a regulatory exemption provided by PSL § 2(11)(a). According to Petitioners, that exemption provides that the owner of gas plant (e.g., a pipeline) will not be deemed a "gas corporation" subject to Commission regulation if the gas plant is used to distribute gas made or produced by the plant owner on or through private property solely for use by the plant owner or its tenants. Petitioners request a finding that this exemption applies and, therefore, that Section 70 review of the pipeline transfer is not required and the City of Binghamton will not be subject to Commission regulation as a gas corporation. In the alternative, should the exemption not be applicable, Petitioners seek an order approving the transfer of the 0.2-mile pipeline to the City of Binghamton.

In addition, Petitioners also request authority to transfer the Certificate relating to the 0.2-mile pipeline from BBOP to Binghamton. In the petition, the City of Binghamton commits to comply with the Certificate terms and conditions. The Commission's inquiry may include public interest issues including, without limitation, potential future uses, environmental liabilities, and decommissioning issues.

The full text of the petition and the full record of the proceeding may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject or modify, in whole or in part, the action proposed and may resolve related matters.

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

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: 60 days after publication of this notice.

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

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

(18-T-0347SP1)

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

Sale of Street Lighting Facilities to the City of Albany

I.D. No. PSC-50-18-00004-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 Niagara Mohawk Power Corporation d/b/a National Grid for the transfer of its street lighting facilities located in the City of Albany to the City of Albany.

Statutory authority: Public Service Law, section 70(1)

Subject: Sale of street lighting facilities to the City of Albany.

Purpose: To determine whether to approve the transfer of street lighting facilities in the City of Albany.

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition filed on November 13, 2018 by Niagara Mohawk Power Corporation, d/b/a National Grid (National Grid), requesting approval to transfer certain street lighting facilities located in the City of Albany, New York (City) to the City.

Based on plant records, National Grid represents that the original book cost of the facilities is approximately \$15,375,198 and the net book value, as of August 31, 2018, is \$9,611,237. National Grid proposes to transfer the street lighting facilities to the City for \$9,450,674.81.

The full text of the petition and the full record of the proceeding may be viewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject, or modify, in whole or in part, the action proposed and may resolve related matters.

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

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: 60 days after publication of this notice.

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

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

(18-E-0707SP1)

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

Establishment of the Regulatory Regime Applicable to an Approximately 100 MW Electric Generating Facility

I.D. No. PSC-50-18-00005-P

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

Proposed Action: The Commission is considering a petition filed by Ball Hill Wind Energy, LLC for approval of a lightened ratemaking regulatory regime in connection with its approximately 100 MW electric generating facility, located in Chautauqua County, New York.

Statutory authority: Public Service Law, sections 2(12), (13), (22), 5(1)(b), 64-69, 69-a, 70-72, 72-a, 78, 79, 105-114, 114-a, 115, 117, 118, 119-b and 119-c

Subject: Establishment of the regulatory regime applicable to an approximately 100 MW electric generating facility.

Purpose: To ensure appropriate regulation of a new electric corporation.

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition filed by Ball Hill Wind Energy LLC (Ball Hill) on October 12, 2018 requesting approval of a lightened ratemaking regulatory regime in connection with the approximately 100 MW electric generating facility that Ball Hill is developing in Chautauqua County, New York.

Ball Hill requests an order providing that it will be regulated as an electric corporation under a lightened ratemaking regulatory regime similar to that imposed on the owners-operators of other competitive wholesale generators that do not serve retail customers. The regulatory relief requested, if granted, would exempt Ball Hill from certain sections of the Public Service Law otherwise applicable to electric corporations including, for instance, obligations applicable to utilities that serve retail customers.

The full text of the petition and the full record of the proceeding may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject or modify, in whole or in part, the action proposed and may resolve related matters.

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

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: 60 days after publication of this notice.

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

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

(18-E-0654SP1)

Department of Taxation and Finance

REGULATORY IMPACT STATEMENT, REGULATORY FLEXIBILITY ANALYSIS, RURAL AREA FLEXIBILITY ANALYSIS AND/OR JOB IMPACT STATEMENT

Congestion Surcharge

I.D. No. TAF-49-18-00007-E

This regulatory impact statement, regulatory flexibility analysis, rural area flexibility analysis and/or job impact statement pertain(s) to a notice of Emergency rule making, I.D. No. TAF-49-18-00007-E, printed in the *State Register* on December 5, 2018.

Regulatory Impact Statement

1. Statutory authority: Tax Law, section 171, subdivision First, generally authorizes the Commissioner of Taxation and Finance to promulgate regulations; section 1096(a) of the Tax Law generally authorizes the Commissioner to administer and enforce the tax imposed by Articles nine, nine-a, nine-b and nine-c, and to make such rules and regulations, and to require such facts and information to be reported, as it may deem necessary to enforce the provisions of such articles and of Article 27 of the Tax Law; section 1299-A of Article 29-C the Tax Law imposes a surcharge on for-hire transportation trips that begin in, end in, or pass through the geographic area of the city of New York, in the borough of Manhattan, south of and excluding 96th Street (the “congestion zone”); Article 29-C of Tax Law requires the Commissioner to administer the congestion surcharge, and to accept the registration of those who will be liable for the payment of the surcharge. Section 1299-C of Article 29-C requires that every person liable for the congestion surcharge file with the Commissioner a completed application for a certificate of registration, in a form prescribed by the Commissioner, subject to renewal in accordance with rules promulgated by the Commissioner. Section 1299-E of Article 29-C requires records to be kept by those liable for the surcharge.

2. Legislative objectives: New Subchapter E (section 700.1 through section 700.4) of Chapter IV of Title 20 NYCRR reflects the imposition of the congestion surcharge. Subchapter E implements the registration and administration requirements of Article 29-C of the Tax Law. Section 700.1 of Subchapter E contains definitions that are applicable throughout Subchapter E, while section 700.2 reflects the imposition of the congestion surcharge. Section 700.3 sets forth registration and renewal requirements (including the payment of fees) for those responsible for the surcharge. Finally, section 700.4 identifies the types of records and information that must be kept, how they must be kept and transmitted, and who is responsible for keeping them (i.e., those who are responsible for the payment of the surcharge).

3. Needs and benefits: This rule sets forth the renewal and registration requirements necessary to comply with Article 29-C, as well as the records that must be kept to accomplish compliance with Article 29-C. This rule benefits taxpayers by putting in place the means for complying with the congestion surcharge effective January 1, 2019 for Tax Year 2019.

4. Costs: (a) Costs to regulated parties for the implementation and continuing compliance with this rule: There is no additional cost or burden to comply with these amendments. There is no additional time period needed for compliance.

(b) Costs to this agency, the State and local governments for the implementation and continuation of this rule: Since the need to make amendments to the New York State Sales and Use and Other Miscel-

laneous Tax Regulations under Article 29-C of the Tax Law arises due to the statutory changes requiring that the Commissioner administer the congestion surcharge, and accept the registration of those who will be liable for the surcharge, there are no costs to this agency or the State and local governments that are due to the promulgation of this rule.

(c) Information and methodology: This analysis is based on a review of the statutory requirements and on discussions among personnel from the Department’s Taxpayer Guidance Division, Office of Counsel, Office of Tax Policy Analysis Bureau of Tax and Fiscal Studies, Office of Budget and Management Analysis, and Management Analysis and Project Services Bureau.

5. Local government mandates: There are no costs or burdens imposed on local governments to comply with this amendment.

6. Paperwork: This rule will not require any new forms or information. The rule merely implements the registration, renewal and recordkeeping requirements of Article 29-C of the Tax Law.

7. Duplication: This rule does not duplicate any other requirements.

8. Alternatives: Since Article 29-C, as added by Part NNN of Chapter 59 of the Laws of 2018, requires that the Commissioner administer the congestion surcharge, and prescribes renewal, registration and recordkeeping requirements, there are no viable alternatives to providing for registration, renewal and recordkeeping procedures and methods.

9. Federal standards: This rule does not exceed any minimum standards of the federal government for the same or similar subject area.

10. Compliance schedule: The required registration, renewal and recordkeeping information has been made available to regulated parties, by means of the emergency adoption of New Subchapter E of the Sales and Use and Other Miscellaneous Tax Regulations on November 19, 2019, in sufficient time for affected parties to comply with the congestion surcharge effective January 1, 2019. This rule adopts the amendments relating to the congestion surcharge as an emergency measure.

Regulatory Flexibility Analysis

A Regulatory Flexibility Analysis for Small Businesses and Local Governments is not being submitted with this rule because it will not impose any adverse economic impact or any additional reporting, recordkeeping, or other compliance requirement on small businesses or local governments.

The purpose of the rule is to add a new Subchapter E to 20 NYCRR, to implement Article 29-C of the Tax Law, as added by Part NNN of Chapter 59 of the Laws of 2018. Article 29-C generally imposes a surcharge on for-hire transportation that begins in, ends in, or passes through the geographic area of the City of New York, in the borough of Manhattan, south of and excluding 96th Street (the “congestion zone”). The Commissioner is required to administer the congestion surcharge imposed by Article 29-C, and to accept the registration of those who will be liable for payment of the surcharge.

Section 1299-C of Article 29-C requires that every person liable for the congestion surcharge file with the commissioner a completed application for a certificate of registration, in a form prescribed by the commissioner, subject to renewal in accordance with rules promulgated by the commissioner. The rule implements section 1299-C by setting forth registration and renewal requirements. Section 1299-E of Article 29-C requires records to be kept by those liable for the surcharge. The rule implements section 1299-E by enumerating those records to be kept by entities subject to the surcharge. Without a recordkeeping requirement, it would be impossible to ensure compliance with section 1299-A of Article 29-C, which imposes the congestion surcharge.

This rule merely complies with the mandates of Article 29-C of the Tax Law, as added by Part NNN of Chapter 59 of the Laws of 2018, by adding a new Subchapter E to 20 NYCRR, setting forth renewal, registration and recordkeeping requirements relating to the congestion surcharge.

Rural Area Flexibility Analysis

A Rural Area Flexibility Analysis is not being submitted with this rule because it will not impose any adverse impact on any rural areas.

The purpose of the rule is to add a new Subchapter E to 20 NYCRR, to implement Article 29-C of the Tax Law, as added by Part NNN of Chapter 59 of the Laws of 2018. Article 29-C generally imposes a surcharge on for-hire transportation that begins in, ends in, or passes through the geographic area of the City of New York, in the borough of Manhattan, south of and excluding 96th Street (the “congestion zone”). The Commissioner is required to administer the congestion surcharge imposed by Article 29-C, and to accept the registration of those who will be liable for payment of the surcharge.

Section 1299-C of Article 29-C requires that every person liable for the congestion surcharge file with the commissioner a completed application for a certificate of registration, in a form prescribed by the commissioner, subject to renewal in accordance with rules promulgated by the commissioner. The rule implements section 1299-C by setting forth registration and renewal requirements. Section 1299-E of Article 29-C requires records to be kept by those liable for the surcharge. The rule enumerates those records to be kept by entities subject to the surcharge. Without a recordkeeping requirement, it would be impossible to ensure compliance with section 1299-A of Article 29-C, which imposes the congestion surcharge.

This rule merely complies with the mandates of Article 29-C of the Tax Law, as added by Part NNN of Chapter 59 of the Laws of 2018, by adding a new Subchapter E to 20 NYCRR, setting forth renewal, registration and recordkeeping requirements relating to the congestion surcharge.

Job Impact Statement

A Job Impact Statement is not being submitted with this rule because it is evident from the subject matter of the rule that it will have no adverse impact on jobs and employment opportunities.

The purpose of the rule is to add a new Subchapter E to 20 NYCRR, to implement Article 29-C of the Tax Law, as added by Part NNN of Chapter 59 of the Laws of 2018. Article 29-C generally imposes a surcharge on for-hire transportation that begins in, ends in, or passes through the geographic area of the City of New York, in the borough of Manhattan, south of and excluding 96th Street (the “congestion zone”). The Commissioner is required to administer the congestion surcharge imposed by Article 29-C, and to accept the registration of those who will be liable for payment of the surcharge.

Section 1299-C of Article 29-C requires that every person liable for the congestion surcharge file with the commissioner a completed application for a certificate of registration, in a form prescribed by the commissioner, subject to renewal in accordance with rules promulgated by the commissioner. Section 1299-E of Article 29-C requires records to be kept by those liable for the surcharge. The rule enumerates those records to be kept by entities subject to the surcharge. Without a recordkeeping requirement, it would be impossible to ensure compliance with section 1299-A of Article 29-C, which imposes the congestion surcharge.

This rule merely complies with the mandates of Article 29-C of the Tax Law, as added by Part NNN of Chapter 59 of the Laws of 2018, by adding a new Subchapter E to 20 NYCRR, setting forth renewal, registration and recordkeeping requirements relating to the congestion surcharge.

