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**NEW YORK STATE**

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**REGISTER**

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***INSIDE THIS ISSUE:***

- Substance Use Disorder Inpatient Rehabilitation
- Residential and Non-Residential Services to Victims of Domestic Violence
- Standard Utility Allowances (SUAs) for the Supplemental Nutrition Assistance Program (SNAP)

**Rule Review**

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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 17, 2019
- the 30-day period expires on January 18, 2019

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# NEW YORK STATE REGISTER

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## Be a part of the rule making process!

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

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

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

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

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

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

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

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# RULE MAKING ACTIVITIES

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

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

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

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## Office of Alcoholism and Substance Abuse Services

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### NOTICE OF ADOPTION

#### Proposed Rule Consolidates and Updates Regulatory Requirements Regarding HIV/AIDS for Patients Admitted to OASAS Programs

**I.D. No.** ASA-37-18-00002-A

**Filing No.** 1126

**Filing Date:** 2018-12-04

**Effective Date:** 2018-12-19

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

**Action taken:** Repeal of Parts 309, 1070, 1072; addition of Part 807 to Title 14 NYCRR.

**Statutory authority:** Mental Hygiene Law, sections 19.07, 19.09, 32.07; Public Health Law, art. 27F

**Subject:** Proposed rule consolidates and updates regulatory requirements regarding HIV/AIDS for patients admitted to OASAS programs.

**Purpose:** The proposed rule clarifies the statutory and regulatory obligations of OASAS programs pertaining to HIV/AIDS.

**Text or summary was published** in the September 12, 2018 issue of the Register, I.D. No. ASA-37-18-00002-P.

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

**Text of rule and any required statements and analyses may be obtained from:** Carmelita Cruz, NYS OASAS, 1450 Western Avenue, Albany, NY 12203, (518) 485-2312, email: carmelita.cruz@oasas.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**

One public comment was submitted from the NYC Department of Health and Mental Hygiene. They proposed some minor technical corrections and language uniformity as well the addition of two definitions, all of which have been made. They also recommended alignment with the New York Plan to End the AIDS Epidemic by adding additional guidance to the HIV prevention counseling and testing sections. The Office does not include medical guidance in regulation however, an intent section was added to the regulation to clarify the Office's policy alignment on HIV-related services conforms with the NY Plan to End AIDS.

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

#### **General Provisions**

**I.D. No.** ASA-51-18-00019-P

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

**Proposed Action:** Amendment of Part 800 of Title 14 NYCRR. This rule is proposed pursuant to SAPA section 207(3), 5-Year Review of Existing Rules.

**Statutory authority:** Mental Hygiene Law, sections 19.07(e), 19.09(b), 32.01 and 32.07(a)

**Subject:** General provisions.

**Purpose:** Update provisions consistent with treatment developments; definitions; technical gender language.

**Substance of proposed rule (Full text is posted at the following State website: [www.oasas.ny.gov](http://www.oasas.ny.gov)):** The Proposed Rule amends certain provisions of Part 800 applicable to all OASAS programs.

§ 800.3(d) and (t) Definitions. Amends the definition of "Medical Director" to remove references to specific certifying entities due to discontinuation of the subspecialty by one certifying entity; certification is still required from a certifying entity appropriate to the director's primary or subspecialty certifying Board. Requires all medical directors to have or to acquire a federal DATA 2000 waiver (buprenorphine certified). Also consolidates language related to medical director responsibilities.

Adds a definition of "addiction services" consistent with language used by the federal Center for Medicare and Medicaid Services.

§ 800.4 Access to Medication Assisted Treatment. Adds a new section requiring all programs certified by the Office to facilitate access to medication assisted treatment through direct provision of such medication or by contract or linkage with private prescribing professionals. Requires all practitioners employed in a treatment program who are eligible for a DATA 2000 waiver to acquire such certification. Requires all programs to maintain an emergency medical kit including at least one naloxone emergency overdose prevention kit available during all hours of operation.

§ 800.5 and § 800.6 Waiver and Severability. Both renumbered to accommodate the new section 800.4.

**Text of proposed rule and any required statements and analyses may be obtained from:** Carmelita Cruz, Senior Attorney, NYS Office of Alcoholism and Substance Abuse Services, 1450 Western Ave., Albany, NY 12203, (518) 485-2317, email: Carmelita.Cruz@oasas.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.

**Reasoned Justification for Modification of the Rule**

The proposed rule is part of concurrent revisions to six (6) OASAS regulations, applicable to all programs, and to specific treatment modalities. These amendments are proposed in response to the current and ongoing opioid crisis in New York. Developments in treatment practice and philosophy have emerged to more aggressively confront this crisis. The revisions to Parts 800 (General Provisions), 815 (Patient Rights), 816 (Crisis services), 817 (Rehabilitation Services for Youth), 818 (Inpatient Rehabilitation), and 822 (Outpatient Services) are all based on the following guiding principles:

1. Addiction is a chronic disease: regulatory language reflects a punitive and strict abstinence model that does not fit current understanding of the disease or treatment options, including harm reduction when appropriate;

2. OASAS regulations require providers of services to be staffed by clinical and medical professionals with scopes of practice prescribed by their licenses or credentials. Therefore, regulatory language should not include unnecessary clinical instruction which restricts professionals acting within their scope of practice and hinders immediate engagement with clients;

3. Regulatory language is unnecessarily repetitive: rather than clarity, this causes more paperwork and administrative burden which takes time away from treatment needs of patients; repetitive language also burdens agency regulators' compliance reviews;

4. Regulatory language and structure perpetuates the stigma that attaches to patients receiving replacement therapies and medication assisted treatment. These revisions complete the Office's goal begun in 2007 to unify all outpatient treatment (no more "methadone clinics");

5. Some regulatory functions, such as utilization review, are carried out by third party payors: duplication of administrative effort restricts patients' rapid access to the clinical services they need.

This major regulatory overhaul is reflective of a comprehensive strategic effort throughout the treatment field to revisit and revise old patterns that do not fit the urgent needs of the patients seeking services from OASAS treatment programs during this crisis. Some of these patterns are rooted in tensions within the treatment field between persons whose primary addiction is to alcohol and those whose primary substance is illegal or prescription medication. For example, this can manifest as a reluctance to utilize medication assisted treatment even as it is universally recognized as a best practice.

The goal of these revisions is to remove regulatory obstacles at a pre-admission or admission stage to facilitate rapid access to care, and to remove residual biases in the treatment field that are reflected in regulatory language. Once a person has acknowledged they need help, unless that help is as readily available as soon as possible, in the form of an understanding clinician, vs. a checklist of regulatory requirements, a critical opportunity to save a life may have been lost. Regulatory language has trained treatment providers to be careful regulators; these revisions are intended to enable them to be more effective treatment providers first and foremost. Meeting the standards of regulatory language, always intended as a minimum standard, had become the goal; these revisions do not lower the standard, but rather encourage the application of clinical judgment, expertise, and human contact so essential to treat any chronic disease.

Technical amendments include use of gender neutral language. This proposal was reviewed by the Behavioral Health Services Advisory Council on November 1, 2018 and recommended for publication in the State Register.

**Regulatory Impact Statement****1. Statutory Authority:**

(a) Section 19.07(a) of the Mental Hygiene Law charges the Office of Alcoholism and Substance Abuse Services (OASAS or "Office") with assuring the development of comprehensive plans, programs and services for research, prevention, care, treatment, rehabilitation, education and training related to substance use disorder and compulsive gambling.

(b) Section 19.09 (b) of the Mental Hygiene Law allows the commissioner to adopt regulations necessary and proper to implement any matter under the commissioner's jurisdiction.

(c) Section 32.01 of the Mental Hygiene Law states the commissioner may adopt any regulation reasonably necessary to implement and effectively exercise the powers and perform the duties conferred by Article 32 of the Mental Hygiene Law.

(d) Section 32.07 of the Mental Hygiene Law states the commissioner may adopt regulations to effectuate the provisions and purposes of article 32 of the Mental Hygiene Law.

2. Legislative Objectives: The proposed rulemaking is related to concurrent revisions to multiple OASAS regulations in response to the opioid crisis and the implementation of Medicaid Managed care. Recent important developments in treatment practice and philosophy have emerged to confront this crisis as aggressively as possible. These amendments ensure agency regulations reflect current standards of treatment for persons with substance use disorder and/or gambling disorder, parity between behav-

ioral and physical health, and changes in options available for Board certifications required of medical directors. The revisions to Parts 800 are based on the following general guiding principles: (1) that addiction is a chronic disease; (2) that medication assisted treatment is a best practice for treatment of substance use disorder; (3) and that all providers must be prepared, and must prepare the patient and their family, to address emergency overdose situations.

This proposal was reviewed by the Behavioral Health Services Advisory Council on November 1, 2018 and recommended for publication in the State Register.

3. Needs and Benefits: This major regulatory overhaul is reflective of a comprehensive strategic effort throughout the treatment field to revisit and revise old patterns that do not fit the urgent needs of the patients entering treatment programs during the current opioid crisis. Outdated regulatory language drives practices and attitudes toward patients that may discourage persons from seeking treatment and treatment providers from implementing current clinical best practices.

These revisions seek to remove residual biases in the treatment field reflected in regulatory language stigmatizing medication assisted treatment and focusing on abstinence as a primary goal. Language related to medical directors' Board certifications is amended due to changes in existing pathways to such certifications.

4. Costs: No additional administrative costs to the agency are anticipated since regulatory oversight and program review are standard agency operations. No additional costs to programs/providers are anticipated since the obligation to provide basic services is not changed. The requirement for DATA 2000 waivers for some staff is an extension of current requirements and is a fee paid by the practitioner. Keeping a naloxone emergency overdose prevention kit on site is not an additional cost since many programs are DOH registered Opioid Overdose Prevention Programs (OOPPs), or this medication is covered by Medicaid and some private insurances and fillable at most pharmacies pursuant to a non-patient specific order.

5. Local Government Mandates: This regulation imposes no new mandates on local governments operating certified OASAS programs.

6. Paperwork: The proposed regulation will not require any additional paperwork because no new reporting requirements are required of all providers.

7. Duplication: This proposed rule does not duplicate any State or federal statute or rule.

8. Alternatives: Continue with outdated regulations that are not consistent with current standards. The new rule does not reduce standards but consolidates language into a more concise regulation and clarifies expectations for best practices.

9. Federal Standards: This regulation does not conflict with federal standards.

10. Compliance Schedule: This rulemaking will be effective upon publication of a Notice of Adoption in the State Register.

**Regulatory Flexibility Analysis**

OASAS has determined that the rule will not impose any adverse impact on small businesses or local governments. This proposed rulemaking does not affect businesses or local governments as it includes provisions applicable to all programs certified, licensed, funded or otherwise authorized by the Office to provide addiction services regardless of location, size, modality or operator.

The proposed rule will be posted on the agency website. Agency review process involves input from trade organizations representing providers in diverse geographic locations, local governments, and other behavioral health providers.

**Rural Area Flexibility Analysis**

OASAS has determined that the rule will not impose any adverse impact on rural areas or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas. This proposed rulemaking does not affect businesses or local governments in any geographic area, including rural areas, since it relates to provisions applicable to all programs certified, licensed, funded or otherwise authorized by the Office to provide services regardless of location, size, modality or operator.

The proposed rule will be posted on the agency website. Agency review process involves input from trade organizations representing providers in diverse geographic locations, local governments, and other behavioral health providers.

**Job Impact Statement**

No change in the number of jobs and employment opportunities is anticipated as a result of the proposed new regulation because the proposed amendments apply to qualifications of current staff or future staff and do not require programs to hire or add additional staff. Programs or the Office will not need to hire additional staff or reduce staff size; the proposed changes will not adversely impact jobs outside of the agency; the proposed changes will not result in the loss of any jobs within New York State.

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

**Substance Use Disorder Withdrawal and Stabilization Services**

**I.D. No.** ASA-51-18-00020-P

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

**Proposed Action:** Repeal of Part 816; addition of new Part 816 to Title 14 NYCRR. This rule is proposed pursuant to SAPA section 207(3), 5-Year Review of Existing Rules.

**Statutory authority:** Mental Hygiene Law, sections 19.07(e), 19.09(b), 32.01 and 32.07(a)

**Subject:** Substance Use Disorder Withdrawal and Stabilization Services.

**Purpose:** Update provisions consistent with treatment developments; definitions; technical gender language.

**Substance of proposed rule (Full text is posted at the following State website: [www.oasas.ny.gov](http://www.oasas.ny.gov)):**

The Proposed Rule repeals Part 816 and replaces with a new Part 816 relating to “crisis services” for persons suffering from substance use disorder.

§ 816.1 Background and intent. Edits for grammar, repetitive text, and subjective adjectives.

§ 816.2 Sets forth the statutory authority for promulgation of this regulation; gender neutral terms and updated terminology.

§ 816.3 Applicability. Providers certified and/or funded by the Office that provide gambling treatment as a secondary diagnosis to substance use disorder, or have received a waiver or designation to provide gambling treatment without a substance use disorder diagnosis.

§ 816.4 Definitions. Edits for grammar, repetitive text; deletion of definitions that have been moved to Part 800 applicable to all providers (“prescribing professional,” and “qualified health professionals”).

§ 816.5 Standards applicable to all withdrawal and stabilization services. Edits for grammar, gender neutral language, and updated terminology; consolidating repetitive or extraneous language regarding requirements for provider policies and procedures and program goals. Subjects include: Screening, linkages and referral; policies and procedures; co-location; capacity; admission, including level of care determinations, medical exams, and pharmacology; initial services and initial evaluations; development and review of a patient-centered recovery/care plan; discharge and planning for level of care transitions; case records; utilization review and quality improvement; staffing.

§ 816.6 Additional requirements for medically managed withdrawal and stabilization. Edits deleting repetitive and extraneous text or provisions covered in other sections of this Part or other Parts of this Chapter; staffing specific to this modality.

§ 816.7 Additional requirements for medically supervised inpatient withdrawal and stabilization. Edits deleting repetitive and extraneous text or provisions covered in other sections of this Part or other Parts of this Chapter; staffing specific to this modality.

§ 816.8 Additional requirements for medically supervised inpatient withdrawal and stabilization. Edits deleting repetitive and extraneous text or provisions covered in other sections of this Part or other Parts of this Chapter; staffing specific to this modality.

§ 816.9 Additional requirements for medically monitored inpatient withdrawal and stabilization. Edits deleting repetitive and extraneous text or provisions covered in other sections of this Part or other Parts of this Chapter; staffing specific to this modality.

816.10 Standards pertaining to Medicaid reimbursement. Edits to consolidate repetitive language or text covered in other Parts of this Chapter.

816.11 Savings and renewal clause.

816.12 Severability.

**Text of proposed rule and any required statements and analyses may be obtained from:** Carmelita Cruz, Senior Attorney, NYS Office of Alcoholism and Substance Abuse Services, 1450 Western Ave., Albany, NY 12203, (518) 485-2317, email: [Carmelita.Cruz@oasas.ny.gov](mailto:Carmelita.Cruz@oasas.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.

**Reasoned Justification for Modification of the Rule**

The proposed rule is part of concurrent revisions to six (6) OASAS regulations, applicable to all programs, and to specific treatment modalities. These amendments are proposed in response to the current and ongoing opioid crisis in New York. Developments in treatment practice and philosophy have emerged to more aggressively confront this crisis. The revisions to Parts 800 (General Provisions), 815 (Patient Rights), 816

(Crisis services), 817 (Rehabilitation Services for Youth), 818 (Inpatient Rehabilitation), and 822 (Outpatient Services) are all based on the following guiding principles:

1. Addiction is a chronic disease: regulatory language reflects a punitive and strict abstinence model that does not fit current understanding of the disease or treatment options, including harm reduction when appropriate;

2. OASAS regulations require providers of services to be staffed by clinical and medical professionals with scopes of practice prescribed by their licenses or credentials. Therefore, regulatory language should not include unnecessary clinical instruction which restricts professionals acting within their scope of practice and hinders immediate engagement with clients;

3. Regulatory language is unnecessarily repetitive: rather than clarity, this causes more paperwork and administrative burden which takes time away from treatment needs of patients; repetitive language also burdens agency regulators’ compliance reviews;

4. Regulatory language and structure perpetuates the stigma that attaches to patients receiving replacement therapies and medication assisted treatment. These revisions complete the Office’s goal begun in 2007 to unify all outpatient treatment (no more “methadone clinics”);

5. Some regulatory functions, such as utilization review, are carried out by third party payors: duplication of administrative effort restricts patients’ rapid access to the clinical services they need.

This major regulatory overhaul is reflective of a comprehensive strategic effort throughout the treatment field to revisit and revise old patterns that do not fit the urgent needs of the patients seeking services from OASAS treatment programs during this crisis. Some of these patterns are rooted in tensions within the treatment field between persons whose primary addiction is to alcohol and those whose primary substance is illegal or prescription medication. For example, this can manifest as a reluctance to utilize medication assisted treatment even as it is universally recognized as a best practice.

The goal of these revisions is to remove regulatory obstacles at a pre-admission or admission stage to facilitate rapid access to care, and to remove residual biases in the treatment field that are reflected in regulatory language. Once a person has acknowledged they need help, unless that help is as readily available as soon as possible, in the form of an understanding clinician, vs. a checklist of regulatory requirements, a critical opportunity to save a life may have been lost. Regulatory language has trained treatment providers to be careful regulators; these revisions are intended to enable them to be more effective treatment providers first and foremost. Meeting the standards of regulatory language, always intended as a minimum standard, had become the goal; these revisions do not lower the standard, but rather encourage the application of clinical judgment, expertise, and human contact so essential to treat any chronic disease.

Technical amendments include use of gender neutral language. This proposal was reviewed by the Behavioral Health Services Advisory Council on November 1, 2018 and recommended for publication in the State Register.

**Regulatory Impact Statement**

**1. Statutory Authority:**

(a) Section 19.09 of the Mental Hygiene Law authorizes the Commissioner of the Office of Alcoholism and Substance Abuse Services to adopt regulations necessary and proper to implement any matter under their jurisdiction.

(b) Section 19.15 of the Mental Hygiene Law bestows upon the Commissioner of such Office the responsibility of promoting, establishing, coordinating, and conducting programs for the prevention, diagnosis, treatment, aftercare, rehabilitation, and control in the field of substance use disorder.

(c) Section 19.40 of the Mental Hygiene Law authorizes the Commissioner of such Office to issue operating certificates for the provision of chemical dependence services.

(d) Section 22.09 of the Mental Hygiene Law directs the Commissioner of such Office to designate hospitals and other appropriate facilities as providers of emergency detoxification and stabilization services for persons needing or seeking emergency treatment.

2. Legislative Objectives: By vesting the commissioner with rulemaking authority, the legislature intended the commissioner to adopt standards, including necessary rules and regulations pertaining to chemical dependence services which will ensure persons who abuse or are dependent on alcohol and/or substances and their families are provided with care and treatment which is effective and of high quality. Mental Hygiene Law Articles 19 and 32 authorize the commissioner to adopt any regulation reasonably necessary to implement and effectively exercise the powers and perform the duties conferred by such statutes.

These amendments ensure agency regulations reflect current statutory requirements and standards of treatment. The proposed revision is more consistent with current treatment best practices.

This proposal was reviewed by the Behavioral Health Services Advi-

sory Council on November 1, 2018 and recommended for publication in the State Register.

3. Needs and Benefits: This major regulatory overhaul is reflective of a comprehensive strategic effort throughout the treatment field to revisit and revise old patterns that do not fit the urgent needs of the patients entering treatment programs during the current opioid crisis. Outdated regulatory language drives practices and attitudes toward patients that may discourage persons from seeking treatment and treatment providers from implementing current clinical best practices.

These revisions seek to remove residual or hidden biases in regulatory language that stigmatize medication assisted treatment or focus on abstinence as a primary goal. Technical revisions include use of gender neutral language, updated clinical and agency terminology, and clarifications that referrals include connections to alternative treatment when appropriate. Excessive clinical guidance has been removed from regulation. Some regulatory functions, such as utilization review, are now primarily carried out by third party payors; duplication of administrative efforts restricts rapid access to clinical services needed by patients during this crisis.

These proposed revisions also conform format and language to be substantially similar to regulations for other treatment modalities making it easier for agency regulators to conduct oversight of similar regulatory provisions.

4. Costs: No additional administrative costs to the agency are anticipated since regulatory oversight and program review are standard agency operations. No additional costs to programs/providers are anticipated since the obligation to provide basic services is not changed; staffing patterns will be the same as the current regulation. The requirement to offer naloxone to certain patients and families upon discharge is not an additional cost since many programs are DOH registered Opioid Overdose Prevention Programs (OOPPs), or this medication is covered by Medicaid and some private insurances and fillable at most pharmacies pursuant to a non-patient specific order.

5. Local Government Mandates: This regulation imposes no new mandates on local governments operating certified OASAS programs.

6. Paperwork: The proposed regulation will not require any additional paperwork because reporting requirements have not changed from the current requirements.

7. Duplication: This proposed rule does not duplicate any State or federal statute or rule.

8. Alternatives: Continue with outdated regulations that are not consistent with current standards. The new rule does not reduce standards but consolidates language into a more concise regulation.

9. Federal Standards: This regulation does not conflict with federal standards.

10. Compliance Schedule: This rulemaking will be effective upon publication of a Notice of Adoption in the State Register.

#### **Regulatory Flexibility Analysis**

OASAS has determined that the rule will not impose any adverse impact on small businesses or local governments. This proposed rulemaking does not affect small businesses or local governments since it does not require any services additional to services already provided by programs regardless of size or operator.

The proposed rule will be posted on the agency website. Agency review process involves input from trade organizations representing providers in diverse geographic locations, local governments, and other behavioral health providers.

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

OASAS has determined that the rule will not impose any adverse impact on rural areas or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas. This proposed rulemaking does not affect businesses or local governments in any geographic area, including rural areas, since it does not require any services additional to services already provided by programs in such locations.

The proposed rule will be posted on the agency website. Agency review process involves input from trade organizations representing providers in diverse geographic locations, local governments, and other behavioral health providers.

#### **Job Impact Statement**

No change in the number of jobs and employment opportunities is anticipated as a result of the proposed new regulation because this proposed rulemaking does not require any services additional to services already provided by programs regardless of size or operator and therefore current staffing is not affected.

The Office will not need to hire additional staff or reduce staff size; the proposed changes will not adversely impact jobs outside of the agency; the proposed changes will not result in the loss of any jobs within New York State.

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

### **Substance Use Disorder Residential Rehabilitation Services for Youth**

**I.D. No.** ASA-51-18-00021-P

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

**Proposed Action:** Repeal of Part 817; addition of new Part 817 to Title 14 NYCRR. This rule is proposed pursuant to SAPA section 207(3), 5-Year Review of Existing Rules.

**Statutory authority:** Mental Hygiene Law, sections 19.07(e), 19.09(b), 32.01 and 32.07(a)

**Subject:** Substance Use Disorder Residential Rehabilitation Services for Youth.

**Purpose:** Update provisions consistent with treatment developments; definitions; technical gender language.

**Substance of proposed rule (Full text is posted at the following State website: [www.oasas.ny.gov](http://www.oasas.ny.gov)):** The Proposed Rule repeals Part 817 and replaces with a new Part 817 relating to the treatment and recovery of persons ages eighteen (18) and under in the OASAS system.

§ 817.1 Legal Base. Sets forth the statutory authority for promulgation of this regulation.

§ 817.2 General Program Standards. Edits for grammar, gender neutral language, and updated terminology; consolidating repetitive or extraneous language regarding requirements for provider policies and procedures and program goals. Subjects include: Policies and procedures; program goals; minimum services; medication assisted treatment; emergency medical kits; food and nutrition; certified capacity; Medicaid; segregation by age; telepractice.

§ 817.3 Admission procedures. Edits for grammar, gender neutral language, and updated terminology; consolidating repetitive or extraneous language. Subjects include: initial determination; level of care determination; prohibition against discrimination; additional requirements for admission of Medicaid eligible individuals; admission criteria.

§ 817.4 Post admission procedures. Edits for grammar, gender neutral language, and updated terminology; consolidating repetitive or extraneous language. Subjects include: testing or referral for infectious diseases consistent with or exceeding Public Health Law; initial evaluation; initial services; medical history; referral and connection.

§ 817.5 Treatment/recovery plan. This is a new section extracted from text in prior subdivisions. Other edits include grammar, gender neutral language, updated terminology, and consolidating repetitive or extraneous language. Subjects include: requirement for a patient-centered treatment/recovery plan; required content; continuing review; progress notes; discharge planning and discharge summary.

§ 817.6 Patient records. Provisions of this section were extracted from text in prior subdivisions. Other edits include grammar, gender neutral language, updated terminology, and consolidating repetitive or extraneous language. Subjects include required documentation; disclosures; and reporting to the Office. Previous sections 817.6 and 817.7 were deleted.

§ 817.7 Staffing. Provisions of this section were extracted from text in prior subdivisions. Other edits include grammar, gender neutral language, updated terminology, and consolidating repetitive or extraneous language. Subjects include: medical director and medical staff; staff sharing; supervision and training; program director; other clinical staff; additional required staff including maintenance and security, volunteers and interns, health coordinator, community support specialist, intake/admissions coordinator. Previous sections 817.8 and 817.9 were deleted: medical policies and services and restraint and seclusion prohibited are covered in other sections of this Part or other Parts of this Chapter.

§ 87.8 Severability.

§ 817.9 Savings and renewal clause.

**Text of proposed rule and any required statements and analyses may be obtained from:** Carmelita Cruz, Senior Attorney, NYS Office of Alcoholism and Substance Abuse Services, 1450 Western Ave., Albany, NY 12203, (518) 485-2317, email: [Carmelita.Cruz@oasas.ny.gov](mailto:Carmelita.Cruz@oasas.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.

#### **Reasoned Justification for Modification of the Rule**

The proposed rule is part of concurrent revisions to six (6) OASAS regulations, applicable to all programs, and to specific treatment modalities. These amendments are proposed in response to the current and ongoing opioid crisis in New York. Developments in treatment practice

and philosophy have emerged to more aggressively confront this crisis. The revisions to Parts 800 (General Provisions), 815 (Patient Rights), 816 (Crisis services), 817 (Rehabilitation Services for Youth), 818 (Inpatient Rehabilitation), and 822 (Outpatient Services) are all based on the following guiding principles:

1. Addiction is a chronic disease; regulatory language reflects a punitive and strict abstinence model that does not fit current understanding of the disease or treatment options, including harm reduction when appropriate;

2. OASAS regulations require providers of services to be staffed by clinical and medical professionals with scopes of practice prescribed by their licenses or credentials. Therefore, regulatory language should not include unnecessary clinical instruction which restricts professionals acting within their scope of practice and hinders immediate engagement with clients;

3. Regulatory language is unnecessarily repetitive; rather than clarity, this causes more paperwork and administrative burden which takes time away from treatment needs of patients; repetitive language also burdens agency regulators' compliance reviews;

4. Regulatory language and structure perpetuates the stigma that attaches to patients receiving replacement therapies and medication assisted treatment. These revisions complete the Office's goal begun in 2007 to unify all outpatient treatment (no more "methadone clinics");

5. Some regulatory functions, such as utilization review, are carried out by third party payors; duplication of administrative effort restricts patients' rapid access to the clinical services they need.

This major regulatory overhaul is reflective of a comprehensive strategic effort throughout the treatment field to revisit and revise old patterns that do not fit the urgent needs of the patients seeking services from OASAS treatment programs during this crisis. Some of these patterns are rooted in tensions within the treatment field between persons whose primary addiction is to alcohol and those whose primary substance is illegal or prescription medication. For example, this can manifest as a reluctance to utilize medication assisted treatment even as it is universally recognized as a best practice.

The goal of these revisions is to remove regulatory obstacles at a pre-admission or admission stage to facilitate rapid access to care, and to remove residual biases in the treatment field that are reflected in regulatory language. Once a person has acknowledged they need help, unless that help is as readily available as soon as possible, in the form of an understanding clinician, vs. a checklist of regulatory requirements, a critical opportunity to save a life may have been lost. Regulatory language has trained treatment providers to be careful regulators; these revisions are intended to enable them to be more effective treatment providers first and foremost. Meeting the standards of regulatory language, always intended as a minimum standard, had become the goal; these revisions do not lower the standard, but rather encourage the application of clinical judgment, expertise, and human contact so essential to treat any chronic disease.

Technical amendments include use of gender neutral language. This proposal was reviewed by the Behavioral Health Services Advisory Council on November 1, 2018 and recommended for publication in the State Register.

#### **Regulatory Impact Statement**

##### **1. Statutory Authority:**

(a) Section 19.07(e) of the Mental Hygiene Law authorizes the Commissioner of the Office of Alcoholism and Substance Abuse Services to adopt standards including necessary rules and regulations pertaining to chemical dependence services.

(b) Section 19.09(b) of the Mental Hygiene Law authorizes the Commissioner of the Office of Alcoholism and Substance Abuse Services to adopt regulations necessary and proper to implement any matter under his or her jurisdiction.

(c) Section 19.15(e) of the Mental Hygiene Law authorizes the Commissioner to implement programs of children and youth.

(d) Section 19.40 of the Mental Hygiene Law authorizes the Commissioner of the Office of Alcoholism and Substance Abuse Services to issue operating certificates for the provision of chemical dependence services.

(e) Section 32.01 of the Mental Hygiene Law authorizes the Commissioner of the Office of Alcoholism and Substance Abuse Services to adopt any regulation reasonably necessary to implement and effectively exercise the powers and perform the duties conferred by Article 32 of the Mental Hygiene Law.

(f) Section 32.07(a) of the Mental Hygiene Law authorizes the Commissioner of the Office of Alcoholism and Substance Abuse Services to adopt regulations to effectuate the provisions and purposes of Article 32 of the Mental Hygiene Law.

(g) Section 32.09 of the Mental Hygiene Law authorizes the Commissioner to issue operating certificates for services that treat chemically dependent individuals.

2. Legislative Objectives: By vesting the commissioner with rulemaking authority, the legislature intended the commissioner to adopt stan-

dards, including necessary rules and regulations pertaining to chemical dependence services and implementation of programs for children and youth, that will ensure persons who abuse or are dependent on alcohol and/or substances and their families are provided with care and treatment that is effective and of high quality. Mental Hygiene Law Articles 19 and 32 authorize the commissioner to adopt any regulation reasonably necessary to implement and effectively exercise the powers and perform the duties conferred by such statutes.

These amendments ensure agency regulations reflect current statutory requirements and standards of treatment for persons ages 18 and under. The proposed revision is more consistent with treatment best practices that have evolved since this regulation was first adopted.

This proposal was reviewed by the Behavioral Health Services Advisory Council on November 1, 2018 and recommended for publication in the State Register.

3. Needs and Benefits: This major regulatory overhaul is reflective of a comprehensive strategic effort throughout the treatment field to revisit and revise old patterns that do not fit the urgent needs of the patients entering treatment programs during the current opioid crisis. Outdated regulatory language drives practices and attitudes toward patients that may discourage persons from seeking treatment and treatment providers from implementing current clinical best practices.

These revisions seek to remove residual or hidden biases in regulatory language that stigmatize medication assisted treatment or focus on abstinence as a primary goal. Technical revisions include use of gender neutral language, updated clinical and agency terminology, and clarifications that referrals include connections to alternative treatment when appropriate. Excessive clinical guidance has been removed from regulation. Some regulatory functions, such as utilization review, are now primarily carried out by third party payors; duplication of administrative efforts restricts rapid access to clinical services needed by patients during this crisis.

Except where provisions are specific to the youth population, proposed revisions to this Part are similar to those proposed for 14 NYCRR Part 818 ("Substance Use Disorder Inpatient Rehabilitation") making it easier for agency regulators to conduct oversight of similar regulatory provisions.

4. Costs: No additional administrative costs to the agency are anticipated since regulatory oversight and program review are standard agency operations. No additional costs to programs/providers are anticipated since the obligation to provide basic services is not changed; staffing patterns will be the same as the current regulation. The requirement to offer naloxone to certain patients and families upon discharge is not an additional cost since many programs are DOH registered Opioid Overdose Prevention Programs (OOPPs), or this medication is covered by Medicaid and some private insurances and fillable at most pharmacies pursuant to a non-patient specific order.