**HEARINGS SCHEDULED
FOR PROPOSED RULE MAKINGS**

Agency I.D. No.	Subject Matter	Location—Date—Time
Agriculture and Markets, Department of		
AAM-40-18-00021-EP.....	Shell eggs; acidified foods	Department of Agriculture and Markets, 10B Airline Dr., Albany, NY—January 14, 2019, 11:00 a.m.
Public Service Commission		
PSC-42-18-00014-P	Disposition of a refund from NYPA to the Village of Solvay of \$733,000 for overcharge for electricity over several years	Department of Public Service, Agency Bldg. Three, 3rd Fl. Hearing Rm., Albany, NY—December 12, 2018, 10:00 a.m. and continuing daily as needed (Evidentiary Hearing)* *On occasion there are requests to reschedule or postpone evidentiary hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 18-E-0606.
Triborough Bridge and Tunnel Authority		
TBA-49-18-00011-P	A proposal to establish a new crossing charge schedule for use of bridges and tunnels operated by TBTA	West of Hudson - Palisades Center, Adler Community Rm., Fourth Fl., 1000 Palisades Center Dr., West Nyack, NY—December 13, 2018, 5:30 p.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
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AGING, OFFICE FOR THE

AGE-44-18-00005-P 10/31/19	Nutrition Program	The purpose of this rule is to update the regulations governing the Nutrition Program
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AGRICULTURE AND MARKETS, DEPARTMENT OF

AAM-34-18-00001-EP 10/25/19	Importation of cervids susceptible to Chronic Wasting Disease ("CWD").	To help control the spread of CWD into the State's cervid population.
AAM-40-18-00021-EP	..... 01/14/20	Shell Eggs; Acidified Foods	To continue regulatory powers in connection with acidified foods and shell eggs used in foods for human consumption
AAM-41-18-00001-EP	..... 10/10/19	Spotted Lanternfly ("SL")	To prevent SL-infested articles originating in or moving through areas in other states where SL is present from entering NYS
AAM-43-18-00002-P	..... 10/24/19	Certification of Industrial Hemp Seed	To establish standards for certification of industrial hemp seed
AAM-49-18-00001-P	..... 12/05/19	Licensing of malt operators and processors	To exempt malt operators and processors producing under a certain volume from licensing requirements and fees

ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF

ASA-12-18-00001-RP	..... 03/21/19	Problem Gambling Treatment and Recovery Services	Repeals existing gambling regulation; replaces with substantially updated provisions
ASA-21-18-00025-RP	..... 05/23/19	Credentialing of Addictions Professionals	Repeal obsolete rules; update process of credentialing addictions professionals
ASA-21-18-00026-P	..... 05/23/19	Appeals, Hearings and Rulings	Protect patient confidentiality, update due process provisions, technical amendments.
ASA-37-18-00002-P	..... 09/12/19	The rule pertains to HIV/AIDS prevention, treatment and confidentiality.	Clarifies the statutory and regulatory obligations of OASAS programs relating to HIV/AIDS.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
AUDIT AND CONTROL, DEPARTMENT OF			
AAC-06-18-00002-P	02/07/19	Update provisions relating to Employer Reporting; Service Credit Determination for certain members; and Notice of Hearings	To update language necessitated by the modernization and redesign of the retirement system's benefit administration system
AAC-50-18-00001-P	12/12/19	Reporting of Miscellaneous Abandoned property	To update and clarify requirements relating to the reporting of miscellaneous abandoned property
CIVIL SERVICE, DEPARTMENT OF			
CVS-12-18-00012-P	03/21/19	Jurisdictional Classification	To classify a subheading and a position in the non-competitive class
CVS-12-18-00025-P	03/21/19	Jurisdictional Classification	To classify positions in the exempt class
CVS-12-18-00030-P	03/21/19	Jurisdictional Classification	To classify a position in the exempt class
CVS-12-18-00035-P	03/21/19	Jurisdictional Classification	To classify a position in the exempt class
CVS-21-18-00022-P	05/23/19	Jurisdictional Classification	To delete positions from and classify positions in the exempt class and to delete a position from the non-competitive class
CVS-33-18-00007-P	08/15/19	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-33-18-00013-P	08/15/19	Jurisdictional Classification	To classify a subheading and a position in the non-competitive class
CVS-41-18-00006-P	10/10/19	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-41-18-00007-P	10/10/19	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-41-18-00008-P	10/10/19	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-41-18-00009-P	10/10/19	Jurisdictional Classification	To delete positions from and classify positions in the exempt class
CVS-41-18-00010-P	10/10/19	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-41-18-00011-P	10/10/19	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-41-18-00012-P	10/10/19	Jurisdictional Classification	To delete a position from and classify a position in the non-competitive class
CVS-41-18-00013-P	10/10/19	Jurisdictional Classification	To classify positions in the exempt class
CVS-41-18-00014-P	10/10/19	Jurisdictional Classification	To classify a position in the exempt class
CVS-41-18-00015-P	10/10/19	Jurisdictional Classification	To classify a position in the exempt class
CVS-41-18-00016-P	10/10/19	Jurisdictional Classification	To classify a position in the non-competitive class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-41-18-00017-P	10/10/19	Jurisdictional Classification	To classify positions in the exempt class
CVS-41-18-00018-P	10/10/19	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-41-18-00019-P	10/10/19	Jurisdictional Classification	To delete from and classify positions in the exempt and non-competitive classes
CVS-41-18-00020-P	10/10/19	Jurisdictional Classification	To delete from and classify positions in the exempt and non-competitive classes
CVS-46-18-00006-P	11/14/19	Jurisdictional Classification	To classify a position in the exempt class
CVS-46-18-00007-P	11/14/19	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-46-18-00008-P	11/14/19	Jurisdictional Classification	To classify positions in the exempt class
CVS-46-18-00009-P	11/14/19	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-46-18-00010-P	11/14/19	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-46-18-00011-P	11/14/19	Jurisdictional Classification	To classify positions in the exempt and non-competitive classes
CVS-46-18-00012-P	11/14/19	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CORRECTION, STATE COMMISSION OF			
CMC-42-18-00001-EP	10/17/19	Necessary age for admission to an adult lockup	To ensure that individuals under 17 years old are not admitted to an adult lockup
CRIMINAL JUSTICE SERVICES, DIVISION OF			
CJS-32-18-00004-P	08/08/19	New Rule 359: Role of Probation in Youth Part of Superior Court	Update job specifications and required knowledge, skills, and abilities for probation professionals employed by localities.
CJS-32-18-00005-P	08/08/19	Case Record Management	Update existing Rule to reflect services which will be performed by Probation departments as a result of Raise the Age law.
CJS-32-18-00006-P	08/08/19	Investigations and Reports	Update existing Rule to reflect services which will be performed by Probation departments as a result of Raise the Age law.
CJS-32-18-00007-P	08/08/19	Probation Supervision	Update existing Rule to reflect services which will be performed by Probation departments as a result of Raise the Age law.
CJS-32-18-00008-P	08/08/19	Graduated Sanctions and Violations of Probation, retitled to: Graduated Responses	Update existing Rule to reflect services which will be performed by Probation departments as a result of Raise the Age law.
CJS-32-18-00009-P	08/08/19	Preliminary Procedure for Article 3 JD Intake, retitled to: Probation Services for Article 3 Juvenile Delinquency(JD)	Update existing Rule to reflect services which will be performed by Probation departments as a result of Raise the Age law.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CRIMINAL JUSTICE SERVICES, DIVISION OF			
CJS-32-18-00010-P	08/08/19	New Rule 359: Role of Probation in Youth Part of Superior Court	Update existing Rule to reflect services which will be performed by Probation departments as a result of Raise the Age law.
EDUCATION DEPARTMENT			
EDU-13-18-00027-P	03/28/19	Teacher Certification in Health Education	Creation of a Transitional K Certificate for Certain New York State Licensed Health Professionals to Teach Health Education
EDU-19-18-00006-ERP	05/09/19	The implementation of New York's approved ESSA plan to comply with the provisions of the Every Student Succeeds Act	To implement New York's approved ESSA plan and to comply with the provisions of the Every Student Succeeds Act
EDU-26-18-00009-ERP	06/27/19	The administration of certain vaccines by pharmacists	To implement the provisions of Part DD of chapter 57 of the Laws of 2018
EDU-40-18-00007-P	10/03/19	Certificate progression pathway	Initial Certificate Requirements for Individuals Who Have a Graduate Degree and Two Years of Postsecondary Teaching Experience
EDU-40-18-00008-P	10/03/19	P-20 Principal Preparation Pilot Program	To establish the requirements for the P-20 Principal Preparation Pilot Program
EDU-40-18-00009-P	10/03/19	Students with Disabilities	To conform the Commissioner's regulations to Chapters 422, 428 and 429 of the Laws of 2017
EDU-40-18-00010-P	10/03/19	Professional development plans and other related requirements for school districts and BOCES	To improve the quality of teaching and learning for teachers and leaders for professional growth
EDU-40-18-00011-EP	10/03/19	School Breakfast Programs	To initiate, maintain, or expand school breakfast programs and make technical amendments to conform to federal requirements
EDU-40-18-00012-EP	10/03/19	Prohibition against meal shaming	Requires certain schools to develop a plan to prohibit against meal shaming or treating pupils with unpaid meal fees differently
EDU-44-18-00006-P	10/31/19	Limited extensions and program requirements for certain career and technical education teachers	Creation of an extension for holders of the Career and Technical Education Certificate to Teach Grades 5 and 6
EDU-44-18-00007-P	10/31/19	Alternative pathways for certificate for certain teachers who hold Students with Disabilities certificate	Establishes limited extensions and statements of continued eligibility pathways for teachers who hold certain teaching certificates for Students with Disabilities in grades 7-12
EDU-47-18-00010-EP	11/21/19	English Language Learner Grade Span Waiver Requirement	To provide a one-year renewable waiver to expand the allowable grade span for ENL and BE classes to three contiguous grades
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
ENV-12-18-00043-P	06/07/19	BEACH Act Standards and Reclassification Rule	To comply with the federal BEACH Act of 2000 (P.L. 106-284) and protect coastal recreation waters for recreation

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
ENV-20-18-00006-P	07/24/19	CO2 Emissions Standards for Major Electric Generating Facilities	To establish CO2 emissions standards for existing major electric generating facilities
ENV-20-18-00007-P	07/24/19	Repeal and replace 6 NYCRR Parts 243, 244 and 245 and amend 6 NYCRR Part 200	Parts 243, 244 and 245 set forth the process the Department will use to allocate allowances under EPA's CSAPR Trading Programs
ENV-48-18-00002-P	11/28/19	Jonah crab management	To implement required management measures of the Atlantic States Marine Fisheries Commission Jonah Crab Fishery Management Plan
ENV-49-18-00002-P	12/05/19	Northern Catskill Riparian Areas	To correct a mistake in the description of the Kaaterskill Falls Riparian Area
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-23-18-00001-P	06/06/19	Minimum Standards for Form, Content, and Sale of Health Insurance, Including Standards for Full and Fair Disclosure	To require coverage for maternal screening and referrals
DFS-25-18-00006-P	exempt	Plan of Conversion by Medical Liability Mutual Insurance Company	To convert a mutual property and casualty insurance company to a stock property and casualty insurance company
DFS-26-18-00002-EP	06/27/19	Charges for Professional Health Services	To delay the effective date of the Workers' Compensation fee schedule increases for no-fault reimbursement
DFS-30-18-00007-P	07/25/19	Minimum Standards for Form, Content, and Sale of Health Insurance, Including Standards for Full and Fair Disclosure	To clarify requirements regarding coverage and disclosure of information for contraceptives
DFS-36-18-00003-P	09/05/19	Professional Bail Agents; Managing General Agents; et al	To provide greater protection to consumers, and raise the standards of integrity in the bail business.
DFS-40-18-00005-P	10/03/19	Transportation Network Companies: Minimum Provisions for Policies and Other Requirements	To extend the date in Section 60-3.7(b) from January 1, 2019 to July 1, 2019 and to fix an incorrect citation.
DFS-42-18-00003-P	10/17/19	Valuation of Life Insurance Reserves; Recognition of the 2001 CSO Mortality Table and the 2017 CSO Mortality Table, et al	To recognize mortality improvement for applicable policies issued prior to 1/1/2019 if optionally elected
DFS-46-18-00014-P	11/14/19	Regulations Implementing the Comprehensive Motor Vehicle Insurance Reparations Act- Claims for Personal Injury Protection Benefit	To give insurer option to void assignment of benefits when insurer issues denial for EIP's failure to attend IME or EUO
GAMING COMMISSION, NEW YORK STATE			
SGC-09-18-00005-P	02/28/19	The licensing and registration of gaming facility employees and vendors	To govern the licensing and registration of gaming facility employees and vendors
SGC-17-18-00002-P	04/25/19	Regulation of courier services that purchase and claim certain Lottery tickets and prizes as agents for customers	To license courier services to facilitate the sale of Lottery tickets to generate more revenue for education

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
GAMING COMMISSION, NEW YORK STATE			
SGC-38-18-00002-P	09/19/19	Heads Up Hold 'Em poker.	To set forth the practices and procedures for the operation of Heads Up Hold 'Em poker as a casino table game.
SGC-38-18-00003-P	09/19/19	Casino fees and payments.	Implementation of rules governing procedures for submission of fees and payments by gaming facilities to the Gaming Commission.
SGC-39-18-00003-P	09/26/19	Heads Up Hold 'Em poker.	To set forth the practices and procedures for the operation of Heads Up Hold 'Em poker as a casino table game.
SGC-40-18-00006-P	10/03/19	Amendment of multiple medication violation (MMV) penalty enhancement rule.	To enable the Commission to enhance the integrity and safety of thoroughbred pari-mutuel racing.
SGC-42-18-00015-P	10/17/19	Permit greater purse-to-price ratio in Thoroughbred claiming races	To advance the best interests of Thoroughbred racing and protect the safety of the race horses
SGC-47-18-00009-P	11/21/19	Self-exclusion and casino advertising	To centralize Commission self-exclusion policies and make self-exclusion universal throughout the various forms of gaming
GENERAL SERVICES, OFFICE OF			
GNS-46-18-00001-P	11/14/19	Service-Disabled Veteran-Owned Business Enterprises	To establish standards, procedures and criteria with respect to the Service-Disabled Veteran-Owned Business Enterprise program
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-04-18-00010-RP	01/24/19	Emergency Medical Services (EMS) Initial Certification Eligibility Requirements	To reduce the EMS certification eligibility minimum age from 18 to 17 years of age
HLT-07-18-00002-P	02/14/19	Medicaid Reimbursement of Nursing Facility Reserved Bed Days for Hospitalizations	To make changes relating to reserved bed payments made by Medicaid to nursing facilities
HLT-25-18-00008-P	06/20/19	Inpatient Psychiatric Services	To enhance reimbursement mechanisms for inpatient psychiatric services
HLT-30-18-00008-P	07/25/19	Voluntary Foster Care Agency Health Facility Licensure	To license Voluntary Foster Care Agencies to provide limited health-related services
HLT-31-18-00004-P	08/01/19	Newborn Screening for Phenylketonuria and Other Diseases	To support timely collection and submission of specimens for the detection of diseases in newborn infants in New York State
HLT-31-18-00005-EP	08/01/19	Medical Use of Marihuana	To add additional serious conditions for which patients may be certified to use medical marihuana
HLT-33-18-00017-P	08/15/19	Patients' Bill of Rights	Require general hospitals and diagnostic and treatment centers to update their statements of patient rights.
HLT-34-18-00006-P	08/22/19	Statewide Planning and Research Cooperative System (SPARCS)	To revise the SPARCS regulation related to data intake.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
HLT-34-18-00007-P	08/22/19	New York State Medicaid Infertility Treatment	To authorize Medicaid coverage of infertility benefits.
HLT-37-18-00008-P	09/12/19	Update Standards for Adult Homes and Standards for Enriched Housing Programs	To prohibit residential providers from excluding an applicant based solely on the individual's status as a wheelchair user.
HLT-42-18-00006-P	10/17/19	Durable Medical Equipment; Medical/Surgical Supplies; Orthotic and Prosthetic Appliances; Orthopedic Footwear	To amend the Department's regulation governing Medicaid coverage of orthopedic footwear and compression and support stockings
HLT-42-18-00007-P	10/17/19	Stroke Services	NYS criteria for stroke ctr. designation as part of an accrediting process for cert. by nationally recognized accredit. agencies
HLT-42-18-00008-P	10/17/19	Office-Based Surgery Practice Reports	Requires accredited Office-Based Surgery practices to submit adverse event & practice information which includes procedural data
HLT-47-18-00002-P	11/21/19	Food Service Establishments	To restrict the use of liquid Nitrogen and Dry Ice in food preparation
LABOR, DEPARTMENT OF			
*LAB-47-17-00011-RP	02/20/19	Employee Scheduling (Call-In Pay)	To strengthen existing call-in pay protections involving employee scheduling
LAB-17-18-00005-P	07/11/19	Hours Worked, 24-Hour Shifts	To clarify that hours worked may exclude meal periods and sleep times for employees who work shifts of 24 hours or more
LAW, DEPARTMENT OF			
LAW-41-18-00021-P	10/10/19	Arbitration program regulations for defective farm equipment	To set forth the procedures for the operation of an alternative arbitration mechanism for defective farm equipment disputes
LIQUOR AUTHORITY, STATE			
LQR-07-18-00011-P	04/18/19	Municipal notification requirements for Temporary Beer and Wine Permit as well as Catering Permit applications for large events	To establish municipal notification for Temporary Beer and Wine Permit as well as Catering Permit applications for large events
LQR-30-18-00001-P	10/24/19	Bottle Club license updates	To update outdated Bottle Club license requirements and procedures
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LONG ISLAND POWER AUTHORITY			
LPA-15-18-00013-P	..... exempt	Outdoor area lighting	To add an option and pricing for efficient LED lamps to the Authority's outdoor area lighting
LPA-33-18-00018-P	..... exempt	The net energy metering and related provisions of the Authority's Tariff for Electric Service.	To conform the Tariff to orders issued in the Value of Distributed Energy Resources proceeding of the New York DPS.
LPA-37-18-00009-P	..... exempt	The Authority's transmission and distribution property taxes as reflected in the Adjustments section of the Authority's Tariff.	To update the Tariff to implement an annual adjustment to recover payments in lieu of T&D property taxes.
LPA-37-18-00010-P	..... exempt	The Authority's annual budget, as reflected in the rates and charges in the Tariff for Electric Service.	To update the Tariff to implement the Authority's annual budget and corresponding rate adjustments.
LPA-37-18-00011-P	..... exempt	The terms and conditions of the Authority's Tariff for Electric Service regarding customer contacts by telephone.	To implement Federal Communications Commission guidance regarding customer contacts via mobile electronic devices.
LPA-37-18-00012-P	..... exempt	The small generator interconnection procedures in the Authority's Tariff for Electric Service	To update the small generator interconnection procedures consistent with Public Service Commission guidance
LPA-37-18-00013-P	..... exempt	The net energy metering provisions of the Authority's Tariff for Electric Service	To implement PSC guidance increasing eligibility for value stack compensation to larger projects
LPA-37-18-00014-P	..... exempt	The Authority's Tariff for Electric Service, Service Classification No. 7 Outdoor Area Lighting	To implement an option for high efficiency LED light bulbs and fixtures for Outdoor Area Lighting
LPA-37-18-00015-P	..... exempt	Uniform Business Practices for Distributed Energy Resource Suppliers in the Authority's Tariff for Electric Service.	To update the Tariff to implement Uniform Business Practices for Distributed Energy Resource Suppliers.
LPA-37-18-00016-P	..... exempt	The metering provisions of the Authority's Tariff for Electric Service	To implement a customer option to decline installation of a smart meter and associated fees
LPA-37-18-00017-P	..... exempt	The treatment of electric vehicle charging in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on electric vehicle supply equipment.
LPA-37-18-00018-P	..... exempt	The treatment of energy storage in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on the NY Energy Storage Roadmap.

MENTAL HEALTH, OFFICE OF

OMH-43-18-00001-P 10/24/19	Operation of Crisis Residences in New York State	To revise and update the categories of Crisis Residences to match what is currently operation in New York
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MOTOR VEHICLES, DEPARTMENT OF

MTV-42-18-00004-P 10/17/19	FOIL - denials to access of records	To permit the Commissioner to designate another person to hear FOIL appeals other than the Chair of the Appeals Board
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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
NIAGARA FALLS WATER BOARD			
*NFW-04-13-00004-EP	..... exempt	Adoption of Rates, Fees and Charges	To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders
*NFW-13-14-00006-EP	..... exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders
NIAGARA FRONTIER TRANSPORTATION AUTHORITY			
NFT-37-18-00020-P	..... 09/12/19	Transportation Network Company Operators providing commercial ground transportation services at NFTA airports	To provide cohesive operating procedures and practices for Transportation Network Companies operating at NFTA airports
OGDENSBURG BRIDGE AND PORT AUTHORITY			
OBA-33-18-00019-P	..... exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit.
PARKS, RECREATION AND HISTORIC PRESERVATION, OFFICE OF			
PKR-48-18-00006-P	..... 11/28/19	The regulation of pets in OPRHP facilities	To adopt one statewide pet regulation that replaces regional regulations that are inconsistent with each other
PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR			
PDD-07-18-00001-ERP	..... 02/14/19	Enrollment in Medicare Prescription Drug Plans and Fully Integrated Duals Advantage Plans for IDD	To allow individuals to be enrolled in a FIDA-IDD plan when individuals are unable to enroll themselves
PDD-26-18-00003-EP	..... 06/27/19	Eligibility of Services	The eligibility for individuals applying for OPWDD authorized services
PDD-45-18-00001-EP	..... 11/07/19	Telehealth	To authorize telehealth as a new modality for the delivery of clinical services
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-42-18-00005-P	..... exempt	Rates for the Sale of Power and Energy	To align rates and costs
PUBLIC SERVICE COMMISSION			
*PSC-09-99-00012-P	..... exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	..... exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-12-00-00001-P	..... exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-44-01-00005-P	..... exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-07-02-00032-P	..... exempt	Uniform business practices	To consider modification
*PSC-36-03-00010-P	..... exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-40-03-00015-P	..... exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00010-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-41-03-00011-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-44-03-00009-P	..... exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates
*PSC-02-04-00008-P	..... exempt	Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York	To rehear the Nov. 25, 2003 order
*PSC-06-04-00009-P	..... exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC
*PSC-10-04-00005-P	..... exempt	Temporary protective order	To consider adopting a protective order
*PSC-10-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement
*PSC-14-04-00008-P	..... exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway
*PSC-15-04-00022-P	..... exempt	Submetering of electricity by Glenn Gardens Associates, L.P.	To permit submetering at 175 W. 87th St., New York, NY
*PSC-21-04-00013-P	..... exempt	Verizon performance assurance plan by Metropolitan Telecommunications	To clarify the appropriate performance level
*PSC-22-04-00010-P	..... exempt	Approval of new types of electricity meters by Powell Power Electric Company	To permit the use of the PE-1250 electronic meter
*PSC-22-04-00013-P	..... exempt	Major gas rate increase by Consolidated Edison Company of New York, Inc.	To increase annual gas revenues
*PSC-22-04-00016-P	..... exempt	Master metering of water by South Liberty Corporation	To waive the requirement for installation of separate water meters
*PSC-25-04-00012-P	..... exempt	Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P.	To amend the agreement
*PSC-27-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-27-04-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-28-04-00006-P	..... exempt	Approval of loans by Dunkirk & Fredonia Telephone Company and Cassadaga Telephone Corporation	To authorize participation in the parent corporation's line of credit
*PSC-31-04-00023-P	..... exempt	Distributed generation service by Consolidated Edison Company of New York, Inc.	To provide an application form
*PSC-34-04-00031-P	..... exempt	Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc.	To set appropriate level of permanent rates
*PSC-35-04-00017-P	..... exempt	Application form for distributed generation by Orange and Rockland Utilities, Inc.	To establish a new supplementary application form for customers
*PSC-43-04-00016-P	..... exempt	Accounts recievable by Rochester Gas and Electric Corporation	To include in its tariff provisions for the purchase of ESCO accounts recievable
*PSC-46-04-00012-P	..... exempt	Service application form by Consolidated Edison Company of New York, Inc.	To revise the form and make housekeeping changes
*PSC-46-04-00013-P	..... exempt	Rules and guidelines governing installation of metering equipment	To establish uniform statewide business practices
*PSC-02-05-00006-P	..... exempt	Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc.	To consider imposing remedial actions against the company and its owners, officers and directors
*PSC-09-05-00009-P	..... exempt	Submetering of natural gas service by Hamlet on Olde Oyster Bay	To consider submetering of natural gas to a commercial customer
*PSC-14-05-00006-P	..... exempt	Request for deferred accounting authorization by Freeport Electric Inc.	To defer expenses beyond the end of the fiscal year
*PSC-18-05-00009-P	..... exempt	Marketer Assignment Program by Consolidated Edison Company of New York, Inc.	To implement the program
*PSC-20-05-00028-P	..... exempt	Delivery point aggregation fee by Allied Frozen Storage, Inc.	To review the calculation of the fee
*PSC-25-05-00011-P	..... exempt	Metering, balancing and cashout provisions by Central Hudson Gas & Electric Corporation	To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11
*PSC-27-05-00018-P	..... exempt	Annual reconciliation of gas costs by New York State Electric & Gas Corporation	To consider the manner in which the gas cost incentive mechanism has been applied
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-46-05-00015-P	..... exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale
*PSC-47-05-00009-P	..... exempt	Transferral of gas supplies by Corning Natural Gas Corporation	To approve the transfer
*PSC-50-05-00008-P	..... exempt	Long-term debt by Saratoga Glen Hollow Water Supply Corp.	To obtain long-term debt
*PSC-04-06-00024-P	..... exempt	Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc.	To approve of the transfer
*PSC-06-06-00015-P	..... exempt	Gas curtailment policies and procedures	To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established
*PSC-07-06-00009-P	..... exempt	Modification of the current Environmental Disclosure Program	To include an attributes accounting system
*PSC-22-06-00019-P	..... exempt	Hourly pricing by National Grid	To assess the impacts
*PSC-22-06-00020-P	..... exempt	Hourly pricing by New York State Electric & Gas Corporation	To assess the impacts
*PSC-22-06-00021-P	..... exempt	Hourly pricing by Rochester Gas & Electric Corporation	To assess the impacts
*PSC-22-06-00022-P	..... exempt	Hourly pricing by Consolidated Edison Company of New York, Inc.	To assess the impacts
*PSC-22-06-00023-P	..... exempt	Hourly pricing by Orange and Rockland Utilities, Inc.	To assess the impacts
*PSC-24-06-00005-EP	..... exempt	Supplemental home energy assistance benefits	To extend the deadline to Central Hudson's low-income customers
*PSC-25-06-00017-P	..... exempt	Purchased power adjustment by Massena Electric Department	To revise the method of calculating the purchased power adjustment and update the factor of adjustment
*PSC-34-06-00009-P	..... exempt	Inter-carrier telephone service quality standards and metrics by the Carrier Working Group	To incorporate appropriate modifications
*PSC-37-06-00015-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-37-06-00017-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-43-06-00014-P	..... exempt	Electric delivery services by Strategic Power Management, Inc.	To determine the proper mechanism for the rate-recovery of costs
*PSC-04-07-00012-P	..... exempt	Petition for rehearing by Orange and Rockland Utilities, Inc.	To clarify the order
*PSC-06-07-00015-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for electric service

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-06-07-00020-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for gas service
*PSC-11-07-00010-P	..... exempt	Investigation of the electric power outages by the Consolidated Edison Company of New York, Inc.	To implement the recommendations in the staff's investigation
*PSC-11-07-00011-P	..... exempt	Storm-related power outages by Consolidated Edison Company of New York, Inc.	To modify the company's response to power outages, the timing for any such changes and other related matters
*PSC-17-07-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc.	To amend the agreement
*PSC-18-07-00010-P	..... exempt	Existing electric generating stations by Independent Power Producers of New York, Inc.	To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation
*PSC-20-07-00016-P	..... exempt	Tariff revisions and making rates permanent by New York State Electric & Gas Corporation	To seek rehearing
*PSC-21-07-00007-P	..... exempt	Natural Gas Supply and Acquisition Plan by Corning Natural Gas Corporation	To revise the rates, charges, rules and regulations for gas service
*PSC-22-07-00015-P	..... exempt	Demand Side Management Program by Consolidated Edison Company of New York, Inc.	To recover incremental program costs and lost revenue
*PSC-23-07-00022-P	..... exempt	Supplier, transportation, balancing and aggregation service by National Fuel Gas Distribution Corporation	To explicitly state in the company's tariff that the threshold level of elective upstream transmission capacity is a maximum of 112,600 Dth/day of marketer-provided upstream capacity
*PSC-24-07-00012-P	..... exempt	Gas Efficiency Program by the City of New York	To consider rehearing a decision establishing a Gas Efficiency Program
*PSC-39-07-00017-P	..... exempt	Gas bill issuance charge by New York State Electric & Gas Corporation	To create a gas bill issuance charge unbundled from delivery rates
*PSC-41-07-00009-P	..... exempt	Submetering of electricity rehearing	To seek reversal
*PSC-42-07-00012-P	..... exempt	Energy efficiency program by Orange and Rockland Utilities, Inc.	To consider any energy efficiency program for Orange and Rockland Utilities, Inc.'s electric service
*PSC-42-07-00013-P	..... exempt	Revenue decoupling by Orange and Rockland Utilities, Inc.	To consider a revenue decoupling mechanism for Orange and Rockland Utilities, Inc.
*PSC-45-07-00005-P	..... exempt	Customer incentive programs by Orange and Rockland Utilities, Inc.	To establish a tariff provision
*PSC-02-08-00006-P	..... exempt	Additional central office codes in the 315 area code region	To consider options for making additional codes
*PSC-03-08-00006-P	..... exempt	Rehearing of the accounting determinations	To grant or deny a petition for rehearing of the accounting determinations
*PSC-04-08-00010-P	..... exempt	Granting of easement rights on utility property by Central Hudson Gas & Electric Corporation	To grant easement rights to Millennium Pipeline Company, L.L.C.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-04-08-00012-P	..... exempt	Marketing practices of energy service companies by the Consumer Protection Board and New York City Department of Consumer Affairs	To consider modifying the commission's regulation over marketing practices of energy service companies
*PSC-08-08-00016-P	..... exempt	Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al.	To consider the transfer
*PSC-12-08-00019-P	..... exempt	Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-12-08-00021-P	..... exempt	Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-13-08-00011-P	..... exempt	Waiver of commission policy and NYSEG tariff by Turner Engineering, PC	To grant or deny Turner's petition
*PSC-13-08-00012-P	..... exempt	Voltage drops by New York State Electric & Gas Corporation	To grant or deny the petition
*PSC-23-08-00008-P	..... exempt	Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project	To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project
*PSC-25-08-00007-P	..... exempt	Policies and procedures regarding the selection of regulatory proposals to meet reliability needs	To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs
*PSC-25-08-00008-P	..... exempt	Report on Callable Load Opportunities	Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years
*PSC-28-08-00004-P	..... exempt	Con Edison's procedure for providing customers access to their account information	To consider Con Edison's implementation plan and timetable for providing customers access to their account information
*PSC-31-08-00025-P	..... exempt	Recovery of reasonable DRS costs from the cost mitigation reserve (CMR)	To authorize recovery of the DRS costs from the CMR
*PSC-32-08-00009-P	..... exempt	The ESCO referral program for KEDNY to be implemented by October 1, 2008	To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program
*PSC-33-08-00008-P	..... exempt	Noble Allegany's request for lightened regulation	To consider Noble Allegany's request for lightened regulation as an electric corporation
*PSC-36-08-00019-P	..... exempt	Land Transfer in the Borough of Manhattan, New York	To consider petition for transfer of real property to NYPH
*PSC-39-08-00010-P	..... exempt	RG&E's economic development plan and tariffs	Consideration of the approval of RG&E's economic development plan and tariffs
*PSC-40-08-00010-P	..... exempt	Loans from regulated company to its parent	To determine if the cash management program resulting in loans to the parent should be approved