5. Local Government Mandates: This regulation imposes no new mandates on local governments operating certified OASAS programs.

6. Paperwork: The proposed regulation will not require any additional paperwork because reporting requirements have not changed from the current requirements.

7. Duplication: This proposed rule does not duplicate any State or federal statute or rule.

8. Alternatives: Continue with outdated regulations that are not consistent with current standards. The new rule does not reduce standards but consolidates language into a more concise regulation.

9. Federal Standards: This regulation does not conflict with federal standards.

10. Compliance Schedule: This rulemaking will be effective upon publication of a Notice of Adoption in the State Register.

#### **Regulatory Flexibility Analysis**

OASAS has determined that the rule will not impose any adverse impact on small businesses or local governments. This proposed rulemaking does not affect businesses or local governments because this proposed rulemaking does not require any services additional to services already provided by programs regardless of size, modality, or operator and therefore current programming is not affected.

The proposed rule will be posted on the agency website. Agency review process involves input from trade organizations representing providers in diverse geographic locations, local governments, and other behavioral health providers.

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

OASAS has determined that the rule will not impose any adverse impact on rural areas or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas. This proposed rulemaking does not affect businesses or local governments in any geographic area, including rural areas, because this proposed rulemaking does not require any services additional to services already provided by programs regardless of location, size, modality, or operator and therefore current programming is not affected.

The proposed rule will be posted on the agency website. Agency review process involves input from trade organizations representing providers in diverse geographic locations, local governments, and other behavioral health providers.

#### **Job Impact Statement**

No change in the number of jobs and employment opportunities is anticipated as a result of the proposed new regulation because this proposed rulemaking does not require any services additional to services already provided by programs regardless of size, modality, or operator and therefore current staffing is not affected.

The Office will not need to hire additional staff or reduce staff size; the proposed changes will not adversely impact jobs outside of the agency; the proposed changes will not result in the loss of any jobs within New York State.

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

### **Substance Use Disorder Inpatient Rehabilitation**

**I.D. No.** ASA-51-18-00022-P

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

**Proposed Action:** Repeal of Part 818; addition of new Part 818 to Title 14 NYCRR. This rule is proposed pursuant to SAPA section 207(3), 5-Year Review of Existing Rules.

**Statutory authority:** Mental Hygiene Law, sections 19.07(e), 19.09(b), 32.01 and 32.07(a)

**Subject:** Substance Use Disorder Inpatient Rehabilitation.

**Purpose:** Update provisions consistent with treatment developments; definitions; technical gender language.

**Substance of proposed rule (Full text is posted at the following State website: [www.oasas.ny.gov](http://www.oasas.ny.gov)):** The Proposed Rule repeals Part 818 and replaces with a new Part 818 relating to the treatment and recovery for persons suffering an addiction disorder.

§ 818.1 Sets forth the statutory authority for promulgation of this regulation.

§ 818.2 General program standards. Edits for grammar, gender neutral language, and updated terminology; consolidating repetitive or extraneous language regarding requirements for provider policies and procedures and program goals. Subjects include: Policies and procedures; program goals; minimum services; medication assisted treatment; emergency medical kits; food and nutrition; certified capacity; Medicaid; medical emergencies; telepractice.

§ 818.3 Admission procedures. Edits for grammar, gender neutral language, and updated terminology; consolidating repetitive or extraneous language. Subjects include: admission requirements for all programs; level of care determination; prohibition against discrimination; admission criteria.

§ 818.4 Post-admission procedures. Edits for grammar, gender neutral language, and updated terminology; consolidating repetitive or extraneous language. Subjects include: testing or referral for infectious diseases consistent with or exceeding Public Health Law; initial evaluation; initial services; medical history; referral and connection.

§ 818.5 Treatment/recovery plan. This is a new section extracted from text in prior subdivisions. Other edits include grammar, gender neutral language, updated terminology, and consolidating repetitive or extraneous language. Subjects include: requirement for a patient-centered treatment/recovery plan; required content; continuing review; progress notes; discharge planning and discharge summary.

§ 818.6 Patient records. Provisions of this section were extracted from text in prior subdivisions. Other edits include grammar, gender neutral language, updated terminology, and consolidating repetitive or extraneous language. Subjects include required documentation; disclosures; and reporting to the Office. Previous sections 818.5 and 818.6 (utilization review and medical policy and services) were deleted and provisions incorporated elsewhere.

§ 818.7 Staffing. Provisions of this section were extracted from text in prior subdivisions. Other edits include grammar, gender neutral language, updated terminology, and consolidating repetitive or extraneous language. Subjects include: medical director and medical staff; staff sharing; supervision and training; program director; other clinical staff; additional required staff including maintenance and security, volunteers and interns, health coordinator.

§ 818.8 Severability. Declares provisions of this Part to be severable.

§ 818.9 Savings and renewal clause.

**Text of proposed rule and any required statements and analyses may be obtained from:** Carmelita Cruz, Senior Attorney, NYS Office of Alcoholism and Substance Abuse Services, 1450 Western Ave., Albany, NY 12203, (518) 485-2317, email: [Carmelita.Cruz@oasas.ny.gov](mailto:Carmelita.Cruz@oasas.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.

#### **Reasoned Justification for Modification of the Rule**

The proposed rule is part of concurrent revisions to six (6) OASAS regulations, applicable to all programs, and to specific treatment modalities. These amendments are proposed in response to the current and ongoing opioid crisis in New York. Developments in treatment practice and philosophy have emerged to more aggressively confront this crisis. The revisions to Parts 800 (General Provisions), 815 (Patient Rights), 816 (Crisis services), 817 (Rehabilitation Services for Youth), 818 (Inpatient Rehabilitation), and 822 (Outpatient Services) are all based on the following guiding principles:

1. Addiction is a chronic disease: regulatory language reflects a punitive and strict abstinence model that does not fit current understanding of the disease or treatment options, including harm reduction when appropriate;

2. OASAS regulations require providers of services to be staffed by clinical and medical professionals with scopes of practice prescribed by their licenses or credentials. Therefore, regulatory language should not include unnecessary clinical instruction which restricts professionals acting within their scope of practice and hinders immediate engagement with clients;

3. Regulatory language is unnecessarily repetitive: rather than clarity, this causes more paperwork and administrative burden which takes time away from treatment needs of patients; repetitive language also burdens agency regulators' compliance reviews;

4. Regulatory language and structure perpetuates the stigma that attaches to patients receiving replacement therapies and medication assisted treatment. These revisions complete the Office's goal begun in 2007 to unify all outpatient treatment (no more "methadone clinics");

5. Some regulatory functions, such as utilization review, are carried out by third party payors: duplication of administrative effort restricts patients' rapid access to the clinical services they need.

This major regulatory overhaul is reflective of a comprehensive strategic effort throughout the treatment field to revisit and revise old patterns that do not fit the urgent needs of the patients seeking services from OASAS treatment programs during this crisis. Some of these patterns are rooted in tensions within the treatment field between persons whose primary addiction is to alcohol and those whose primary substance is illegal or prescription medication. For example, this can manifest as a reluctance to utilize medication assisted treatment even as it is universally recognized as a best practice.

The goal of these revisions is to remove regulatory obstacles at a pre-admission or admission stage to facilitate rapid access to care, and to remove residual biases in the treatment field that are reflected in regulatory language. Once a person has acknowledged they need help, unless that help is as readily available as soon as possible, in the form of an understanding clinician, vs. a checklist of regulatory requirements, a critical opportunity to save a life may have been lost. Regulatory language has trained treatment providers to be careful regulators; these revisions are intended to enable them to be more effective treatment providers first and foremost. Meeting the standards of regulatory language, always intended as a minimum standard, had become the goal; these revisions do not lower the standard, but rather encourage the application of clinical judgment, expertise, and human contact so essential to treat any chronic disease.

Technical amendments include use of gender neutral language. This proposal was reviewed by the Behavioral Health Services Advisory Council on November 1, 2018 and recommended for publication in the State Register.

#### **Regulatory Impact Statement**

1. Statutory Authority:

(a) Section 19.07(e) of the Mental Hygiene Law authorizes the Commissioner of the Office of Alcoholism and Substance Abuse Services to adopt standards including necessary rules and regulations pertaining to chemical dependence services.

(b) Section 19.09(b) of the Mental Hygiene Law authorizes the Commissioner of the Office of Alcoholism and Substance Abuse Services to adopt regulations necessary and proper to implement any matter under his or her jurisdiction.

(c) Section 19.40 of the Mental Hygiene Law authorizes the Commissioner of the Office of Alcoholism and Substance Abuse Services to issue operating certificates for the provision of chemical dependence services.

(d) Section 32.01 of the Mental Hygiene Law authorizes the Commissioner of the Office of Alcoholism and Substance Abuse Services to adopt any regulation reasonably necessary to implement and effectively exercise the powers and perform the duties conferred by Article 32 of the Mental Hygiene Law.

(e) Section 32.07(a) of the Mental Hygiene Law authorizes the Commissioner of the Office of Alcoholism and Substance Abuse Services to

adopt regulations to effectuate the provisions and purposes of Article 32 of the Mental Hygiene Law.

2. **Legislative Objectives:** By vesting the commissioner with rulemaking authority, the legislature intended the commissioner to adopt standards, including necessary rules and regulations pertaining to chemical dependence services which will ensure persons who abuse or are dependent on alcohol and/or substances and their families are provided with care and treatment which is effective and of high quality. Mental Hygiene Law Articles 19 and 32 authorize the commissioner to adopt any regulation reasonably necessary to implement and effectively exercise the powers and perform the duties conferred by such statutes.

These amendments ensure agency regulations reflect current statutory requirements and standards of treatment. The proposed revision is more consistent with current treatment best practices.

This proposal was reviewed by the Behavioral Health Services Advisory Council on November 1, 2018 and recommended for publication in the State Register.

3. **Needs and Benefits:** This major regulatory overhaul is reflective of a comprehensive strategic effort throughout the treatment field to revisit and revise old patterns that do not fit the urgent needs of the patients entering treatment programs during the current opioid crisis. Outdated regulatory language drives practices and attitudes toward patients that may discourage persons from seeking treatment and treatment providers from implementing current clinical best practices.

These revisions seek to remove residual or hidden biases in regulatory language that stigmatize medication assisted treatment or focus on abstinence as a primary goal. Technical revisions include use of gender neutral language, updated clinical and agency terminology, and clarifications that referrals include connections to alternative treatment when appropriate. Excessive clinical guidance has been removed from regulation. Some regulatory functions, such as utilization review, are now primarily carried out by third party payors; duplication of administrative efforts restricts rapid access to clinical services needed by patients during this crisis.

These proposed revisions also conform format and language to be substantially similar to regulations for other treatment modalities making it easier for agency regulators to conduct oversight of similar regulatory provisions.

4. **Costs:** No additional administrative costs to the agency are anticipated since regulatory oversight and program review are standard agency operations. No additional costs to programs/providers are anticipated since the obligation to provide basic services is not changed; staffing patterns will be the same as the current regulation. The requirement to offer naloxone to certain patients and families upon discharge is not an additional cost since many programs are DOH registered Opioid Overdose Prevention Programs (OOPPs), or this medication is covered by Medicaid and some private insurances and fillable at most pharmacies pursuant to a non-patient specific order.

5. **Local Government Mandates:** This regulation imposes no new mandates on local governments operating certified OASAS programs.

6. **Paperwork:** The proposed regulation will not require any additional paperwork because reporting requirements have not changed from the current requirements.

7. **Duplication:** This proposed rule does not duplicate any State or federal statute or rule.

8. **Alternatives:** Continue with outdated regulations that are not consistent with current standards. The new rule does not reduce standards but consolidates language into a more concise regulation.

9. **Federal Standards:** This regulation does not conflict with federal standards.

10. **Compliance Schedule:** This rulemaking will be effective upon publication of a Notice of Adoption in the State Register.

#### **Regulatory Flexibility Analysis**

OASAS has determined that the rule will not impose any adverse impact on small businesses or local governments. This proposed rulemaking does not affect businesses or local governments because this proposed rulemaking does not require any services additional to services already provided by programs regardless of size, modality, or operator and therefore current programming is not affected.

The proposed rule will be posted on the agency website. Agency review process involves input from trade organizations representing providers in diverse geographic locations, local governments, and other behavioral health providers.

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

OASAS has determined that the rule will not impose any adverse impact on rural areas or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas. This proposed rulemaking does not affect businesses or local governments in any geographic area, including rural areas because this proposed rulemaking does not

require any services additional to services already provided by programs regardless of size, modality, or operator and therefore current programming is not affected.

The proposed rule will be posted on the agency website. Agency review process involves input from trade organizations representing providers in diverse geographic locations, local governments, and other behavioral health providers.

#### **Job Impact Statement**

No change in the number of jobs and employment opportunities is anticipated as a result of the proposed new regulation because this proposed rulemaking does not require any services additional to services already provided by programs regardless of size, modality, or operator and therefore current staffing is not affected.

The Office will not need to hire additional staff or reduce staff size; the proposed changes will not adversely impact jobs outside of the agency; the proposed changes will not result in the loss of any jobs within New York State.

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

### **Patient Rights**

**I.D. No.** ASA-51-18-00023-P

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

**Proposed Action:** Amendment of Part 815 of Title 14 NYCRR. This rule is proposed pursuant to SAPA section 207(3), 5-Year Review of Existing Rules.

**Statutory authority:** Mental Hygiene Law, sections 19.07(e), 19.09(b), 32.01 and 32.07(a)

**Subject:** Patient Rights.

**Purpose:** Update provisions consistent with treatment developments; definitions; technical gender language.

**Substance of proposed rule (Full text is posted at the following State website: [www.oasas.ny.gov](http://www.oasas.ny.gov)):** § 815.1 Background and intent. Technical amendments to grammar and citations.

§ 815.2 Legal base. Statutory authority for this Part; amendments to gender pronouns. Added citation to Mental Hygiene Law 32.06 regarding "patient brokering."

§ 815.3 Applicability. Amended to include programs authorized by the Office to include programs integrated with services from other agencies; amended to reference "addiction services" to include gambling and language utilized by the Centers for Medicare and Medicaid Services.

§ 815.4 Provider requirements. Technical amendments to grammar and currently preferred language; gender pronouns. Added reference to prohibition against "patient brokering." Deleted extraneous or repetitive text.

§ 815.5 Patient rights. Technical amendments to grammar and currently preferred language; gender pronouns. Deleted language that is punitive or stigmatizing if related to patient disorders or recovery.

§ 815.6 Patient responsibilities. Technical amendments to grammar and currently preferred language; gender pronouns. Deleted language that is punitive or stigmatizing if related to patient disorders or recovery.

§ 815.7 Procedure at discharge. Technical amendments to grammar and currently preferred language; gender pronouns. Deleted language that is punitive or stigmatizing if related to patient disorders or recovery including "methadone".

§ 815.8 Drug testing. Technical amendments to grammar and currently preferred language; gender pronouns. Deleted language that is punitive or stigmatizing if related to patient disorders or recovery. Clarified staff supervised toxicology screens for trans-gendered persons.

§ 815.9 Patient use of prescription medicine. Clarifies patient rights to lawfully prescribed and properly monitored medication, including controlled substances. Clinicians may consider a referral and connection to a more appropriate program, rather than simply a discharge, if a client continues prescription medications contrary to practitioner advice.

§ 815.10 Patient screening. No changes.

§ 815.11 Research subjects. Technical amendments to grammar and currently preferred language; gender pronouns. Delete unnecessary narrative text.

§ 815.12 Staff and client relationships. Added a new section prohibiting sexual contact between staff and patients as de facto non-consensual.

§ 815.13 Severability. No changes. Renumbered from 815.12.

**Text of proposed rule and any required statements and analyses may be obtained from:** Carmelita Cruz, Senior Attorney, NYS Office of Alcoholism and Substance Abuse Services, 1450 Western Ave., Albany, NY 12203, (518) 485-2317, email: [Carmelita.Cruz@oasas.ny.gov](mailto:Carmelita.Cruz@oasas.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.

**Reasoned Justification for Modification of the Rule**

The proposed rule is part of concurrent revisions to six (6) OASAS regulations, applicable to all programs, and to specific treatment modalities. These amendments are proposed in response to the current and ongoing opioid crisis in New York. Developments in treatment practice and philosophy have emerged to more aggressively confront this crisis. The revisions to Parts 800 (General Provisions), 815 (Patient Rights), 816 (Crisis services), 817 (Rehabilitation Services for Youth), 818 (Inpatient Rehabilitation), and 822 (Outpatient Services) are all based on the following guiding principles:

1. Addiction is a chronic disease: regulatory language reflects a punitive and strict abstinence model that does not fit current understanding of the disease or treatment options, including harm reduction when appropriate;
2. OASAS regulations require providers of services to be staffed by clinical and medical professionals with scopes of practice prescribed by their licenses or credentials. Therefore, regulatory language should not include unnecessary clinical instruction which restricts professionals acting within their scope of practice and hinders immediate engagement with clients;
3. Regulatory language is unnecessarily repetitive: rather than clarity, this causes more paperwork and administrative burden which takes time away from treatment needs of patients; repetitive language also burdens agency regulators' compliance reviews;
4. Regulatory language and structure perpetuates the stigma that attaches to patients receiving replacement therapies and medication assisted treatment. These revisions complete the Office's goal begun in 2007 to unify all outpatient treatment (no more "methadone clinics");
5. Some regulatory functions, such as utilization review, are carried out by third party payors: duplication of administrative effort restricts patients' rapid access to the clinical services they need.

This major regulatory overhaul is reflective of a comprehensive strategic effort throughout the treatment field to revisit and revise old patterns that do not fit the urgent needs of the patients seeking services from OASAS treatment programs during this crisis. Some of these patterns are rooted in tensions within the treatment field between persons whose primary addiction is to alcohol and those whose primary substance is illegal or prescription medication. For example, this can manifest as a reluctance to utilize medication assisted treatment even as it is universally recognized as a best practice.

The goal of these revisions is to remove regulatory obstacles at a pre-admission or admission stage to facilitate rapid access to care, and to remove residual biases in the treatment field that are reflected in regulatory language. Once a person has acknowledged they need help, unless that help is as readily available as soon as possible, in the form of an understanding clinician, vs. a checklist of regulatory requirements, a critical opportunity to save a life may have been lost. Regulatory language has trained treatment providers to be careful regulators; these revisions are intended to enable them to be more effective treatment providers first and foremost. Meeting the standards of regulatory language, always intended as a minimum standard, had become the goal; these revisions do not lower the standard, but rather encourage the application of clinical judgment, expertise, and human contact so essential to treat any chronic disease.

Technical amendments include use of gender neutral language. This proposal was reviewed by the Behavioral Health Services Advisory Council on November 1, 2018 and recommended for publication in the State Register.

**Regulatory Impact Statement**

1. Statutory Authority:

(a) Section 19.07(c) of the Mental Hygiene Law ("MHL") charges the Commissioner ("Commissioner") of the New York State Office of Alcoholism and Substance Abuse Services ("the Office") with the responsibility of ensuring that the personal and civil rights of persons receiving care, treatment and rehabilitation are adequately protected.

(b) Section 19.07(e) of the MHL authorizes the Commissioner to adopt standards including necessary rules and regulations pertaining to chemical dependence services.

(c) Section 19.09(b) of the MHL authorizes the Commissioner to adopt regulations necessary and proper to implement any matter under his or her jurisdiction.

(d) Section 19.20 of the MHL authorizes the Office to receive and review criminal history information from the Justice Center related to employees or volunteers of treatment facilities certified, licensed, funded or operated by the Office.

(e) Section 19.20-a of the MHL authorizes the Office to receive and review criminal history information from the Justice Center related to persons seeking to be credentialed by the Office or applicants for an operating certificate issued by the Office.

(f) Section 19.21(b) of the MHL authorizes the Commissioner to adopt regulations concerning the licensing, certification, inspection, and treatment standards of all facilities that treat alcoholism and substance dependency.

(g) Section 22.03 of the MHL requires the director of any chemical dependency program to establish, communicate and post patient rights, to include information about how to communicate with the Office and the Commissioner.

(h) Section 22.07(c) of the MHL authorizes the Commissioner to adopt rules and regulations and take any other necessary action to ensure that the rights of individuals who have received or are receiving chemical dependence services are protected.

(i) Section 32.01 of the MHL authorizes the Commissioner to adopt any regulation reasonably necessary to implement and effectively exercise the powers and perform the duties conferred by article 32 of the MHL.

(j) Section 32.07(a) of the MHL authorizes the Commissioner to adopt regulations to effectuate the provisions and purposes of Article 32 of the MHL.

(k) Section 32.05 of the MHL indicates that no provider of services shall engage in any chemical dependence treatment activities without an operating certificate issued by the Commissioner.

(l) Section 492 of the Social Services Law established the Vulnerable Persons' Central Register.

(m) The Protection of People with Special Needs Act (chapter 501 of the Laws of 2012) established the Justice Center for the Protection of People with Special Needs.

(n) Section 32.06 of the MHL prohibits the offering or acceptance of a payment, benefit or consideration in any form, in exchange for the referral of any person as a potential patient for substance use disorder services.

2. Legislative Objectives: By vesting the commissioner with rulemaking authority, the legislature intended the commissioner to adopt standards, including necessary rules and regulations pertaining to chemical dependence services which will ensure persons who abuse or are dependent on alcohol and/or substances and their families are provided with care and treatment which is effective, of high quality, and protective of individual rights. Mental Hygiene Law Articles 19 and 32 authorize the commissioner to adopt any regulation reasonably necessary to implement and effectively exercise the powers and perform the duties conferred by such statutes.

These amendments ensure agency regulations reflect current statutory requirements and standards of treatment. The proposed revision is more consistent with current treatment best practices and patient protections.

This proposal was reviewed by the Behavioral Health Services Advisory Council on November 1, 2018 and recommended for publication in the State Register.

3. Needs and Benefits: This major regulatory overhaul is reflective of a comprehensive strategic effort throughout the treatment field to revisit and revise old patterns that do not fit the urgent needs of the patients entering treatment programs during this crisis. Outdated regulatory language drives practices and attitudes toward patients that may discourage persons from seeking treatment and treatment providers from implementing current clinical best practices. Recent changes in statute regarding "patient brokering" are addressed to ensure vulnerable persons are not economically victimized because of their addictive disorder.

These revisions also seek to remove residual or hidden biases in regulatory language that stigmatize medication assisted treatment and focus on abstinence as a primary goal. Technical revisions include use of gender neutral language, updated clinical and agency terminology, and clarifications that referrals include connections to alternative treatment when appropriate.

Adding text prohibiting staff and client relationships seeks to further emphasize the importance of this prohibition which is also found in other OASAS regulations.

4. Costs: No additional administrative costs to the agency are anticipated since the substance of patient rights is not changed. No additional costs to programs/providers are anticipated because the substance of patient and provider rights/obligations are not changed. The requirement to offer naloxone to certain patients and families upon discharge is not an additional cost since many programs are DOH registered Opioid Overdose Prevention Programs (OOPPs), or this medication is covered by Medicaid and some private insurances and fillable at most pharmacies pursuant to a non-patient specific order.

5. Local Government Mandates: This regulation imposes no new mandates on local governments operating OASAS programs.

6. Paperwork: The proposed regulation will not require any additional paperwork because documentation requirements have not changed from the current requirements.

7. Duplication: This proposed rule does not duplicate any State or federal statute or rule.

8. Alternatives: Continue with outdated regulations that are not consis-

tent with current standards. The new rule does not reduce standards but updates language usage that more accurately reflects patient dignity.

9. Federal Standards: This regulation does not conflict with federal standards.

10. Compliance Schedule: This rulemaking will be effective upon publication of a Notice of Adoption in the State Register.

#### **Regulatory Flexibility Analysis**

OASAS has determined that the rule will not impose any adverse impact on small businesses or local governments. This proposed rulemaking does not affect businesses or local governments since it relates to the rights of patients in programs regardless of size of operator.

The proposed rule will be posted on the agency website. Agency review process involves input from trade organizations representing providers in diverse geographic locations, local governments, and other behavioral health providers.

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

OASAS has determined that the rule will not impose any adverse impact on rural areas or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas. This proposed rulemaking does not affect businesses or local governments in any geographic area, including rural areas, since it relates to rights of patients receiving services in programs in all locations.

The proposed rule will be posted on the agency website. Agency review process involves input from trade organizations representing providers in diverse geographic locations, local governments, and other behavioral health providers.

#### **Job Impact Statement**

No change in the number of jobs and employment opportunities is anticipated as a result of the proposed new regulation because the amendments relate to the rights of patients in all programs and do not affect the number of jobs or employment opportunities in programs. The Office will not need to hire additional staff or reduce staff size; the proposed changes will not adversely impact jobs outside of the agency; the proposed changes will not result in the loss of any jobs within New York State.

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

### **General Service Standards for Substance Use Disorder Outpatient Programs**

**I.D. No.** ASA-51-18-00024-P

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

**Proposed Action:** Repeal of Part 822; addition of new Part 822 to Title 14 NYCRR. This rule is proposed pursuant to SAPA section 207(3), 5-Year Review of Existing Rules.

**Statutory authority:** Mental Hygiene Law, sections 19.07(e), 19.09(b), 32.01 and 32.07(a)

**Subject:** General Service Standards for Substance Use Disorder Outpatient Programs.

**Purpose:** Update provisions consistent with treatment developments; definitions; technical gender language.

**Substance of proposed rule (Full text is posted at the following State website: [www.oasas.ny.gov](http://www.oasas.ny.gov)):** The Proposed Rule repeals Part 822 and replaces with a new Part 822 relating to outpatient treatment of addiction disorders in the OASAS system.

§ 822.1 Background. Edits to this section are indicative of edits throughout the proposed regulation that remove references to “opioid treatment program” and “methadone” since all are essentially outpatient programs. Other language changes include use of “substance use disorder” to replace prior stigmatizing language.

§ 822.2 Sets forth the statutory authority for promulgation of this regulation.

§ 822.3 Applicability. Providers certified, funded or otherwise authorized by the Office to provide an outpatient treatment program. Programs providing opioid full agonist treatment medications must obtain additional approval from a federally-approved accrediting entity.

§ 822.4 Savings and renewal clause.

§ 822.5 Definitions. Amendments to this section include edits for grammar, gender neutral language, and updated terminology; replacing stigmatizing or punitive-tending language with language more appropriate to treatment of a chronic medical condition. Other amendments are intended to promote clinical flexibility and patient-centered care in group sizes, pre-admission services, treatment for family members and significant others.

§ 822.6 Standard pertaining to Medicaid reimbursement. Clarifies option to treat family members and significant others and the limitations of Medicaid reimbursement for outpatient care.

§ 822.7 General program standards. Edits for grammar, gender neutral language, and updated terminology; consolidating repetitive or extraneous language. Makes medication assisted treatment a required service; updates regulation to accommodate recent and concurrent changes to Part 800 and Part 830 (re. telepractice); clarifies options for staff sharing; conforms standards for programs providing opioid full-agonist medications to current federal standards.

§ 822.8 Admission, initial services, transfers and readmissions. Amendments to this section include edits for grammar, gender neutral language, and updated terminology; replacing stigmatizing or punitive-tending language with language more appropriate to treatment of a chronic medical condition. Incorporates provisions from sections previously separating types of outpatient programs. Deletes pre-admission risk assessment as this would be conducted as part of an initial assessment; clarifies post-admission tests, documentation, medical history.

§ 822.9 Treatment/recovery plan. Edits include grammar, gender neutral language, updated terminology, and consolidating repetitive or extraneous language. Subjects include: requirement for a patient-centered treatment/recovery plan; required content; continuing review; referrals and readmissions; pregnancy; communicable diseases.

822.10 Case records. Amendments to this section include edits for grammar, gender neutral language, and updated terminology; replacing stigmatizing or punitive-tending language with language more appropriate to treatment of a chronic medical condition.

822.11 Documentation of services. Amendments to this section include edits for grammar, gender neutral language, and updated terminology; replacing stigmatizing or punitive-tending language with language more appropriate to treatment of a chronic medical condition.

822.12 Level of care transition planning (formerly discharge planning). Amendments to this section include edits for grammar, gender neutral language, and updated terminology; replacing stigmatizing or punitive-tending language with language more appropriate to treatment of a chronic medical condition. Subjects include: transition or discharge criteria; transition planning, and discharge summary.

822.13 Continuing care. Amendments to this section include edits for grammar, gender neutral language, and updated terminology; replacing stigmatizing or punitive-tending language with language more appropriate to treatment of a chronic medical condition. Clarifies that continuing care is not appropriate for persons receiving opioid full agonist medications.

822.14 Additional locations. Removes requirements for location of an additional location.

822.15 Additional requirements for chemical dependence outpatient rehabilitation services. Technical edits only.

822.16 Additional requirements for programs providing opioid full agonist treatment medications. Amendments to this section include edits for grammar, gender neutral language, and updated terminology; replacing stigmatizing or punitive-tending language with language more appropriate to treatment of a chronic medical condition. Conforms standards for programs providing opioid full-agonist medications to current federal standards. Moves provisions applicable to all outpatient programs to other sections of this Part.

822.17 Severability. Declares provisions of this Part to be severable.

**Text of proposed rule and any required statements and analyses may be obtained from:** Carmelita Cruz, Senior Attorney, NYS Office of Alcoholism and Substance Abuse Services, 1450 Western Ave., Albany, NY 12203, (518) 485-2317, email: [Carmelita.Cruz@oasas.ny.gov](mailto:Carmelita.Cruz@oasas.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.

#### **Reasoned Justification for Modification of the Rule**

The proposed rule is part of concurrent revisions to six (6) OASAS regulations, applicable to all programs, and to specific treatment modalities. These amendments are proposed in response to the current and ongoing opioid crisis in New York. Developments in treatment practice and philosophy have emerged to more aggressively confront this crisis. The revisions to Parts 800 (General Provisions), 815 (Patient Rights), 816 (Crisis services), 817 (Rehabilitation Services for Youth), 818 (Inpatient Rehabilitation), and 822 (Outpatient Services) are all based on the following guiding principles:

1. Addiction is a chronic disease: regulatory language reflects a punitive and strict abstinence model that does not fit current understanding of the disease or treatment options, including harm reduction when appropriate;

2. OASAS regulations require providers of services to be staffed by clinical and medical professionals with scopes of practice prescribed by their licenses or credentials. Therefore, regulatory language should not include unnecessary clinical instruction which restricts professionals act-

ing within their scope of practice and hinders immediate engagement with clients;

3. Regulatory language is unnecessarily repetitive: rather than clarity, this causes more paperwork and administrative burden which takes time away from treatment needs of patients; repetitive language also burdens agency regulators' compliance reviews;

4. Regulatory language and structure perpetuates the stigma that attaches to patients receiving replacement therapies and medication assisted treatment. These revisions complete the Office's goal begun in 2007 to unify all outpatient treatment (no more "methadone clinics");

5. Some regulatory functions, such as utilization review, are carried out by third party payors: duplication of administrative effort restricts patients' rapid access to the clinical services they need.

This major regulatory overhaul is reflective of a comprehensive strategic effort throughout the treatment field to revisit and revise old patterns that do not fit the urgent needs of the patients seeking services from OASAS treatment programs during this crisis. Some of these patterns are rooted in tensions within the treatment field between persons whose primary addiction is to alcohol and those whose primary substance is illegal or prescription medication. For example, this can manifest as a reluctance to utilize medication assisted treatment even as it is universally recognized as a best practice.

The goal of these revisions is to remove regulatory obstacles at a pre-admission or admission stage to facilitate rapid access to care, and to remove residual biases in the treatment field that are reflected in regulatory language. Once a person has acknowledged they need help, unless that help is as readily available as soon as possible, in the form of an understanding clinician, vs. a checklist of regulatory requirements, a critical opportunity to save a life may have been lost. Regulatory language has trained treatment providers to be careful regulators; these revisions are intended to enable them to be more effective treatment providers first and foremost. Meeting the standards of regulatory language, always intended as a minimum standard, had become the goal; these revisions do not lower the standard, but rather encourage the application of clinical judgment, expertise, and human contact so essential to treat any chronic disease.