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-41-08-00009-P	..... exempt	Transfer of control of cable TV franchise	To determine if the transfer of control of Margaretville’s cable TV subsidiary should be approved
*PSC-43-08-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-46-08-00008-P	..... exempt	Property transfer in the Village of Avon, New York	To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York
*PSC-46-08-00010-P	..... exempt	A transfer of indirect ownership interests in nuclear generation facilities	Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities
*PSC-46-08-00014-P	..... exempt	The attachment of cellular antennae to an electric transmission tower	To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower
*PSC-48-08-00005-P	..... exempt	A National Grid high efficiency gas heating equipment rebate program	To expand eligibility to customers converting from oil to natural gas
*PSC-48-08-00008-P	..... exempt	Petition for the master metering and submetering of electricity	To consider the request of Bay City Metering, to master meter & submeter electricity at 345 E. 81st St., New York, New York
*PSC-48-08-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of PCV/ST to submeter electricity at Peter Cooper Village & Stuyvesant Town, New York, New York
*PSC-50-08-00018-P	..... exempt	Market Supply Charge	A study on the implementation of a revised Market Supply Charge
*PSC-51-08-00006-P	..... exempt	Commission’s October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458	To consider a Petition for rehearing of the Commission’s October 27, 2008 Order in Case 07-M-0458
*PSC-51-08-00007-P	..... exempt	Commission’s October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078	To consider Petitions for rehearing of the Commission’s October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078
*PSC-53-08-00011-P	..... exempt	Use of deferred Rural Telephone Bank funds	To determine if the purchase of a softswitch by Hancock is an appropriate use of deferred Rural Telephone Bank funds
*PSC-53-08-00012-P	..... exempt	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY
*PSC-53-08-00013-P	..... exempt	To transfer common stock and ownership	To consider transfer of common stock and ownership
*PSC-01-09-00015-P	..... exempt	FCC decision to redefine service area of Citizens/Frontier	Review and consider FCC proposed redefinition of Citizens/Frontier service area
*PSC-02-09-00010-P	..... exempt	Competitive classification of independent local exchange company, and regulatory relief appropriate thereto	To determine if Chazy & Westport Telephone Corporation more appropriately belongs in scenario 1 rather than scenario 2

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-05-09-00008-P	..... exempt	Revenue allocation, rate design, performance metrics, and other non-revenue requirement issues	To consider any remaining non-revenue requirement issues related to the Company's May 9, 2008 tariff filing
*PSC-05-09-00009-P	..... exempt	Numerous decisions involving the steam system including cost allocation, energy efficiency and capital projects	To consider the long term impacts on steam rates and on public policy of various options concerning the steam system
*PSC-06-09-00007-P	..... exempt	Interconnection of the networks between Frontier Comm. and WVT Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier Comm. and WVT Comm.
*PSC-07-09-00015-P	..... exempt	Transfer certain utility assets located in the Town of Montgomery from plant held for future use to non-utility property	To consider the request to transfer certain utility assets located in the Town of Montgomery to non-utility assets
*PSC-07-09-00017-P	..... exempt	Request for authorization to defer the incremental costs incurred in the restoration work resulting from the ice storm	To allow the company to defer the incremental costs incurred in the restoration work resulting from the ice storm
*PSC-07-09-00018-P	..... exempt	Whether to permit the submetering of natural gas service to an industrial and commercial customer at Cooper Union, New York, NY	To consider the request of Cooper Union, to submeter natural gas at 41 Cooper Square, New York, New York
*PSC-12-09-00010-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-12-09-00012-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-13-09-00008-P	..... exempt	Options for making additional central office codes available in the 718/347 numbering plan area	To consider options for making additional central office codes available in the 718/347 numbering plan area
*PSC-14-09-00014-P	..... exempt	The regulation of revenue requirements for municipal utilities by the Public Service Commission	To determine whether the regulation of revenue requirements for municipal utilities should be modified
*PSC-16-09-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of AMPS on behalf of Park Imperial to submeter electricity at 230 W. 56th Street, in New York, New York
*PSC-16-09-00020-P	..... exempt	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity
*PSC-17-09-00010-P	..... exempt	Whether to permit the use of Elster REX2 solid state electric meter for use in residential and commercial accounts	To permit electric utilities in New York State to use the Elster REX2
*PSC-17-09-00011-P	..... exempt	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes
*PSC-17-09-00012-P	..... exempt	Petition for the submetering of gas at commercial property	To consider the request of Turner Construction, to submeter natural gas at 550 Short Ave., & 10 South St., Governors Island, NY
*PSC-17-09-00014-P	..... exempt	Benefit-cost framework for evaluating AMI programs prepared by the DPS Staff	To consider a benefit-cost framework for evaluating AMI programs prepared by the DPS Staff

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-17-09-00015-P	..... exempt	The construction of a tower for wireless antennas on land owned by National Grid	To approve, reject or modify the petition to build a tower for wireless antennas in the Town of Onondaga
*PSC-18-09-00012-P	..... exempt	Petition for rehearing of Order approving the submetering of electricity	To consider the request of Frank Signore to rehear petition to submeter electricity at One City Place in White Plains, New York
*PSC-18-09-00013-P	..... exempt	Petition for the submetering of electricity	To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York
*PSC-18-09-00017-P	..... exempt	Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers	To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower
*PSC-20-09-00016-P	..... exempt	The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc	To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with it's AMI pilots etc
*PSC-20-09-00017-P	..... exempt	The recovery of, and accounting for, costs associated with CHG&E's AMI pilot program	To consider a filing of CHG&E as to the recovery of, and accounting for, costs associated with it's AMI pilot program
*PSC-22-09-00011-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-25-09-00005-P	..... exempt	Whether to grant, deny, or modify, in whole or in part, the petition	Whether to grant, deny, or modify, in whole or in part, the petition
*PSC-25-09-00006-P	..... exempt	Electric utility implementation plans for proposed web based SIR application process and project status database	To determine if the proposed web based SIR systems are adequate and meet requirements needed for implementation
*PSC-25-09-00007-P	..... exempt	Electric rates for Consolidated Edison Company of New York, Inc	Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc
*PSC-27-09-00011-P	..... exempt	Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access.	To review the terms and conditions of the negotiated agreement between Vernon and tw telecom of new york l.p.
*PSC-27-09-00014-P	..... exempt	Billing and payment for energy efficiency measures through utility bill	To promote energy conservation
*PSC-27-09-00015-P	..... exempt	Interconnection of the networks between Oriskany and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Oriskany and tw telecom of new york l.p.
*PSC-29-09-00011-P	..... exempt	Consideration of utility compliance filings	Consideration of utility compliance filings
*PSC-32-09-00009-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-34-09-00016-P	..... exempt	Recommendations made in the Management Audit Final Report	To consider whether to take action or recommendations contained in the Management Audit Final Report

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-34-09-00017-P	..... exempt	To consider the transfer of control of Plattsburgh Cablevision, Inc. d/b/a Charter Communications to CH Communications, LLC	To allow the Plattsburgh Cablevision, Inc. to distribute its equity interest in CH Communications, LLC
*PSC-36-09-00008-P	..... exempt	The increase in the non-bypassable charge implemented by RG&E on June 1, 2009	Considering exemptions from the increase in the non-bypassable charge implemented by RG&E on June 1, 2009
*PSC-37-09-00015-P	..... exempt	Sale of customer-generated steam to the Con Edison steam system	To establish a mechanism for sale of customer-generated steam to the Con Edison steam system
*PSC-37-09-00016-P	..... exempt	Applicability of electronic signatures to Deferred Payment Agreements	To determine whether electronic signatures can be accepted for Deferred Payment Agreements
*PSC-39-09-00015-P	..... exempt	Modifications to the \$5 Bill Credit Program	Consideration of petition of National Grid to modify the Low Income \$5 Bill Credit Program
*PSC-39-09-00018-P	..... exempt	The offset of deferral balances with Positive Benefit Adjustments	To consider a petition to offset deferral balances with Positive Benefit Adjustments
*PSC-40-09-00013-P	..... exempt	Uniform System of Accounts - request for deferral and amortization of costs	To consider a petition to defer and amortize costs
*PSC-51-09-00029-P	..... exempt	Rules and guidelines for the exchange of retail access data between jurisdictional utilities and eligible ESCOs	To revise the uniform Electronic Data Interchange Standards and business practices to incorporate a contest period
*PSC-51-09-00030-P	..... exempt	Waiver or modification of Capital Expenditure condition of merger	To allow the companies to expend less funds for capital improvement than required by the merger
*PSC-52-09-00006-P	..... exempt	ACE's petition for rehearing for an order regarding generator-specific energy deliverability study methodology	To consider whether to change the Order Prescribing Study Methodology
*PSC-52-09-00008-P	..... exempt	Approval for the New York Independent System Operator, Inc. to incur indebtedness and borrow up to \$50,000,000	To finance the renovation and construction of the New York Independent System Operator, Inc.'s power control center facilities
*PSC-05-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY
*PSC-05-10-00015-P	..... exempt	Petition for the submetering of electricity	To consider the request of 243 West End Avenue Owners Corp. to submeter electricity at 243 West End Avenue, New York, NY
*PSC-06-10-00022-P	..... exempt	The Commission's Order of December 17, 2009 related to redevelopment of Consolidated Edison's Hudson Avenue generating facility	To reconsider the Commission's Order of December 17, 2009 related to redevelopment of the Hudson Avenue generating facility
*PSC-07-10-00009-P	..... exempt	Petition to revise the Uniform Business Practices	To consider the RESA petition to allow rescission of a customer request to return to full utility service
*PSC-08-10-00007-P	..... exempt	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-08-10-00009-P	..... exempt	Consolidated Edison of New York, Inc. energy efficiency programs	To modify approved energy efficiency programs
*PSC-12-10-00015-P	..... exempt	Recommendations made by Staff intended to enhance the safety of Con Edison's gas operations	To require that Con Edison implement the Staff recommendations intended to enhance the safety of Con Edison's gas operations
*PSC-14-10-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of 61 Jane Street Owners Corporation to submeter Electricity at 61 Jane Street, Manhattan, NY
*PSC-16-10-00005-P	..... exempt	To consider adopting and expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-16-10-00007-P	..... exempt	Interconnection of the networks between TDS Telecom and PAETEC Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between TDS Telecom and PAETEC Communications
*PSC-16-10-00015-P	..... exempt	Interconnection of the networks between Frontier and Choice One Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier and Choice One Communications
*PSC-18-10-00009-P	..... exempt	Electric utility transmission right-of-way management practices	To consider electric utility transmission right-of-way management practices
*PSC-19-10-00022-P	..... exempt	Whether National Grid should be permitted to transfer a parcel of property located at 1 Eddy Street, Fort Edward, New York	To decide whether to approve National Grid's request to transfer a parcel of vacant property in Fort Edward, New York
*PSC-22-10-00006-P	..... exempt	Requirement that Noble demonstrate that its affiliated electric corporations operating in New York are providing safe service	Consider requiring that Noble demonstrate that its affiliated electric corporations in New York are providing safe service
*PSC-22-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of 48-52 Franklin Street to submeter electricity at 50 Franklin Street, New York, New York
*PSC-24-10-00009-P	..... exempt	Verizon New York Inc. tariff regulations relating to voice messaging service	To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff
*PSC-25-10-00012-P	..... exempt	Reassignment of the 2-1-1 abbreviated dialing code	Consideration of petition to reassign the 2-1-1 abbreviated dialing code
*PSC-27-10-00016-P	..... exempt	Petition for the submetering of electricity	To consider the request of 9271 Group, LLC to submeter electricity at 960 Busti Avenue, Buffalo, New York
*PSC-34-10-00003-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-34-10-00005-P	..... exempt	Approval of a contract for \$250,000 in tank repairs that may be a financing	To decide whether to approve a contract between the parties that may be a financing of \$250,000 for tank repairs
*PSC-34-10-00006-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-36-10-00010-P	..... exempt	Central Hudson's procedures, terms and conditions for an economic development plan	Consideration of Central Hudson's procedures, terms and conditions for an economic development plan
*PSC-40-10-00014-P	..... exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by National Grid
*PSC-40-10-00021-P	..... exempt	Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall	To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall
*PSC-41-10-00018-P	..... exempt	Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter	Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers
*PSC-41-10-00022-P	..... exempt	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY
*PSC-42-10-00011-P	..... exempt	Petition for the submetering of electricity	To consider the request of 4858 Group, LLC to submeter electricity at 456 Main Street, Buffalo, New York
*PSC-43-10-00016-P	..... exempt	Utility Access to Ducts, Conduit Facilities and Utility Poles	To review the complaint from Optical Communications Group
*PSC-44-10-00003-P	..... exempt	Third and fourth stage gas rate increase by Corning Natural Gas Corporation	To consider Corning Natural Gas Corporation's request for a third and fourth stage gas rate increase
*PSC-51-10-00018-P	..... exempt	Commission proceeding concerning three-phase electric service by all major electric utilities	Investigate the consistency of the tariff provisions for three-phase electric service for all major electric utilities
*PSC-11-11-00003-P	..... exempt	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service
*PSC-13-11-00005-P	..... exempt	Exclude the minimum monthly bill component from the earnings test calculation	Exclude the minimum monthly bill component from the earnings test calculation
*PSC-14-11-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York
*PSC-19-11-00007-P	..... exempt	Utility price reporting requirements related to the Commission's "Power to Choose" website	Modify the Commission's utility electric commodity price reporting requirements related to the "Power to Choose" website
*PSC-20-11-00012-P	..... exempt	Petition for the submetering of electricity	To consider the request of KMW Group LLC to submeter electricity at 122 West Street, Brooklyn, New York
*PSC-20-11-00013-P	..... exempt	Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges	To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable
*PSC-22-11-00004-P	..... exempt	Whether to permit the use of the Sensus accWAVE for use in residential gas meter applications	To permit gas utilities in New York State to use the Sensus accWAVE diaphragm gas meter

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-26-11-00007-P	..... exempt	Water rates and charges	To approve an increase in annual revenues by about \$25,266 or 50%
*PSC-26-11-00009-P	..... exempt	Petition for the submetering of electricity at commercial property	To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York
*PSC-26-11-00012-P	..... exempt	Waiver of generation retirement notice requirements	Consideration of waiver of generation retirement notice requirements
*PSC-29-11-00011-P	..... exempt	Petition requesting the Commission reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order.	To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing.
*PSC-35-11-00011-P	..... exempt	Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8	Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters
*PSC-36-11-00006-P	..... exempt	To consider expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-38-11-00002-P	..... exempt	Operation and maintenance procedures pertaining to steam trap caps	Adopt modified steam operation and maintenance procedures
*PSC-38-11-00003-P	..... exempt	Waiver of certain provisions of the electric service tariffs of Con Edison	Consideration of waiver of certain provisions of the electric service tariffs of Con Edison
*PSC-40-11-00010-P	..... exempt	Participation of regulated local exchange carriers in the New York Data Exchange, Inc. (NYDE)	Whether to partially modify its order requiring regulated local exchange carriers' participation NYDE
*PSC-40-11-00012-P	..... exempt	Granting of transfer of plant in-service to a regulatory asset	To approve transfer and recovery of unamortized plant investment
*PSC-42-11-00018-P	..... exempt	Availability of telecommunications services in New York State at just and reasonable rates	Providing funding support to help ensure availability of affordable telecommunications service throughout New York
*PSC-43-11-00012-P	..... exempt	Transfer of outstanding shares of stock	Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC
*PSC-47-11-00007-P	..... exempt	Remedying miscalculations of delivered gas as between two customer classes	Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations
*PSC-48-11-00007-P	..... exempt	Transfer of controlling interests in generation facilities from Dynegy to PSEG	Consideration of the transfer of controlling interests in electric generation facilities from Dynegy to PSEG
*PSC-48-11-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York
*PSC-01-12-00007-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-01-12-00008-P	..... exempt	Transfer of real property and easements from NMPNS to NMP3	Consideration of the transfer of real property and easements from NMPNS to NMP3

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-01-12-00009-P	..... exempt	Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove	To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered
*PSC-11-12-00002-P	..... exempt	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff
*PSC-11-12-00005-P	..... exempt	Transfer of land and water supply assets	Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman
*PSC-13-12-00005-P	..... exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-19-12-00023-P	..... exempt	Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than \$100,000	To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc.
*PSC-21-12-00006-P	..... exempt	Tariff filing requirements and refunds	To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted
*PSC-21-12-00011-P	..... exempt	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47
*PSC-23-12-00007-P	..... exempt	The approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility	To consider the approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility
*PSC-23-12-00009-P	..... exempt	Over earnings sharing between rate payers and shareholders	To establish an Earnings Sharing Mechanism to be applied following the conclusion of Corning's rate plan
*PSC-27-12-00012-P	..... exempt	Implementation of recommendations made in a Management Audit Report	To consider implementation of recommendations made in a Management Audit Report
*PSC-28-12-00013-P	..... exempt	Exemption of reliability reporting statistics for the purpose of the 2012 Reliability Performance Mechanism	Consideration of Orange and Rockland Utilities request for exemption of the 2012 reliability reporting statistics
*PSC-29-12-00019-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Hamden to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-30-12-00010-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Andes to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-33-12-00009-P	..... exempt	Telecommunications companies ability to attach to utility company poles	Consideration of Tech Valley's ability to attach to Central Hudson poles
*PSC-37-12-00009-P	..... exempt	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers
*PSC-42-12-00009-P	..... exempt	Regulation of Gipsy Trail Club, Inc.'s long-term financing agreements	To exempt Gipsy Trail Club, Inc. from Commission regulation of its financing agreements

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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-18-13-00007-P	..... exempt	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes
*PSC-21-13-00003-P	..... exempt	To consider policies that may impact consumer acceptance and use of electric vehicles	To consider and further develop policies that may impact consumer acceptance and use of electric vehicles
*PSC-21-13-00005-P	..... exempt	To implement an abandonment of Windover's water system	To approve the implementation of abandonment of Windover's water system
*PSC-21-13-00008-P	..... exempt	Rates of National Fuel Gas Distribution Corporation	To make the rates of National Fuel Gas Distribution Corporation temporary, subject to refund, if they are found to be excessive
*PSC-21-13-00009-P	..... exempt	Reporting requirements for natural gas local distribution companies	To help ensure efficient and economic expansion of the natural gas system as appropriate
*PSC-22-13-00009-P	..... exempt	On remand from New York State court litigation, determine the recovery of certain deferred amounts owed NFG by ratepayers	On remand, to determine the recovery of certain deferral amounts owed NFG from ratepayers

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-23-13-00005-P	..... exempt	Waiver of partial payment, directory database distribution, service quality reporting, and service termination regulations	Equalize regulatory treatment based on level of competition and practical considerations
*PSC-25-13-00008-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-25-13-00009-P	..... exempt	Provision by utilities of natural gas main and service lines.	To help ensure efficient and economic expansion of the natural gas system as appropriate.
*PSC-25-13-00012-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-27-13-00014-P	..... exempt	Columbia Gas Transmission Corporation Cost Refund	For approval for temporary waiver of tariff provisions regarding its Columbia Gas Transmission Corporation cost refund.
*PSC-28-13-00014-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-28-13-00016-P	..... exempt	The request of NGT for lightened regulation as a gas corporation.	To consider whether to approve, reject, or modify the request of Niagara gas transport of Lockport, NY LLC.
*PSC-28-13-00017-P	..... exempt	The request by TE for waiver of regulations requiring that natural gas be odorized in certain gathering line segments	Consider the request by TE for waiver of regulations that gas be odorized in certain lines
*PSC-32-13-00009-P	..... exempt	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices
*PSC-32-13-00012-P	..... exempt	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion
*PSC-33-13-00027-P	..... exempt	Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines.	Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines.
*PSC-33-13-00029-P	..... exempt	Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy.	To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy.
*PSC-34-13-00004-P	..... exempt	Escrow account and surcharge to fund extraordinary repairs	To approve the establishment of an escrow account and surcharge
*PSC-42-13-00013-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-42-13-00015-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-43-13-00015-P	..... exempt	Petition for submetering of electricity	To consider the request of 2701 Kingsbridge Terrace L.P. to submeter electricity at 2701 Kingsbridge Terrace, Bronx, N.Y.
*PSC-45-13-00021-P	..... exempt	Investigation into effect of bifurcation of gas and electric utility service on Long Island.	To consider a Petition for an investigation into effect of bifurcation of gas and electric utility service on Long Island.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-45-13-00022-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00023-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00024-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4); waiver of filing deadlines.	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00025-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-47-13-00009-P	..... exempt	Petition for submetering of electricity.	To consider the request of Hegeman Avenue Housing L.P. to submeter electricity at 39 Hegeman Avenue, Brooklyn, N.Y.
*PSC-47-13-00012-P	..... exempt	Conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.	Consideration of conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.
*PSC-49-13-00008-P	..... exempt	Authorization to transfer all of Crystal Water Supply Company, Inc. stocks to Essel Infra West Inc.	To allow Crystal Water Supply Company, Inc to transfer all of its issued and outstanding stocks to Essel Infra West Inc.
*PSC-51-13-00009-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00010-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00011-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-52-13-00012-P	..... exempt	The development of reliability contingency plan(s) to address the potential retirement of Indian Point Energy Center (IPEC).	To address the petition for rehearing and reconsideration/motion for clarification of the IPEC reliability contingency plan(s).
*PSC-52-13-00015-P	..... exempt	To enter into a loan agreement with the banks for up to an amount of \$94,000.	To consider allowing Knolls Water Company to enter into a long-term loan agreement.
*PSC-05-14-00010-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-07-14-00008-P	..... exempt	Petition for submetering of electricity	To consider the request of Greater Centennial Homes HDFC, Inc. to submeter electricity at 102, 103 and 106 W 5th Street, et al.
*PSC-07-14-00012-P	..... exempt	Water rates and charges	Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project
*PSC-08-14-00015-P	..... exempt	Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities	To improve Verizon New York Inc.'s service quality andthe Customer Trouble Report Rate levels at certain central office entities

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-10-14-00006-P	..... exempt	Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance	To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance
*PSC-11-14-00003-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-16-14-00014-P	..... exempt	Whether to order NYSEG to provide gas service to customers when an expanded CPCN is approved and impose PSL 25-a penalties.	To order gas service to customers in the Town of Plattsburgh after approval of a town wide CPCN and to impose penalties.
*PSC-16-14-00015-P	..... exempt	Whether Central Hudson should be permitted to defer obligations of the Order issued on October 18, 2013 in Case 13-G-0336.	Consideration of the petition by Central Hudson to defer reporting obligations of the October 18, 2013 Order in Case 13-G-0336
*PSC-17-14-00003-P	..... exempt	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism
*PSC-17-14-00004-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00007-P	..... exempt	To consider petitions for rehearing, reconsideration and/or clarification	To consider petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00008-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-19-14-00014-P	..... exempt	Market Supply Charge	To make tariff revisions to the Market Supply Charge for capacity related costs
*PSC-19-14-00015-P	..... exempt	Whether to permit the use of the Sensus accuWAVE for use in residential and commercial gas meter applications	To permit gas utilities in New York State to use the Sensus accuWAVE 415TC gas meter
*PSC-22-14-00013-P	..... exempt	Petition to transfer and merge systems, franchises and assets.	To consider the Comcast and Time Warner Cable merger and transfer of systems, franchises and assets.
*PSC-23-14-00010-P	..... exempt	Whether to permit the use of the GE Dresser Series B3-HPC 11M-1480 rotary gas met for use in industrial gas meter applications	To permit gas utilities in New York State to use the GE Dresser Series B3-HPC 11M-1480 rotary gas meter
*PSC-23-14-00014-P	..... exempt	Waiver of the negative revenue adjustment associated with KEDLI's 2013 Customer Satisfaction Performance Metric	Consideration of KEDLI's waiver request pertaining to its 2013 performance under its Customer Satisfaction Metric
*PSC-24-14-00005-P	..... exempt	To examine LDC's performance and performance measures.	To improve gas safety performance.
*PSC-26-14-00013-P	..... exempt	Waiver of RG&E's tariffed definition of emergency generator.	To consider waiver of RG&E's tariffed definition of emergency generator.
*PSC-26-14-00020-P	..... exempt	New electric utility backup service tariffs and standards for interconnection may be adopted.	To encourage development of microgrids that enhance the efficiency, safety, reliability and resiliency of the electric grid.
*PSC-26-14-00021-P	..... exempt	Consumer protections, standards and protocols pertaining to access to customer data may be established.	To balance the need for the information necessary to support a robust market with customer privacy concerns.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-28-14-00014-P	..... exempt	Petition to transfer systems, franchises and assets.	To consider the Comcast and Charter transfer of systems, franchise and assets.
*PSC-30-14-00023-P	..... exempt	Whether to permit the use of the Sensus iPERL Fire Flow Meter.	Pursuant to 16 NYCRR Part 500.3 , it is necessary to permit the use of the Sensus iPERL Fire Flow Meter.
*PSC-30-14-00026-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of Renaissance Corporation of to master meter electricity at 100 Union Drive,Albany, NY.
*PSC-31-14-00004-P	..... exempt	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross
*PSC-32-14-00012-P	..... exempt	Whether to grant or deny, in whole or in part, the Connect New York Coalition’s petition	To consider the Connect New York Coalition’s petition seeking a formal investigation and hearings
*PSC-35-14-00004-P	..... exempt	Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY	To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY
*PSC-35-14-00005-P	..... exempt	Whether to permit the use of the Sensus iConA electric meter	Pursuant to 16 NYCRR Parts 92 and 93, Commission approval is necessary to permit the use of the Sensus iConA electric meter
*PSC-36-14-00009-P	..... exempt	Modification to the Commission’s Electric Safety Standards.	To consider revisions to the Commission’s Electric Safety Standards.
*PSC-38-14-00003-P	..... exempt	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.
*PSC-38-14-00004-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00005-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-38-14-00007-P	..... exempt	Whether to expand Con Edison’s low income program to include Medicaid recipients.	Whether to expand Con Edison’s low income program to include Medicaid recipients.
*PSC-38-14-00008-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00010-P	..... exempt	Inter-carrier telephone service quality standard and metrics and administrative changes.	To review recommendations from the Carrier Working Group and incorporate appropriate modifications to the existing Guidelines.
*PSC-38-14-00012-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-39-14-00020-P	..... exempt	Whether to permit the use of the Mueller Systems 400 Series and 500 Series of water meters	Pursuant to 16 NYCRR section 500.3, whether to permit the use of the Mueller Systems 400, and 500 Series of water meters