Technical amendments include use of gender neutral language. This proposal was reviewed by the Behavioral Health Services Advisory Council on November 1, 2018 and recommended for publication in the State Register.

#### **Regulatory Impact Statement**

##### **1. Statutory Authority:**

(a) Section 19.07(c) of the Mental Hygiene Law (MHL) charges the Office with the responsibility to ensure that persons who abuse or are dependent on alcohol and/or substances and their families are provided with care and treatment that is effective and of high quality.

(b) Section 19.07(e) of the MHL authorizes the commissioner to adopt standards including necessary rules and regulations pertaining to chemical dependence treatment services.

(c) Section 19.09(b) of the MHL authorizes the commissioner to adopt regulations necessary and proper to implement any matter under his/her jurisdiction.

(d) Section 19.16 of the MHL requires the commissioner to establish and maintain, either directly or through contract, a central registry for purposes of preventing multiple enrollments in opioid treatment programs (OTPs) and provides medication dosage information during an emergency situation, when displaced patients may seek treatment from an alternate OTP.

(e) Section 19.21(b) of the MHL requires the commissioner to establish and enforce regulations concerning the licensing, certification, and inspection of chemical dependence treatment services.

(f) Section 19.21(d) of the MHL requires the Office to establish reasonable performance standards for providers of services certified by the Office.

(g) Section 19.40 of the MHL authorizes the commissioner to issue operating certificates for the provision of chemical dependence treatment services.

(h) Section 22.07(c) of the Mental Hygiene Law authorizes the commissioner to promulgate rules and regulations to ensure that the rights of individuals who have received, and are receiving, chemical dependence services are protected.

(i) Section 32.01 of the MHL authorizes the commissioner to adopt any regulation reasonably necessary to implement and effectively exercise the powers and perform the duties conferred by Article 32 of the MHL.

(j) Section 32.05(b) of the MHL provides that a controlled substance designated by the commissioner of the New York State Department of Health (DOH) as appropriate for such use may be used by a physician to treat a chemically dependent individual pursuant to section 32.09(b) of the MHL.

(k) Section 32.07(a) of the MHL authorizes the commissioner to adopt regulations to effectuate the provisions and purposes of Article 32 of the MHL.

(l) Section 32.09(b) of the MHL provides that the commissioner may, once a controlled substance is approved by the commissioner of DOH as appropriate for such use, authorize the use of such controlled substance in treating a chemically dependent individual.

(m) Section 220.78 of the Penal Law affords limited protections from prosecution for persons seeking medical attention for accidental overdose.

(n) Section 3309 of the Public Health Law authorizes the DOH to establish standards for approval of any opioid overdose prevention program.

(o) Section 2781 of the Public Health Law defines the rules governing HIV testing in New York.

2. Legislative Objectives: By vesting the commissioner with rulemaking authority, the legislature intended the commissioner to adopt standards, including necessary rules and regulations pertaining to chemical dependence services which will ensure persons who abuse or are dependent on alcohol and/or substances and their families are provided with care and treatment which is effective and of high quality. Mental Hygiene Law Articles 19 and 32 authorize the commissioner to adopt any regulation reasonably necessary to implement and effectively exercise the powers and perform the duties conferred by such statutes.

These amendments ensure agency regulations reflect current statutory requirements and standards of treatment. The proposed revision is more consistent with current treatment best practices.

This proposal was reviewed by the Behavioral Health Services Advisory Council on November 1, 2018 and recommended for publication in the State Register.

3. Needs and Benefits: This major regulatory overhaul is reflective of a comprehensive strategic effort throughout the treatment field to revisit and revise old patterns that do not fit the urgent needs of the patients entering treatment programs during the current opioid crisis. Outdated regulatory language drives practices and attitudes toward patients that may discourage persons from seeking treatment and treatment providers from implementing current clinical best practices.

These revisions seek to remove residual or hidden biases in regulatory language that stigmatize medication assisted treatment or focus on abstinence as a primary goal. Technical revisions include use of gender neutral language, updated clinical and agency terminology, and clarifications that referrals include connections to alternative treatment when appropriate. Excessive clinical guidance has been removed from regulation. Some regulatory functions, such as utilization review, are now primarily carried out by third party payors; duplication of administrative efforts restricts rapid access to clinical services needed by patients during this crisis.

These proposed revisions also conform format and language to be substantially similar to regulations for other treatment modalities making it easier for agency regulators to conduct oversight of similar regulatory provisions.

4. Costs: No additional administrative costs to the agency are anticipated since regulatory oversight and program review are standard agency operations. No additional costs to programs/providers are anticipated since the obligation to provide basic services is not changed; staffing patterns will be the same as the current regulation. The requirement to offer naloxone to certain patients and families upon discharge is not an additional cost since many programs are DOH registered Opioid Overdose Prevention Programs (OOPPs), or this medication is covered by Medicaid and some private insurances and fillable at most pharmacies pursuant to a non-patient specific order.

5. Local Government Mandates: This regulation imposes no new mandates on local governments operating certified OASAS programs.

6. Paperwork: The proposed regulation will not require any additional paperwork because reporting requirements have not changed from the current requirements.

7. Duplication: This proposed rule does not duplicate any State or federal statute or rule.

8. Alternatives: Continue with outdated regulations that are not consistent with current standards. The new rule does not reduce standards but consolidates language into a more concise regulation.

9. Federal Standards: This regulation does not conflict with federal standards.

10. Compliance Schedule: This rulemaking will be effective upon publication of a Notice of Adoption in the State Register.

#### **Regulatory Flexibility Analysis**

OASAS has determined that the rule will not impose any adverse impact on small businesses or local governments. This proposed rulemaking does not affect businesses or local governments because this proposed rulemaking does not require any services additional to services already provided by programs regardless of size, modality, or operator and therefore current programming is not affected.

The proposed rule will be posted on the agency website. Agency review process involves input from trade organizations representing providers in diverse geographic locations, local governments, and other behavioral health providers.

**Rural Area Flexibility Analysis**

OASAS has determined that the rule will not impose any adverse impact on rural areas or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas. This proposed rulemaking does not affect businesses or local governments in any geographic area, including rural areas, because this proposed rulemaking does not require any services additional to services already provided by programs regardless of location, size, modality, or operator and therefore current programming is not affected.

The proposed rule will be posted on the agency website. Agency review process involves input from trade organizations representing providers in diverse geographic locations, local governments, and other behavioral health providers.

**Job Impact Statement**

No change in the number of jobs and employment opportunities is anticipated as a result of the proposed new regulation because this proposed rulemaking does not require any services additional to services already provided by programs regardless of size, modality, or operator and therefore current staffing is not affected.

The Office will not need to hire additional staff or reduce staff size; the proposed changes will not adversely impact jobs outside of the agency; the proposed changes will not result in the loss of any jobs within New York State.

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## Office of Children and Family Services

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

**Residential and Non-Residential Services to Victims of Domestic Violence**

I.D. No. CFS-51-18-00010-P

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

**Proposed Action:** Amendment of Parts 452, 453, 454, 455 and 462 of Title 18 NYCRR.

**Statutory authority:** Social Services Law, sections 20(3)(d), 459-b and 459-c

**Subject:** Residential and non-residential services to victims of domestic violence.

**Purpose:** To conform the existing regulations to comply with state and federal laws regarding services to victims of domestic violence.

**Substance of proposed rule (Full text is posted at the following State website: <https://ocfs.ny.gov/main/legal/Regulatory/pc/>):** The Office of Children and Family Services (OCFS) reviewed existing regulations related to programs providing services (residentially and non-residentially) to victims of domestic violence. The purpose of the review is to bring the current regulations into compliance with current federal/state statute and as applicable, provide clarification to existing requirements.

**Overall**

- Clean up of grammar/spelling errors.
- Updated all references of “department” to “Office”.
- Part 452 – General Provisions
  - Clarification of existing definitions and new terms added.
  - Language added to provide clarification of the roles and responsibilities of Board of Directors.
  - Clarification of enforcement actions that may be taken by OCFS.
  - Clarification of rights and responsibilities for residents and programs.
  - Definitions, admissions standards, rights and responsibilities related to service animals and therapy dogs.
  - Clarification related to the confidentiality of personally identifying information.
  - Clarification of record retention requirements.
  - Clarification of personnel requirements not previously covered in the 2017 adopted regulations related to background checks of publicly funded emergency shelters for families and children.
  - Emergency Core Services repealed from respective Part 453, Part 454 and Part 455 and added as new Section 452.12 to provide consistency of core services across all modalities.

Part 453 (Shelters/Mix Occupancy Shelter), Part 454 (Safe Home Networks), Part 455 (Sponsoring Agencies)

- Environmental Standards – applicable changes made to physical plant requirements to better match existing fire, health, and safety standards and statute.

- Staffing – clarifying language for various shifts.

- Part 462 – Non-Residential Services for Victims of Domestic Violence

- Clarification of child abuse and maltreatment reporting requirements.

- Clarification of the confidentiality of personally identifying information.

- Staffing – language added regarding staff training.

- Clarification of emergency core services.

**Text of proposed rule and any required statements and analyses may be obtained from:** Leslie Robinson, Senior Attorney, New York State Office of Children and Family Services, 52 Washington Street, Rensselaer, New York 12144, (518) 474-3333, email: regcomments@ocfs.ny.gov

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

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

**Regulatory Impact Statement****1. Statutory authority:**

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

Section 459-b of the SSL authorizes the Office to establish regulations governing residential programs for victims of domestic violence.

Section 459-c of the SSL authorizes the Office to establish regulations governing non-residential programs for victims of domestic violence.

**2. Legislative objectives:**

The Office’s objective in proposing changes to current regulations governing residential and non-residential programs for victims of domestic violence is to strengthen health and safety standards, correct conflicting regulatory language, update the regulations with recent changes made to SSL and NYS Building Code, and to make the regulations easier to understand.

The regulatory changes specific to service animals and therapy dogs are necessary to comply with Chapter 7 of the Laws of 2016, and changes to Social Services Law § 459-b which requires is a victim of domestic violence has a service animal or therapy dog as defined section 123-b and section 108 of Agricultural and Markets law shall be allowed to accompany the victim into the residential program for victims of domestic violence, provided that the animal does not impose an undue burden on the residential program and the animal remains under the control of its handler. This includes providing notification to residents within one business day of admission of the rights and responsibilities. These rights and responsibilities indicate that a person with a disability has the right to have accompaniment of their service animal or therapy dog, and that reasonable efforts must be made to facilitate placement of the service animal or therapy dog at an off-site animal facility in the event the animal poses a direct threat to the health and safety of others.

Regulatory changes made to the physical plant standards (i.e. environmental standards) align with current standards in state and local building code. These changes include clarifying requirements for: smoke and carbon monoxide detectors, location for fire extinguishers, means of egress, minimal square footage for sleeping rooms (shelters and safe dwellings only), use of fireplace/woodstoves, cribs and bunk beds, and other miscellaneous safety items to ensure a safe space for infants and children.

**3. Needs and benefits:**

The proposed changes in the regulations are needed to bring current regulations into compliance with current federal and/or state statutory requirements and to provide clarification to existing requirements. The propose regulations also eliminate duplicative regulatory requirements by condensing regulations that apply to all residential program types in Part 452. This include such things as personnel qualifications, staff training and the core emergency services. Lastly, changes to the proposed regulations related to physical standards (i.e. environmental standards) provide standardization for health, fire safety/prevention as described above.

**4. Costs:**

Costs attendant to the implementation of these regulations are anticipated to be nominal. There may be some nominal and non-quantifiable costs related to staff training, however, there are many no-cost training opportunities that domestic violence programs have access to including and not limited to: webinars from national domestic violence associations/organizations; sponsored trainings from Office of Children and Family Services, Office for the Prevention of Domestic Violence, New York State Coalition Against Domestic Violence; in-kind cross-training from community agencies (e.g. law enforcement, legal aid, job-training/employment, etc.). In addition, several public and private grants assist in covering the cost of training. Lastly, residential and/or non-residential

programs for victims of domestic violence may create their own in-house trainings that are specific to their internal policies/practice/protocols.

The regulatory requirements for service animals and therapy dogs should have no or minimal cost impact on the residential programs as the care and supervision of the animal falls to the handler of the animal. This includes toileting, feeding, grooming and veterinary care. There are existing resources available to assist agencies with accommodating persons with service animals and/or therapy dogs including private grants, that would assist with feeding, grooming and veterinary care.

There is not anticipate to be additional costs related to environmental standards as these are part of regular building construction, upkeep and maintenance.

#### 5. Local government mandates:

The proposed regulations will only impose additional mandates on social services districts that operate residential or non-residential programs for victims of domestic violence. Presently, there is only one social services district that operates residential programs for victims of domestic violence and two districts that provide non-residential service directly.

#### 6. Paperwork:

The proposed regulations do not add any new reporting requirements.

#### 7. Duplication:

The proposed regulations eliminate duplicative regulatory requirements by condensing requirements that apply to all or more than one facility type. For example, personnel qualifications, staff training and emergency core services in Parts 453, 454, and 455 were repealed, consolidated and added to Part 452.

#### 8. Alternatives:

There are no alternatives to the proposed regulations that would provide the same benefits to victims of domestic violence.

#### 9. Federal standards:

The regulatory amendments do not conflict with any federal standards.

#### 10. Compliance schedule:

The regulations will become effective immediately upon finalization.

### **Regulatory Flexibility Analysis**

#### 1. Effect of rule:

Social services districts, residential programs for victims of domestic violence and non-residential programs for victims of domestic violence will be affected by the proposed regulations. There are 66 agencies operating 91 residential programs for victims of domestic violence and 82 non-residential programs for victims of domestic violence. There are 58 social services districts in New York State. One social services district operates two residential programs for victims of domestic violence and two local districts provide non-residential services directly. Of the 66 agencies providing residential services for victims of domestic violence, approximately half meet the definition of a small business.

#### 2. Compliance requirements:

The regulations are necessary for the health, safety and well-being of victims of domestic violence and their minor children. Changes in the regulations are to bring current regulations into compliance with current federal and/or state statutory requirements and to provide clarification to existing requirements not previously covered in the 2017 adopted regulations pertaining to length of stay and background checks of publicly funded emergency shelters for families and children.

Regulatory changes in response to current federal and/or state statutory requirements include: clarifying when domestic violence victims with a disability to have their service animals and therapy dogs to accompany them into a residential program for victims of domestic violence; that services must be provided in a non-discriminatory manner to all victims, regardless race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex marital status or disability; the confidentiality of personally identifying information of victims of domestic violence; the provision of language access services to individuals who have limited English proficiency; and environmental standards for residential programs of victims of domestic violence as they pertain to health, sanitation, safety, and fire prevention.

Regulatory changes to existing regulations for the purpose of clarification include: permitting domestic violence programs to be referred to as domestic violence mixed occupancy shelters; articulating clearly the general provisions for operating certificates including enforcement actions that may be taken by the New York State Office of Children and Family Services (OCFS); general terms and conditions for not-for-profit organizations operating a residential program for victims of domestic violence; articulating a retention period of six years for operational and client records of residential programs for victims of domestic violence; requiring notification to the OCFS in addition to documenting reportable incidents that occur at a residential program for victims of domestic violence; condensing all regulatory requirements of residential programs for victims of domestic violence related to qualifications and training of staff under Part 452.11; condensing all regulatory requirements pertaining to the provision of emergency core services for victims residing in a residential program for victims of domestic violence under Part 452.12.

#### 3. Professional services:

It is not anticipated that the proposed regulatory changes will create the need for any new professional services on the part of providers who are small businesses or local governments.

#### 4. Compliance costs:

The regulatory requirements for service animals and therapy dogs should have no or minimal cost impact on the residential programs as the care and supervision of the animal falls to the handler of the animal. This includes toileting, feeding, grooming and veterinary care. There are existing resources available to assist agencies with accommodating persons with service animals and/or therapy dogs including private grants.

Costs related to staff training are anticipated to be minimal as there are many no-cost training opportunities that domestic violence programs have access to, including and not limited to: webinars from national domestic violence associations/organizations; sponsored trainings from OCFS, Office for the Prevention of Domestic Violence (OPDV), New York State Coalition Against Domestic Violence (NYSCADV); in-kind cross-training from community agencies (e.g. law enforcement, legal aid, job-training/employment, etc.). In addition, several public and private grants assist in covering the cost of training. Lastly, residential and/or non-residential programs for victims of domestic violence may create their own in-house trainings that are specific to their internal policies/practice/protocols.

There are no anticipated additional costs related to environmental standards as these are part of regular building construction, upkeep and maintenance.

#### 5. Economic and technological feasibility:

The proposed amendments would not have an adverse economic impact on social services districts, and would not require the hiring of additional staff.

#### 6. Minimizing adverse impact:

When drafting these proposed regulatory changes, input was sought from residential and non-residential domestic violence service providers. As a result, some specific regulatory changes were drafted to minimize the adverse impact on programs in rural areas, including: modifying the requirement for a face-to-face interview prior to admission into a residential program, creating a record retention time frame, providing relief from the costs associated with long-term record retention (previously, there was no authorization to ever dispose of such records), and supporting language access as a required core service.

#### 7. Small business and local government participation:

OCFS sought input regarding these proposed regulations with currently licensed/approved domestic violence programs in a series of regional forums, held in conjunction with NYSCADV, a membership agency which provides training, support, technical assistance and advocacy for residential programs for victims of domestic violence across New York State.

These forums occurred on the following dates and locations: August 9, 2016 in Batavia (Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Livingston, Monroe, Niagara, Orleans, Ontario, Schuyler, Seneca, Wayne, Wyoming and Yates counties); August 10, 2016, in Syracuse (Broome, Cayuga, Chenango, Cortland, Herkimer, Jefferson, Lewis, Madison, Oneida, Onondaga, Oswego, St. Lawrence, Tioga, and Tompkins counties); September 15, 2016 in Albany (Albany, Clinton, Columbia, Delaware, Essex, Franklin, Fulton, Otsego, Rensselaer, Saratoga, Schenectady, Schoharie, Warren, and Washington counties); December 1, 2016 in Yonkers (Dutchess, Orange, Putnam, Sullivan, and Ulster counties).

A workgroup comprising of members from OCFS, NYSCADV and OPDV met regularly from January through March 2017. In addition, a webinar was held on September 8, 2017 for licensed/approved domestic violence providers, NYSCADV and OPDV to summarize the proposed changes to the regulations. A small workgroup was held December 19, 2017 with OCFS Fire Safety Representatives specific to changes necessary to better meet existing fire, health and safety standards. We will address any additional comments or feedback received during the public comment period.

### **Rural Area Flexibility Analysis**

#### 1. Types and estimated numbers of rural areas:

Social service districts, residential programs for victims of domestic violence and non-residential programs for victims of domestic violence will be affected by the proposed regulations. There are 33 agencies in rural areas operating 38 residential programs for victims of domestic violence and 39 non-residential programs for victims of domestic violence. There are 44 social services districts in New York State located in rural areas.

#### 2. Reporting, recordkeeping and compliance requirements; and professional services:

The regulations are necessary for the health, safety and well-being of victims of domestic violence and their minor children. Changes in the regulations are to bring current regulations into compliance with current federal and/or state statutory requirements and to provide clarification to existing requirements not previously covered in the 2017 adopted regulations pertaining to length of stay and background checks of publicly funded emergency shelters for families and children.

Regulatory changes in response to current federal and/or state statutory requirements include: clarifying when domestic violence victims with a disability to have their service animals and therapy dogs to accompany them into a residential program for victims of domestic violence; that services must be provided in a non-discriminatory manner to all victims, regardless race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex marital status or disability; the confidentiality of personally identifying information of victims of domestic violence; the provision of language access services to individuals who have limited English proficiency; and environmental standards for residential programs of victims of domestic violence as they pertain to health, sanitation, safety, and fire prevention.

Regulatory changes to existing regulations for the purpose of clarification include: permitting domestic violence programs to be referred to as domestic violence mixed occupancy shelters; articulating clearly the general provisions for operating certificates including enforcement actions that may be taken by the New York State Office of Children and Family Services (OCFS); general terms and conditions for not-for-profit organizations operating a residential program for victims of domestic violence; articulating a retention period of six years for operational and client records of residential programs for victims of domestic violence; requiring notification to OCFS in addition to documenting reportable incidents that occur at a residential program for victims of domestic violence; condensing all regulatory requirements of residential programs for victims of domestic violence related to qualifications and training of staff under Part 452.11; condensing all regulatory requirements pertaining to the provision of emergency core services for victims residing in a residential program for victims of domestic violence under Part 452.12.

### 3. Costs:

The regulatory requirements for service animals and therapy dogs should have no or minimal cost impact on the residential programs as the care and supervision of the animal falls to the handler of the animal. This includes toileting, feeding, grooming and veterinary care. There are existing resources available to assist agencies with accommodating persons with service animals and/or therapy dogs including private grants.

Costs related to staff training are anticipated to be minimal as there are many no-cost training opportunities that domestic violence programs have access to including and not limited to: webinars from national domestic violence associations/organizations; sponsored trainings from the OCFS, Office for the Prevention of Domestic Violence (OPDV), New York State Coalition Against Domestic Violence (NYSCADV); in-kind cross-training from community agencies (e.g. law enforcement, legal aid, job-training/employment, etc.). In addition, several public and private grants assist in covering the cost of training. Lastly, residential and/or non-residential programs for victims of domestic violence may create their own in-house trainings that are specific to their internal policies/practice/protocols.

There are no anticipated additional costs related to environmental standards as these are part of regular building construction, upkeep and maintenance.

### 4. Minimizing adverse impact:

When drafting these proposed regulatory changes, input was sought from residential and non-residential domestic violence service providers. As a result, some specific regulatory changes were drafted to minimize the adverse impact on programs in rural areas, including: modifying the requirement for a face-to-face interview prior to admission into a residential program, creating a record retention time frame, providing relief from the costs associated with long-term record retention (previously, there was no authorization to ever dispose of such records), and supporting language access as a required core service.

### 5. Rural area participation:

OCFS sought input regarding these proposed regulations with currently licensed/approved domestic violence programs in a series of regional forums, held in conjunction with NYSCADV, a membership agency which provides training, support, technical assistance and advocacy for residential programs for victims of domestic violence across New York State.

These forums occurred on the following dates and locations: August 9, 2016 in Batavia (Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Livingston, Monroe, Niagara, Orleans, Ontario, Schulyer, Seneca, Wayne, Wyoming and Yates counties); August 10, 2016, in Syracuse (Broome, Cayuga, Chenango, Cortland, Herkimer, Jefferson, Lewis, Madison, Oneida, Onondaga, Oswego, St. Lawrence, Tioga, and Tompkins counties); September 15, 2016 in Albany (Albany, Clinton, Columbia, Delaware, Essex, Franklin, Fulton, Otsego, Rensselaer, Saratoga, Schenectady, Schoharie, Warren, and Washington counties); December 1, 2016 in Yonkers (Dutchess, Orange, Putnam, Sullivan, and Ulster counties).

A workgroup comprising of members from the OCFS, NYSCADV and OPDV met regularly from January through March 2017. In addition, a webinar was held on September 8, 2017 for licensed/approved domestic violence providers, NYSCADV and OPDV to summarize the proposed changes to the regulations. A small workgroup was held December 19,

2017 with OCFS Fire Safety Representatives specific to changes necessary to better meet existing fire, health and safety standards. We will address any additional comments or feedback received during the public comment period.

### Job Impact Statement

A job impact statement is not required for this rule. The proposed regulations are not expected to have a negative impact on jobs or employment in either the public or private sector. The purpose of the rule is to provide additional clarification to existing regulatory and statutory requirements as they pertain to residential and non-residential services for victims of domestic violence.

#### Nature of Impact:

The Office of Children and Family Services does not anticipate a reduction of employees or employment opportunities at residential or non-residential programs for victims of domestic violence.

#### Categories and Numbers Affected:

There are no changes in categories or numbers.

#### Regions of Adverse Impact:

There are no regions where the regulations would have a disproportionate adverse impact on jobs or employment opportunities.

#### Self-Employment Opportunities:

No measurable impact on opportunities for self-employment is expected.

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## Department of Civil Service

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

#### Jurisdictional Classification

I.D. No. CVS-51-18-00002-P

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

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

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

**Subject:** Jurisdictional Classification.

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

**Text of proposed rule:** Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Economic Development, by increasing the number of positions of Associate Agency Services Analyst from 7 to 9 and Senior Agency Services Analyst from 6 to 11.

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

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

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

#### Regulatory Impact Statement

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

#### Regulatory Flexibility Analysis

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

#### Rural Area Flexibility Analysis

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

#### Job Impact Statement

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

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

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

**Jurisdictional Classification**

**I.D. No.** CVS-51-18-00003-P

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

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

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

**Subject:** Jurisdictional Classification.

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

**Text of proposed rule:** Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Executive Department under the subheading "Office of Parks, Recreation and Historic Preservation," by increasing the number of positions of Special Assistant from 6 to 12.

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

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

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

**Regulatory Impact Statement**

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

**Regulatory Flexibility Analysis**

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

**Rural Area Flexibility Analysis**

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

**Job Impact Statement**

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

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

**Jurisdictional Classification**

**I.D. No.** CVS-51-18-00004-P

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

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

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

**Subject:** Jurisdictional Classification.

**Purpose:** To delete positions from and classify positions in the exempt class.

**Text of proposed rule:** Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Department of State under the subheading "Joint Commission on Public Ethics," by deleting therefrom the positions of Confidential Stenographer (4), by decreasing the number of positions of Confidential Clerk from 5 to 1 and by increasing the number of positions of Compliance Auditor (JCOPE) from 7 to 9 and Filings Examiner (JCOPE) from 11 to 17.

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

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

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

**Regulatory Impact Statement**

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

**Regulatory Flexibility Analysis**

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

**Rural Area Flexibility Analysis**

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

**Job Impact Statement**

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

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

**Jurisdictional Classification**

**I.D. No.** CVS-51-18-00005-P

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

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

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

**Subject:** Jurisdictional Classification.

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

**Text of proposed rule:** Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Executive Department under the subheading "Office of Employee Relations," by increasing the number of positions of Assistant Counsel from 5 to 9 and by adding thereto the position of Secretary.

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

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

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

**Regulatory Impact Statement**

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

**Regulatory Flexibility Analysis**

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

**Rural Area Flexibility Analysis**

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

**Job Impact Statement**

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

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

**Jurisdictional Classification****I.D. No.** CVS-51-18-00006-P

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

**Proposed Action:** Amendment of Appendix 1 of Title 4 NYCRR.**Statutory authority:** Civil Service Law, section 6(1)**Subject:** Jurisdictional Classification.**Purpose:** To classify a position in the exempt class.**Text of proposed rule:** Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Department of Audit and Control, by increasing the number of positions of Assistant Counsel from 16 to 17.**Text of proposed rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov**Data, views or arguments may be submitted to:** Marc Hannibal, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov**Public comment will be received until:** 60 days after publication of this notice.**Regulatory Impact Statement**

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

**Regulatory Flexibility Analysis**

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

**Rural Area Flexibility Analysis**

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

**Job Impact Statement**

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

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

**Jurisdictional Classification****I.D. No.** CVS-51-18-00007-P

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

**Proposed Action:** Amendment of Appendix 2 of Title 4 NYCRR.**Statutory authority:** Civil Service Law, section 6(1)**Subject:** Jurisdictional Classification.**Purpose:** To delete positions from and classify positions in the non-competitive class.**Text of proposed rule:** Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Corrections and Community Supervision, by deleting therefrom the positions of Correctional Industries Marketing Assistant (2) and by adding thereto the positions of Correctional Industries Marketing Specialist 1 (2).**Text of proposed rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov**Data, views or arguments may be submitted to:** Marc Hannibal, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov**Public comment will be received until:** 60 days after publication of this notice.**Regulatory Impact Statement**

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

**Regulatory Flexibility Analysis**

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

**Rural Area Flexibility Analysis**

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

**Job Impact Statement**

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

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

**Jurisdictional Classification****I.D. No.** CVS-51-18-00008-P

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

**Proposed Action:** Amendment of Appendix 2 of Title 4 NYCRR.**Statutory authority:** Civil Service Law, section 6(1)**Subject:** Jurisdictional Classification.**Purpose:** To classify positions in the non-competitive class.**Text of proposed rule:** Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Executive Department under the subheading "Office of General Services," by adding thereto the positions of Casualty Insurance Analyst 1 (8), Casualty Insurance Analyst 2 (3) and Casualty Insurance Analyst 3 (1).**Text of proposed rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov**Data, views or arguments may be submitted to:** Marc Hannibal, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov**Public comment will be received until:** 60 days after publication of this notice.**Regulatory Impact Statement**

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

**Regulatory Flexibility Analysis**

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

**Rural Area Flexibility Analysis**

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

**Job Impact Statement**

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

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

**Jurisdictional Classification**

**I.D. No.** CVS-51-18-00009-P

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

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

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

**Subject:** Jurisdictional Classification.

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

**Text of proposed rule:** Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Civil Service, by deleting therefrom the position of øAssistant Director Policy Analysis and Strategic Planning (1) and by adding thereto the positions of øDirector Strategic Planning and Management (1) and Manager Diversity and Inclusion (2).

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

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

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

**Regulatory Impact Statement**

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

**Regulatory Flexibility Analysis**

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

**Rural Area Flexibility Analysis**

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

**Job Impact Statement**

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

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**Division of Criminal Justice  
Services**

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**NOTICE OF ADOPTION**

**Appendix H-10 Standard Specifications for Professional Probation Positions**

**I.D. No.** CJS-32-18-00004-A

**Filing No.** 1122

**Filing Date:** 2018-11-29

**Effective Date:** 2018-12-19

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

**Action taken:** Repeal of Appendix H-10; addition of new Appendix H-10 to Title 9 NYCRR.

**Statutory authority:** Executive Law, sections 243(1), 257(1), (6)(a) and (b)

**Subject:** Appendix H-10 Standard Specifications for Professional Probation Positions.

**Purpose:** Update job specifications and required knowledge, skills, and abilities for probation professionals employed by localities.

**Substance of final rule:** These proposed amendments enact a new Appendix H-10, entitled “Standard Specifications for Professional Probation Positions” which is referenced in Title 9 NYCRR Part 347, the Division of Criminal Justice Services (DCJS) Probation Management Rule, specifically Rule § 347.4(f). By repealing and adding a new Appendix H-10, it updates, clarifies, and strengthens regulatory provisions to accurately reflect current duties and responsibilities, and required knowledge, skills, and abilities of probation professionals. Through updated education and experience requirements in the job specifications, these amendments promote the hiring of appropriate candidates, as well as the professional development and growth of qualified probation professionals. It also provides clear paths of promotional and open competitive ascendancy for qualified probation professionals into leadership positions, while creating opportunities for a broadened pool of candidates eligible for hiring and/or promotion, as applicable.

Revision of Appendix H-10 is necessary to reflect changes in the duties and responsibilities of probation professionals since the existing Appendix was last updated, several decades ago. These revisions also update typical job duties to incorporate best practices in probation and community corrections (e.g. risk/need assessments and cognitive behavioral interventions) which have been developed and supported by research. The revisions further update the required knowledge, skills, and abilities of probation professionals in performance of their increasingly complex work, including investigation and supervision of an increased number of specialized populations, including, but not limited to, young offenders, criminal justice involved females, sex offenders, offenders with mental health diagnoses, DWI offenders.

These amendments also recognize the recent change to Executive Law (EL) § 257(6)(a), which requires non-competitive appointment of probation directors in jurisdictions outside New York City (NYC) with populations over 300,000 (formerly 400,000) and requires one Deputy Director to be classified non-competitively where a jurisdiction’s population is over 300,000.