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-40-14-00008-P	..... exempt	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.
*PSC-40-14-00009-P	..... exempt	Whether to permit the use of the Itron Open Way Centron Meter with Hardware 3.1 for AMR and AMI functionality.	Pursuant to 16 NYCRR Parts 93, is necessary to permit the use of the Itron Open Way Centron Meter with Hardware 3.1.
*PSC-40-14-00011-P	..... exempt	Late Payment Charge.	To modify Section 7.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-40-14-00013-P	..... exempt	Regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.	To consider regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.
*PSC-40-14-00014-P	..... exempt	Waiver of 16 NYCRR Sections 894.1 through 894.4(b)(2)	To allow the Town of Goshen, NY, to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-40-14-00015-P	..... exempt	Late Payment Charge.	To modify Section 6.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-42-14-00003-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-42-14-00004-P	..... exempt	Winter Bundled Sales Service Option	To modify SC-11 to remove language relating to fixed storage charges in the determination of the Winter Bundled Sales charge
*PSC-48-14-00014-P	..... exempt	Considering the recommendations contained in Staff' s electric outage investigation report for MNRR, New Haven Line.	To consider the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.
*PSC-52-14-00019-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of 614 South Crouse Avenue, LLC to master meter electricity at 614 South Crouse Avenue, Syracuse, NY..
*PSC-01-15-00014-P	..... exempt	State Universal Service Fund Disbursements	To consider Edwards Telephone Company's request for State Universal Service Fund disbursements
*PSC-08-15-00009-P	..... exempt	Approval of a surcharge.	To allow or disallow Emerald Green Lake Louise Marie Water Company, Inc. for a surcharge.
*PSC-08-15-00010-P	..... exempt	Request pertaining to the lawfulness of National Grid USA continuing its summary billing program.	To grant, deny, or modify URAC Rate Consultants' request that National Grid cease its summary billing program.
*PSC-10-15-00007-P	..... exempt	Notification concerning tax refunds	To consider Verizon New York Inc.'s partial rehearing or reconsideration request regarding retention of property tax refunds
*PSC-10-15-00008-P	..... exempt	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-13-15-00024-P	..... exempt	Whether Leatherstocking should be permitted to recover a shortfall in earnings	To decide whether to approve Leatherstocking's request to recover a shortfall in earnings
*PSC-13-15-00026-P	..... exempt	Whether to permit the use of the Sensus Smart Point Gas AMR/AMI product	To permit the use of the Sensus Smart Point Gas AMR/AMI product
*PSC-13-15-00027-P	..... exempt	Whether to permit the use of the Measurlogic DTS 310 electric submeter	To permit the use of the Measurlogic DTS 310 submeter
*PSC-13-15-00028-P	..... exempt	Whether to permit the use of the SATEC EM920 electric meter	To permit necessary to permit the use of the SATEC EM920 electric meter
*PSC-13-15-00029-P	..... exempt	Whether to permit the use the Triacta Power Technologies 6103, 6112, 6303, and 6312 electric submeters	To permit the use of the Triacta submeters
*PSC-17-15-00007-P	..... exempt	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million
*PSC-18-15-00005-P	..... exempt	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism
*PSC-19-15-00011-P	..... exempt	Gas Safety Performance Measures and associated negative revenue adjustments	To update the performance measures applicable to KeySpan Gas East Corporation d/b/a National Grid
*PSC-22-15-00015-P	..... exempt	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)
*PSC-23-15-00005-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-23-15-00006-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-25-15-00008-P	..... exempt	Notice of Intent to Submeter electricity.	To consider the request of 165 E 66 Residences, LLC to submeter electricity at 165 East 66th Street, New York, New York.
*PSC-29-15-00025-P	..... exempt	Joint Petition for authority to transfer real property located at 624 West 132nd Street, New York, NY	Whether to authorize the proposed transfer of real property located at 624 West 132nd Street, New York, NY
*PSC-32-15-00006-P	..... exempt	Development of a Community Solar Demonstration Project.	To approve the development of a Community Solar Demonstration Project.
*PSC-33-15-00009-P	..... exempt	Remote net metering of a demonstration community net metering program.	To consider approval of remote net metering of a demonstration community net metering program.
*PSC-33-15-00012-P	..... exempt	Remote net metering of a Community Solar Demonstration Project.	To consider approval of remote net metering of a Community Solar Demonstration Project.
*PSC-34-15-00021-P	..... exempt	Petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs	To consider the petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-35-15-00014-P	..... exempt	Consideration of consequences against Light Power & Gas, LLC for violations of the UBP	To consider consequences against Light Power & Gas, LLC for violations of the UBP
*PSC-37-15-00007-P	..... exempt	Submetered electricity	To consider the request of 89 Murray Street Ass. LLC, for clarification of the submetering order issued December 20, 2007
*PSC-40-15-00014-P	..... exempt	Whether to permit the use of the Open Way 3.5 with cellular communications	To consider the use of the Open Way 3.5 electric meter, pursuant to 16 NYCRR Parts 92 and 93
*PSC-42-15-00006-P	..... exempt	Deferral of incremental expenses associated with NERC's new Bulk Electric System (BES) compliance requirements approved by FERC.	Consideration of Central Hudson's request to defer incremental expenses associated with new BES compliance requirements.
*PSC-44-15-00028-P	..... exempt	Deferral of incremental expenses associated with new compliance requirements	Consideration of Central Hudson's request to defer incremental expenses associated with new compliance requirements
*PSC-47-15-00013-P	..... exempt	Whitepaper on Implementing Lightened Ratemaking Regulation.	Consider Whitepaper on Implementing Lightened Ratemaking Regulation.
*PSC-48-15-00010-P	..... exempt	Lightened and incidental regulation of a 55 MW electric and steam generating facility.	Consider the lightened and incidental regulation of a 55 MW electric and steam generating facility.
*PSC-48-15-00011-P	..... exempt	Proposal to retire Huntley Units 67 and 68 on March 1, 2016.	Consider the proposed retirement of Huntley Units 67 and 68.
*PSC-50-15-00006-P	..... exempt	The reduction of rates.	To consider the reduction of rates charged by Independent Water Works, Inc.
*PSC-50-15-00009-P	..... exempt	Notice of Intent to submeter electricity.	To consider the request to submeter electricity at 31-33 Lincoln Road and 510 Flatbush Avenue, Brooklyn, New York.
*PSC-51-15-00010-P	..... exempt	Modification of the EDP	To consider modifying the EDP
*PSC-01-16-00005-P	..... exempt	Proposed amendment to Section 5, Attachment 1.A of the Uniform Business Practices	To consider amendment to Section 5, Attachment 1.A of the Uniform Business Practices
*PSC-04-16-00007-P	..... exempt	Whether Hamilton Municipal Utilities should be permitted to construct and operate a municipal gas distribution facility.	Consideration of the petition by Hamilton Municipal Utilities to construct and operate a municipal gas distribution facility.
*PSC-04-16-00012-P	..... exempt	Proposal to mothball three gas turbines located at the Astoria Gas Turbine Generating Station.	Consider the proposed mothball of three gas turbines located at the Astoria Gas Turbine Generating Station.
*PSC-04-16-00013-P	..... exempt	Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.	Consider whether three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.
*PSC-06-16-00013-P	..... exempt	Continued deferral of approximately \$16,000,000 in site investigation and remediation costs.	To consider the continued deferral of approximately \$16,000,000 in site investigation and remediation costs.
*PSC-06-16-00014-P	..... exempt	MEGA's proposed demonstration CCA program.	To consider MEGA's proposed demonstration CCA program.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-14-16-00008-P	..... exempt	Resetting retail markets for ESCO mass market customers.	To ensure consumer protections with respect to residential and small non-residential ESCO customers.
*PSC-18-16-00013-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00014-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00015-P	..... exempt	Petitions for rehearing of the Order Resetting Retail Energy Markets and Establishing Further Process.	To ensure consumer protections for ESCO customers.
*PSC-18-16-00016-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00018-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-20-16-00008-P	..... exempt	Consideration of consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).	To consider consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).
*PSC-20-16-00010-P	..... exempt	Deferral and recovery of incremental expense.	To consider deferring costs of conducting leak survey and repairs for subsequent recovery.
*PSC-20-16-00011-P	..... exempt	Enetics LD-1120 Non-Intrusive Load Monitoring Device in the Statewide Residential Appliance Metering Study.	To consider the use of the Enetics LD-1120 Non-Intrusive Load Monitoring Device.
*PSC-24-16-00009-P	..... exempt	Petition to submeter gas service.	To consider the Petition of New York City Economic Development Corp. to submeter gas at Pier 17, 89 South Street, New York, NY.
*PSC-25-16-00009-P	..... exempt	To delay Companies' third-party assessments of customer personally identifiable information until 2018.	To extend the time period between the Companies' third-party assessments of customer personally identifiable information.
*PSC-25-16-00024-P	..... exempt	Pole Attachment Rules.	To determine that the Commission's existing pole attachment rules apply to wireless providers.
*PSC-25-16-00025-P	..... exempt	Acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.	To consider acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.
*PSC-25-16-00026-P	..... exempt	Use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter, in residential fire service applications.	To consider the use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter in fire service applications.
*PSC-28-16-00017-P	..... exempt	A petition for rehearing of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework.	To determine appropriate rules for and calculation of the distributed generation reliability credit.
*PSC-29-16-00024-P	..... exempt	Participation of NYPA customers in surcharge-funded clean energy programs.	To consider participation of NYPA customers in surcharge-funded clean energy programs.
*PSC-32-16-00012-P	..... exempt	Benefit-Cost Analysis Handbooks.	To evaluate proposed methodologies of benefit-cost evaluation.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-33-16-00001-EP	..... exempt	Use of escrow funds for repairs.	To authorize the use of escrow account funds for repairs.
*PSC-33-16-00005-P	..... exempt	Exemption from certain charges for delivery of electricity to its Niagara Falls, New York facility.	Application of System Benefits Charges, Renewable Portfolio Standard charges and Clean Energy Fund surcharges.
*PSC-35-16-00015-P	..... exempt	NYSRC's revisions to its rules and measurements	To consider revisions to various rules and measurements of the NYSRC
*PSC-36-16-00004-P	..... exempt	Recovery of costs for installation of electric service.	To consider the recovery of costs for installation of electric service.
*PSC-40-16-00025-P	..... exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP).	To consider whether to impose consequences on Smart One for its apparent non-compliance with Commission requirements.
*PSC-47-16-00009-P	..... exempt	Petition to use commercial electric meters	To consider the petition of Itron, Inc. to use the Itron CP2SO and CP2SOA in commercial electric meter applications
*PSC-47-16-00010-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00013-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00014-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00016-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-02-17-00010-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for RG&E.
*PSC-02-17-00012-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for NYSEG.
*PSC-14-17-00017-P	..... exempt	Petition for Full-Scale Deployment of AMI and to Establish an AMI Surcharge.	To consider the petition for Full-Scale Deployment of AMI and to Establish an AMI Surcharge.
*PSC-18-17-00024-P	..... exempt	A petition for rehearing or reconsideration of the Order Addressing Public Policy Transmission Need for AC Transmission Upgrades	To determine whether Public Policy Transmission Need/Public Policy Requirements continue to exist.
*PSC-18-17-00026-P	..... exempt	Revisions to the Dynamic Load Management surcharge.	To consider revisions to the Dynamic Load Management surcharge.
*PSC-19-17-00004-P	..... exempt	NYAW's request to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2016.	Consideration of NYAW's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2016.
*PSC-20-17-00008-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid NY regarding the potential for adoption of compressed natural gas as a motor fuel.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-20-17-00010-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid regarding the potential for adoption of compressed natural gas as a motor fuel.
*PSC-21-17-00013-P	..... exempt	The establishment and implementation of Earnings Adjustment Mechanisms.	To consider the establishment and implementation of Earnings Adjustment Mechanisms.
*PSC-21-17-00018-P	..... exempt	Proposed agreement for the provision of water service by Saratoga Water Services, Inc.	To consider a waiver and approval of terms of a service agreement.
*PSC-22-17-00004-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives	To consider the proposed Interconnection Survey Process and Earnings Adjustment Mechanisms
*PSC-23-17-00022-P	..... exempt	Changes in regulation of ESCOs, including restrictions on or prohibitions of marketing or offering certain products or services.	To ensure consumer protection for ESCO customers.
*PSC-24-17-00006-P	..... exempt	Development of the Utility Energy Registry.	Improved data access.
*PSC-24-17-00014-P	..... exempt	An alternative methodology for calculating billing adjustments.	To consider an alternative methodology for calculating billing adjustments.
*PSC-26-17-00005-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 125 Waverly Street, Yonkers, New York.
*PSC-31-17-00010-P	..... exempt	Notice of intent to submeter electricity	To consider the notice of intent of 11737 Owners Corp. to submeter electricity at 117 East 37th Street, New York, New York
*PSC-34-17-00011-P	..... exempt	Waiver to permit Energy Cooperative of America to serve low-income customers	To consider the petition for a waiver
*PSC-37-17-00005-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives.	To consider the revised Interconnection Survey Process and Earnings Adjustment Mechanisms.
*PSC-37-17-00006-P	..... exempt	Petition to submeter electricity.	To consider the petition of ACC OP (Park Point SU) LLC to submeter electricity at 417 Comstock Avenue, Syracuse, New York.
*PSC-39-17-00009-P	..... exempt	Whether a proposed agreement for the provision of water service by Saratoga Water Services, Inc. is in the public interest.	To consider the terms of a service agreement and waiver.
*PSC-39-17-00011-P	..... exempt	Whether to direct New York State Electric & Gas to complete electric facility upgrades at no charge to Hanehan.	To determine financial responsibility between NYSEG and Hanehan for the electric service upgrades to Hanehan.
*PSC-40-17-00006-P	..... exempt	The aggregation of electric service for the Empire State Plaza and the Sheridan Avenue Steam Plant	To consider a waiver of National Grid's tariff provision requiring all electric delivery points to be on the same premises
*PSC-42-17-00010-P	..... exempt	Petition for rehearing of negative revenue adjustment and contents of annual Performance Report.	To consider NFGD's petition for rehearing.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-46-17-00013-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	To consider filings of LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-48-17-00015-P	..... exempt	Low Income customer options for affordable water bills.	To consider the Low Income Bill Discount and/or Energy Efficiency Rebate Programs.
PSC-50-17-00017-P	..... exempt	New Wave Energy Corp.'s petition for rehearing.	To consider the petition for rehearing filed by New Wave Energy Corp.
PSC-50-17-00018-P	..... exempt	Application of the Public Service Law to DER suppliers.	To determine the appropriate regulatory framework for DER suppliers.
PSC-50-17-00019-P	..... exempt	Transfer of utility property.	To consider the transfer of utility property.
PSC-50-17-00021-P	..... exempt	Disposition of tax refunds and other related matters.	To consider the disposition of tax refunds and other related matters.
PSC-50-17-00022-P	..... exempt	Data protection rules for DER suppliers.	To determine the appropriate regulatory framework for DER suppliers.
PSC-51-17-00007-P	..... exempt	Opt-out tariff regarding installation of advanced digital metering devices in Central Hudson's service territory.	To determine the appropriate opt-out provisions for Central Hudson customers regarding advanced digital metering devices.
PSC-51-17-00011-P	..... exempt	Petition for recovery of certain costs related to the implementation of a Non-Wires Alternative Project.	To consider Con Edison's petition for the recovery of costs for implementing the JFK Project.
PSC-51-17-00015-P	..... exempt	Opt-out tariff regarding installation of advanced digital metering devices in Central Hudson's service territory.	To determine the appropriate opt-out provisions for Central Hudson customers regarding advanced digital metering devices.
PSC-52-17-00014-P	..... exempt	Oversight and support of Clean Energy Fund and related NYSEDA activities	To support and monitor the deployment of clean energy technology
PSC-04-18-00003-P	..... exempt	Minor rate filing.	To consider a proposal for an increase in total annual revenues of approximately \$136,634, or 11.4%.
PSC-04-18-00005-P	..... exempt	Notice of intent to submeter electricity.	To consider the notice of intent of Montante/Morgan Gates Circle LLC to submeter electricity.
PSC-05-18-00004-P	..... exempt	Lexington Power's ZEC compliance obligation.	To promote and maintain renewable and zero-emission electric energy resources.
PSC-06-18-00012-P	..... exempt	To consider further proposed amendments to the original criteria to grandfathering established in the Transition Plan	To modify grandfathering criteria
PSC-06-18-00017-P	..... exempt	Merger of NYAW and Whitlock Farms Water Corp.	To consider the merger of NYAW and Whitlock Farms Water Company into a single corporate entity
PSC-07-18-00015-P	..... exempt	The accuracy and reasonableness of National Grid's billing for certain interconnection upgrades.	To consider AEC's petition requesting resolution of their billing dispute with National Grid.
PSC-11-18-00004-P	..... exempt	New York State Lifeline Program.	To consider TracFone's petition seeking approval to participate in Lifeline.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-13-18-00014-P	..... exempt	Commission oversight of distributed energy resource suppliers	To protect customers and utilities in the receipt of services from distributed energy resource suppliers
PSC-13-18-00015-P	..... exempt	Eligibility of an ESCO to market to and enroll residential customers.	To consider whether Astral should be allowed to market to and enroll residential customers following a suspension.
PSC-13-18-00023-P	..... exempt	Reconciliation of property taxes.	To consider NYAW's request to reconcile property taxes.
PSC-14-18-00006-P	..... exempt	Petition for abandonment	To consider the abandonment of Willsboro Bay Water Company's water system
PSC-15-18-00008-P	..... exempt	Amendments to the Uniform Business Practices.	Consideration of revised consumer protections and business practices of energy service companies.
PSC-17-18-00010-P	..... exempt	Petition for use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
PSC-18-18-00009-P	..... exempt	Transfer of control of Keene Valley Video Inc.	To ensure performance in accordance with applicable cable laws, regulations and standards and the public interest
PSC-19-18-00005-P	..... exempt	Whether Flanders' can market to and enroll new customers.	To protect customers by enforcing compliance with the Uniform Business Practices.
PSC-20-18-00008-P	..... exempt	Proposed major rate increase in O&R's gas delivery revenues of approximately \$4.5 million (or 1.5% in total revenues)	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
PSC-20-18-00009-P	..... exempt	Proposed major rate increase in O&R's electric delivery revenues of approximately \$20.3 million (or 2.3% in total revenues)	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
PSC-21-18-00044-P	..... exempt	Electric ratemaking policy for Direct Current Fast Charging (DCFC) facilities used to recharge electric vehicles.	To ensure just and reasonable rates in the context of charging electric vehicles.
PSC-22-18-00007-P	..... exempt	Intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-22-18-00008-P	..... exempt	Intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-23-18-00006-P	..... exempt	Whether to impose consequences on Aspurity for its non-compliance with Commission requirements.	To ensure the provision of safe and adequate energy service at just and reasonable rates.
PSC-23-18-00010-P	..... exempt	Community Distributed Generation project rules.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-23-18-00011-P	..... exempt	Proposed rate filing in Hudson Valley Water Companies, Inc.'s annual revenues of approximately \$24,370 or 13.0%.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-23-18-00014-P	..... exempt	Proposed major rate increase of approximately \$11.7 million to cover its Franklin and St. Lawrence Counties expansion project.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-24-18-00013-P	..... exempt	Implementation of program rules for Renewable Energy Standard and ZEC requirements.	To promote and maintain renewable and zero-emission electric energy resources.
PSC-24-18-00015-P	..... exempt	To determine the use of investments to be made in lieu of a penalty action.	Commission oversight of electric and gas distribution companies and safe and adequate service.
PSC-26-18-00015-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections.
PSC-28-18-00004-P	..... exempt	The 2017 Outcome-based EAM Collaborative Report.	To ensure the establishment of fair and equitable metrics, targets and associated incentive levels.
PSC-28-18-00005-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and energy efficiency protections are in place.
PSC-28-18-00006-P	..... exempt	Roadmap recommendations for the installation of qualified energy storage systems.	To encourage energy storage deployment and establish a 2030 target and deployment program.
PSC-28-18-00011-P	..... exempt	Storm Hardening Collaborative Report.	To ensure safe and adequate gas service.
PSC-28-18-00012-P	..... exempt	Transfer of certain street lighting facilities.	To transfer street lighting facilities for the benefit of ratepayers.
PSC-28-18-00013-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-29-18-00008-P	..... exempt	Participation in Targeted Accessibility Fund	To encourage enhanced services for low-income consumers
PSC-29-18-00009-P	..... exempt	Overvaluing real property tax expense recovery in water rates	To prevent unjust and unreasonable water rates
PSC-30-18-00004-P	..... exempt	Ownership of St. Lawrence Gas Company, Inc.	To consider whether a proposed transfer of ownership interests in St. Lawrence Gas Company, Inc. is in the public interest.
PSC-30-18-00005-P	..... exempt	Petition for use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
PSC-30-18-00006-P	..... exempt	Petition for use of electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
PSC-31-18-00011-P	..... exempt	Petition for the use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
PSC-31-18-00012-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-31-18-00013-P	..... exempt	To test rate structures for SC 1 and 2 that more closely align delivery rates with the cost of providing delivery service.	To provide residential and small commercial customers the opportunity to better manage their energy costs.
PSC-32-18-00013-P	..... exempt	Energy efficiency programs and targets for investor-owned utilities.	To encourage energy conservation and the delivery and procurement of energy services by investor-owned utilities.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-32-18-00014-P	..... exempt	Petition for clarification and rehearing of the Rate Order.	To encourage energy efficiency measures and right of way maintenance and to ensure just and reasonable rates.
PSC-32-18-00017-P	..... exempt	Rules for Value Stack compensation of hybrid storage and distributed generation.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-34-18-00010-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-34-18-00011-P	..... exempt	Compensation of distributed energy resources.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-34-18-00014-P	..... exempt	Continued implementation of the Clean Energy Standard.	To promote and maintain renewable and zero-emission electric energy resources.
PSC-34-18-00015-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and energy efficiency protections are in place.
PSC-34-18-00016-P	..... exempt	Deferral of pre-staging and mobilization storm costs.	To ensure just and reasonable rates for ratepayers and utility recovery of unexpected, prudently incurred costs.
PSC-35-18-00003-P	..... exempt	Con Edison's 2018 DSIP and BCA Handbook Update.	To continue Con Edison's transition to a modern utility serving as a Distributed System Platform Provider.
PSC-35-18-00005-P	..... exempt	NYSEG and RG&E's 2018 DSIP and BCA Handbook Update.	To continue NYSEG and RG&E's transition to modern utilities acting as Distributed System Platform Providers.
PSC-35-18-00006-P	..... exempt	National Grid's 2018 DSIP and BCA Handbook Update.	To continue National Grid's transition to a modern utility serving as a Distributed System Platform Provider.
PSC-35-18-00008-P	..... exempt	Central Hudson's 2018 DSIP and BCA Handbook Update.	To continue Central Hudson's transition to a modern utility serving as a Distributed System Platform Provider.
PSC-35-18-00009-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-35-18-00010-P	..... exempt	O&R's 2018 DSIP and BCA Handbook Update.	To continue O&R's transition to a modern utility acting as a Distributed System Platform Provider.
PSC-36-18-00004-P	..... exempt	Update of revenue targets.	To update NYAW's revenue targets and make required balancing revisions to account for changes to the property tax targets.
PSC-36-18-00005-P	..... exempt	Permanent operator of gas wells and certain gas facilities.	To resolve ownership of overlapping gas facilities associated with wells transferred to two gas companies.
PSC-36-18-00006-P	..... exempt	Recording of unbilled revenue.	To correct revenue target discrepancies resulting from changes in billing schedule and net billing days.
PSC-36-18-00007-P	..... exempt	PSC regulation 16 NYCRR § 86.3(a)(1).	To consider a waiver of a certain regulation relating to the content of an application for transmission line siting.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-37-18-00003-P	..... exempt	Service Classification No. 7 - Sale of Standby Service to Customers with On-Site Generation Facilities.	To expand eligibility to customers across multiple buildings connected to a generating facility by a private thermal loop.
PSC-37-18-00004-P	..... exempt	Acceleration of the return of tax savings to ratepayers.	To determine the timetable for returning tax savings to ratepayers.
PSC-37-18-00005-P	..... exempt	Notice of intent to submeter electricity and waiver request.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-37-18-00006-P	..... exempt	Disposition of tax refunds received by New York American Water Company, Inc.	To determine the disposition of tax refunds and other related matters.
PSC-38-18-00001-P	..... exempt	Waiver request of Opinion No. 76-17 and 16 NYCRR Part 96.	To consider not requiring living units of the facility to be metered.
PSC-39-18-00004-P	..... exempt	To establish Rider J - Smart Home Rate.	To provide residential customers the opportunity to better manage their energy costs.
PSC-39-18-00005-P	..... exempt	Participation in New York State Lifeline Program.	To encourage enhanced services for low-income customers.
PSC-39-18-00006-P	..... exempt	To establish Rider AB - Smart Home Rate.	To provide residential customers the opportunity to better manage their energy costs.
PSC-39-18-00007-P	..... exempt	To implement enhanced safety pilot programs and energy efficiency initiatives.	To provide customers with enhanced safety and environmental benefits.
PSC-39-18-00008-P	..... exempt	Payment of fire protection costs.	To shift the costs of municipal fire protection service from the City of Rye to its residents.
PSC-39-18-00009-P	..... exempt	Authorization for one time credits to displaced customers.	To compensate displaced Con Edison ratepayers for their loss of service.
PSC-40-18-00013-P	..... exempt	Commission programs for meter service providers and meter data service providers.	To prevent confusion from maintaining unnecessary programs.
PSC-40-18-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	To review the gas utilities' reconciliation of Gas Expenses and Gas Cost Recoveries for 2018.
PSC-40-18-00015-P	..... exempt	Proposed rate filing to increase annual revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-40-18-00016-P	..... exempt	Proposed transfer of the Company's assets to the Town and dissolution of the Company.	To determine if transfer of the water system to the Town of Delaware is in the public interest.
PSC-40-18-00017-P	..... exempt	To modify provisions for Interruptible Gas under SC Nos. 9 and 12, P.S.C. No. 9 - Gas.	To amend certain penalties for non-compliant Interruptible Service Customers.
PSC-40-18-00018-P	..... exempt	Waiver of PSC regulations, 16 NYCRR Sections 86.3(a)(2), (b)(2) and 88.4(a)(4).	To ensure that adequate maps and system studies support the application.
PSC-40-18-00019-P	..... exempt	Issuance of long-term debt securities.	To provide funding for safety and reliability capital projects, maturing debt, and refinancing variable rate to fixed rate debt.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-40-18-00020-P	..... exempt	Issuance of long-term debt securities.	To provide funding for safety and reliability capital projects, maturing debt, and refinancing variable rate to fixed rate debt.
PSC-41-18-00003-P	..... exempt	Initial Tariff Schedule, P.S.C. No. 1 - Water and waiver of rate setting authority	To provide the rates, rules, and regulations under which water service will be provided to the customers of the system
PSC-41-18-00004-P	..... exempt	Internal reorganization and stock transfer	To determine if the proposed reorganization and stock transfer is in the public interest and beneficial to ratepayers
PSC-41-18-00005-P	..... exempt	Authorization to enter into a long-term loan agreement	For system improvements and full repayment of existing loan
PSC-42-18-00009-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-42-18-00010-P	..... exempt	Rehearing and/or reconsideration of the Tax Charges Rate Treatment Order.	To determine if the Commission was correct to require small telecom utilities to defer ongoing tax savings.
PSC-42-18-00011-P	..... exempt	Voluntary residential beneficial electrification rate design.	To provide efficient rate design for beneficial technologies in New York State that is equitable for all residential customers.
PSC-42-18-00012-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-42-18-00013-P	..... exempt	Petition for clarification and rehearing of the Smart Solutions Program Order.	To address the increased demand for natural gas in the Con Edison's service territory and the limited pipeline capacity.
PSC-42-18-00014-P	..... exempt	The disposition of a refund from NYPA to the Village of Solvay of \$733,000 for overcharge for electricity over several years.	To determine whether the proposed disposition of the NYPA refund is just and reasonable.
PSC-44-18-00008-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements.	To adopt revisions to various rules and measurements of the New York State Reliability Council.
PSC-44-18-00009-P	..... exempt	Water rates and charges.	To shift fire protection costs from the Town to its residents' water bills.
PSC-44-18-00010-P	..... exempt	Interruptible/Temperature Controlled gas service Collaborative report recommendations and tariff changes.	To consider the terms and conditions applicable to interruptible and temperature controlled gas service.
PSC-44-18-00011-P	..... exempt	Modifications to electric supply reconciliation mechanism.	To improve the reconciliation of supply-related costs for hourly-priced customers.
PSC-44-18-00012-P	..... exempt	Petition for approval of gas metering equipment.	To ensure that customer bills are based on accurate measurements of gas usage.
PSC-44-18-00013-P	..... exempt	Petition for approval of gas metering equipment.	To ensure that customer bills are based on accurate measurements of gas usage.
PSC-44-18-00014-P	..... exempt	Waiver of PSC regulations, 16 NYCRR sections 86.3(a)(1), (a)(2) and (b)(2).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-44-18-00015-P	..... exempt	Con Edison's petition for the Non-Pipeline Solutions Portfolio and associated budget.	To pursue projects that continue service reliability and meet customer energy needs while aiding greenhouse gas reduction goals.
PSC-44-18-00016-P	..... exempt	Petition for approval of gas metering equipment.	To ensure that customer bills are based on accurate measurements of gas usage.
PSC-45-18-00003-P	..... exempt	Eliminating a financial incentive for utility performance, the interconnection earnings adjustment mechanism	To consider encouraging utility performance while creating customer savings
PSC-45-18-00004-P	..... exempt	Proposed transfer of two natural gas pipeline operating companies, and for lightened and incidental regulation	To consider transfer if there is no market power or ratepayer harm, incidental regulation, and continuing lightened regulation
PSC-45-18-00005-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place
PSC-46-18-00005-P	..... exempt	Proposed rate filing to increase annual revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-46-18-00013-EP	..... exempt	Acquisition of cable television assets and franchises.	To ensure continued service to Hamilton County Cable customers.
PSC-47-18-00004-P	..... exempt	Ampersand Cranberry Lake Hydro LLC's 500kw hydroelectric facility in the Town of Clifton, New York.	To promote and maintain renewable electric energy resources.
PSC-47-18-00005-P	..... exempt	Waiver of certain rules pertaining to cable television franchise.	To determine whether to waive any rules and regulations.
PSC-47-18-00006-P	..... exempt	Modification of NMPC Estimating Metric project list.	To reflect an appropriate Estimating Metric project list for NMPC.
PSC-47-18-00007-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-47-18-00008-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-48-18-00005-P	..... exempt	Purchase of gas safety equipment for Westchester County fire departments	To provide Westchester County fire departments gas safety equipment they state they need to respond to odor reports
PSC-49-18-00006-EP	..... exempt	Appointment of a temporary operator.	To determine if a temporary operator is needed to ensure the safe and adequate provision of water service.
PSC-50-18-00002-P	..... exempt	Waiver of tariff provision	To determine if it is the public interest to waive individual metering requirements for the planned senior housing
PSC-50-18-00003-P	..... exempt	Proposed transfer of interests in an electric generating facility and dedicated natural gas pipeline	To consider the transfer of generating facility and dedicated gas pipeline if there is no market power or ratepayer harm
PSC-50-18-00004-P	..... exempt	Sale of street lighting facilities to the City of Albany	To determine whether to approve the transfer of street lighting facilities in the City of Albany

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-50-18-00005-P	..... exempt	Establishment of the regulatory regime applicable to an approximately 100 MW electric generating facility	To ensure appropriate regulation of a new electric corporation
STATE, DEPARTMENT OF			
DOS-36-18-00008-P	..... 11/08/19	New York State Uniform Fire Prevention and Building Code (the Uniform Code)	To amend the existing Uniform Code to add provisions for diaper changing stations in certain buildings.
STATE UNIVERSITY OF NEW YORK			
SUN-44-18-00003-P	..... 10/31/19	Proposed amendments to the traffic and parking regulations at State University College at Oneonta	Amend existing regulations to update traffic and parking regulations
SUN-49-18-00008-P	..... 12/05/19	University Faculty Senate	To clarify that the vice-president/secretary of the University Faculty Senate ("UFS") shall be a voting member of the UFS
TAXATION AND FINANCE, DEPARTMENT OF			
TAF-40-18-00001-P	..... 10/03/19	New York State and City of Yonkers withholding tables and other methods	To provide current New York State and City of Yonkers withholding tables and other methods
TAF-48-18-00003-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 January 1, 2019 through March 31, 2019
TAF-48-18-00004-EP	..... 11/28/19	Metropolitan Transportation Business Tax Surcharge	To provide metropolitan transportation business tax rate for tax year 2019
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
TDA-12-18-00004-P	..... 03/21/19	Reengagement/conciliation and sanction procedures for employment programs	To implement statutory changes relative to public assistance (PA) reengagement/conciliation and sanction procedures
TDA-41-18-00002-EP	..... 10/10/19	Standard Utility Allowances (SUAs) for the Supplemental Nutrition Assistance Program (SNAP)	These regulatory amendments set forth the federally-mandated and approved SUAs as of 10/1/18
TDA-49-18-00009-EP	..... 12/05/19	Outreach, Homeless Services Plans and Outcome Reporting	To promote effective planning and strategic use of resources by social service districts
TRANSPORTATION, DEPARTMENT OF			
TRN-47-18-00001-P	..... 11/21/19	Regulation of transportation of hazardous materials by commercial motor carriers in New York State	Corrects omissions in State regulations associated with Title 49 CFR provisions related to transport of hazardous materials
TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY			
TBA-49-18-00011-P	..... exempt	A proposal to establish a new crossing charge schedule for use of bridges and tunnels operated by TBTA	A proposal to raise additional revenue