Below is a summary of changes for each subject job title in the revised Appendix as compared to the existing Appendix:

The current version of Appendix H-10 contains fourteen job specifications for probation professional positions ranging from Probation Assistant to Probation Director IV. Changes include:

- The existing Appendix classifies probation departments by number of Probation Officers. In contrast, this proposal groups probation departments as follows, taking into consideration staffing levels and (at certain levels) county population as well:

**Proposed Probation Department Groupings**

- Group A Employs nineteen or fewer professional probation officer (PO) positions at various levels.
- Group B Employs twenty to forty-nine professional PO positions at various levels.
- Group C Employs fifty or more probation professionals at various levels in a jurisdiction with a population less than 400,000.  
OR  
Where the population of the jurisdiction served is greater than 300,000 and less than 400,000.
- Group D Serves a jurisdiction having a population of 400,000 or more.

- The current Appendix contains fourteen job specifications for probation professional positions ranging from Probation Assistant to Probation Director IV. This proposal adds and retitles certain positions, including adding and/or updating the Distinguishing Features of the Class, Typical Work Activities, Full Performance Knowledge Skills, and Abilities of all positions, and makes other changes as follows:

Probation Assistant – updates phrasing of the Open Competitive Minimum Qualifications (OCMQ).

Probation Officer 1 Trainee - updates OPMQ and includes a Promotion Qualification (PQ) for persons serving in title of Probation Assistant who also meet educational requirements for the position.

Probation Officer 1 - updates phrasing of the OCMQ.

Probation Officer 2/Senior Probation Officer - updates OCMQ and PQ. In the OCMQ, previous experience as a Probation Officer was relaxed from three years to two years. Previous experience as a Probation Officer was relaxed in the PQ from two years to one year. These changes will expand the pool of eligible candidates.

Probation Supervisor I - updates OCMQ. In the OCMQ, two years' experience as a Probation Officer II is now included as acceptable experience.

Probation Supervisor 2 - updates OCMQ and PQ.

Deputy Probation Director (Group B) - While a Deputy Director II position was referenced in the current Appendix as qualifying experience for a higher title, a job specification for the position does not currently exist and has been added with OCMQ and PQ.

Deputy Probation Director (Group C) - Formerly Deputy Probation Director III - updates OCMQ and PQ. As this title may be used in all Group C jurisdictions, the proposed language specifies that OCMQ are to be used for appointment to positions in the non-competitive (NC) class (applies to counties with population greater than 300,000) or by open competitive (OC) appointment (applies to counties with population up to 300,000), while the PQ are to be used for appointment to a competitive class position (applies to counties with population up to 300,000). Replaces general language of "Three (3) years experience in a supervisory or administrative position having responsibility for more than 15 probation officers in a probation agency" found in the OCMQ with specific references to time served in various probation professional titles.

Assistant Probation Director (Group D) - Formerly Assistant Probation Director IV - updates OCMQ and PQ. Replaces general language of "Three (3) years experience in a supervisory or administrative position having responsibility for more than 15 probation officers in a probation agency" found in the OCMQ with specific references to time served in various probation professional titles. In the PQ, required experience as a Probation Supervisor I has been relaxed from three years to two years.

Deputy Probation Director (Group D) - Formerly Deputy Probation Director IV - updates OCMQ and PQ. Specifies that OCMQ are to be used for appointment to positions in the NC class, while the PQ are to be used for appointment to a competitive class position. Replaces general language of "Four (4) years experience in a supervisory or administrative position having responsibility for more than 35 probation officers in a probation agency" found in the OCMQ with specific references to time served in various probation professional titles. Adds service of three (3) years as a Probation Supervisor I as acceptable PQ experience.

Probation Director (Group A) - Formerly Probation Director I - updates phrasing of the OCMQ and PQ. Rather than four years experience as a probation officer found in the current Appendix, the OCMQ in the proposed revision requires two years of experience as a Probation Supervisor I. Similarly in the PQ, experience as a probation officer or senior probation officer/probation officer II was replaced by a minimum requirement of one year experience as a Probation Supervisor I. Experience as a Probation Supervisor was determined by the workgroup to be essential experience for a candidate for this position.

Probation Director (Group B) - Formerly Probation Director II - updates OCMQ and PQ. In the OCMQ, the general phrasing of "Three (3) years experience in a supervisory or administrative position in a probation agency", has been replaced with specific references to time served in various probation professional titles. Two years of experience as a Probation Supervisor I has been added as acceptable minimum PQ experience. These changes ensure that candidates have appropriate experience in the field.

Probation Director (Group C) - Formerly Probation Director III - updates OCMQ and PQ. In the existing Appendix, both Probation Director III and Probation Director IV were described in the same job specification. The proposed revision, splits these titles into distinct job specifications. As this title shall be used in both jurisdictions with populations of 300,000 and below meeting minimum staffing level requirements or with populations greater up to 399,999, new language specifies that the OCMQ are to be used for appointment to positions in the NC class (applies to counties with populations greater than 300,000) or for competitive appointment (applies to other Group C counties with population up to 300,000), while the PQ are to be used for interagency appointment to the competitive class position (applies to Group C counties with population up to 300,000). The proposed revision cites experience in specific probation professional titles to ensure that candidates have appropriate experience in the field.

Probation Director (Group D) - Formerly Probation Director IV - updates OCMQ. In the existing Appendix H-10, both Probation Director III and Probation Director IV were described in the same job specification. The proposed revision, splits these titles into distinct job specifications. The proposed revision cites experience in specific probation professional titles. These changes ensure that candidates have appropriate experience in the field.

Probation Officer I (Community Liaison) - Formerly Probation Officer (Minority Group Specialist) - updates OCMQ. Through consultation with the NYS Department of Civil Service and the Division of Human Rights, previous language which stated that the position addressed the under representation of minorities in their respective local probation departments has been eliminated to reflect case law in this area. Among the distinguishing features is language "...identifying and relating to specific problems experienced by a particular minority group(s)." Qualifications detail

special education and other experiential requirements, rather than racial or ethnic heritage. This change will still achieve the needs of jurisdictions interested in a specialized title.

Probation Officer 1 (Other Language) - Formerly Probation Officer (Spanish Speaking) - updates phrasing of OCMQ. The re-titling of this position allows local jurisdictions the authority to create and classify positions of Probation Officer I which also require fluency in a language other than the English language in order to enhance probation services and take into account community needs. This additional language skill would be evaluated during the probationary term. This change provides greater flexibility to localities by letting them establish "other language" positions which suit the needs of the community.

**Final rule as compared with last published rule:** Nonsubstantive changes were made in Appendix H-10.

**Text of rule and any required statements and analyses may be obtained from:** Danise Linen, Division of Criminal Justice Services, 80 South Swan Street, (518) 457-8413, email: dcjslegalrulemaking@dcjs.ny.gov

#### **Revised Regulatory Impact Statement**

A revised Regulatory Impact Statement is not being submitted because it is not required. This is a technical amendment exempt from SAPA § 202-a.

#### **Revised Regulatory Flexibility Analysis**

A revised Regulatory Flexibility Analysis is not being submitted because the non-substantive changes to the proposed rule will not impose any adverse economic impact or reporting, recordkeeping or other compliance requirements on small businesses or local governments. This is a technical amendment.

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

A revised Rural Area Flexibility Analysis is not being submitted because the non-substantive changes to the proposed rule will not impose any adverse impact or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas. This is a technical amendment.

#### **Revised Job Impact Statement**

A revised Job Impact Statement is not being submitted because the non-substantive changes to the proposed rule will not impose a substantial adverse impact on jobs and employment opportunities. This is a technical amendment.

#### **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 current Appendix H-10, Standard Specifications for Professional Probation, took effect May 1, 1973. Recognizing the need for updated regulation in this area, the Division of Criminal Justice Services' ("DCJS") Office of Probation and Correctional Alternatives ("OPCA") began the process of revising the Standard Specifications in November 2006, when it convened the initial meeting of the Probation Professional Qualifications, Recruitment, and Retention Workgroup. In addition to staff from OPCA, workgroup members included representatives from the New York State Department of Civil Service, local civil service agencies and probation professionals represented by the New York State Council of Probation Administrators (NYSCOPA), and the New York State Probation Officers' Association (NYSPOA).

The process of updating Appendix H-10 included a statewide survey of incumbents in all probation titles, regional focus groups, and select site visits by the State Department of Civil Service, all of which informed the workgroup's proposed revisions. Recognizing the importance of transparency and collaboration, the proposed revisions were presented to the New York State Probation Commission and informally shared with probation directors/commissioners, and local civil service agencies for review. Where deemed appropriate, feedback from these groups was incorporated into the version ultimately submitted to the State's formal rule making process.

The proposed revision was posted on the DCJS website and a 60-day period of public comment commenced, with the deadline for such comment being October 8, 2018. Several comments from the public were received and are summarized below.

#### **Comment 1:**

Two comments were submitted expressing concern that the minimum qualifications for the position of Probation Director (Group A) included the requirement of experience as a Probation Supervisor, and recommended retaining the current H-10 specifications that do not include this experience.

#### **Response 1:**

The inclusion of required experience as a Probation Supervisor was

strongly recommended by the New York State Department of Civil Service, and that recommendation was supported and endorsed by the Probation Professional Qualifications, Recruitment, and Retention Workgroup. Upon further discussion with the commenters and after being informed that the current waiver process would be left unchanged, the commenters indicated that their concern was "alleviated."

Comment 2:

While supporting the standardization of Specifications for Probation Officers through Appendix H-10, this commenter advocated for the development of workload standards for probation professionals.

Response 2:

Both the current and proposed Appendix H-10 provide for the span of supervision for the title of Probation Supervisor as supervising 4-7 probation officers. However, workload standards for probation professionals are not addressed therein, nor in any other DCJS regulation. While New York State has offered some funding assurances for Raise the Age-related expenses, and supports local delivery of other probation services through Regular State Aid, the majority of probation related costs are assumed by the localities. DCJS regulations establish minimum standards for probation services statewide, but those services are then administered at the local level. Within those parameters, individual jurisdictions may place increased emphasis and value on different aspects of their work, recognizing local need, and may even perform related work that is not statutorily mandated.

Further, even the standard hours in a work week (e.g. 35, 37.5, 40), and strategies of distributing work (e.g. specialized/distinct assignment models versus combined assignments/everyone does everything models) vary from county to county. As such, inclusion of workload standards in regulation would not only be extremely complex, but also potentially considered an unfunded mandate. Nonetheless, this is an important area for continued discussion outside of the regulatory revision process, and perhaps a topic for future review by the NYS Probation Commission, along with NYSCOPA and NYSPOA.

Comment 3:

Another comment, while providing support for the proposed Appendix H-10, noted that the proposed Appendix H-10 sets standards that are achievable for virtually every probation department, and noting that localities may continue to submit requests for waivers from DCJS when necessary.

Additionally, the commenter expressed a hope that when adopted, the revised Appendix H-10 will be a relevant factor in assuring that the position of probation director would be filled by qualified professionals with experience and knowledge about the best practices in the field.

Response 3:

This comment appears to be in reference to a recent change in Executive Law § 257 6(a) that placed probation directors of departments that serve jurisdictions of over 300,000 in the non-competitive class. While such change does place this group of probation directors in the non-competitive class of civil service, and authorizes their appointment by the County Executive with the approval of the local governing body, it remains DCJS' position that the specifications and minimum qualifications found in the existing and proposed Appendix H-10 continue to apply. Thus, individuals in such jurisdictions will be subject to the proposed Appendix H-10 ensuring that qualified professionals with appropriate experience and knowledge will be placed probation director positions.

Comment 4:

While offering support of the proposed Appendix H-10, one commenter noted the importance of having an appropriate and qualified pool of candidates that have the required knowledge, skills, and experience, as well as the importance of the use of evidence based practices in effective supervision strategies.

Comment 5:

A commenter offered support of the proposed revision of Appendix H-10, noting that such qualifications are necessary in order to maintain high standards for the probation profession.

Comment 6:

Another commenter offered support noting that the Standard Specifications set forth in Appendix H-10 were also crucial to succession planning for smaller probation departments.

Response 4, 5 and 6:

The Division concurs with comments 4, 5, and 6, and appreciates the feedback and efforts made by members of the probation community in assisting the Division with updating Appendix H-10.

## Department of Environmental Conservation

### NOTICE OF ADOPTION

#### Repeal and Replace 6 NYCRR Parts 243, 244 and 245 and Amend 6 NYCRR Part 200

**I.D. No.** ENV-20-18-00007-A

**Filing No.** 1123

**Filing Date:** 2018-12-03

**Effective Date:** 30 days after filing

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

**Action taken:** Amendment of Part 200; repeal of Parts 243, 244, 245; addition of new Parts 243, 244 and 245 to Title 6 NYCRR.

**Statutory authority:** Environmental Conservation Law, sections 1-0101, 3-0301, 19-0103, 19-0105, 19-0107, 19-0301, 19-0302, 19-0303, 19-0305, 19-0311, 71-2103 and 71-2105

**Subject:** Repeal and replace 6 NYCRR Parts 243, 244 and 245 and amend 6 NYCRR Part 200.

**Purpose:** Parts 243, 244 and 245 set forth the process the Department will use to allocate allowances under EPA's CSAPR Trading Programs.

**Substance of final rule:** The New York State Department of Environmental Conservation (Department) repealed 6 NYCRR Part 243, "CAIR NO<sub>x</sub> Ozone Season Trading Program," 6 NYCRR Part 244, "CAIR NO<sub>x</sub> Annual Trading Program," and 6 NYCRR Part 245, "CAIR SO<sub>2</sub> Trading Program" (collectively, the New York State Clean Air Interstate Rules or NYS CAIR) on November 12, 2015 and replaced them with three new rules: 6 NYCRR Part 243, "Transport Rule NO<sub>x</sub> Ozone Season Trading Program," 6 NYCRR Part 244, "Transport Rule NO<sub>x</sub> Annual Trading Program," and 6 NYCRR Part 245, "Transport Rule Trading Program." These rules were adopted to allow the Department to allocate Transport Rule allowances to regulated entities in New York. On December 1, 2015 the Department submitted these rules to EPA for incorporation into the New York State Implementation Plan (SIP). EPA provided comments on the aforementioned SIP submission on June 2, 2016 and November 28, 2016. On September 7, 2016, EPA finalized the Cross-State Air Pollution Rule (CSAPR) Update to address the air quality impacts that result from the interstate transport of ozone air pollution in the eastern United States, particularly the transport of Ozone Season NO<sub>x</sub>. In this rulemaking the Department is repealing and replacing Parts 243, 244 and 245 to address the issues raised by EPA's comments and to conform to CSAPR and the CSAPR Update. In addition, attendant changes were made to 6 NYCRR Part 200.

CSAPR is a regional cap-and-trade program that regulates emissions from large fossil fuel-fired electricity generating units (EGUs) that have a nameplate capacity greater than 25 megawatts electrical and produce electricity for sale. The adopted changes are necessary to ensure New York State receives EPA SIP approval and maintains control of CSAPR allowance allocations to regulated entities within the state under Parts 243, 244 and 245.

#### Applicability

Sections 243.1, 244.1 and 245.1

The applicability requirements for Parts 243, 244 and 245 are defined in federal regulations (40 CFR 97.804, 40 CFR 97.404 and 40 CFR 97.604). Although adopted Parts 243, 244 and 245 have the same applicability as the current regulations, the text of the adopted version is much shorter in length. The applicability sections in the adopted rules are shorter because the prior regulations incorporated the federal regulations in their entirety, whereas the adopted rules only incorporate by reference the requisite applicability sections of the federal regulations.

#### Definitions

Sections 243.2, 244.2 and 245.2

The definitions sections of adopted Parts 243, 244 and 245 incorporate by reference definitions from the federal CSAPR regulations. In the current regulations, definitions were copied directly from the federal rule, while in the proposed set of regulations several of these terms are incorporated by reference. The adopted regulations list the term to be defined followed by a citation to the exact location of this definition in the federal CSAPR regulations. The only definitions unique to Parts 243, 244 and 245 are those related to the New York State Energy Research and

Development Authority (NYSERDA) Energy Efficiency and Renewable Energy Technology (ERRET) Account. This account is specific to New York State and proceeds from the sale of allowances will support NYSERDA programs that encourage energy efficiency measures and renewable energy technologies.

**Trading Program Budgets**  
Sections 243.3, 244.3 and 245.3

The trading program budget sections of adopted Parts 243, 244 and 245 detail the allocation methodology of New York State's CSAPR allowances. In general, five percent of the allowances are set aside for new units, ten percent are allocated to NYSERDA, and the rest of the allowances are allocated to facilities based on an average of the amount they emitted over the three most recent calendar years for which data is available. These sections of the new rules also include additional language to clarify that three full calendar years of data are needed to calculate facility level allowance allocation amounts. Partial years do not count. Language was also included in this section to make clear that Indian country new unit set asides are handled by EPA and taken out of New York's allowance budget before any other distributions are performed.

**Timing Requirements for Allowance Allocations**  
Sections 243.4, 244.4 and 245.4

The schedules and deadlines for the Department to submit allowance allocations to the EPA Administrator for the EERET account and existing electricity generating units in the state can be found under the timing requirements for allowance allocations sections of Parts 243, 244 and 245. The current rules only specify that by December 1, 2015 the Department will submit allowance allocations to EPA for the 2017 and 2018 control periods. The adopted rules provide deadlines for when the allowance allocations need to be submitted to EPA for future control periods.

**New Unit Set-aside Allocations**  
Sections 243.5, 244.5 and 245.5

The new unit set-aside allocation sections detail how much of the state's budget of allowances is set aside for new units, the actions a designated representative needs to take for a unit to be considered new, how long it takes for a new unit to be considered an existing unit, and how unused new unit set-aside allowances will be distributed. The adopted rules specify that the Department must submit the recommended allowance allocations for any of New York's new units to the EPA Administrator by July 1st of each year. It also clarifies the number of control periods for which a new unit will receive allocations from the new unit set aside budget before it switches over to the allocation methodology that applies to existing units.

**Energy Efficiency and Renewable Energy Technology Account**  
Sections 243.6, 244.6 and 245.6

The EERET account sections of adopted Parts 243, 244 and 245 provide NYSERDA with direction regarding the sale of allowances allocated to the EERET account. These sections of Parts 243, 244 and 245 direct NYSERDA to make allowances available for sale on the open market no later than 30 days after they are deposited in the EERET account. These sections also include an explanation of what happens if allowances are forfeited back to the Department because NYSERDA failed to sell or distribute the EERET account allowances within the prescribed time period. Unallocated Indian country new unit set aside allowances will be deposited into the EERET account.

**Changes to Part 200**

Section 200.9 was modified to list the specific sections of 40 CFR 97 that are incorporated by reference in Parts 243, 244 and 245.

**Final rule as compared with last published rule:** Nonsubstantive changes were made in sections 200.9, 243.1(a), 243.3(b), 243.4(a), (b), (c), (d), 243.5(a)(3), 244.2(b)(9), 244.4(c), (d), 245.4(c) and (d).

**Text of rule and any required statements and analyses may be obtained from:** Marie Barnes, Department of Environmental Conservation, Division of Air Resources, 625 Broadway, Albany, NY 12233-3251, (518) 402-8396, email: air.regs@dec.ny.gov

**Additional matter required by statute:** Pursuant to Article 8 of the State Environmental Quality Review Act, a Short Environmental Assessment Form, a Negative Declaration and a Coastal Assessment Form have been prepared and are on file.

**Revised Regulatory Impact Statement**  
INTRODUCTION

On November 12, 2015 New York State promulgated 6 NYCRR Part 243, "Transport Rule NO<sub>x</sub> Ozone Season Trading Program," 6 NYCRR Part 244, "Transport Rule NO<sub>x</sub> Annual Trading Program," and 6 NYCRR Part 245, "Transport Rule Trading Program." These rules were adopted to allow the Department to allocate Transport Rule allowances to regulated entities in New York. On December 1, 2015 the Department submitted Parts 243, 244 and 245 to EPA for incorporation into the New York State Implementation Plan (SIP). EPA provided comments on the aforementioned SIP submission on June 2, 2016 and November 28, 2016. On

September 7, 2016, EPA finalized the Cross-State Air Pollution Rule (CSAPR) Update to address the air quality impacts that result from the interstate transport of ozone air pollution in the eastern United States, particularly the transport of Ozone Season NO<sub>x</sub>. In this rulemaking the Department is repealing and replacing Parts 243, 244 and 245 to address the issues raised by EPA's comments and to conform to CSAPR and the CSAPR Update. In addition, attendant changes were made to 6 NYCRR Part 200.

CSAPR is a regional cap-and-trade program that regulates emissions from large fossil fuel-fired electricity generating units (EGUs) that have a nameplate capacity greater than 25 megawatts electrical (MWe) and produce electricity for sale. This rulemaking was necessary to ensure that New York State receives EPA's SIP approval and maintains control of CSAPR allocations to regulated entities within the state under Parts 243, 244 and 245.

**STATUTORY AUTHORITY**

The statutory authority for this action is found in the Environmental Conservation Law (ECL), Sections 1-0101, 3-0301, 19-0103, 19-0105, 19-0107, 19-0301, 19-0302, 19-0303, 19-0305, 19-0311, 71-2103 and 71-2105.

ECL Section 1-0101 makes it the policy of New York State to conserve, improve and protect natural resources, the environment, and control air pollution in order to enhance the health, safety, and welfare of the people of New York State and their overall economic and social wellbeing and coordinate the State's environmental plans, functions, powers and programs with those of the federal government and other regions and manage air resources. This section also makes it the policy of the State to foster, promote, create and maintain conditions for air resources that are shared with other states.

ECL Section 3-0301 states that it shall be the responsibility of the Department to carry out the environmental policy of the state. In furtherance of that mandate, Section 3-0301(1)(a) gives the Commissioner authority to "[c]oordinate and develop policies, planning and programs related to the environment of the state and regions thereof. . . ." Section 3-0301(1)(b) directs the Commissioner to "[p]romote and coordinate management of air resources to assure their protection, enhancement, provision, allocation, and balanced utilization consistent with the environmental policy of the state and take into account the cumulative impact upon all of such resources in making any determination in connection with any license, order, permit, certification or other similar action or promulgating any rule or regulation, standard or criterion."<sup>1</sup> Pursuant to ECL Section 3-0301(1)(i), the Commissioner is charged with promoting and protecting the air resources of New York State by providing for the prevention and abatement of air pollution. Section 3-0301(2)(a) authorizes the Commissioner to adopt rules and regulations "to carry out the purposes and provisions" of the ECL. Section 3-0301(2)(g) allows the Commissioner to enter and inspect sources of air pollution and to verify their compliance with applicable regulations. Section 3-0301(2)(m) gives the Commissioner authority to "[a]dopt such rules, regulations, and procedures as may be necessary, convenient, or desirable to effectuate the purposes of this chapter."

ECL Section 19-0103 declares that it is the policy of New York State to maintain a reasonable degree of purity of air resources, which shall be consistent with the public health and welfare and the public enjoyment thereof, the industrial development of the State, and to that end to require the use of all available practical and reasonable methods to prevent and control air pollution in the state. ECL Section 19-0105 declares that it is the purpose of ECL Article 19 to safeguard the air resources of New York State under a program that is consistent with the policy expressed in Section 19-0103 and other provisions of Article 19.

ECL Section 19-0107 provides definitions to be used in the application of the requirements of Article 19 of the ECL.

ECL Section 19-0301 declares that the Department has the power to promulgate regulations for preventing, controlling or prohibiting air pollution and shall include in such regulations provisions prescribing the degree of air pollution that may be emitted to the air by any source in any area of the state.

ECL Section 19-0302. This section states that permit applications, renewals, modifications, suspensions and revocations will be governed by rules and regulations adopted by the Department, and that permits issued may not "include performance, emission or control standards more stringent than any established by the Act or by [EPA] unless such standards are authorized by rules or regulations."<sup>2</sup>

ECL Section 19-0303 provides that the terms of any air pollution control regulation promulgated by the Department may differentiate between particular types and conditions of air pollution, various air contamination sources, and particular areas of the state.

ECL Section 19-0305 authorizes the Department to enforce the codes, rules and regulations established in accordance with Article 19.

ECL Section 19-0311 directs the Department to establish an operating

permit program for sources subject to Title V of the CAA. Section 19-0311 specifically requires that complete permit applications must include, among other things, compliance plans and schedules of compliance. This section further expresses that any permits issued must include, among other things, terms setting emissions limitations or standards, terms for detailed monitoring, record keeping and reporting, and terms allowing Department inspection, entry, and monitoring to assure compliance with the terms and conditions of the permit.

ECL Sections 71-2103 and 71-2105 describe the civil and criminal penalty structures for violations of Article 19.

#### LEGISLATIVE OBJECTIVES

Articles 1 and 3 of the ECL set out the overall state policy of reducing air pollution and providing clean, healthy air for the citizens of New York. These Articles provide general authority to adopt and enforce measures to achieve this goal, including the regulation of stationary sources of air pollution.

In addition to the general powers and duties of the Department and Commissioner to prevent and control air pollution found in Articles 1 and 3 of the ECL, Article 19 of the ECL was specifically adopted for the purpose of safeguarding the air resources of New York from pollution. To facilitate this purpose, the Legislature authorized the Department to formulate, adopt, amend, and repeal codes, rules, and regulations for preventing, controlling, or prohibiting air pollution. The legislative policy, as set forth in the Article 19, is to maintain a reasonable degree of purity of air resources which is consistent with public health and welfare, industrial development of the state, propagation and protection of flora and fauna, and the protection of physical property and other resources, while integrating sound environmental practices.

This rulemaking furthers these statutory and public policy objectives because it will allow the Department to control emissions of NO<sub>x</sub> and SO<sub>2</sub> that contribute to local and regional nonattainment of the ozone and PM<sub>2.5</sub> National Ambient Air Quality Standards (NAAQS). State regulation of these pollutants protects New York's air resources as well as the health and welfare of the public.

#### NEEDS AND BENEFITS

On November 12, 2015, the Department promulgated Parts 243, 244 and 245. These regulations made explicit the allowance allocation method New York used to distribute Transport Rule allowances for NO<sub>x</sub>, ozone season emissions, annual NO<sub>x</sub> emissions and annual emissions. Adopted parts 243, 244 and 245 give the state control of CSAPR allowance allocation to New York sources affected by CSAPR. The responsibility for implementing all other aspects of CSAPR remains with EPA under a Federal Implementation Plan (FIP). Parts 243, 244, and 245 establish, only, the allocation methodology New York will use to distribute CSAPR allowances to in-state sources. Since all other portions of CSAPR remain under EPA control, and the Department submitted these regulations to EPA as a partial SIP, EPA approval of the Department's SIP is needed for the Department to maintain control of the allocation process within New York State.

In its comments on Parts 244 and 245<sup>3</sup>, EPA recommended technical corrections, clarifications, cross-reference revisions and deadline adjustments. EPA did not comment on Part 243 since the Transport Rule NO<sub>x</sub> Ozone Season Trading Program was being replaced by the CSAPR NO<sub>x</sub> Ozone Season Group 2 Trading Program. Although specific comments on Part 243 were not provided, EPA's suggested revisions to Parts 244 and 245 easily transfer to Part 243. Addressing these comments corrected inaccuracies and provides symmetry between CSAPR and the amendments to Parts 243, 244 and 245.

The repeal and replacement of Parts 243, 244 and 245 addresses:

- Erroneous citations of the federal rule for NYS allowance budgets and definitions,
- Incorrect deadlines for:
  - Submitting allocations to EPA for control periods
  - Submitting New Unit Set Aside (NUSA) allocations to EPA, and
- Improper inclusion of Indian Country NUSA allowances in the NYS budget

EPA also requested minor editorial changes to:

- Incorporate by reference different parts of CSAPR into the Department's rules,
- Match definitions in this set of rules to CSAPR,
- Clarify the timing and method for when a new unit becomes an existing unit for allowance allocation purposes,
- Include a disposition mechanism for any unallocated Indian Country NUSAs,
- Ensure petitions for applicability determinations are received by EPA, and
- Change the term "Transport Rule" to "CSAPR" for consistency between state and federal rules.

#### COSTS

New York's revisions to Parts 243, 244 and 245 are administrative cor-

rections that will not result in additional costs to affected sources, the Department or local government entities.

#### PAPERWORK

The repeal and replacement of Parts 243, 244 and 245 will not impose any new paperwork requirements for regulated parties.

#### LOCAL GOVERNMENT MANDATES

This rulemaking is not expected to result in any additional recordkeeping, reporting, or other requirements for any local government entity.

#### DUPLICATION

These regulations do not duplicate, overlap, or conflict with any other State or federal requirements.

#### ALTERNATIVES

The Department considered alternatives before submitting a proposal for repeal and subsequent replacement of Parts 243, 244 and 245:

First, the Department could repeal 6 NYCRR Parts 243, 244 and 245 and accept full implementation of the FIP. This would result in EPA allocating CSAPR allowances to NYS generators under the FIP. EPA's FIP allocation strategy does not change over time and may not reflect operational changes within the mix of sources that generate electricity throughout New York. The Department would lose control over allowance allocation, and could no longer utilize the allocation program to meet the specific needs of New York's regulated community. In addition, allowances for the Energy Efficiency Renewable Energy Technology (EERET) account, administered and sold by NYSERDA, to support clean energy programs that reduce emissions would not exist under this alternative.

Second, the Department could take no action. Taking no action would lead to EPA rejecting the Department's previously submitted revisions to the SIP resulting in EPA's full implementation of the FIP. In addition, the inoperable regulations would cause confusion in the regulated community. Under this alternative, Parts 243, 244 and 245, although still effective, would be irrelevant as allowances would be allocated by EPA under a FIP. Consistent with the repeal alternative above, the Department would lose control of the allowance allocations and the sale of allowances by NYSERDA would not exist.

#### FEDERAL STANDARDS

These rules do not result in the imposition of requirements that exceed any minimum standards of the federal government for the same or similar subject areas.

#### COMPLIANCE SCHEDULE

The proposed revisions result in administrative corrections that do not alter the compliance schedule currently in operation under EPA's FIP.

<sup>1</sup> Internal citations omitted.

<sup>2</sup> Internal citations omitted.

<sup>3</sup> EPA sent comments to DEC regarding Parts 244 and 245 on June 2, 2016 and November 28, 2016.

#### *Revised Regulatory Flexibility Analysis*

##### EFFECT OF RULE

There are no small businesses affected by this rulemaking. The only local government affected by this rulemaking is the Jamestown Board of Public Utilities (JBPU) operator of the Samuel A. Carlson Generating Station (S.A. Carlson). S.A. Carlson is an electricity generation station located in Jamestown, New York. S.A. Carlson operates 3 units that are regulated under the Cross-State Air Pollution Rule (CSAPR).

##### COMPLIANCE REQUIREMENTS

This rulemaking does not impose any new compliance obligations on regulated entities. This rulemaking, once approved by EPA as part of the New York State Implementation Plan (SIP), will give the Department the authority to allocate CSAPR allowances to regulated entities in New York as well as the New York State Energy Research and Development Authority. EPA is responsible for implementing and enforcing the provisions of the CSAPR program. Affected facilities must have sufficient allowances in their CSAPR accounts on the compliance dates in the federal program.

##### PROFESSIONAL SERVICES

JBPU operates S.A. Carlson's units in compliance with CSAPR using the current amount of budgeted allowances and will not need any additional professional services as a result of this proposal.

##### COMPLIANCE COSTS

Under the Department's proposed allocation method, the affected units at S.A. Carlson are expected to receive CSAPR allowances that are very close to what the average actual emissions have been in recent years. S.A. Carlson has switched fuel from coal to primarily natural gas. This will essentially eliminate their need for allowances. As of September 28, 2018, CSAPR annual allowances were selling for \$3.50/ton NO<sub>x</sub> and \$1.75/ton. On that date, NO<sub>x</sub> Ozone Season Group 2 allowances were selling for \$200/ton.<sup>1</sup>

##### ECONOMIC AND TECHNOLOGICAL FEASIBILITY

S.A. Carlson no longer burns coal in any of the electricity generating

units at their facility. Units #11 and #12 have been shut down. Unit #20 continues to burn natural gas. The remaining units at the facility (#9, #10) have switched from coal to natural gas. This will minimize the need for NO<sub>x</sub> allowances and virtually eliminate the need for allowances. The Department expects that S.A. Carlson will be provided with an adequate number of allowances to operate within the emissions cap. The NO<sub>x</sub> allowances allocated to the facility for 2017 and 2018 under the Department's allocation strategy is 154 tons. The facility emitted 114 tons of NO<sub>x</sub> in 2016 and 88 tons in 2017. The facility emitted less than two tons of NO<sub>x</sub> in 2016 and 2017.

EPA allocated 31 tons of NO<sub>x</sub> Ozone Season Group 2 allowances to S.A. Carlson for 2017 and 2018 using a procedure analogous to that used by the Department for the annual CSAPR programs. The facility emitted 51 tons of NO<sub>x</sub> during the 2016 ozone season and 46 tons of NO<sub>x</sub> during the 2017 ozone season. Had the CSAPR NO<sub>x</sub> Ozone Season Group 2 program been in place those years, the facility would have had to purchase up to 20 allowances which would have cost approximately \$4000 per year based on the September 1, 2018 market conditions. During the 2017 ozone season, the facility generated 66,583 megawatt-hours of electricity.<sup>2</sup> The unit cost for NO<sub>x</sub> allowances for the 2017 ozone season would have been \$0.06 per megawatt-hour.

#### MINIMIZING ADVERSE IMPACT

The Department does not expect these rules will impose any adverse economic impacts on small businesses or local governments. CSAPR regulates NO<sub>x</sub> and emissions from large fossil fuel-fired electricity generating units that have a nameplate capacity greater than 25 megawatts electrical and produce electricity for sale. These rules only address the method by which allowances are allocated to affected units within New York State. All compliance obligations for the affected facilities are currently governed by EPA's Federal Implementation Plan and will remain the same if the Department transitions to a partial SIP. The Department would review the allocations every year in order to account for any operational changes. By adjusting allocations on a periodic basis, the Department can adapt to an ever-changing electricity marketplace and regulatory environment. This approach is more flexible than EPA's allocation strategy in which allocations do not change over time.

#### SMALL BUSINESS AND LOCAL GOVERNMENT PARTICIPATION

The Department held stakeholder meetings on July 12, 2017 and September 5, 2017 in which facility representatives of affected CSAPR sources, including local governments, were provided an opportunity to provide pre-proposal input on the rule making process.

Public hearings were held on July 16, 2018 in Albany, NY; on July 18, 2018 in Long Island City, NY; and July 24, 2018 in Avon, NY. The locations of these hearings were selected to be convenient for persons from local governments and small businesses to participate. Additionally, during the public comment period, from May 16, 2018 through July 29, 2018, interested parties who are unable to attend a public hearing could submit written comments on the proposed regulations.

#### CURE PERIOD

In accordance with NYS State Administrative Procedures Act (SAPA) Section 202-b, this rulemaking does not include a cure period because the Department is undertaking this rulemaking for EPA approval of part of the New York SIP and to give the Department the authority to allocate CSAPR allowances to regulated entities in New York as well as the New York State Energy Research and Development Authority. This rulemaking does not require stakeholders to take any actions which necessitate a cure period.

<sup>1</sup> "Argus Air Daily", Issue 18-188, September 28, 2018.

<sup>2</sup> EPA Clean Air Markets Division, [www.epa.gov/airmarkets](http://www.epa.gov/airmarkets).

#### Revised Rural Area Flexibility Analysis

A RAFA is not required for this rulemaking. The Cross-State Air Pollution Rule (CSAPR) regulates the Environmental Protection Agency's (EPA's) regional NO<sub>x</sub> and cap and trade program designed to control emissions from large fossil fuel-fired electricity generating units that have a nameplate capacity greater than 25 megawatts electrical and produce electricity for sale. Parts 243, 244 and 245 were adopted on November 12, 2015 to give DEC the authority to allocate federal CSAPR allowances to in-state generators and the New York State Energy Research and Development Authority. This rulemaking would only make corrections, requested by EPA, to Parts 244 and 245, along with the replacement of Part 243 pursuant to the EPA's CSAPR Update Rule adopted on September 7, 2016. The Department does not expect that this rulemaking would impose any adverse impact on rural areas or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas. The compliance obligations for the affected facilities are currently governed by EPA under CSAPR and will remain the same when the Department begins to allocate allowances for the 2017 control periods.

#### Revised Job Impact Statement

A JIS is not required. CSAPR regulates EPA's regional NO<sub>x</sub> and cap and trade program designed to control emissions from large fossil fuel-fired electricity generating units that have a nameplate capacity greater than 25 megawatts electrical and produce electricity for sale. Previous versions of Parts 243, 244 and 245 were adopted on November 12, 2015 to give DEC the authority to allocate federal CSAPR allowances to in-state generators and the New York State Energy Research and Development Authority. This rulemaking would only make corrections, requested by EPA, to Parts 244 and 245, along with the replacement of Part 243 pursuant to the EPA's CSAPR Update Rule adopted on September 7, 2016. The Department does not expect this rule to have an adverse impact on jobs and employment opportunities. The compliance obligations for the affected facilities are currently governed by EPA under CSAPR and will remain the same when the Department begins to allocate allowances for the 2017 control periods.

#### 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 Environmental Conservation (Department) is repealing 6 NYCRR Part 243, "Transport Rule NO<sub>x</sub> Ozone Season Trading Program," 6 NYCRR Part 244, "Transport Rule NO<sub>x</sub> Annual Trading Program," and 6 NYCRR Part 245, "Transport Rule SO<sub>2</sub> Group 1 Trading Program" and replacing them with 6 NYCRR Part 243, "CSAPR NO<sub>x</sub> Ozone Season Group 2 Trading Program," 6 NYCRR Part 244, "CSAPR NO<sub>x</sub> Annual Trading Program," and 6 NYCRR Part 245, "CSAPR SO<sub>2</sub> Group 1 Trading Program." The Department is repealing and replacing these rules to address comments received from the United States Environmental Protection Agency (EPA) on a partial SIP submission recommending technical corrections, cross-reference revisions and deadline adjustments. The Department proposed Parts 243, 244, and 245 on May 16, 2018. Public hearings were held on July 16, 2018 in Albany, NY; on July 18, 2018 in Long Island City, NY; and July 24, 2018 in Avon, NY. The Department received comments from six commenters during the comment period of May 16, 2018 through July 29, 2018.

Comment 1. Assuming the state intends to meet this SIP submission deadline and submit state-determined allocations for the 2021 control period, EPA recommends, first, removing and reserving 243.4(a), and second, in 243.1(a), 243.3(b), and 243.5(a)(3), changing "2019" to "2021". Commenter #1

Response to Comment 1: The Department agrees with the commenter. Suggested edits have been made to Part 243.

Comment 2. Assuming that the state intends to meet this SIP submission deadline and submit state-determined allocations for the 2023 control period, EPA recommends removing and reserving subdivisions 244.4(c) and 245.4(c). Commenter #1

Response to Comment 2: The Department agrees with the commenter and sections 244.4 and 245.5 have been restructured to accommodate these comments.

Comment 3. There is a typographical error in 244.2(b)(9), where "40 CFR 97." should be "40 CFR 97.402". Commenter #1

Response to Comment 3: The Department agrees with this comment and the suggested edit has been made.

Comment 4. The CSAPR regulations published in the October 26, 2016 Federal Register at 81 FR 74604 - 74650 have now been incorporated into the 2017 edition of the Code of Federal Regulations, the state has the option of replacing the references to FR pages in the table in Part 200 with references to the corresponding CFR provisions. Commenter #1

Response to Comment 4: The Department agrees with this comment and the suggested edits have been made to Part 200.

Comment 5. New York's energy markets already appear to be responding to the confluence of policy initiatives being implemented by the DEC, the New York State Public Service Commission ("PSC"), and the NYISO. Commenter #2

Response to Comment 5: The proposed rule-making does not change how allowance allocation is performed for electric generating units from the 2015 version of Part 243, 244, and 245. There is no change for New York's energy markets to respond to, given allocation methodology is the same. In addition, allowance prices are controlled by a national market, not a New York specific market.

Comment 6. The commenter believes that it is unfair to not give affected sources their full 85 percent share of allocations or at least give them the opportunity to purchase their share. The commenter also believes it is more appropriate to give affected sources the proportional amount of the average of their emissions from the last three years times 85 percent of the EPA allocation divided by the sum of the affected source three-year averages. Commenter #4

Comment 7. The commenter is concerned about affected sources in New York exceeding the amount of allowances allocated by the federal CSAPR NO<sub>x</sub> Ozone Season regulation. They believe the NO<sub>x</sub> Ozone Season regulations are sold in a very constrained market given that the annual allowance allocation is close to the observed emissions. Commenter #4

Response to Comments 6 and 7: When the Federal CSAPR Update rule to address Ozone Season NO<sub>x</sub> was promulgated in 2016, EPA estimated the marginal cost of control for affected facilities at \$1400 per ton of NO<sub>x</sub>. According to EPA, “(t)his level of stringency in emissions budgets represents the level at which incremental EGU NO<sub>x</sub> reduction potential and corresponding downwind ozone air quality improvements are maximized with respect to marginal cost”<sup>1</sup>. Ozone Season NO<sub>x</sub> allowance prices have averaged \$200 per ton of NO<sub>x</sub> emitted over the last year<sup>2</sup>, 1/7 of the marginal cost. NO<sub>x</sub> and SO<sub>2</sub> annual allowance prices have not risen above \$5 in the last year. Given the low cost of allowances compared to the marginal cost of control, the Department does not believe the market to be constrained at this time. The allowance strategy adopted in the final rules, which has not changed from the previous version of Parts 243, 244, and 245 adopted in 2015, will provide affected facilities with adequate allowances to operate. If the manner of operation for any given facility changes over time, then the quantity of allowances allocated will change accordingly.

Comment 8. There is no language in the rule requiring the New York State Energy and Research Development Authority (NYSERDA) to give the affected sources an opportunity to purchase their proportional allocation to the EERET set-aside. Instead, NYSEDA simply has their broker offer the entire allocation as a single amount. No company in New York needs or could afford to purchase 10 percent of the allowances so the sales to date have all gone out of state. Commenter #4

Response to Comment 8: In the management of the sale of CSAPR allowances for the EERET account, NYSEDA chose an administratively simple manner to make allowances available for sale on the national market, where even the most expensive allowance price is still less than of the marginal cost discussed above. NYSEDA attended a stakeholder meeting prior to the formal proposal of the regulations and has heard these concerns from stakeholders. In response to these comments the Department has reached out to NYSEDA regarding the handling of allowances by their broker. However, NYSEDA's handling of allowances does nothing to prevent New York sources affected by these regulations from purchasing allowances on the national market.

Comment 9. The compliance assurance mechanism is an issue because there is only one update of emissions during the ozone season (at the end of July when the May and June data are submitted). As a result, facilities will not necessarily know whether the state has triggered the state's assurance level with its requirement to surrender additional allowances at the end of the Ozone Season. Facilities may be reluctant to exceed their assurance levels because they will not know whether they only need allowances to cover just the excess or three times the excess because the state exceeded the assurance level cap. Companies could get to the point where they simply have to tell the system operator that their units cannot run because they do not have allowances in hand and think that they will not be able to purchase them later. This will precipitate a controversy undermining the credibility of this air pollution control approach and, in an order of magnitude less likely worst case, could even threaten grid reliability and potentially cause a blackout. Commenter #4

Response to Comment 9: Any penalty under the Compliance Assurance Mechanism will be determined by EPA applying the terms of the Federal regulations and is beyond the scope of this rulemaking.

Comment 10. Under New York's regulations the average total mass for the last three years should have been calculated and the EPA allocation of 85% of CSAPR NYS allocation should have been proportionally allocated to each affected facility by the ratio of the last three years of the facility's emissions divided by the three-year average total mass. As a result of this error the EERET account received 20.2% instead of 10% of the total allowances allocated.” Commenter #5

Response to Comment 10: The allowance strategy adopted in the final rules, which has not changed from the 2015 version of Parts 243, 244, and 245, will provide affected facilities with adequate allowances to operate. If the manner of operation for any given facility changes over time, then the quantity of allowances allocated will change accordingly. As a point of clarification, the regulatory text states that the EERET account will be allocated a minimum of 10 percent of the CSAPR NO<sub>x</sub> Annual Trading Program budget.

Comment 11. “We are particularly concerned with the potential for allowance shortages given the stringent CSAPR allocations compared with recent emissions. For New York (NY) compliance entities this concern is exacerbated by the Energy Efficiency and Renewable Energy Technology (EERET) account set-aside that removes 10% of the allowances available to NY facilities in addition to the New Source set-aside of 5%.” Commenter #5

Comment 12. Last year, EERET allowance sales were restricted by the NYSEDA broker who required purchase of the entire block of 516 allowances for each year. A company that made an early inquiry to the broker was told that they had to purchase the entire block for both years (over 1000 allowances). As a result, all of the EERET allowances were purchased by out-of-state entities. All of the 2017 allowances were purchased by Entergy in Louisiana and all 2018 allowances by Fathom Energy in Texas. The price of allowances at the time of purchase was approximately \$525 for a total of over \$270,000 for a single year vintage. New York State-based compliance entities should not be required to purchase over 500 allowances when it is most likely a small percentage of that are needed for a given year. Commenter #5

Comment 13. When the allowances are received in the EERET account, the affected source owners should be notified that they may purchase that share within the 30-day requirement at the prevailing market price. They also should be able to purchase (on a proportional basis with any other owners who exercise the option) any of the EERET allowances not purchased by other NY source owners. Only then should any remaining allowances be released to the open market. Commenter #5

Comment 14. Alliance members suggest each Part of the proposed rulemaking that provides for the sale of EERET allowances be modified as follows:

NYSEDA is required to make all of the allowances in the EERET account available for sale such that units subject to this rule have the opportunity to purchase an equitable proportional share of the allowances no later than 30 days upon receipt into the EERET account. Any of the allowances in the EERET account not sold to affected sources are required to be available for sale on the open market no later than 60 days upon receipt into the EERET account. Commenter #5

Response to Comments 11, 12, 13, and 14: CSAPR is intended to control pollution through state-specific budgets or emission caps. EPA sets a pollution limit, in the form of an emission budget, for each of the states covered by CSAPR. For New York the budget for the SO<sub>2</sub> annual program is 27,556 allowances; for the NO<sub>x</sub> annual program the budget is 21,722 allowances; and for the CSAPR NO<sub>x</sub> ozone season the budget is 5,135 allowances. These programs are designed as air pollution control measures to give affected facilities a strong incentive to avoid buying allowances by cutting emissions in the most cost-effective ways. This can include adding or operating control technologies, upgrading or improving controls, switching fuels, or using allowances.

In 2017, the first control period of the federal CSAPR Update, New York State was allotted 5,135 ozone season allowances. According to Clean Air Market Division (CAMD) data for that same 2017 control period affected CSAPR EGUs emitted 3,978 tons of NO<sub>x</sub>. This means New York facilities were able to keep their emissions 23% lower than the limit budgeted to the state. On the national market, CAMD data shows 294,394 tons of NO<sub>x</sub> emitted during the 2017 ozone season control period, while the national budget, in terms of possible allowance sales, was set at 316,464 tons. The excess allowances in the market is reflected in a NO<sub>x</sub> Ozone Season allowance price that is much less than the EPA's estimated marginal control cost.

Considering the intentions of CSAPR, and after review of 2017 emissions, allowance budgets and pricing, the Department does not believe that the EERET account and New Units Set Aside allowances will lead to significant shortages in allowances. The cost of allowances and their availability in the market will determine how sources will comply with and meet the emissions goals of this program.

Comment 15. These comments were submitted with “proposed Regs parts 243, 244, and 245” in the subject line of an email, however, they relate to Part 251. Commenter #6

Response to Comment 15: These comments are beyond the scope of this rulemaking.

Comment 16. A commenter read a statement at the July 18, 2018 hearing and included a written copy referencing the Part 243, 244 and 245. No specific comments regarding these rules were included in the statement. Commenter #3

Response to Comment 16: These comments are beyond the scope of this rulemaking.

Commenter List:

1. Environmental Protection Agency (EPA)
2. Multiple Intervenors
3. New York Public Interest Research group (NYPIRG)
4. Roger Caizza
5. Environmental Energy Alliance of New York (EEANY)
6. Marzena Wolert

<sup>1</sup> Federal Register, Vol. 81, No. 207, October 26, 2016, page 74508.

<sup>2</sup> “Argus Air Daily”, Issue 18-188, September 28, 2018.

## Department of Financial Services

### NOTICE OF ADOPTION

#### Transportation Network Companies: Minimum Provisions for Policies and Other Requirements

**I.D. No.** DFS-40-18-00005-A

**Filing No.** 1127

**Filing Date:** 2018-12-04

**Effective Date:** 2018-12-19

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

**Action taken:** Amendment of section 60-3.7(b) of Title 11 NYCRR.

**Statutory authority:** Financial Services Law, sections 202, 302; Insurance Law, sections 301, 3455; Vehicle and Traffic Law, section 1693(10)

**Subject:** Transportation Network Companies: Minimum Provisions for Policies and Other Requirements.

**Purpose:** To extend the date in Section 60-3.7(b) from January 1, 2019 to July 1, 2019 and to fix an incorrect citation.

**Text or summary was published** in the October 3, 2018 issue of the Register, I.D. No. DFS-40-18-00005-P.

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

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

#### Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 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 Financial Services received one comment from a property and casualty insurance trade association supporting the amendment extending, until July 1, 2019, the requirement that a group policy provide that the group policy is primary over a policy issued in satisfaction of Vehicle and Traffic Law Article 6 to give insurers additional time to revise and implement their new policy forms.

## Department of Health

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

#### HIV Uninsured Care Programs

**I.D. No.** HLT-51-18-00001-P

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

**Proposed Action:** Amendment of Subpart 43-2 of Title 10 NYCRR.

**Statutory authority:** Public Health Law, sections 201(1)(o), (p) and 2776(1)(e)

**Subject:** HIV Uninsured Care Programs.

**Purpose:** To amend the HIV Uninsured Care Programs to align program eligibility elements with other health care access programs.

**Text of proposed rule:** Pursuant to the authority vested in the Commissioner of Health by sections 201(1)(o), 201(1)(p) and 2776(1)(e) of the Public Health Law, the titles of part 43 and subpart 43-2 and sections 43-2.1, 43-2.2, 43-2.3, 43-2.4, and 43-2.5 of Title 10 of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended, to be effective upon publication of a Notice of Adoption in the New York State Register, to read as follows:

The title of part 43 is amended to read as follows: State Aid for Tuberculosis and [the AIDS Drug Assistance Program] *Uninsured Care Programs*

The title of subpart 43-2 is amended to read as follows: [HIV] Uninsured Care Programs

Section 43-2.1 is amended to read as follows:

Section 43-2.1 Scope. These regulations govern the application and eligibility determination process for the [HIV] Uninsured Care Programs and establish the rights and responsibilities of applicants, participants, providers, and contractors in that process.

Subdivisions (e) and (f) of section 43-2.2 are amended to read as follows:

(e) Period of coverage. Coverage for assistance for each individual program component is effective as specified in the individual's notification of eligibility. Coverage will terminate under the following circumstances:

(1) the applicant indicates in writing that [he/she] *they* no longer need[s] or desire[s] assistance;

(2) the department determines that a change in the participant's circumstances or residence has affected [his/her] *their* eligibility;

(3) the participant has died or cannot be located; and

(4) funding for the [HIV] Uninsured Care Programs is exhausted.

(f) Program means the [HIV] Uninsured Care Programs, *as defined by the AIDS Institute*, including the following service components:

(1) AIDS Drug Assistance Program, which provides coverage of medications;

(2) ADAP Plus, which provides coverage for ambulatory care services;

(3) ADAP Plus Insurance Continuation, which pays for insurance premiums for eligible individuals who have cost effective insurance policies; and

(4) the HIV Home Care Program, which provides coverage for home care services.

Subdivision (j) of section 43-2.2 is amended to read as follows:

(j) Provider means a medical provider, including a pharmacy, hospital, clinic, [physician] *clinical practitioner*, laboratory or home health care agency.

Section 43-2.3 is amended to read as follows:

Section 43-2.3 Confidentiality. All information which may identify an applicant which is received by the program will be confidential and can only be used when necessary for supervision, monitoring or administration of the program. Information received by any contractor, his agents, employees, or by any other person or agency concerning applicants or participants in the program is confidential and may not be disclosed without the written approval of the [HIV] Uninsured Care Program [Director] *director*, who shall approve disclosure only in conformance with Article 27-F of the Public Health Law and the federal standards with respect to the privacy and security of individually identifiable health information contained in Part 164 of Title 45 of the Code of Federal Regulations.

Paragraph (1) of subdivision (c) of section 43-2.4 is amended to read as follows:

(1) name, [sex] *gender*, date of birth, social security number, marital status, address and telephone number of the applicant;

Section 43-2.5 is amended to read as follows:

Section 43-2.5 Eligibility for coverage.

(a) An applicant must be confirmed as medically eligible to participate in the program. The Department of Health will confirm medical eligibility based upon information received from the applicant [or] *and* the applicant's [physician] *clinical practitioner* or [the physician's] *their* designee. The applicant's [physician] *clinical practitioner* or [the physician's] *their* designee will be required to submit information regarding an applicant's medical condition on a State-approved form *consistent with their scope of practice*.

(b) Financial eligibility will be based upon the available household income.

(1) In order to be eligible, an applicant's available household income must be equal to or less than [435%] *500%* of the amount under the annual United States Department of Health and Human Services poverty guidelines for the applicant's family size. Federal poverty guidelines are published annually by the Department of Health and Human Services in the Federal Register.

(2) Applicants must provide income information for a reasonable period prior to application. Applicants who are self-employed must provide business records for the three months prior to application indicating type of business, gross income and net income.

[(c) Liquid resources shall be reviewed to determine their availability in determining eligibility for the program. In order to be eligible, an applicant's liquid resources must be less than \$25,000. Liquid resources are cash or those assets which can be readily converted to cash such as bank accounts, lump sum payments, i.e., stocks, bonds and mutual fund shares.]

[(d)] (c) Full and proper use shall be made of existing public and private medical and health services and facilities for obtaining therapeutic drugs,

medical services, and related supplies and equipment for the treatment *or prevention* of HIV or AIDS.

[(e)] (d) An applicant or recipient of assistance may be required as a condition of eligibility or continued eligibility to assign any rights [he/she] *they* may have for coverage benefits under any health insurance policy or group health plan to the department.

[(f)] (e) In order to be eligible for ADAP Plus Insurance Continuation, an applicant must have:

(1) a health insurance policy that is determined to be cost effective by the department, based on the cost of premiums, limitations of coverage (i.e., deductible, caps, co-payments) and estimates of the monetary value of projected utilization and reimbursement under the insurance policy; and

(2) a premium cost that is more than 4% of the [applicants] *applicant's* available household income, if the [applicants] *applicant's* available household income is greater than 200% of the amount under the annual United States Department of Health and Human Services poverty guidelines for the applicant's family size.]; and

(3) an employer contribution of 50% or more of the total cost of the health insurance premium, if the applicant is employed full-time and eligible for employer sponsored health insurance.]

**Text of proposed 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

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

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

#### Regulatory Impact Statement

##### Statutory Authority:

Statutory authority for the Uninsured Care Programs exists under Public Health Law (PHL) Section 2776(1)(e) which authorizes the AIDS Institute to promote the availability of supportive services for affected persons. PHL Sections 201(1)(o) and 201(1)(p) permit the Department to receive and expend funds available for public health. The Department promotes therapeutic services related to communicable diseases affecting public health under the authority of PHL Section 201(1)(h). PHL Section 206(3) permits the Commissioner to enter into contracts to carry out the general intent and purposes of the Public Health Law.

##### Legislative Objectives:

The statutes enable the Commissioner to receive and expend funds for the public health, including funds necessary to provide medications, medical treatment and other supportive services to persons with or at risk of acquiring HIV.

##### Needs and Benefits:

The Uninsured Care Programs are funded by federal and state appropriations administered by the New York State Department of Health (NYSDOH). Through the Uninsured Care Programs, the NYSDOH offers selected drugs, ambulatory care, home care services and insurance continuation payments at no charge to medically and financially eligible individuals who are residents of New York State. The NYSDOH determines eligibility for the Uninsured Care Programs and issues identification cards to authorized program participants, thereby enabling pharmacies and health care providers to dispense drugs and provide services at established rates to authorized program participants.

The proposed regulatory action will remove barriers to care and update the name and definition of the programs. Specifically, the proposed regulatory action will:

1. Update the income criteria by establishing eligibility at 500 percent of the Federal Poverty Level (FPL). The income criteria has not been updated since 2010. The current income criteria is lower than other high-incidence states and lower than all surrounding states.

2. Eliminate the inclusion of liquid assets as a resource that must be reviewed when determining eligibility. New York State is one of only three states or territories to impose an asset test on applicants.

3. Eliminate the 50% employer share of cost requirement for premium payment assistance. New York State is the only state to require employers to contribute 50% to the cost of health care coverage premiums.

4. Change the name of the program from "HIV Uninsured Care Programs" to "Uninsured Care Programs," and change the definition of "Program" to read "Program means the Uninsured Care Programs as defined by the AIDS Institute." Since the regulations were last modified, the system of services for uninsured and underinsured persons has expanded to include the Pre-Exposure Prophylaxis Assistance Program (PrEP-AP), which serves persons at high risk of acquiring HIV; the Hepatitis C Assistance Program (HepCAP), which serves persons with hepatitis C receiving services through funded programs; the Naloxone Co-Payment Assistance Program, which covers prescription co-payments for persons obtaining naloxone at pharmacies; and the Rapid Treatment

Program (RapidTx), which provides immediate access to anti-retroviral treatment for persons newly diagnosed with HIV or returning to care. The name "Uninsured Care Programs" is more appropriate since the programs now include initiatives serving HIV-negative persons. Adding "as defined by the AIDS Institute" to the program definition is appropriate because the system of services for uninsured and underinsured persons has expanded and may continue to expand. Coverage of services is revised based on available funding, allowability under federal and state funding sources, and the changing profiles of the epidemics managed by the AIDS Institute.

5. In the definition of "provider," change the word "physician" to "clinical practitioner" to allow participation in the program by hospitals, clinics, practitioners, laboratories, and home health care agencies.

##### Costs:

The proposed amendments will have no impact on the costs of the program to the State. Any additional costs associated with the broader scope of the program are funded through federal grants.

##### Costs to Local Governments:

There is no cost to local governments associated with this proposed rule change. The additional cost of providing medical benefits to individuals who are eligible for the programs due to annual cost of living increments in Federal Poverty Level (FPL) will be paid for using federal funds allocated through the Ryan White Treatment Extension Act of 2009. For individuals who are underinsured, the Programs will mitigate increases in costs to the programs by coordinating medical benefit coverage with other health care coverage.

##### Costs to Private Regulated Parties:

No additional costs will be incurred by Private Regulated Parties enrolled in the program. A single application may be utilized for all components of the programs. The application includes the same data elements previously required for the HIV Uninsured Care Programs. Practitioners have been and will continue to be required to submit information to verify patients' medical eligibility. Enrolled providers must submit claim forms that include data elements from the standard Medicaid claim format.

The cost to a newly enrolled health care provider to submit the information requested on the claim form is dependent on the number of program participants being served and the frequency of services. We estimate that costs to providers to submit claims to the program will entail an average of approximately 15 minutes per month for each consequently reimbursed participant served during the month.

##### Costs to the Department of Health:

No new costs will be incurred by the NYSDOH by these proposed regulatory revisions. The additional cost of providing medical benefits to individuals who are eligible for the programs due to annual cost of living increments in Federal Poverty Level (FPL) will be paid for using federal funds allocated through the Ryan White Treatment Extension Act of 2009. For individuals who are underinsured, the Programs will mitigate increases in costs to the programs by coordinating medical benefit coverage with other health care coverage.

##### Local Government Mandates:

The proposed regulation relates to an optional program for pharmacies, Article 28 facilities, practitioners, home care agencies and laboratories. There are no local government mandates associated with this proposed rule change.

##### Paperwork:

No new paperwork for referring clinicians or pharmacies is necessitated by these changes. Clinicians continue to provide information to the NYSDOH to assess the medical eligibility of the applicant, and pharmacies must continue to submit claims in the manner specified by the NYSDOH.

Health care providers must submit claim forms in the manner specified by the NYSDOH. The claim forms include data elements consistent with those maintained by the providers for claiming Medicaid reimbursement. Home care providers must also submit care plans for pre-approval of services for individuals in a format analogous to that used by the Medicaid program.

##### Duplication:

These regulations do not duplicate any existing State or federal requirements.

##### Alternatives:

There are no reasonable alternatives to enacting these regulation changes to eligibility and reimbursement procedures.

##### Federal Standards:

These regulations do not exceed any minimum standard of the federal government.

##### Compliance Schedule:

These regulations will be effective upon publication of a Notice of Adoption in the New York State Register.

#### Regulatory Flexibility Analysis

No regulatory flexibility analysis is required pursuant to section 202-(b)(3)(a) of the State Administrative Procedure Act. The proposed amend-

ment does not impose an adverse economic impact on small businesses or local governments, and it does not impose reporting, record keeping or other compliance requirements on small businesses or local governments.

**Rural Area Flexibility Analysis**

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

**Job Impact Statement**

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

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

**Hospital Policies for Human Trafficking Victims**

**I.D. No.** HLT-51-18-00015-P

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

**Proposed Action:** Amendment of Part 405 and section 751.5 of Title 10 NYCRR.

**Statutory authority:** Public Health Law, sections 2803(2)(a) and 2805-y(4)

**Subject:** Hospital Policies for Human Trafficking Victims.

**Purpose:** To establish policies and procedures for the identification, assessment, treatment, and referral of human trafficking victims.

**Text of proposed rule:** Subparagraph (ii) of paragraph (11) of subdivision (b) of section 405.9 of Title 10 is amended to read as follows:

(ii) If a patient eligible for transfer to a hospital operated by the Veteran’s Administration requests such transfer, hospital staff shall make such arrangements. Transfer shall be effected in accordance with paragraph [(g)(7)] (h)(7) of this section.

Subdivision (g) is relettered as (h) and a new subdivision (g) is added to section 405.9 of Title 10 to read as follows:

(g) *Human Trafficking. The hospital shall provide for the identification, assessment, and appropriate treatment or referral of individuals who are suspected to be human trafficking victims, as that term is defined in section 483-aa of the Social Services Law and used in Article 10-D of the Social Services Law. The hospital shall establish and implement written policies and procedures, which shall apply to all service units of the hospital and, at a minimum, shall meet the following requirements:*

(1) *Policies and procedures shall provide for the identification, assessment, and appropriate treatment or referral of individuals who are suspected to be human trafficking victims;*

(2) *In the case of individuals who are suspected to be human trafficking victims and are under eighteen years old, policies and procedures shall provide for the reporting of such persons as an abused or maltreated child if required under Title 6 of Article 6 of the Social Services Law;*

(3) *The hospital shall inform individuals who are suspected to be human trafficking victims of services that may be available, including those referenced in Article 10-D of the Social Services Law. Referrals also may be made to other health care providers, appropriate state agencies, and/or other providers of services as appropriate. Such information may be provided verbally and/or in writing as appropriate;*

(4) *The hospital shall post the human trafficking hotline poster issued by the National Human Trafficking Resources Center, or a variation of such poster created by the Office of Temporary and Disability Assistance (OTDA) consistent with section 483-ff of the Social Services Law, whichever OTDA makes available on its website. Posters shall be placed in conspicuous locations near primary public entrances and where other posters and notices are posted; and*

(5) *The hospital shall establish and implement training, which may be incorporated into current training programs, for all individuals licensed or certified pursuant to Title 8 of the Education Law who provide direct patient care, and for all security personnel, regarding the policies and procedures established pursuant to this subdivision. Such training shall include training in the recognition of indicators of a human trafficking victim and the responsibilities of such personnel in dealing with persons suspected as human trafficking victims.*

Subdivision (h) of section 405.9 of Title 10 is relettered as (i) and subparagraph (ii) of paragraph (7) of the former subdivision (g), now relet-

tered as subdivision (h), of section 405.9 of Title 10 is amended to read as follows:

(ii) Patients discharged from the hospital by their attending practitioner shall not be permitted to remain in the hospital without the consent of the chief executive officer of the hospital except in accordance with provisions of subdivision [(h)] (i) of this section.