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
WORKERS' COMPENSATION BOARD			
WCB-52-17-00021-RP	03/27/19	Establishment of Prescription Drug Formulary	Establishment of a drug formulary that includes high-quality and cost-effective preauthorized medication
WCB-23-18-00004-P	06/06/19	Fees for Medical Testimony	To increase fees for medical testimony and eliminate fee reductions for multiple appearances as this provision is not used
WCB-23-18-00005-RP	06/06/19	Medical Fee Schedules	Update the fees paid for medical treatment in workers' compensation claims
WCB-49-18-00010-P	12/05/19	Pharmacy Fee Schedule	Update the pricing methodology for prescription drugs

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

REPLACE BUILDING MANAGEMENT SYSTEM Sing Sing Correctional Facility Ossining, Westchester County

Sealed bids for Project No. 44696-H, for HVAC Work, Replace Building Management System, Facility Wide, Sing Sing Correctional Facility, 354 Hunter Street, Ossining (Westchester 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 19, 2018 when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of \$84,600 for H.

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$3,000,000 and \$4,000,000 for H.

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

The substantial completion date for this project is October 15, 2021.

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 9:30 a.m. on December 6, 2018 at OGS Office, 130 State Street, Ossining, 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 Tricia Picciano, (914) 941-1122 a minimum of 72 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority- and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs). The total contract goal can be obtained by utilizing any combination of MBE and /or WBE participation for subcontracting and supplies acquired under this Contract.

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

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

For questions about purchase of bid documents, please send an e-mail to DC.Plans@ogs.ny.gov, or call (518) 474-0203.

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

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

REPLACE WINDOWS

E. Roosevelt State Office Building
Poughkeepsie, Dutchess County

Sealed bids for Project No. 44783-C, for Construction Work, Replace Windows, E. Roosevelt State Office Building, 4 Burnett Blvd., Poughkeepsie (Dutchess County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of General Services, until 2:00 p.m. on Wednesday, December 19, 2018, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of \$60,300 for C.

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law,

each for 100% of the amount of the Contract estimated to be between \$1,000,000 and \$2,000,000 for C.

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

The substantial completion date for this project is 513 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on December 6, 2018 at E. Roosevelt State Office Building, 4 Burnett Blvd., Poughkeepsie, NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

For assistance pertaining to the site visit only, please phone Theresa Swehla (845) 895-3170.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority- and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs). The total contract goal can be obtained by utilizing any combination of MBE and /or WBE participation for subcontracting and supplies acquired under this Contract.

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

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

For questions about purchase of bid documents, please send an e-mail to DC.Plans@ogs.ny.gov, or call (518) 474-0203.

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

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

NOTICE OF AVAILABILITY OF STATE AND FEDERAL FUNDS

Division of Homeland Security and Emergency
Services

1220 Washington Ave.
State Campus, Bldg. 7A
Albany, NY 12242

NON-PROFIT NONPUBLIC SCHOOLS, NON-PROFIT DAYCARE
CENTERS AND NON-PROFIT CULTURAL MUSEUMS LO-
CATED WITHIN NEW YORK STATE

**State Fiscal Year 2018-19 Securing Communities Against Hate
Crime (SCAHC)**

Description:

Request for Applications (RFA) will be accepted for State funding made available by Governor Andrew Cuomo and administered by the NYS Division of Homeland Security and Emergency Services (DHSES). Each Applicant may apply for up to \$50,000 per facility, eligible organizations may submit up to three applications for a maximum total request of up to \$150,000 allowed per organization. There is a total of approximately \$10.1 million Statewide in funding available under this grant program and funds will be awarded competitively based on the submission of applications by eligible non-profit organizations located within New York State.

Funding will be awarded to support safety and security activities to non-profit nonpublic schools, non-profit daycare centers including those housed in community centers and non-profit cultural museums as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code that are at high risk of a hate crime due to their ideology, beliefs, or mission and are located within New York State. The program seeks to provide safety and security measures for these organizations to assist in mitigating risk/vulnerabilities as identified in their application.

Applications will be accepted until December 19, 2018 at 5:00 p.m. through the New York State Division of Homeland Security and Emergency Services' (DHSES) electronic grants management system (E-Grants).

The RFA and other required documents can be found at: <http://www.dhSES.ny.gov/grants/nonprofit/hate-crimes.cfm>

MISCELLANEOUS NOTICES/HEARINGS

Notice of Abandoned Property Received by the State Comptroller

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

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

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

PUBLIC NOTICE

Department of State
F-2018-0991

Date of Issuance – December 12, 2018

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act 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 on the New York State Department of State's website at <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2018-0991SmithFloatClamPond.pdf>

In F-2018-0991, or the "Smith Residential Float on Clam Pond", the applicant – Deborah Smith – proposes to construct a 4 foot by 20 foot open grate fixed pier, a 3 foot by 20 foot ramp and a 6 foot by 20 foot float with two timber piles. The fixed pier will be accessed by a timber stairway installed at the southern end of the pier. The applicant also proposes to install a seasonal water line with connection to the dwelling. The project is located on Clam Pond, at 203 Beacon Walk, in the Incorporated Village of Saltaire, within Fire Island, Suffolk County. The application states purpose of the project is to provide "safe recreational mooring".

Any interested parties and/or agencies desiring to express their views concerning the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or, January 11, 2019.

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

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

PUBLIC NOTICE

Department of State
Uniform Code Variance / Appeal Petitions

2018-0382 Matter of Stanley Hayes, Hyman Hayes Associates, LLC/Principal, Six Wembley Court, Albany, NY 12205 for a variance concerning the code requirements for a white flashing light and an audible alarm associated with a fire alarm system. The building is commonly known as the Albany Medical Center Hospital located at 43 New Scotland Ave., City of Albany, State of New York.

PUBLIC NOTICE

Department of State
Uniform Code Variance / Appeal Petitions

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

2018-0576 In the matter of Mary Jacobus and Reeve Parker, 251 #2 Strawberry Hill Circle, Ithaca, NY 14850 concerning safety requirements including a variance for reduction in required height of existing handrails and guardrails.

Involved is the certificate of compliance inspection of an existing residential occupancy, two stories in height, located at 123 North Quarry Street, City of Ithaca, County of Tompkins, New York.

COURT NOTICES

AMENDMENT OF RULE

Rules of the Chief Judge

Pursuant to Article VI, § 28(c) of the State Constitution and section 211 of the Judiciary Law, upon consultation with the Administrative Board of the Courts, and with the approval of the Court of Appeals of the State of New York, I hereby amend, effective immediately, section 50.1(II)(C) of the Rules of the Chief Judge, by adding the underlined material, relating to Rules governing conduct of nonjudicial court employees to read as follows:

§ 50.1 Code of Ethics for Nonjudicial Employees of the Unified Court System

(II)(C) Court employees shall not discriminate, and shall not manifest by words or conduct bias or prejudice, on the basis of race, color, sexual orientation, *gender identity, gender expression*, religion, creed, national origin, marital status, age or disability.

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 amend the preamble to section 202.70(g) of the Uniform Rules for the Supreme and County Courts (Preamble to the Rules of Practice for the Commercial Division), effective January 1, 2019, to read as follows (new material underlined; deleted material bracketed and stricken):

(g) Rules of practice for the Commercial Division

* * *

[Preamble. The Commercial Division understands that the businesses, individuals and attorneys who use this Court have expressed their frustration with adversaries who engage in dilatory tactics, fail to appear for hearings or depositions, unduly delay in producing relevant documents, or otherwise cause the other parties in a case to incur unnecessary costs. The Commercial Division will not tolerate such practices. The Commercial Division is mindful of the need to conserve client resources, encourage proportionality in discovery, promote efficient resolution of matters, and increase respect for the integrity of the judicial process. Litigants and counsel who appear in this Court are directed to review the Rules regarding sanctions, including the provisions in Rule 12 regarding failure to appear at a conference, Rule 13(a) regarding adherence to discovery schedules, and Rule 24(d) regarding the need for counsel to be fully familiar with the case when making appearances. Sanctions are also available in this Court under Rule 3126 of the Civil Practice Law and Rules and Part 130 of the Rules of the Chief Administrator of the Courts. The judges in the Commercial Division will impose appropriate sanctions and other remedies and orders as is warranted by the circumstances. Use of these enforcement mechanisms enables the Commercial Division to function efficiently and effectively, and with less wasted time and expense for the Court, parties and counsel. Nothing herein is intended to expand or alter the scope and/or remedies available under the above-cited sanction rules.]

PREAMBLE

Created in 1995, today's Commercial Division of the New York State Supreme Court is an efficient, sophisticated, up-to-date court dealing with challenging commercial cases. From its inception, the Commercial Division has had as its primary goal the cost-effective,

predictable and fair adjudication of complex commercial cases. By virtue of its specialized subject matter jurisdiction, exceptional judicial expertise, rules and procedures dedicated to commercial practice, and commitment to high standards of attorney professionalism, the Division has established itself at the forefront of worldwide commercial litigation in the twenty-first century.

(1) Jurisdiction and Judiciary

The subject matter jurisdiction of the Commercial Division – including both substantial monetary thresholds and carefully chosen case types (see § 202.70[a] and [b]) – is designed that it is the forum of resolution of the most complex and consequential commercial matters commenced in New York's courts. Accordingly, the Division's judges are chosen for their extensive experience in resolving sophisticated commercial disputes. Unlike jurists in other civil parts in New York's court system, Commercial Division justices devote themselves almost exclusively to these complex commercial matters.

(2) Rules and Procedures

Since its inception, the Commercial Division has implemented rules, procedures and forms especially designed to address the unique problems of commercial practice. Such rules have addressed a wide range of matters such as proportionality in discovery, optional accelerated adjudication, robust expert disclosure, limits on depositions and interrogatories, streamlined privilege logs, special rules concerning entity depositions, model forms to facilitate discovery, expedited resolution of discovery disputes, simplification of bench trials, time limits on all trials, streamlined presentation of evidence at trials, and a strong commitment to early case disposition through the Division's alternative dispute resolution program. Equally important, through the work of the Commercial Division Advisory Council – a committee of commercial practitioners, corporate in-house counsel and jurists devoted to the Division's excellence – the Commercial Division has become a recognized leader in court system innovation, demonstrating an unparalleled creativity and flexibility in development of rules and practices.

(3) The Commercial Division Bar

Finally, the work of the Commercial Division has prospered through the strong cooperative spirit of the bar practicing before it. The subject matter jurisdiction of the court, the pace of high-stakes commercial practice, the sophistication of the judiciary and the specialized rules of the Division require that the practicing bar be held rigorously to a standard of commitment and professionalism of the highest caliber. For example, the failure to appear (or the appearance without proper preparation) at scheduled court dates, depositions or hearings is generally viewed as highly improper in the Commercial Division, and can readily result in the imposition of sanctions and penalties as permitted under statute and court rule (see, e.g., CPLR 3126; see also 22 NYCRR Part 130). At the same time, the Commercial Division's judiciary is strongly committed to the ongoing development of New York's commercial bar and, in that spirit, has instituted practices encouraging the participation of less experienced members of that bar in substantive and meaningful ways (including presentation of motions or examination of witnesses) in matters before it. In this manner, the Division seeks to ensure the continued development of the highest quality of commercial bar in New York State.

(4) Conclusion

"New York is the center of world commerce, the headquarters of international finance, the home of America's leading businesses. As

such, it strongly needs a modern, well-staffed, properly equipped forum for the swift, fair and expert resolution of significant commercial disputes.” In 1995, those words introduced the New York State Bar Association’s report proposing the creation of the Commercial Division (N.Y. St. Bar Ass’n, A Commercial Court For New York [Jan. 1995]). Since then, they have served as the central rationale for the Division’s commitment to excellence in the administration of the rule of law in business in New York. The practice rules of the Commercial Division, set forth below, are a crucial component of that commitment, and are designed to be a dynamic counterpart to the innovative and efficient business practices which are so essential to the economic health of our State and nation.