Subparagraph (vi) of paragraph (2) of subdivision (b) of section 405.18 of Title 10 is amended to read as follows:

(vi) In accordance with the provisions of section [405.9(g)] 405.9(h) of this Part, rehabilitation therapy staff shall work with the attending practitioner, the nursing staff, other health care providers and agencies as well as the patient and the family, to the extent possible, to assure that all appropriate discharge planning arrangements have been made prior to discharge to meet the patient’s identified needs.

New paragraph (6) is added to subdivision (c) of section 405.19 of Title 10 to read as follows, and existing paragraphs (6) through (10) are renumbered (7) through (11):

(6) *The emergency service shall provide for the identification, assessment, and appropriate treatment or referral of individuals who are suspected to be human trafficking victims, as described in subdivision (g) of section 405.9 of this Part.*

Paragraph (5) of subdivision (c) of section 405.20 of Title 10 is amended, paragraph (6) is renumbered (7) and a new paragraph (6) is added to read as follows:

(5) identification, assessment, and referral of individuals with documented substance use disorders or who appear to have or be at risk for substance use disorders, as that term is defined in section 1.03 of the Mental Hygiene Law, as described in subdivision (f) of section 405.9 of this Part; [and]

(6) *compliance with the human trafficking provisions pertaining to the identification, assessment, and appropriate treatment or referral of individuals who are suspected to be human trafficking victims, as described in subdivision (g) of section 405.9 of this Part; and*

Paragraph (6) of subdivision (b) of section 407.5 of Title 10 is amended to read as follows:

(6) Discharge/transfer. Hospitals shall comply with the provisions of paragraph (1) of subdivision [(h)](i) of section 405.9 of this Title concerning discharge/transfer. In addition, PCHs and CAHs shall comply with the following:

\* \* \*

A new paragraph (8) is added to subdivision (a) of section 751.5 of Title 10, and paragraphs (8) through (16) are renumbered (9) through (17), to read as follows:

(8) *the identification, assessment, and appropriate treatment or referral of individuals who are suspected to be human trafficking victims, as that term is defined in section 483-aa of the Social Services Law and used in Article 10-D of the Social Services Law; training in the recognition of indicators of a human trafficking victim and the responsibilities of such personnel in dealing with persons suspected as human trafficking victims, the reporting of individuals who are suspected to be human trafficking victims and are under eighteen years old as abused or maltreated children if required under Title 6 of Article 6 of the Social Services Law; and the posting of the human trafficking hotline poster issued by the National Human Trafficking Resources Center, or a variation of such poster created by the Office of Temporary and Disability Assistance (OTDA) consistent with section 483-ff of the Social Services Law, whichever OTDA makes available on its website, in conspicuous locations near primary public entrances and where other posters and notices are posted;*

**Text of proposed 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

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

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

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

**Regulatory Impact Statement**

Statutory Authority:

Public Health Law (PHL) § 2803(2)(a) authorizes the Public Health and Health Planning Council (PHHPC) to adopt and amend rules and regulations, subject to the approval of the Commissioner of Health (Commissioner), to implement PHL Article 28 and establish minimum standards for health care facilities.

PHL § 2805-y(4) authorizes the Commissioner to issue regulations, in consultation with the Office of Temporary and Disability Assistance (OTDA) and the Office of Children and Family Services (OCFS), to imple-

ment the section, which requires “subject facilities” (general hospitals, public health centers, diagnostic centers, treatment centers, or outpatient departments) to develop, maintain, and train staff in policies and procedures for the identification, assessment, treatment, and referral of human trafficking victims.

#### Legislative Objectives:

This proposal will implement PHL § 2805-y, added by Chapter 408 of the Laws of 2016, to require general hospitals and diagnostic and treatment centers (D&TCs), which encompass the entities referenced as “subject facilities” in the statute, to establish policies and procedures for the identification, assessment, treatment, and referral of human trafficking victims and to train staff in such policies and procedures. The policies and procedures must include the posting of a human trafficking hotline poster consistent with the objectives of Social Services Law (SSL) § 483-ff, added by Chapter 311 of the Laws of 2016.

As explained below, a 2007 law established new crimes related to human trafficking and made various health and social services available to victims. More recent enactments reflect a legislative desire to combat this growing issue by requiring that general hospitals and D&TCs adopt procedures to identify victims, treat and/or refer them for other services as appropriate, and post a hotline number in public areas where victims may be present.

#### Needs and Benefits:

The scale of the human trafficking problem constitutes a public health crisis impacting people and their families throughout New York. Legislation enacted in 2007 greatly expanded the tools available to address the issue, but human trafficking nevertheless remains prevalent. A recent study found that 69 percent of survivors surveyed indicated they had accessed health care services at some point during their trafficking. Chapter 408 of the Laws of 2016 recognized this additional opportunity to support human trafficking victims by requiring general hospitals and D&TCs to establish and implement policies to identify, assess, and treat or refer individuals suspected of being victims. Similarly, Chapter 311 of the Laws of 2016 sought to publicize information about resources for human trafficking victims in public areas where victims are likely to be present, including hospitals and clinics.

The New York State Anti-Trafficking Statute, Chapter 74 of the Laws of 2007, was enacted in light of the growing problem of human trafficking for “forced labor, involuntary domestic servitude, or sexual exploitation.” The sponsor’s memorandum noted that victims – frequently children – may be trafficked within or into the United States and New York often serves as a hub of such activity. Among other things, the law added Penal Law §§ 135.35 and 230.34 to establish the crimes of labor trafficking and sex trafficking, respectively.

The 2007 enactment, as amended in 2015, also added SSL Article 10-D providing for services to human trafficking victims. SSL § 483-aa(a) defines a “human trafficking victim” as a victim of sex trafficking or labor trafficking under the above-referenced Penal Law sections. SSL § 483-bb provides that OTDA may contract with non-governmental entities to make available services, including case management, emergency temporary housing, health care, mental health counseling, and drug addiction screening and treatment, to “pre-certified” human trafficking victims. SSL § 483-aa(b) defines “pre-certified victim of human trafficking” as a person with a pending application for federal certification as a victim of a severe form of trafficking in persons as defined in section 7105 of title 22 of the United States Code (Trafficking Victims Protection) but has not yet obtained such certification, or a person who has reported a crime to law enforcement and it reasonably appears to law enforcement that the person is such a victim.

SSL § 483-cc sets forth procedures for confirming an individual’s status as a human trafficking victim. Under that section, a law enforcement agency or district attorney’s office that encounters a person who reasonably appears to be a human trafficking victim must notify OTDA and the Division of Criminal Justice Services (DCJS) that the individual may be eligible for services under SSL Article 10-D. To activate this process, a law enforcement agency or district attorney’s office must use the New York State Referral of Human Trafficking Victim Form available on the OTDA website at <http://otda.ny.gov/programs/bria/trafficking.asp>. Providers of social or legal services designated by an applicable state agency (OTDA, the Office for the Prevention of Domestic Violence, or the Office of Victim Services) that encounter a person who reasonably appears to be a human trafficking victim may submit the form if the individual consents.

Upon receipt of the form, DCJS, in consultation with OTDA and the referring agency or office, assesses whether the person meets the criteria for certification as a victim of a severe form of trafficking in persons as defined in 22 U.S.C. § 7105 or appears to be otherwise eligible for any federal, state or local benefits and services. If so, OTDA reports such finding to the victim and the referring entity and may assist the victim in receiving services. This finding is referred to as “confirmation” as a victim of human trafficking.

Chapter 311 of the Laws of 2016 added a new SSL § 483-ff requiring

OTDA to make available on its website the hotline poster issued by the National Human Trafficking Resources Center (NHTRC) or a version created by OTDA. The section provides for OTDA to consult with other state agencies to encourage that the posters be placed where human trafficking victims may be present, including hospitals and urgent care centers, in conspicuous places near primary public entrances or where posters and notices are customarily placed.

Chapter 408 of the Laws of 2016 added new PHL § 2805-y to require “subject facilities” to establish and implement policies and procedures pertaining to victims of human trafficking. New PHL § 2805-y(1) defines key terms such as “subject facilities,” defined to mean general hospitals, public health centers, diagnostic centers, treatment centers or outpatient departments, and provides that the requirements of PHL § 2805-y applies to all service units that include emergency services, pediatrics, obstetrics and gynecology, orthopedics, internal medicine, family medicine, radiology, surgery, psychiatry and dental services to the extent the facility maintains a dental clinic, center, or department on site of the facility.

New PHL § 2805-y(2) requires subject facilities to establish and implement written policies and procedures for the identification, assessment, and appropriate treatment or referral of persons suspected of being human trafficking victims, as that term is defined by SSL § 483-aa. Further, policies and procedures must provide for referral of human trafficking victims under the age of 18 to the Statewide Central Register of Child Abuse and Maltreatment (SCR) established pursuant to SSL Title 6, Article 6 if required by that law.

New PHL § 2805-y(3) also requires subject facilities to require all “subject facility personnel” – defined as nursing, medical, social work and other clinical care personnel as well as security personnel – to complete training regarding such policies and procedures. This must include training in the recognition of indicators of a human trafficking victim and the responsibilities of such personnel in dealing with persons suspected of being victims.

Finally, new PHL § 2805-y(4) authorizes the Commissioner to identify organizations or providers that could provide training for general hospitals consistent with the new provisions. The subdivision also authorizes the issuance of regulations, in consultation with OTDA and OCFS, as necessary to carry out the new section.

Consistent with these requirements, this proposal will amend 10 NYCRR §§ 405.9, 405.19, 405.20, and 751.5 to require general hospitals and D&TCs to establish written policies and procedures for the identification, assessment, and appropriate treatment or referral of individuals who are or appear to be a human trafficking victim and train staff in such policies and procedures. Referrals may be provided verbally and/or in writing as appropriate. Policies, procedures and training must include information about the referral process overseen by OTDA and DCJS. While the proposed regulations do not mandate that hospitals and D&TCs use the New York State Referral of Human Trafficking Victim Form, they are strongly encouraged to do so when they can secure the victim’s consent.

In addition, there are other sources of assistance that the victim can be referred to, such as the NHTRC hotline, that provide confidential assistance to those victims who do not feel comfortable being referred to OTDA and DCJS. Further, the proposed regulation requires posting of the NHTRC hotline poster or other variation developed by OTDA in conspicuous locations, which is consistent with the objectives of SSL § 483-ff. The poster designated for such purpose by OTDA is available at <http://otda.ny.gov/programs/bria/trafficking.asp>.

Under the law, policies and procedures and training must also include the reporting of human trafficking victims under 18 years of age to the SCR if required under SSL Title 6, Article 6. Medical and hospital personnel already serve as mandated reporters who are required to make reports to the SCR if they suspect child abuse or maltreatment. As reiterated by Chapter 408, if an individual appears to be a human trafficking victim under the age of 18, mandated reporters in hospitals and D&TCs must make a report if required under SSL Title 6, Article 6.

#### Costs:

##### Costs to Private Regulated Parties:

While current regulations do not specifically refer to individuals who are human trafficking victims, general hospitals and D&TCs are already required to have written policies and procedures for various operational requirements, train staff in such policies and procedures, and refer patients to appropriate follow-up care. The proposed regulations do require additional effort to ensure that the policies and training include the identification, assessment, and appropriate treatment or referral of individuals who are suspected victims of human trafficking, consistent with PHL § 2805-y. However, the additional costs are expected to be minimal given the existing training infrastructure in general hospitals and D&TC’s. In addition, these efforts are expected to assist individuals in obtaining treatment critical for their overall health and well-being and could help such individuals avoid future emergency room visits and hospital admissions. Therefore, the cost of implementing the proposed regulations is likely to be offset by

a reduction in care provided at no, or low, cost to victims of human trafficking.

**Costs to Local Government:**

This proposal will not impact local governments unless they operate a general hospital or a D&TC, in which case the impact would be the same as outlined above for private parties.

**Costs to the Department of Health:**

The proposed regulatory changes will not result in any additional costs to the Department.

**Costs to Other State Agencies:**

The proposed regulatory changes may result in additional costs to other state agencies if referrals increase and more victims access available services, but this would be consistent with the objectives of the statute. OTDA, OCFS, and DCJS have existing materials related to human trafficking available on their websites.

**Local Government Mandates:**

The proposed regulations do not impose any new programs, services, duties or responsibilities upon any county, city, town, village, school district, fire district or other special district, unless such local government operates a hospital or D&TC.

**Paperwork:**

General hospitals and D&TCs are already required to establish written policies and procedures related to various operational requirements, train staff, and refer patients. Therefore, the proposed regulations should not significantly increase their paperwork.

**Duplication:**

Existing regulations require hospitals to make appropriate referrals for patients to a variety of services, but do not specifically reference human trafficking victims. There otherwise are no relevant State or federal regulations which duplicate, overlap or conflict with the proposed regulations.

**Alternatives:**

There are no alternatives to the proposed regulations related to hospital policies and procedures, which are necessary to implement the provisions of PHL § 2805-y, added by Chapter 408 of the Laws of 2016, and SSL § 483-ff, added by Chapter 311 of the Laws of 2016.

**Federal Standards:**

There are currently no federal requirements for hospitals to adopt policies and procedures for the identification, assessment, treatment, and referral of human trafficking victims.

**Compliance Schedule:**

The regulations will be effective upon publication of a Notice of Adoption in the New York State Register.

**Regulatory Flexibility Analysis**

**Effect of Rule:**

The proposed regulatory provisions related to human trafficking will apply to all general hospitals and diagnostic and treatment centers (D&TCs) in New York State. This proposal will not impact local governments or small business unless they operate a general hospital or D&TC, in which case the requirements will be the same as for those entities.

**Compliance Requirements:**

These regulations will require general hospitals and D&TCs to develop, maintain and disseminate written policies and procedures for the identification, assessment, and appropriate treatment or referral of victims of human trafficking. These facilities will be required to train their licensed and certified clinical staff members as well as security staff members in such policies and procedures. In addition, the policies must incorporate the posting of a poster with human trafficking hotline information, available on the Office of Temporary and Disability Assistance website, in conspicuous places.

**Professional Services:**

While the current regulations do not specifically refer to individuals who are human trafficking victims, general hospitals and D&TCs are already required to establish written policies and procedures related to various operational requirements, train staff in such policies and procedures and refer patients to appropriate follow-up care. As such, the Department anticipates that no additional professional services will be required for general hospitals and D&TCs to comply with this proposed regulation.

**Compliance Costs:**

While the current regulations do not specifically refer to individuals who are or may be victims of human trafficking, general hospitals and D&TCs are already required to have written policies and procedures related to various operational requirements, train staff in such policies and procedures and refer patients to appropriate follow-up care. The proposed regulations do require additional effort to ensure that the policies and training include the identification, assessment and referral of individuals who are suspected victims of human trafficking, consistent with the requirements of PHL § 2805-y. However, the additional costs are expected to be minimal given the existing training infrastructure in general hospitals and D&TC's. In addition, these efforts are expected to assist individuals in obtaining treatment critical for their overall health and well-being and

could help such individuals avoid future emergency room visits and hospital admissions. Therefore, the cost of implementing the proposed regulations is likely to be offset by a reduction in care provided at no, or low, cost to victims of human trafficking.

**Economic and Technological Feasibility:**

This proposal is economically and technically feasible. Although existing regulations do not specifically refer to human trafficking victims, general hospitals and diagnostic and treatment centers are already required to establish written policies and procedures related to various operational requirements, train staff in such policies and procedures and refer patients to appropriate follow-up care.

**Minimizing Adverse Impact:**

The impact of this proposal is expected to be minimal as general hospitals and D&TCs are already required to have written policies and procedures related to various operational requirements, train staff in such policies and procedures and refer patients to appropriate follow-up care.

To assist hospitals and D&TCs with the development of their policies, procedures and training materials, several state agencies have provided resources that are free of charge to the public. For example:

- A course entitled "NYSDOH Human Trafficking Awareness Training," available on the Department's NYLearnsPH.com Learning Management System at <https://www.nylearnsph.com/public>;
- Materials on human trafficking on the OTDA website at <https://otda.ny.gov/programs/bria/trafficking.asp>;
- Materials on human trafficking on the OCFS website at [http://ocfs.ny.gov/main/human trafficking/default.asp](http://ocfs.ny.gov/main/human%20trafficking/default.asp);
- Materials on human trafficking on the website of the Division of Criminal Justice Services <http://www.criminaljustice.ny.gov/pio/humantrafficking/humantrafficking.htm>

In addition, these efforts are expected to assist individuals in obtaining treatment critical for their overall health and well-being and could help such individuals avoid future emergency room visits and hospital admissions. Therefore, the cost of implementing the proposed regulations is likely to be offset by a reduction in care provided at no, or low, cost to victims of human trafficking.

**Small Business and Local Government Participation:**

Organizations representing health care providers and other stakeholders, including organizations whose members include general hospitals or diagnostic and treatment centers that are operated by local governments or that constitute small businesses, were consulted on the proposed regulations.

**Cure Period:**

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 small health 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 47 general hospitals, approximately 90 diagnostic and treatment centers, 159 nursing homes, and 92 certified home health agencies in rural areas.

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

The proposed regulation is applicable to those general hospitals and diagnostic and treatment centers located in rural areas and is expected to impose only minimal costs upon hospitals, which are already required to establish written policies and procedures related to various operational requirements, train staff in such policies and procedures and refer patients to appropriate follow-up care. Because the proposed regulatory requirements can be incorporated into existing processes, they are not expected to substantially increase the administrative burden on these entities.

Costs:

While the current regulations do not specifically refer to individuals who may be victims of human trafficking, general hospitals and diagnostic and treatment centers (D&TCs) are already required to have written policies and procedures related to various operational requirements, train staff in such policies and procedures and refer patients to appropriate follow-up care. The proposed regulations do require additional effort to ensure that the policies and training include the identification, assessment and referral of individuals who are suspected victims of human trafficking, as well as the provision of information related to appropriate services, consistent with the requirements of the statute. However, the additional costs are expected to be minimal given the existing training infrastructure in general hospitals and D&TCs. In addition, these efforts are expected to assist individuals in obtaining treatment critical for their overall health and well-being and could help such individuals avoid future emergency room visits and hospital admissions. Therefore, the cost of implementing the proposed regulations is likely to be offset by a reduction in care provided at no, or low, cost to victims of human trafficking.

Minimizing Adverse Impact:

The impact of this proposal is expected to be minimal as general hospitals and D&TCs are already required to have written policies and procedures related to various operational requirements, train staff in such policies and procedures and refer patients to appropriate follow-up care.

To assist hospitals and D&TCs with the development of their policies, procedures and training materials, several state agencies have provided resources that are free of charge to the public. For example:

- A course entitled "NYSDOH Human Trafficking Awareness Training," available on the Department's NYLearnsPH.com Learning Management System at <https://www.nylearnsph.com/public>;
- Materials on human trafficking on the OTDA website at <https://otda.ny.gov/programs/bria/trafficking.asp>;
- Materials on human trafficking on the OCFS website at [http://ocfs.ny.gov/main/human trafficking/default.asp](http://ocfs.ny.gov/main/human%20trafficking/default.asp);
- Materials on human trafficking on the website of the Division of Criminal Justice Services <http://www.criminaljustice.ny.gov/pio/humantrafficking/humantrafficking.htm>

In addition, these efforts are expected to assist individuals in obtaining treatment critical for their overall health and well-being and could help such individuals avoid future emergency room visits and hospital admissions. Therefore, the cost of implementing the proposed regulations is likely to be offset by a reduction in care provided at no, or low, cost to victims of human trafficking.

Rural Area Participation:

Organizations that include as members general hospitals and D&TCs located in rural areas were consulted on the proposed regulations.

#### Job Impact Statement

No job impact statement is required pursuant to section 201-a(2)(a) of the State Administrative Procedure Act. No adverse impact on jobs and employment opportunities is expected as a result of these proposed regulations.

## PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

### Nursing Home Weekly Bed Census Survey

I.D. No. HLT-51-18-00016-P

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

**Proposed Action:** Addition of section 415.32 to Title 10 NYCRR.

**Statutory authority:** Public Health Law, section 2803(2)

**Subject:** Nursing Home Weekly Bed Census Survey.

**Purpose:** To require nursing homes to electronically submit weekly bed census data to the DOH through the Health Commerce System.

**Text of proposed rule:** Pursuant to the authority vested in the Public Health and Health Planning Council, subject to the approval of the Commissioner of Health, by section 2803(2) of the Public Health Law, a new section 415.32 is added to Part 415 of Title 10 (Health) of the Official Compilation of Codes, Rules and Regulations of the State of New York, to be effective upon publication of a Notice of Adoption in the New York State Register:

*415.32 Weekly bed census data survey.*

(a) *Definitions. As used in this section, the following terms shall have the following meanings:*

(1) "Communications Directory" (Directory) shall mean a listing of all organizations with access to the HCS, ordered by type, and including the identity of and contact information for individuals at each organization who: (i) perform specific job functions identified by the Department; and/or (ii) have access to perform certain data exchange functions on the HCS.

(2) "HCS Coordinator" shall mean the individual designated by each organization with access to the HCS to be responsible for authorizing and managing accounts and maintaining other key information about the organization's HCS users.

(3) "Health Commerce System" (HCS) shall mean the Department's secure Internet portal used for communications and information exchange with organizations including nursing homes and other health care providers or any successor system used for such information exchange as required by the Department.

(4) "Health Electronic Reporting Data System" (HERDS) shall mean the data reporting application on the HCS that houses the Survey or any successor system used for such reporting as required by the Department.

(5) "Nursing Home Data Reporter" shall mean the name of the role in the Directory that provides access to an individual designated by a nursing home to use HERDS.

(6) "Nursing Home Weekly Bed Census Survey" (Survey) shall mean an electronic survey used by each nursing home to report its bed census to the Department using HERDS.

(7) "Role" shall mean the term used to indicate in the Directory the specific job functions and HCS data exchange functions assigned to individuals by each organization.

(b) *Submission of Surveys.*

(1) Each nursing home shall complete the Survey on HERDS on a weekly basis by indicating, for each category of bed, the total number of certified or approved beds and the number of those beds that are available. The Survey shall be submitted on a weekly basis by individuals at the nursing home who are assigned to the Nursing Home Data Reporter role within the Directory.

(2) Nursing homes shall report bed census data reflecting the weekly census taken every Wednesday at 12:00 a.m. The nursing home's designated Nursing Home Data Reporter shall enter and transmit the survey census data to the Department between Wednesday at 12:01 a.m. and the following Tuesday at 11:59 p.m. Instructions for the Survey will be available on the HCS.

(c) *Designation of Nursing Home Data Reporters.* Nursing homes shall, through their HCS Coordinators, designate a sufficient number of Nursing Home Data Reporters to ensure that the Survey is submitted to the Department in a timely manner.

**Text of proposed 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](mailto:regsqna@health.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.

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

#### Regulatory Impact Statement

Statutory Authority:

Public Health Law (PHL) section 2803(2)(a)(v) provides that the Public

Health and Health Planning Council shall adopt rules and regulations, subject to the approval of the Commissioner of Health, governing the standards and procedures followed by nursing homes which, at a minimum, must meet federal standards.

**Legislative Objectives:**

The legislative objective of PHL Article 28, as set forth in PHL section 2800, includes the protection of the health of the residents of New York State through the efficient provision and proper utilization of health services of the highest quality at a reasonable cost. This proposal, which requires nursing homes to submit weekly bed census data to the Department of Health (Department) through the Department's Health Commerce System, is consistent with that objective. Having current and accurate nursing home bed occupancy data is important in the event of natural disasters and to alert the Department to significant changes in nursing home occupancy, improving the Department's ability to take appropriate action. While facilities have already been advised administratively that they must submit this data, including the requirement in regulation will improve compliance.

**Current Requirements:**

The Health Commerce System (HCS), previously known as the Health Provider Network (HPN), is a highly secure, Internet-based, electronic portal for communications and critical data sharing with organizations including nursing homes and other health care providers. Section 400.10 of Title 10 (Health) of the New York Compilation of Codes, Rules and Regulations (NYCRR) requires providers, including nursing homes, to maintain and keep updated an active HPN account.

DAL #09-02, effective April 8, 2009, was issued by the Department to require nursing homes to report weekly bed census data electronically to the Department through the HPN. The DAL provided for such data to be reported each week between Wednesday 8:00 a.m. and Friday 5:00 p.m. In 2013, via a notice sent through the HCS, the Department informed nursing homes that such data should be reported between Wednesday 12:01 a.m. and the following Tuesday at 11:59 p.m.

**Needs and Benefits:**

It is critical that the Department have accurate nursing home census data including occupancy and availability data by bed type. Natural events such as hurricanes and floods and other emergency events such as extended power outages could cause situations in which some nursing homes may have to transfer their residents to other facilities to ensure their safety. In those situations, the Department must be able to quickly assess the number and location of nursing home residents across the affected area, as well as the number of available beds. Furthermore, the ability to monitor a facility's current occupancy data improves the Department's ability to identify a declining census and proactively take appropriate action.

Despite the current requirement for bed census data reporting, communicated via a DAL and a subsequent HCS notice, the Department often finds itself in the position of having to call some nursing homes repeatedly to obtain this information. This proposed regulation will add a new section 415.32 to Title 10 of the NYCRR to require that nursing homes submit bed census data on a weekly basis by electronically filing the Nursing Home Weekly Bed Census Survey (Survey). This will promote compliance and ensure that the Department has access to essential, current occupancy data as necessary to protect residents.

Accordingly, the proposed regulation provides that the Survey must be submitted via the HCS Health Electronic Response Data System (HERDS) application by a facility staff person assigned a Nursing Home Data Reporter role within the HCS Communications Directory. Nursing homes shall report bed census data reflecting the weekly census taken every Wednesday at 12:00 a.m. The facility's designated Nursing Home Data Reporter shall enter and transmit the survey census data to the Department between Wednesday at 12:01 a.m. and the following Tuesday at 11:59 p.m. Instructions for the Survey will be available on the HCS. The proposal further requires nursing homes, through their HCS Coordinators, to designate enough Nursing Home Data Reporters to ensure that the facility can submit surveys to the Department as required.

**Costs:**

**Costs to Private Regulated Parties:**

New York State health care facilities are already required by section 400.10 of the NYCRR to have an HCS account to exchange electronic information with the Department. Moreover, nursing homes are already expected to send bed census information to the Department as communicated in the DAL. Therefore, nursing homes should not incur any additional costs related to the electronic submission of bed census information to comply with the proposed regulation.

**Costs to Local Government:**

This proposal will not impact local governments unless they operate a nursing home, in which case they will be impacted to the same extent as other nursing homes. As previously noted, nursing homes are not expected to incur any additional costs related to the electronic submission of bed census information.

**Costs to the Department of Health:**

The Department is not expected to incur any additional administrative costs as a result of the proposed regulation. The statewide HCS infrastructure and the mechanisms for nursing home bed census data collection are already in place.

**Costs to Other State Agencies:**

The proposed regulatory changes will not result in any additional costs to other State agencies.

**Local Government Mandates:**

This proposed regulation does not impose any new mandates on local governments.

**Paperwork:**

Nursing homes are already expected to submit bed census information via the HCS. Accordingly, the proposal should not increase paperwork.

**Duplication:**

This proposed regulation reiterates and strengthens the existing requirement, set forth in the DAL, that nursing homes report census data on a weekly basis to the Department. Moreover, while federal regulations require submission of bed census data to the federal Centers for Medicare and Medicaid Services (CMS) on a quarterly basis, this regulation will ensure that the Department receive this information directly and more frequently.

**Alternatives:**

There are no other alternatives for the Department to reliably secure current bed census data from nursing homes.

**Federal Standards:**

Federal regulations require nursing homes to submit quarterly census data to CMS.

**Compliance Schedule:**

These regulations will be effective upon publication of a Notice of Adoption in the New York State Register. The statewide HCS infrastructure and the mechanisms for bed census reporting for nursing homes are already in place. Consequently, regulated parties should be able to comply with the proposed regulation as of its effective date.

**Regulatory Flexibility Analysis**

No regulatory flexibility analysis is required pursuant to section 202-(b)(3)(a) of the State Administrative Procedure Act. The proposed rule will not have a substantial adverse impact on small businesses or local governments. Nursing homes that constitute small businesses and local health departments that operate nursing homes, like all other nursing homes, are already required to have an HCS account to exchange electronic information with the Department and report bed census data.

**Rural Area Flexibility Analysis**

No rural area flexibility analysis is required pursuant to section 202-bb(4)(a) of the State Administrative Procedure Act. The proposed rule will not have an impact on nursing homes located in rural areas any differently than in any other areas. Such nursing homes are already required to have an HCS account to exchange electronic information with the Department and report bed census data.

**Job Impact Statement**

No job impact statement is required pursuant to section 201-a(2)(a) of the State Administrative Procedure Act. No adverse impact on jobs and employment opportunities is expected as a result of this proposed regulation.

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

**Clinical Laboratory Directors**

**I.D. No.** HLT-51-18-00017-P

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

**Proposed Action:** Amendment of Part 19 of Title 10 NYCRR.

**Statutory authority:** Public Health Law, section 573

**Subject:** Clinical Laboratory Directors.

**Purpose:** Recognize additional accrediting boards for qualification of clinical laboratory directors to obtain a certificate of qualification.

**Substance of proposed rule (Full text is posted at the following State website: [www.health.ny.gov/Laws & Regulations/Proposed Rulemaking/](http://www.health.ny.gov/Laws & Regulations/Proposed Rulemaking/)):** Pursuant to the authority vested in the Public Health and Health Planning Council and the Commissioner of Health by section 573 of the Public Health Law, Part 19 of Title 10 (Health) of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended, to be effective upon publication of a Notice of Adoption in the New York State Register, as follows:

Section 19.1 is amended to include definitions for “assistant director,” “board certified,” “earned doctoral degree,” “training,” and “experience.” The definitions of “acceptable laboratory” and “category” are also revised and clarified. Section 19.1 is further revised to expressly recognize physicians and dentists who are licensed in the countries in which they practice as being able to qualify as directors or assistant directors of clinical laboratories or blood banks.

Section 19.2 is amended to recognize additional accrediting boards for purposes of certifying that applicants meet the educational and training requirements needed to be a director or assistant director of a clinical laboratory or blood bank.

Section 19.3 is amended to provide the Department more flexibility in updating the certificate of qualification categories. Amendments to this section will also allow the Department to issue certificates of qualification with limitations based on an applicant’s specific experience. In addition, this section is amended to include additional director responsibilities, such as ensuring staff competency, specifying in writing the responsibilities and duties of all laboratory personnel, having standard operating procedure manuals, and participating in acceptable proficiency testing.

Section 19.4 is amended for clarity and to remove references to New York City laboratory permits, which are obsolete.

**Text of proposed 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

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

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

#### **Regulatory Impact Statement**

##### **Statutory Authority:**

Public Health Law (PHL) section 573 establishes the authority of the Department to promulgate criteria for the issuance of a certificate of qualification. PHL section 573(2) specifically states that the Department shall issue a certificate of qualification to any person who meets such minimum qualifications and who otherwise demonstrates to the Department that he or she possesses the character, competence, training and ability to administer properly the technical and scientific operation of a clinical laboratory or blood bank, including supervision of procedures and reporting of findings of tests.

##### **Legislative Objectives:**

The legislature enacted PHL section 573 to protect the health and safety of the public by requiring that only properly educated and experienced individuals be issued certificates of qualification and subsequently assigned responsibility as clinical laboratory directors. Such directors are responsible for the proper operation of clinical laboratories to ensure accurate and reliable results for clinical testing. Part 19 of Title 10 of the Official Compilation of Codes, Rules and Regulations of the State of New York (NYCRR), in its original adoption and all subsequent revisions, has been crafted to ensure that applicants have the necessary education, training and experience to effectively direct a laboratory. The proposed amendment is consistent with this legislative objective as it will include the recognition of additional accrediting boards that have been developed since the last regulatory amendment, in response to changes and advances in clinical laboratory testing.

##### **Needs and Benefits:**

Part 19 regulates the issuance of certificates of qualification. An individual must hold such certificate to be a clinical laboratory director or assistant director at a clinical laboratory or blood bank permitted by New York under the authority of PHL section 572. The intent of these regulations is to ensure that individuals who are granted certificates of qualification have the necessary education, experience, and training to effectively operate a clinical laboratory. Successful applicants for a certificate of qualification must demonstrate both experience in laboratory management, such as management of resources (e.g. budget allocation, staffing), implementation of a quality management system, development of standard operating procedures; and experience specific to a category of testing defined in Part 19.

Several revisions to the regulatory definitions are proposed. Most notable are the inclusion of a definition for assistant director and revision to the definition of category. Assistant directors are jointly accountable with the laboratory director for the categories of testing on the laboratory permit. In many instances, however, the assistant director may be the only individual qualified to supervise testing in a specific category on the laboratory permit.

Language is proposed in sections 19.2 and 19.3 that clarifies the role and responsibilities of assistant directors of clinical laboratories. With these revisions, assistant directors will be held to the same standards as laboratory directors.

The definition of “category” was revised to strengthen the Department’s

authority to limit the approval of a certificate of qualification to a subcategory, technology, method or specific procedure based on the applicant’s documented experience. Extensive experience in a single method of testing does not necessarily translate to breadth of knowledge across an entire category of testing. Indeed, as innovations in laboratory medicine continue, an individual’s experience in a proven technology may quickly become obsolete without continued education and training. The proposed revisions to the definition of category allow the Department to ascertain an individual’s specific breadth of experience upon each application and re-application for a certificate of qualification.

The definitions of the following terms are being proposed for the first time; board certified, earned doctoral degree, training, and experience.

A review of the accrediting boards currently recognized in Part 19 and those included in the proposed revisions was performed to ensure that the requirements for each board were consistent with the rules set forth in federal regulation. This included a review of both the educational and training requirements for the accrediting board. As noted in the proposed revisions, certain boards mandate the appropriate educational requirement of a doctoral degree, but do not specify that the candidate for the board demonstrate the required four years of post-doctoral experience. Therefore, language clarifying the post-doctoral degree experience required by the Department has been proposed for these boards (American Board of Bioanalysts High Complexity Laboratory Director and the National Registry of Clinical Chemists) to ensure that the requirements for all applicants are consistent.

The duties and responsibilities of laboratory directors and assistant directors set forth in subdivision 19.3(c) were revised to provide clarity and introduce new responsibilities. Of note are the added responsibilities of ensuring the availability of procedures for monitoring staff competency and improvement of skills. These new responsibilities are currently included in the New York State Clinical Laboratory Standards of Practice; however, formal codification in regulation is desired.

Finally, subdivision 19.3(d) has been removed since the certificate of qualification categories are repeated in the current subdivision 19.3(e), and therefore 19.3(d) was considered redundant. The Department currently maintains a list of certificate of qualification categories on its publicly accessible website, and revisions were made in proposed subdivision 19.1(i) to outline the necessary contents of this list.

##### **Costs:**

##### **Costs to Regulated Parties:**

The proposed amendment will not impose costs on regulated parties. The current regulation already requires clinical laboratories and blood banks to have directors who hold certificates of qualification.

##### **Costs to the Agency, State and Local Governments:**

The proposed amendment will not impose additional costs to the New York State Department of Health, the program responsible for oversight of clinical laboratories, or to local governments. The program responsible for the oversight of clinical laboratories is a well-established program operated at the State level and the new language does not impact the costs of the oversight program.

##### **Local Government Mandates:**

The proposed regulations impose no new mandates on any county, city, town or village government; or school, fire or other special district.

##### **Paperwork:**

The proposed revisions to Part 19 do not require any additional forms or paperwork from applicants. All candidates are required under the current rule to provide a complete application, a curriculum vitae, and proof of licensure for physicians or granting of an earned doctoral degree. Additionally, candidates must submit proof of any accreditation by a recognized board and/or letters from third parties attesting to the candidate’s training and experience. The proposed revisions expand the list of recognized accrediting boards, which may in fact reduce the paperwork needed for candidates holding those accreditations.

##### **Duplication:**

The federal government also recognizes clinical laboratory directors. The Department has applied and been approved for an exemption from the federal government continuously since 1995 that grants the Department the authority to act as the primary accrediting body for clinical laboratories and clinical laboratory directors operating in New York.

##### **Alternatives:**

The alternative to this proposal would be to maintain the existing regulatory requirements. However, the proposed amendments are necessary to update the regulations to include new definitions, update the list of acceptable accrediting boards, and clarify and expand the responsibilities of laboratory directors and assistant directors.

##### **Federal Standards:**

The Federal Code of Regulations (CFR) sets forth rules for the education and experience of clinical laboratory directors (CFR 493.1443). The proposed revisions to Part 19 will incorporate several of the accrediting boards that are already recognized under the federal rule.

Compliance Schedule:  
Regulated parties are expected to comply with the proposed regulation by its effective date.

**Regulatory Flexibility Analysis**

No regulatory flexibility analysis is required. The proposed amendment does not impose an adverse economic impact on small businesses or local governments, and it does not impose reporting, record keeping or other compliance requirements on small businesses or local governments. At present the regulations require clinical laboratories and blood banks to be directed by individuals who hold a certificate of qualification. This proposed amendment would update and expand the list of acceptable accrediting boards for obtaining a certificate of qualification and is therefore anticipated to have a positive impact by increasing the number of individuals who may qualify for a certificate of qualification.

**Rural Area Flexibility Analysis**

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

**Job Impact Statement**

No job impact statement is required pursuant to § 201-a(2)(a) of the State Administrative Procedure Act. No adverse impact on jobs and employment opportunities is expected as a result of these proposed regulations.

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

**New Requirements for Annual Registration of Licensed Home Care Services Agencies**

**I.D. No.** HLT-51-18-00018-P

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

**Proposed Action:** Amendment of sections 766.9 and 766.12(c)(4) of Title 10 NYCRR.

**Statutory authority:** Public Health Law, section 3605(7)

**Subject:** New requirements for Annual Registration of Licensed Home Care Services Agencies.

**Purpose:** To amend the regulations for licensed home care services agencies for the annual registration requirements of the agency.

**Text of proposed rule:** Subdivision (n) of § 766.9 is amended to read as follows:

(n) ensure that any franchise agreement complies with the following:

\* \* \*

(4) An agreement which contains elements of both a franchise agreement and a management contract shall be subject to the applicable provisions of this subdivision and subdivision (m) of this section[.]; and

A new subdivision (o) is added to § 766.9 to read as follows and existing subdivision (o) re-lettered (p):

(o) ensure registration of the licensed home care services agency with the commissioner through submission of annual registration forms included in the annual statistical report;

(1) no licensed home care services agency shall be operated, provide nursing services, home health aide services, or personal care services, or receive reimbursement from any source for the provision of such services during any period of time on or after January 1, 2019, unless it has registered for the current period;

(2) a licensed home care services agency that fails to submit a complete and accurate set of all required registration materials by the annual deadline of November 16th is required to pay a fee of \$500 for each month or part thereof that the licensed home care services agency is not registered;

(3) a licensed home care services agency that fails to register in the prior year by the deadline of the current year shall not be permitted to register for the upcoming registration period unless it submits any and all unpaid late fees;

(4) the department shall publish a listing of all licensed home care services agencies and their current registration status on its public website;

(5) the department shall institute proceedings to revoke the license of any licensed home care services agency that fails to register for two annual registration periods, whether or not such periods are consecutive; and

(6) the department shall pursue revocation of the license of a licensed home care services agency if it evidences a pattern of late registration over the course of multiple years without justification acceptable to the commissioner.

Subdivision (c) of § 766.12 is amended to read as follows:

(c) The home care services agency shall furnish annually to the department a copy of:

(1) statistical summaries of all health care services, including the type, frequency and reimbursement for services provided, including reimbursement from federal and state governmental agencies, on forms provided by the department;

(2) if a for-profit corporation, a list of the principal stockholders and the number and percent of the total issued and outstanding shares of the corporation held by each, duly certified by the secretary of the corporation as to completeness and accuracy;

(3) if a not-for-profit corporation, a list of directors, officers and corporate members, if such members number 10 or fewer;

(4) the agency's registration in a manner prescribed by the department; and

(5) other such records and reports as may be legally required by the department.

**Text of proposed 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

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

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

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

**Regulatory Impact Statement**

Statutory Authority:

This proposal will implement amendments to Public Health Law (PHL) §§ 3605-a and 3605-b requiring registration of licensed home care services agencies pursuant to Article 36.

Legislative Objectives:

Public Health Law Article 36 was intended to promote the quality of home care services provided to residents of New York State and to assure adequate availability as a viable alternative to institutional care. The proposed regulation furthers this objective by developing a system for the Department of Health (Department) to identify agencies that are non-operational and aligns state regulations with the Department's strategic plan.

Needs and Benefits:

The proposed changes to 10 NYCRR §§ 766.9 and 766.12(c)(4) implement amendments to PHL §§ 3605-a and 3605-b made by Chapter 57 of the Laws of 2018, Part B, §§ 9-c and 9-d, requiring registration of licensed home care services agencies pursuant to PHL.

Annual registration of licensed home care services agencies will allow the Department, on an annual basis, to confirm operational entities in all regions of the state. The registration will confirm the number of agencies providing services in the defined services area and the types of services provided. The information will assist the Department in identifying potential gaps in provider capacity and consumer access to services, and is important as the Department develops a need methodology for licensed home care services agencies. It will also be useful to the Department's oversight and surveillance functions.

This will be integral in improving the overall quality of services provided to individuals who are receiving home care services.

Just as important, the information obtained from the licensed home care services agency registration will improve consumer access to information about licensed home care services agency availability. The information collected from the registration process will improve the currency and accuracy of provider-related information on the DOH public website, giving consumers meaningful information that can help them identify available options for home care services. Additionally, the public website will identify those agencies who are registered with the Department and those agencies who are not registered with the department, indicating their compliance with 10 NYCRR § 766.9.

To comply with the registration requirement, licensed home care services agencies will need to complete a section that will be added to the existing annual statistical report. These must be submitted during the annual data collection period, which commences in August of the preceding year of the registration deadline and ends by November 16th.

The proposed changes will provide a benefit to current licensed home care services agencies who complete the registration as required, as they will be listed on the public website as being currently registered and active.

Costs:

**Costs to Regulated Parties:**

The regulated parties (providers) are not expected to incur any additional costs as a result of the proposed rule change. There are no additional costs to local governments for the implementation of and continuing compliance with this amendment. There are no additional costs to the Department of Health as a result of the proposed rule change.

**Local Government Mandates:**

The proposed amendment does not impose any new programs, services, duties or responsibilities upon any county, city, town, village, school district, fire district or other special district. The registration will be incorporated as part of the annual statistical reports already required to be submitted by licensed home care services agencies. Therefore, the new state regulation will require county operated agencies to complete one additional form.

**Paperwork:**

The registration will be incorporated as part of the annual statistical reports already required to be submitted by licensed home care services agencies. Therefore, the new state regulation will require one additional form to be completed.

**Duplication:**

The proposed rule is not duplicative of any known rules or regulations.

**Alternatives:**

There are no alternatives to this proposal, which is necessary to implement a legislative enactment requiring licensed home care services agencies to register annually with the Department.

**Federal Standards:**

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

**Compliance Schedule:**

There are no significant actions which are required by the affected providers to comply with the amendments, as the amendments ensure conformance with expectations that were already in effect. Those licensed home care services agencies who are operational should already be in compliance with the required annual statistical reports and should be readily able to comply. The registration will be incorporated as part of the annual statistical reports already required to be submitted by licensed home care services agencies. Therefore, the new state regulation will require one additional form to be completed. A licensed home care services agency that fails to submit a complete and accurate set of all required registration materials by the annual deadline of November 16th, established by the Commissioner of Health, is required to pay a fee of \$500 for each month or part thereof that the licensed home care services agency is not registered. No licensed home care services agency shall be operated, provide nursing services, home health aide services, or personal care services, or receive reimbursement from any source for the provision of such services during any period of time on or after January 1, 2019, unless it has registered for the current period. The regulations will be effective upon publication of a Notice of Adoption in the New York State Register.

**Regulatory Flexibility Analysis****Effect of Rule:**

Licensed home care services agencies, including those operated by county health departments, provide health services in the home pursuant to Public Health Law Article 36. There are currently 1,083 licensed operators providing home care services at 1,475 licensed sites. Local governments will not be affected by this rule except to the extent that they operate licensed home care services agencies; nor will small businesses be impacted in their routine cost of conducting business.

**Compliance Requirements:**

Regulated parties are expected to be in compliance beginning on and after January 1, 2019. The proposed regulations will implement the new registration requirement for licensed home care services agencies, which will be carried out through existing reporting mechanisms. The registration process is a new requirement; however, the registration process will be incorporated with existing statistical data collection requirements for licensed home care services agencies which are required annually. Therefore, compliance requirements are minimal.

The Department does not intend to publish a small business regulation guide in connection with this regulation. Although a number of licensed home care services agencies are small businesses, the impact is expected to be minimal. Additional guidance will be posted on the web as needed after the regulation is promulgated.

**Professional Services:**

No additional professional staff are expected to be needed as a result of the regulations. Record keeping and compliance requirements could be handled by existing staff, as it is the expectation that the administrator complete the registration.

**Compliance Costs:**

There are no capital costs associated with these proposed rules. Any costs are already incurred by agencies under the existing regulations.

**Economic and Technological Feasibility:**

The Department has considered feasibility and believes there will be minimal, if any, economic and technological impact. The registration will be incorporated as part of the annual statistical reports already required to be submitted by licensed home care services agencies. Therefore, the new state regulation should not affect the routine cost of doing business, unless agencies have been non-compliant with existing requirements.

**Minimizing Adverse Impact:**

While the Department has considered the options of State Administrative Procedure Act (SAPA) § 202-b(1) in developing this rule, flexibility does not exist for any particular entity since the new requirements are consistent with requirements that are already in effect.

**Small Business and Local Government Participation:**

The Department will meet the requirements of SAPA § 202-b(6) in part by publishing a notice of proposed rulemaking in the State register with a comment period. The Department has not solicited input prior to publication as the proposed amendments are required by statute, do not change existing procedures in any substantive manner and will, therefore, have no deleterious effect on small businesses and local governments.

For Rules that Either Establish or Modify a Violation or Penalties Associated with a Violation:

A licensed home care services agency which fails to submit a complete and accurate set of all required registration materials by the deadline established by the Commissioner shall be required to pay a fee of \$500 for each month or part thereof that the licensed home care services agency is in default. The statute allows for the LHCSA to register at any time, however, the fines will continue to be incurred.

A licensed home care services agency that failed to register in the prior year by the deadline of the current year shall not be permitted to register for the upcoming registration period unless it submits any unpaid late fees.

A licensed home care services agency is prohibited from providing nursing services, home health aide services, or personal care services, or receive reimbursement from any source for the provision of such services during any period of time on or after January 1, 2019, unless it has registered with the Department.

The Department shall institute proceedings to revoke the license of any licensed home care services agency that fails to register for two annual registration periods, whether or not such periods are consecutive. The Department shall have the discretion to pursue revocation of the license of a licensed home care services agency on grounds that it evidences a pattern of late registration over the course of multiple years.

The registration will be incorporated as part of the annual statistical reports already required to be submitted by licensed home care services agencies. Therefore, the new state regulation will require one additional form to be completed. A licensed home care services agency that fails to submit a complete and accurate set of all required registration materials by the annual deadline of November 16th is required to pay a fee of \$500 for each month or part thereof that the licensed home care services agency is not registered. No licensed home care services agency shall be operated, provide nursing services, home health aide services, or personal care services, or receive reimbursement from any source for the provision of such services during any period of time on or after January 1, 2019, unless it has registered for the current period.

**Rural Area Flexibility Analysis**

All counties in New York State (NYS) have rural areas with the exception of seven (7) downstate counties. Approximately 80% of licensed home care services agencies are licensed to serve counties with rural areas. No rural area flexibility analysis is required pursuant to § 202-bb(4)(a) of SAPA. The proposed amendment does not impose an adverse impact on facilities in rural areas and it does not impose additional reporting, record keeping or other compliance requirements on facilities in rural areas. The proposed amendment to require licensed home care agencies to complete registration seeks information regarding operational agencies and to assure home care availability in rural areas as an alternative to institutional care.

**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.

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## State Liquor Authority

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### NOTICE OF ADOPTION

#### Bottle Club License Updates

**I.D. No.** LQR-30-18-00001-A

**Filing No.** 1121

**Filing Date:** 2018-11-28

**Effective Date:** 2018-12-19

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

**Action taken:** Amendment of Part 49; repeal of sections 49.2, 49.3, 49.5, 49.8 and 49.13(b) of Title 9 NYCRR.

**Statutory authority:** Alcoholic Beverage Control Law, section 64-b

**Subject:** Bottle Club License Updates.

**Purpose:** To update outdated Bottle Club license requirements and procedures.

**Text or summary was published** in the July 25, 2018 issue of the Register, I.D. No. LQR-30-18-00001-P.

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

**Text of rule and any required statements and analyses may be obtained from:** Paul Karamanol, Senior Attorney, State Liquor Authority, 80 South Swan Street, Suite 900, Albany, NY 12210, (518) 486-6743, email: paul.karamanol@sla.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 2023, which is the 4th or 5th year after the year in which this rule is being adopted. This review period, justification for proposing same, and invitation for public comment thereon, were contained in a RFA, RAFA or JIS:

An assessment of public comment on the 4 or 5-year initial review period is not attached because no comments were received on the issue.

#### Assessment of Public Comment

Since publication of a Notice of Proposed Rule Making in the July 25, 2018 State Register, 1 written public comment was received and which was from an industry trade association and commended the State Liquor Authority ("Authority") and expressed strong approval for the proposed amendments. This same industry trade association appeared before the Members of the Authority at a public hearing regarding these proposed amendments on October 24, 2018 and again vocalized their support. No other written or verbal comments were received by the Authority relative to these amendments. Said comments included the following:

\* Under longstanding Authority rules, establishments that qualified as bottle clubs were limited to a specific method of operation, namely, serving as a venue for patrons to bring, consume, and store their own bottles of liquor on the premises. Such establishments were once a regular element of the New York City hospitality landscape but died out decades ago.

Section 64-b of the ABCL, which governs bottle clubs, never contemplated the regulatory straightjacket that the current rules produce. The proposed amendments resurrect bottle clubs by removing significant outdated requirements, thereby opening the license category to new concepts and innovation.

**AUTHORITY RESPONSE:** The Authority agrees. The proposed amendments are intended to encourage existing businesses such as high-end clothing or jewelry retailers who wish to offer a small amount of complimentary alcoholic beverages to their patrons to obtain a bottle club license that would enable them to do so legally.

\* We note that section 64-b does not require any food service. Given that, we do believe the standard 30-Day Notice to Municipalities and Community Boards should be revised to reflect that option.

**AUTHORITY RESPONSE:** The Authority regularly reviews and modifies all of their standardized forms, including the 30-Day Notice, and makes needed changes as necessary.

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## Office for People with Developmental Disabilities

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### NOTICE OF ADOPTION

#### Eligibility of Services

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

**Filing No.** 1124

**Filing Date:** 2018-12-04

**Effective Date:** 2018-12-19

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

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

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

**Subject:** Eligibility of Services.

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

**Text or summary was published** in the June 27, 2018 issue of the Register, I.D. No. PDD-26-18-00003-EP.

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

**Text of rule and any required statements and analyses may be obtained from:** 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.

#### 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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Response: OPWDD has considered this comment and will not be changing the text. Individuals are issued a Notice of Decision (NOD) if denied eligibility for OPWDD services. The NOD outlines how to access the individual's due process rights, including how to request a Fair Hearing. If the Fair Hearing is held, and the determination to deny is affirmed, the determination is then final and subject to judicial review under Article 78. The Fair Hearing decision notice notifies the individual of the Article 78 process.

Comment: The proposed regulation could substantially impact the number of individuals determined eligible for services and would cause the provider to withhold services from people who could significantly benefit from such services. Changes to the process to include requirements not consistent with current law will cause undue hardship.

Response: OPWDD has considered this comment and will not be changing the text. This regulation will not affect the number of individuals determined eligible. The eligibility determination process used for the last 17 years is not being changed by this regulation.

Comment: The applicability section of 629.1 includes Article 16 clinics. Currently, assessment documentation is maintained as part of the individual's file and subject to review at any time by OPWDD; however, there is no requirement that OPWDD determine the individual's eligibility prior to the provision of services. The Clinic Providers feel that the current practice is appropriate and ensures that only eligible individuals receive services and that such services are not delayed due to any additional processes. If it was not OPWDD's intent to include the Article 16 clinics under Part 629, it is important that 629.1 be modified so it is clear that the clinics are exempt from this process.

Response: OPWDD has considered this comment and will not be changing the text. Article 16 clinics provide services pursuant to 14 NYCRR 679 regulations, therefore, 629.1 will not impact the requirements set forth in 679.3(r), regarding the eligibility process for individuals receiving treatment through an Article 16 clinic.

Comment: Many commentators note a lack of notice provided to families and stakeholders, including poor timing of publication of this regulation (June) and that the regulation was not "an emergency".

Response: OPWDD has considered this comment and will not be changing the text. Because the regulation reflects longstanding eligibility determination practice, OPWDD did not anticipate significant comment from families or stakeholders but has responded directly to many questions and concerns.

Comment: OPWDD's "associated guidelines" narrowly construe developmental disability to a greater extent than MHL 1.03(22). Individuals who are genuinely developmentally disabled, but whose situations fall outside the guidelines, will have greater difficulty challenging their ineli-

gibility determinations at hearings. These guidelines contain new rules that subject individuals to "heightened scrutiny" in an eligibility determination. Eligibility should not be limited beyond the statutory definition of DD.

Response: OPWDD has considered this comment and will not be changing the text. OPWDD uses the definition of developmental disability as defined by MHL 1.03(22). Individuals will not have greater difficulty becoming eligible for OPWDD services due to this criteria, as it is the same process that has been used by OPWDD for the last 17 years.

Comment: The regulation will make it more likely for dual-diagnosed individuals to "fall in the cracks" between agencies and not have access to services. The regulation restricts service delivery options for dually-diagnosed individuals.

Response: OPWDD has considered this comment and will not be changing the text. This regulation does not restrict dually diagnosed individuals from becoming eligible for OPWDD services.

Comment: Concern with the proposed change that OPWDD services must be applied to before age 22 and the requirement that significant impairment of adaptive behavior be documented prior to age 22. As individuals age out of school, and family members age, and adaptive demands of independent adulthood become more apparent, many individuals are no longer able to function. So often the need for OPWDD home and community services is not apparent until after age 22. An individual should not be penalized for having a supportive family, or for trying for greater independence before recognizing that they need OPWDD assistance. Regulation should address documentation issues for older individuals.

Response: OPWDD has considered this comment and will not be changing the text. Individuals are not penalized for having supportive families or maximizing independence. OPWDD's 2001 guidelines address concerns related to older individuals and OPWDD eligibility. The requirement that deficits occur prior to age 22 is taken directly from Mental Hygiene Law.

Comment: Regulation should define "attributable to" and "substantial hardship" Should explicitly provide for the use of retrospective assessments of adaptive functioning during the development period for those seeking eligibility when older than 22.

Response: OPWDD has considered this comment and will not be changing the text. These issues are addressed in the OPWDD eligibility guidelines.

Comment: Requiring proof of onset prior to age 22 creates an additional obstacle for older individuals.

Response: OPWDD has considered this comment and will not be changing the text. This regulation does not establish additional requirements for older individuals seeking OPWDD eligibility.

Comment: The 2001/2002 guidance contains rules and must be in the regulation.

Response: OPWDD has considered this comment and will not be changing the text.

Comment: The 2002 guidance limits eligibility determinations to "central nervous system disorders."

Response: OPWDD has considered this comment and will not be changing the text.

Comment: OPWDD guidelines create a new definition of DD, which is more restrictive.

Response: OPWDD has considered this comment and will not be changing the text. OPWDD uses the definition of developmental disability as defined by MHL 1.03(22).

Comment: Regulation needs to distinguish provisional eligibility for children under age 8, as a child under age 8 may be determined eligible (not provisionally). Regulation makes it appear that all children under age 8 must be re-reviewed.

Response: OPWDD has considered this comment and will not be changing the text. Provisional eligibility may be determined in children up to the age of eight. A child younger than 8 years old may be determined eligible (i.e., not provisionally eligible) for OPWDD services.

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## Public Service Commission

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

#### 2018 Outcome-Based EAM Collaborative Report

I.D. No. PSC-51-18-00011-P

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

**Proposed Action:** The Commission is considering the 2018 Outcome-Based EAM Collaborative Report filed by Consolidated Edison Company of New York, Inc. on October 17, 2018.

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

**Subject:** 2018 Outcome-Based EAM Collaborative Report.

**Purpose:** To ensure the establishment of fair and equitable metrics, targets and associated incentive levels.

**Substance of proposed rule:** The Commission is considering the 2018 Outcome-Based EAM Collaborative Report (Report), filed by Consolidated Edison Company of New York, Inc. (Con Edison) on October 17, 2018, a consensus report that seeks to establish specific metrics, targets and associated incentive levels for certain outcome-based earnings adjustment mechanisms (EAMs) for calendar year 2019, the third year of a three-year rate plan.

EAMs are performance-based incentive measures designed to encourage utilities to undertake efforts to develop market-enabling tools and achieve savings related to increased system efficiency and reduced energy consumption.

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

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

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

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

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

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

(16-E-0060SP8)

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

**Petition for Water Metering Equipment**

**I.D. No.** PSC-51-18-00012-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 SUEZ Water Westchester seeking approval to use the Neptune Protectus III Meter in water metering applications, or alternatively, a declaratory ruling that it was previously approved.

**Statutory authority:** Public Service Law, section 89-d(1)

**Subject:** Petition for water metering equipment.

**Purpose:** To ensure that customer bills are based on accurate measurements of water usage.

**Substance of proposed rule:** The Public Service Commission (Commission) is considering a petition filed by SUEZ Water Westchester Inc., on October 24, 2018, seeking approval to use the Neptune Protectus III meter in water metering applications; or alternatively, a declaratory ruling by the Commission that it previously approved such meter.

New types of water meters and accessories must be approved by the Commission in accordance with the Commission's regulations at 16 NYCRR Part 500.

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

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

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

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

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

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

(18-W-0669SP1)

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

**Notice of Intent to Submeter Electricity**

**I.D. No.** PSC-51-18-00013-P

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

**Proposed Action:** The Commission is considering the notice of intent of 63rd & 3rd NYC LLC to submeter electricity at 1059 3rd Avenue, New York, New York.

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

**Subject:** Notice of intent to submeter electricity.

**Purpose:** To ensure adequate submetering equipment and consumer protections are in place.

**Substance of proposed rule:** The Commission is considering the notice of intent filed by 63rd & 3rd NYC LLC on November 15, 2018, to submeter electricity at 1059 3rd Avenue, New York, New York, located in the service territory of Consolidated Edison Company of New York, Inc. (Con Edison).

By stating its intent to submeter electricity, 63rd & 3rd NYC LLC requests authorization to take electric service from Con Edison and then distribute and meter that electricity to its tenants. Submetering of electricity to residential tenants is allowed so long as it complies with the protections and requirements of the Commission's regulations in 16 NYCRR Part 96.

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

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

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

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

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

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

(18-E-0714SP1)

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

**Consideration for the Use of the Expired CDP Funds**

**I.D. No.** PSC-51-18-00014-P

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

**Proposed Action:** The Commission is considering a petition by New York State Electric & Gas Corporation for authorization to use funds from the recently expired Community Development Program (CDP) to offset the Town of Maine's gas main extension cost.

**Statutory authority:** Public Service Law, section 66

**Subject:** Consideration for the use of the expired CDP funds.

**Purpose:** To provide potential customers affordable access to natural gas service.

**Text of proposed rule:** The Public Service Commission is considering a petition filed on November 16, 2018 by New York State Electric & Gas Corporation (NYSEG or Company) requesting the Commission waive the expiration of the Community Development Fund Pilot Program (Program) which expired on April 30, 2018.

The waiver would allow the Company to use up to \$80,000 of the Program budget to match third party grants and offset the Town of Maine's gas main extension project.

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

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

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

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

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

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

(15-G-0284SP2)

## Department of Taxation and Finance

### NOTICE OF ADOPTION

#### New York State and City of Yonkers Withholding Tables and Other Methods

**I.D. No.** TAF-40-18-00001-A

**Filing No.** 1125

**Filing Date:** 2018-12-04

**Effective Date:** 2018-12-19

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

**Action taken:** Repeal of Appendixes 10 and 10-A; addition of new Appendixes 10 and 10-A to Title 20 NYCRR.

**Statutory authority:** Tax Law, sections 171, subd. First, 671(a)(1), 697(a), 1321(a), 1329(a), 1332(a); Codes of the City of Yonkers, sections 15-105, 15-108, 15-111; L. 2016, ch. 60, part TT

**Subject:** New York State and City of Yonkers withholding tables and other methods.

**Purpose:** To provide current New York State and City of Yonkers withholding tables and other methods.

**Text or summary was published in** the October 3, 2018 issue of the Register, I.D. No. TAF-40-18-00001-P.

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

**Text of rule and any required statements and analyses may be obtained from:** Kathleen D. Chase, Tax Regulations Specialist II, Department of Taxation and Finance, Office of Counsel, Building 9, W.A. Harriman Campus, Albany, NY 12227, (518) 530-4153, email: [Kathleen.Chase@tax.ny.gov](mailto:Kathleen.Chase@tax.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 agency received no public comment.

## Office of Temporary and Disability Assistance

### EMERGENCY RULE MAKING

#### Standard Utility Allowances (SUAs) for the Supplemental Nutrition Assistance Program (SNAP)

**I.D. No.** TDA-41-18-00002-E

**Filing No.** 1128

**Filing Date:** 2018-12-04

**Effective Date:** 2018-12-23

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

**Action taken:** Amendment of section 387.12(f)(3)(v)(a)-(b) of Title 18 NYCRR.

**Statutory authority:** Social Services Law, sections 17(a)-(b), (j), 20(3)(d), 95; 7 United States Code, section 2014(e)(6)(C); 7 Code of Federal Regulations, section 273.9(d)(6)(iii)

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

**Specific reasons underlying the finding of necessity:** It is of great importance that the federally-mandated and most currently approved standard utility allowances for the Supplemental Nutrition Assistance Program (SNAP) are applied to SNAP benefit calculations effective October 1, 2018, and thereafter until new amounts eventually are approved by the United States Department of Agriculture (USDA). It is equally important that the new federally-approved standard utility allowance amounts be implemented by the October 1, 2018 deadline. If past standard utility allowances were to be used, in the absence of federal authority, in calculating ongoing SNAP benefits, thousands of SNAP households qualifying for the higher-level utility-based standard utility allowances would receive SNAP underpayments each month. Thousands of SNAP households throughout New York State could be adversely affected by such underpayments, which would constitute hardships to these households and impact their ability to purchase needed food. In addition, the use of standard utility allowances that are not authorized by the USDA could also result in severe fiscal sanctions by the federal government against the State. These emergency amendments protect the public health and general welfare by setting forth the federally-mandated and approved standard utility allowances effective as of October 1, 2018, and by helping to prevent such hardships.

As stated above, there is no federal authority to use past standard utility allowances after the October 1, 2018 effective date of the new federally-approved allowance amounts. For New York to continue the State option to use the standard utility allowance in lieu of the actual utility cost portion of SNAP household shelter expenses, new allowances must be in place. Otherwise, the State may be forced to use the actual utility cost portion of the shelter expenses of each SNAP household. This policy would result in all 58 social services districts in New York State having to require up to 1.6 million SNAP households to provide verification of the actual utility cost portions of their shelter expenses. This policy would create a tremendous burden on both social services districts as well as recipient households. In addition, as actual utility costs are generally significantly less than the standard utility allowances, SNAP households would have a much smaller shelter deduction resulting in a sizeable reduction in their SNAP benefits. This reduction in SNAP benefits for up to 1.6 million SNAP households would result in significant harm to the health and welfare of these households.

It is noted that, due to time constraints, the emergency rule is being readopted pursuant to a Notice of Emergency Adoption. To preserve public health and general welfare, OTDA originally promulgated the emergency rule via a Notice of Emergency Adoption and Proposed Rule Making on September 25, 2018, and the emergency rule became effective on October 1, 2018. The Notice of Emergency Adoption and Proposed Rule Making was published in the New York State Register on October 10, 2018 under I.D. No. TDA-41-18-00002-EP. OTDA will be accepting public comments on the current emergency rule through December 10, 2018. The current emergency rule expires on December 23, 2018.

This first re-adoption of the current emergency rule is necessary in order to avoid a lapse in the current emergency rule, insofar as the expiration of

the 60-day public comment period will not provide sufficient time for OTDA to publish a Notice of Adoption in the New York State Register before the current emergency rule expires on December 23, 2018.

**Subject:** Standard Utility Allowances (SUAs) for the Supplemental Nutrition Assistance Program (SNAP).

**Purpose:** These regulatory amendments set forth the federally-approved SUAs as of 10/1/18.

**Text of emergency rule:** Clauses (a)-(b) of subparagraph (v) of paragraph (3) of subdivision (f) of § 387.12 of Title 18 NYCRR are amended to read as follows:

(a) The standard allowance for heating/cooling consists of the costs for heating and/or cooling the residence, electricity not used to heat or cool the residence, cooking fuel, sewage, trash collection, water fees, fuel for heating hot water and basic service for one telephone. The standard allowance for heating/cooling is available to households which incur heating and/or cooling costs separate and apart from rent and are billed separately from rent or mortgage on a regular basis for heating and/or cooling their residence, or to households entitled to a Home Energy Assistance Program (HEAP) payment or other Low Income Home Energy Assistance Act (LIHEAA) payment. A household living in public housing or other rental housing which has central utility meters and which charges the household for excess heating or cooling costs only is not entitled to the standard allowance for heating/cooling unless they are entitled to a HEAP or LIHEAA payment. Such a household may claim actual costs which are paid separately. Households which do not qualify for the standard allowance for heating/cooling may be allowed to use the standard allowance for utilities or the standard allowance for telephone. As of October 1, [2017] 2018, but subject to subsequent adjustments as required by the United States Department of Agriculture (“USDA”), the standard allowance for heating/cooling for SNAP applicant and recipient households residing in New York City is [\$791] \$800; for households residing in either Suffolk or Nassau Counties, it is [\$736] \$744; and for households residing in any other county of New York State, it is [\$654] \$661.

(b) The standard allowance for utilities consists of the costs for electricity not used to heat or cool the residence, cooking fuel, sewage, trash collection, water fees, fuel for heating hot water and basic service for one telephone. It is available to households billed separately from rent or mortgage for one or more of these utilities other than telephone. The standard allowance for utilities is available to households which do not qualify for the standard allowance for heating/cooling. Households which do not qualify for the standard allowance for utilities may be allowed to use the standard allowance for telephone. As of October 1, [2017] 2018, but subject to subsequent adjustments as required by the USDA, the standard allowance for utilities for SNAP applicant and recipient households residing in New York City is [\$313] \$316; for households residing in either Suffolk or Nassau Counties, it is [\$289] \$292; and for households residing in any other county of New York State, it is [\$265] \$268.

**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. TDA-41-18-00002-EP, Issue of October 10, 2018. The emergency rule will expire February 1, 2019.

**Text of rule and any required statements and analyses may be obtained from:** Richard P. Rhodes, Jr., Office of Temporary and Disability Assistance, 40 North Pearl Street, 16-C, Albany, NY 12243-0001, (518) 486-7503, email: richard.rhodesjr@otda.ny.gov

**Regulatory Impact Statement**

1. Statutory authority:

The United States Code (U.S.C.), at 7 U.S.C. § 2014(e)(6)(C), provides that in computing shelter expenses for budgeting under the federal Supplemental Nutrition Assistance Program (SNAP), a State agency may use a standard utility allowance as provided in federal regulations.

The Code of Federal Regulations (C.F.R.), at 7 C.F.R. § 273.9(d)(6)(iii), provides for standard utility allowances in accordance with SNAP. Clause (A) of this subparagraph states that with federal approval from the Food and Nutrition Services (FNS) of the United States Department of Agriculture (USDA), a State agency may develop standard utility allowances to be used in place of actual costs in calculating a household’s excess shelter deduction. Federal regulations allow for the following types of standard utility allowances: a standard utility allowance for all utilities that includes heating or cooling costs; a limited utility allowance that includes electricity and fuel for purposes other than heating or cooling, water, sewerage, well and septic tank installation and maintenance, telephone, and garbage or trash collection; and an individual standard for each type of utility expense. Clause (B) of the subparagraph provides that a State agency must review the standard utility allowances annually and adjust them to reflect changes in costs. State agencies also must provide the amounts of the standard utility allowances to the FNS when the standard utility allowances are changed and submit the methodologies used in developing and updat-

ing the standard utility allowances to the FNS for approval whenever the methodologies are developed or changed.

Social Services Law (SSL) § 17(a)-(b) and (j) provide, in part, that the Commissioner of the Office of Temporary and Disability Assistance (OTDA) shall “exercise such other powers and perform such other duties as may be imposed by law.”

SSL § 20(3)(d) authorizes OTDA to promulgate regulations to carry out its powers and duties.

SSL § 95 authorizes OTDA to administer SNAP in New York State and to perform such functions as may be appropriate, permitted or required by or pursuant to federal law.

2. Legislative objectives:

It was the intent of the Legislature to implement the federal SNAP Act in New York State in order to provide SNAP benefits to eligible New York State residents.

3. Needs and benefits:

The regulatory amendments set forth the standard utility allowances within New York State as of October 1, 2018. OTDA is amending its standard utility allowances in 18 NYCRR § 387.12(f)(3)(v)(a)-(b) to reflect an increase in fuel and utility costs, which is indicated in the Consumer Price Index (CPI) fuel and utilities values (which includes components for water, sewage and trash collection).

The following chart sets forth the standard utility allowance categories; the past standard utility allowances (“Past SUA”) that were in effect for federal fiscal year (FFY) 2018, from October 1, 2017 through September 30, 2018; and the new standard utility allowances (“New SUA”) that are in effect for FFY 2019, effective October 1, 2018:

	New York City		Nassau / Suffolk Counties		Rest of State	
	Past SUA	New SUA	Past SUA	New SUA	Past SUA	New SUA
Heating/Air Conditioning SUA	\$791	\$800	\$736	\$744	\$654	\$661
Basic Utility SUA	\$313	\$316	\$289	\$292	\$265	\$268
Phone SUA	Past SUA: \$30 (for all Counties) (Unchanged for all Counties)					

To determine the new standard utility allowance values for FFY 2019, the CPI Fuel and Utility value for June 2018 was compared to the same CPI value for June 2017, the CPI value that was used to determine the adjustment for the FFY 2018 standard utility allowance values. The percentage change between June 2017 and June 2018 was then applied to the FFY 2018 standard utility allowance figures. The June 2018 CPI Fuel and Utility value was 1.083% higher than the June 2017 value.

The June CPI values were used because they were the most recent month for which CPI values were available at the time when programming the new SUA values into the Welfare Management System (WMS) had to be done in order to comply with the October 1, 2018 effective date.

OTDA has all required approvals from the FNS pertaining to these changes and is required to apply the standard utility allowances for FFY 2019 in its SNAP budgeting effective October 1, 2018. As of October 1, 2018, OTDA does not have federal approval or authority to apply past standard utility allowances in its prospective SNAP budgeting.

It is of great importance that the federally-mandated and most currently approved standard utility allowances for the Supplemental Nutrition Assistance Program (SNAP) are applied to SNAP benefit calculations effective October 1, 2018, and thereafter until new amounts eventually are approved by the USDA. It is equally important that the new federally-approved standard utility allowance amounts be implemented by the October 1, 2018 deadline. If past standard utility allowances were to be used, in the absence of federal authority, in calculating ongoing SNAP benefits, thousands of SNAP households qualifying for the higher-level utility-based standard utility allowances would receive SNAP underpayments each month. Thousands of SNAP households throughout New York State could thus be adversely affected by such underpayments, which would constitute hardships to these households and impact their ability to purchase needed food. In addition, the use of standard utility allowances that are not authorized by the USDA could also result in severe fiscal sanctions by the federal government against the State. These emergency amendments protect the public health and general welfare by setting forth the federally-mandated and approved standard utility allowances effective as of October 1, 2018, and by helping to prevent such hardships.

As stated above, there is no federal authority to use past standard utility allowances after the October 1, 2018 effective date of the new federally approved allowance amounts. For New York to continue the State option

to use the standard utility allowance in lieu of the actual utility cost portion of SNAP household shelter expenses, new allowances must be in place. Otherwise, the State may be forced to use the actual utility cost portion of the shelter expenses of each SNAP household. This policy would result in all 58 social services districts in New York State having to require up to 1.6 million SNAP households to provide verification of the actual utility cost portions of their shelter expenses. This policy would create a tremendous burden on both social services districts as well as recipient households. In addition, as actual utility costs are generally significantly less than the standard utility allowances, SNAP households would have a much smaller shelter deduction resulting in a sizeable reduction in their SNAP benefits. This reduction in SNAP benefits for up to 1.6 million SNAP households would result in significant harm to the health and welfare of these households.

#### 4. Costs:

The regulatory amendments will not result in any impact to the State financial plan, they will not impose costs upon the social services districts because SNAP benefits are 100 percent federally-funded, and they comply with federal statute and regulation to implement federally-approved standard utility allowances.

#### 5. Local government mandates:

The regulatory amendments do not impose any mandates upon social services districts since the amendments simply set forth the federally approved standard utility allowances, effective October 1, 2018. Additionally, the calculation of SNAP budgets, which incorporates the standard utility allowances, and the resulting issuances of SNAP benefits are mostly automated processes in New York City and the rest of the State using OTDA's WMS. To the extent that these processes are not automated, the regulatory amendments do not impose any additional requirements upon the social services districts in terms of calculating SNAP budgets.

#### 6. Paperwork:

The regulatory amendments do not impose any new forms, new reporting requirements or other paperwork upon the State or the social services districts.

#### 7. Duplication:

The regulatory amendments do not duplicate, overlap or conflict with any existing State or federal statutes or regulations.

#### 8. Alternatives:

An alternative to the regulatory amendments would be to refrain from implementing the revised standard utility allowances. However, this alternative is not a viable option because if New York State were to opt not to implement the new standard utility allowances or were otherwise judicially precluded from doing so, then New York State would be out of compliance with federal statutory and regulatory requirements.

#### 9. Federal standards:

The regulatory amendments do not conflict with or exceed minimum standards of the federal government.

#### 10. Compliance schedule:

Since the regulatory amendments set forth the federally-approved standard utility allowances effective October 1, 2018, the State and all social services districts will be in compliance with the regulatory amendments upon the adoption date of the regulatory amendments.

### **Regulatory Flexibility Analysis**

#### 1. Effect of Rule:

The regulatory amendments will have no effect on small businesses. The regulatory amendments do not impose any mandates upon social services districts since the amendments simply set forth the federally approved standard utility allowance amounts, effective October 1, 2018. The calculation of Supplemental Nutrition Assistance Program (SNAP) budgets, which incorporates the standard utility allowances, and the resulting issuances of SNAP benefits are mostly automated processes in New York City and the rest of the State using the Office of Temporary and Disability Assistance's (OTDA's) Welfare Management System, and to the extent these processes are not automated, the regulatory amendments do not impose any additional requirements upon the social services districts in terms of calculating SNAP budgets.

#### 2. Compliance Requirements:

The regulatory amendments do not impose any reporting, recordkeeping or other compliance requirements on social services districts.

#### 3. Professional Services:

The regulatory amendments do not require social services districts to hire additional professional services to comply with the new regulations.

#### 4. Compliance Costs:

The regulatory amendments do not impose initial costs or any annual costs upon social services districts because SNAP benefits are 100 percent federally funded, and these regulatory amendments also comply with federal statute and regulation to implement federally-approved standard utility allowances.

#### 5. Economic and Technological Feasibility:

All social services districts have the economic and technological abilities to comply with the regulatory amendments.

#### 6. Minimizing Adverse Impact:

The regulatory amendments will not have an adverse impact on social services districts.

#### 7. Small Business and Local Government Participation:

On August 22, 2018, OTDA provided a General Information System (GIS) release to social services districts in New York State setting forth, in part, the new standard utility allowances for SNAP effective October 1, 2018 (see GIS 18 TA/DC027, Upstate and NYC – Updated Supplemental Nutrition Assistance Program [SNAP] Standards for October 2018). In past years, social services districts have not raised any concerns or objections related to the implementation of the new standard utility allowances. Since the release of OTDA's GIS reflecting the standard utility allowances effective October 1, 2018, social services districts have had an opportunity to contact OTDA with any concerns, questions, or other issues. To date, no social services districts have contacted OTDA. The GIS is also posted to OTDA's internet website.

### **Rural Area Flexibility Analysis**

#### 1. Types and estimated numbers of rural areas:

The regulatory amendments will have no effect on small businesses in rural areas. The regulatory amendments do not impose any mandates upon the 44 social services districts in rural areas of the State. Rather, the regulatory amendments simply set forth the federally-approved standard utility allowance amounts, effective October 1, 2018. The calculation of Supplemental Nutrition Assistance Program (SNAP) budgets, which incorporates the standard utility allowances, and the resulting issuances of SNAP benefits are mostly automated processes in New York City and the rest of the State using the Office of Temporary and Disability Assistance's (OTDA's) Welfare Management System. To the extent these processes are not automated, the regulatory amendments do not impose any additional requirements upon the social services districts in terms of calculating SNAP budgets.

#### 2. Reporting, recordkeeping and other compliance requirements; and professional services:

The regulatory amendments do not impose any reporting, recordkeeping or other compliance requirements on the social services districts in rural areas. Social services districts in rural areas do not need to hire additional professional services to comply with the regulations.

#### 3. Costs:

The regulatory amendments do not impose initial capital costs or any annual costs upon the social services districts in rural areas because SNAP benefits are 100 percent federally-funded, and these regulatory amendments comply with federal statute and regulation to implement federally-approved standard utility allowances.

#### 4. Minimizing adverse impact:

The regulatory amendments will not have an adverse impact on the social services districts in rural areas.

#### 5. Rural area participation:

On August 22, 2018, OTDA provided a General Information System (GIS) release to social services districts in New York State setting forth, in part, the new standard utility allowances for SNAP effective October 1, 2018 (see GIS 18 TA/DC027, Upstate and NYC – Updated Supplemental Nutrition Assistance Program [SNAP] Standards for October 2018). In past years, social services districts have not raised any concerns or objections related to the implementation of the new standard utility allowances. Since the release of OTDA's GIS reflecting the standard utility allowances effective October 1, 2018, social services districts have had an opportunity to contact OTDA with any concerns, questions or other issues. To date, no districts have contacted OTDA. The GIS is also posted to OTDA's internet website.

### **Job Impact Statement**

A Job Impact Statement is not required for the regulatory amendments. It is apparent from the nature and the purpose of the regulatory amendments that they will not have a substantial adverse impact on jobs and employment opportunities in either the public or the private sectors in New York State. The regulatory amendments will have no effect on small businesses. The regulatory amendments will not affect, in any significant way, the jobs of the workers in the social services districts or the State. These regulatory amendments set forth the federally-approved standard utility allowances for the Supplemental Nutrition Assistance Program (SNAP) as of October 1, 2018. The calculation of SNAP budgets, which incorporates the standard utility allowances, and the resulting issuances of SNAP benefits are mostly automated processes in New York City and the rest of the State using the Office of Temporary and Disability Assistance's Welfare Management System. To the extent these processes are not automated, the regulatory amendments do not impose any additional requirements upon the social services districts in terms of calculating SNAP budgets. Thus, the regulatory amendments will not have any adverse impact on jobs and employment opportunities in either the public or private sectors of New York State.

**HEARINGS SCHEDULED  
FOR PROPOSED RULE MAKINGS**

Agency I.D. No.	Subject Matter	Location—Date—Time
<b>Agriculture and Markets, Department of</b> AAM-40-18-00021-EP.....	Shell eggs; acidified foods	Department of Agriculture and Markets, 10B Airline Dr., Albany, NY—January 14, 2019, 11:00 a.m.



**ACTION PENDING INDEX**

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

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

For additional information concerning any of the proposals

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

Agency code	Issue number	Year published	Serial number	Action Code
<b>AAM</b>	<b>01</b>	<b>12</b>	<b>0001</b>	<b>P</b>

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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**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-51-18-00019-P	..... 12/19/19	General provisions	Update provisions consistent with treatment developments; definitions; technical gender language

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF</b>			
ASA-51-18-00020-P	12/19/19	Substance Use Disorder Withdrawal and Stabilization Services	Update provisions consistent with treatment developments; definitions; technical gender language
ASA-51-18-00021-P	12/19/19	Substance Use Disorder Residential Rehabilitation Services for Youth	Update provisions consistent with treatment developments; definitions; technical gender language
ASA-51-18-00022-P	12/19/19	Substance Use Disorder Inpatient Rehabilitation	Update provisions consistent with treatment developments; definitions; technical gender language
ASA-51-18-00023-P	12/19/19	Patient Rights	Update provisions consistent with treatment developments; definitions; technical gender language
ASA-51-18-00024-P	12/19/19	General Service Standards for Substance Use Disorder Outpatient Programs	Update provisions consistent with treatment developments; definitions; technical gender language.
<b>AUDIT AND CONTROL, DEPARTMENT OF</b>			
AAC-06-18-00002-P	02/07/19	Update provisions relating to Employer Reporting; Service Credit Determination for certain members; and Notice of Hearings	To update language necessitated by the modernization and redesign of the retirement system's benefit administration system
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
<b>CHILDREN AND FAMILY SERVICES, OFFICE OF</b>			
CFS-51-18-00010-P	12/19/19	Residential and non-residential services to victims of domestic violence	To conform the existing regulations to comply with state and federal laws regarding services to victims of domestic violence
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
CVS-12-18-00012-P	03/21/19	Jurisdictional Classification	To classify a subheading and a position in the non-competitive class
CVS-12-18-00025-P	03/21/19	Jurisdictional Classification	To classify positions in the exempt class
CVS-12-18-00030-P	03/21/19	Jurisdictional Classification	To classify a position in the exempt class
CVS-12-18-00035-P	03/21/19	Jurisdictional Classification	To classify a position in the exempt class
CVS-21-18-00022-P	05/23/19	Jurisdictional Classification	To delete positions from and classify positions in the exempt class and to delete a position from the non-competitive class
CVS-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
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
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
CVS-51-18-00002-P	12/19/19	Jurisdictional Classification	To classify positions in the non-competitive class

**Action Pending Index****NYS Register/December 19, 2018**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
CVS-51-18-00003-P	12/19/19	Jurisdictional Classification	To classify positions in the exempt class
CVS-51-18-00004-P	12/19/19	Jurisdictional Classification	To delete positions from and classify positions in the exempt class
CVS-51-18-00005-P	12/19/19	Jurisdictional Classification	To classify positions in the exempt class
CVS-51-18-00006-P	12/19/19	Jurisdictional Classification	To classify a position in the exempt class
CVS-51-18-00007-P	12/19/19	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-51-18-00008-P	12/19/19	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-51-18-00009-P	12/19/19	Jurisdictional Classification	To delete a position from and classify positions in the non-competitive class
<b>CORRECTION, STATE COMMISSION OF</b>			
CMC-42-18-00001-EP	10/17/19	Necessary age for admission to an adult lockup	To ensure that individuals under 17 years old are not admitted to an adult lockup
<b>CRIMINAL JUSTICE SERVICES, DIVISION OF</b>			
CJS-32-18-00005-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.
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.
<b>EDUCATION DEPARTMENT</b>			
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>EDUCATION DEPARTMENT</b>			
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
<b>ENVIRONMENTAL CONSERVATION, DEPARTMENT OF</b>			
ENV-12-18-00043-P	06/07/19	BEACH Act Standards and Reclassification Rule	To comply with the federal BEACH Act of 2000 (P.L. 106-284) and protect coastal recreation waters for recreation
ENV-20-18-00006-P	07/24/19	CO2 Emissions Standards for Major Electric Generating Facilities	To establish CO2 emissions standards for existing major electric generating facilities
ENV-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>FINANCIAL SERVICES, DEPARTMENT OF</b>			
*DFS-17-16-00003-P	..... exempt	Plan of Conversion by Commercial Travelers Mutual Insurance Company	To convert a mutual accident and health insurance company to a stock accident and health insurance company
DFS-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-42-18-00003-P	..... 10/17/19	Valuation of Life Insurance Reserves; Recognition of the 2001 CSO Mortality Table and the 2017 CSO Mortality Table, et al	To recognize mortality improvement for applicable policies issued prior to 1/1/2019 if optionally elected
DFS-46-18-00014-P	..... 11/14/19	Regulations Implementing the Comprehensive Motor Vehicle Insurance Reparations Act-Claims for Personal Injury Protection Benefit	To give insurer option to void assignment of benefits when insurer issues denial for EIP's failure to attend IME or EUO
<b>GAMING COMMISSION, NEW YORK STATE</b>			
SGC-09-18-00005-P	..... 02/28/19	The licensing and registration of gaming facility employees and vendors	To govern the licensing and registration of gaming facility employees and vendors
SGC-17-18-00002-P	..... 04/25/19	Regulation of courier services that purchase and claim certain Lottery tickets and prizes as agents for customers	To license courier services to facilitate the sale of Lottery tickets to generate more revenue for education
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>GAMING COMMISSION, NEW YORK STATE</b>			
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
<b>GENERAL SERVICES, OFFICE OF</b>			
GNS-46-18-00001-P	11/14/19	Service-Disabled Veteran-Owned Business Enterprises	To establish standards, procedures and criteria with respect to the Service-Disabled Veteran-Owned Business Enterprise program
<b>HEALTH, DEPARTMENT OF</b>			
*HLT-14-94-00006-P	exempt	Payment methodology for HIV/AIDS outpatient services	To expand the current payment to incorporate pricing for services
HLT-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.
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>HEALTH, DEPARTMENT OF</b>			
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
HLT-51-18-00001-P	12/19/19	HIV Uninsured Care Programs	To amend the HIV Uninsured Care Programs to align program eligibility elements with other health care access programs
HLT-51-18-00015-P	12/19/19	Hospital Policies for Human Trafficking Victims	To establish policies and procedures for the identification, assessment, treatment, and referral of human trafficking victims
HLT-51-18-00016-P	12/19/19	Nursing Home Weekly Bed Census Survey	To require nursing homes to electronically submit weekly bed census data to the DOH through the Health Commerce System
HLT-51-18-00017-P	12/19/19	Clinical Laboratory Directors	Recognize additional accrediting boards for qualification of clinical laboratory directors to obtain a cert. of qualification
HLT-51-18-00018-P	12/19/19	New requirements for Annual Registration of Licensed Home Care Services Agencies	To amend the regulations for licensed home care services agencies for the annual registration requirements of the agency
<b>LABOR, DEPARTMENT OF</b>			
*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
<b>LAW, DEPARTMENT OF</b>			
LAW-41-18-00021-P	10/10/19	Arbitration program regulations for defective farm equipment	To set forth the procedures for the operation of an alternative arbitration mechanism for defective farm equipment disputes
<b>LIQUOR AUTHORITY, STATE</b>			
LQR-07-18-00011-P	04/18/19	Municipal notification requirements for Temporary Beer and Wine Permit as well as Catering Permit applications for large events	To establish municipal notification for Temporary Beer and Wine Permit as well as Catering Permit applications for large events
<b>LONG ISLAND POWER AUTHORITY</b>			
*LPA-08-01-00003-P	exempt	Pole attachments and related matters	To approve revisions to the authority's tariff
*LPA-41-02-00005-P	exempt	Tariff for electric service	To revise the tariff for electric service
*LPA-04-06-00007-P	exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan
*LPA-03-10-00004-P	exempt	Residential late payment charges	To extend the application of late payment charges to residential customers

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>LONG ISLAND POWER AUTHORITY</b>			
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
<b>NIAGARA FALLS WATER BOARD</b>			
*NFW-04-13-00004-EP	..... exempt	Adoption of Rates, Fees and Charges	To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders
*NFW-13-14-00006-EP	..... exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders
<b>NIAGARA FRONTIER TRANSPORTATION AUTHORITY</b>			
NFT-37-18-00020-P	..... 09/12/19	Transportation Network Company Operators providing commercial ground transportation services at NFTA airports	To provide cohesive operating procedures and practices for Transportation Network Companies operating at NFTA airports
<b>OGDENSBURG BRIDGE AND PORT AUTHORITY</b>			
OBA-33-18-00019-P	..... exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit.
<b>PARKS, RECREATION AND HISTORIC PRESERVATION, OFFICE OF</b>			
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
<b>PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR</b>			
PDD-07-18-00001-ERP	..... 02/14/19	Enrollment in Medicare Prescription Drug Plans and Fully Integrated Duals Advantage Plans for IDD	To allow individuals to be enrolled in a FIDA-IDD plan when individuals are unable to enroll themselves
PDD-45-18-00001-EP	..... 11/07/19	Telehealth	To authorize telehealth as a new modality for the delivery of clinical services
<b>POWER AUTHORITY OF THE STATE OF NEW YORK</b>			
*PAS-01-10-00010-P	..... exempt	Rates for the sale of power and energy	Update ECSB Programs customers' service tariffs to streamline them/include additional required information
PAS-42-18-00005-P	..... exempt	Rates for the Sale of Power and Energy	To align rates and costs
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-09-99-00012-P	..... exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	..... exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-12-00-00001-P	..... exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-44-01-00005-P	..... exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*PSC-27-04-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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.
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*PSC-08-10-00009-P	..... exempt	Consolidated Edison of New York, Inc. energy efficiency programs	To modify approved energy efficiency programs

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

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<b>PUBLIC SERVICE COMMISSION</b>			
*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
*PSC-26-11-00007-P	..... exempt	Water rates and charges	To approve an increase in annual revenues by about \$25,266 or 50%

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

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<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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.
*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

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<b>PUBLIC SERVICE COMMISSION</b>			
*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 and the Customer Trouble Report Rate levels at certain central office entities
*PSC-10-14-00006-P	..... exempt	Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance	To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

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<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

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<b>PUBLIC SERVICE COMMISSION</b>			
*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.
*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.

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<b>PUBLIC SERVICE COMMISSION</b>			
*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.
*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.

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<b>PUBLIC SERVICE COMMISSION</b>			
*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.
*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.

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<b>PUBLIC SERVICE COMMISSION</b>			
*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.
*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.

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<b>PUBLIC SERVICE COMMISSION</b>			
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 NYSERDA 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.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
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 Aspiry for its non-compliance with Commission requirements.	To ensure the provision of safe and adequate energy service at just and reasonable rates.
PSC-23-18-00010-P	..... exempt	Community Distributed Generation project rules.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-23-18-00011-P	..... exempt	Proposed rate filing in Hudson Valley Water Companies, Inc.'s annual revenues of approximately \$24,370 or 13.0%.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-23-18-00014-P	..... exempt	Proposed major rate increase of approximately \$11.7 million to cover its Franklin and St. Lawrence Counties expansion project.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
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.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
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.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
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.
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
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.
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
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
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
PSC-51-18-00011-P	..... exempt	The 2018 Outcome-Based EAM Collaborative Report.	To ensure the establishment of fair and equitable metrics, targets and associated incentive levels.
PSC-51-18-00012-P	..... exempt	Petition for water metering equipment.	To ensure that customer bills are based on accurate measurements of water usage.

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-51-18-00013-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-51-18-00014-P	..... exempt	Consideration for the use of the expired CDP funds.	To provide potential customers affordable access to natural gas service.
<b>STATE, DEPARTMENT OF</b>			
DOS-36-18-00008-P	..... 11/08/19	New York State Uniform Fire Prevention and Building Code (the Uniform Code)	To amend the existing Uniform Code to add provisions for diaper changing stations in certain buildings.
<b>STATE UNIVERSITY OF NEW YORK</b>			
SUN-44-18-00003-P	..... 10/31/19	Proposed amendments to the traffic and parking regulations at State University College at Oneonta	Amend existing regulations to update traffic and parking regulations
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
<b>TAXATION AND FINANCE, DEPARTMENT OF</b>			
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
<b>TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF</b>			
TDA-12-18-00004-P	..... 03/21/19	Reengagement/conciliation and sanction procedures for employment programs	To implement statutory changes relative to public assistance (PA) reengagement/conciliation and sanction procedures
TDA-41-18-00002-EP	..... 10/10/19	Standard Utility Allowances (SUAs) for the Supplemental Nutrition Assistance Program (SNAP)	These regulatory amendments set forth the federally-mandated and approved SUAs as of 10/1/18
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
<b>TRANSPORTATION, DEPARTMENT OF</b>			
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
<b>TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY</b>			
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
<b>WORKERS' COMPENSATION BOARD</b>			
WCB-52-17-00021-RP	03/27/19	Establishment of Prescription Drug Formulary	Establishment of a drug formulary that includes high-quality and cost-effective preauthorized medication
WCB-23-18-00004-P	06/06/19	Fees for Medical Testimony	To increase fees for medical testimony and eliminate fee reductions for multiple appearances as this provision is not used
WCB-23-18-00005-RP	06/06/19	Medical Fee Schedules	Update the fees paid for medical treatment in workers' compensation claims
WCB-49-18-00010-P	12/05/19	Pharmacy Fee Schedule	Update the pricing methodology for prescription drugs



# RULE REVIEW

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## Justice Center for the Protection of People with Special Needs

As required by State Administrative Procedure Act § 207, the following is a list of rules which were adopted by the Justice Center for the Protection of People with Special Needs (Justice Center) in calendar year 2013 which must be reviewed in calendar year 2018. Public comment on the continuation or modification of these rules is invited and must be received within 45 days of the date of the publication of this Notice. Comments may be directed to: Deirdre Keating, Associate Attorney, Office of General Counsel at [deirdre.keating@justicecenter.ny.gov](mailto:deirdre.keating@justicecenter.ny.gov) or via mail to the Justice Center at 161 Delaware Avenue, Delmar, NY 12054.

RULES ADOPTED IN 2013 and effective on June 26, 2013:

### 1) Addition of Part 700 to Title 14 NYCRR

The Administrative Adjudication Process for Substantiated Cases of Abuse and Neglect

Analysis for the need for the rule: To comply with paragraph a of subdivision 1 of section 494 of the Social Services Law and establish an appeals process by which the subject of the report is notified of the right to appeal and the procedure by which he or she may challenge the determination that a report is substantiated with a de novo standard of review.

Statutory Authority: Paragraph a of subdivision 1 of section 494 of the Social Services Law.

### 2) Addition of Part 701 to Title 14 NYCRR

Justice Center Criminal History Information Checks

Analysis for the need for the rule: To establish procedures so that providers are aware of statutory requirements relating to certain pre-employment checks in addition to criminal history information checks, such as the register of substantiated category one cases of abuse and neglect, established pursuant to section 495 of the Social Services Law, also known as the staff exclusion list; and the manner in which the Justice Center will review and evaluate criminal history information in relation to making suitability determinations for employment for those working with vulnerable populations as defined in subdivision 15 of section 488 of the Social Services Law.

Statutory Authority: Subdivision (5) of section 553 of the Executive Law; Section 16.33 of the Mental Hygiene Law; Section 31.35 of the Mental Hygiene Law; Subdivision (1) of section 378-a of the Social Service Law.

### 3) Addition of Part 702 to Title 14 NYCRR

Use of Social Security Numbers

Analysis for the need for the rule: This rule outlines the procedures for obtaining and using social security numbers to assist in verifying the identity of subjects of reports in the vulnerable persons central register individuals placed on the staff exclusion list and those individuals who must be screened against the staff exclusion list.

Statutory Authority: Sections 492, 493, 494, and 495 of the Social Services Law; paragraph (e) of subdivision (1) of section 96 of the

Public Officers Law; paragraph (c) of subdivision (1) one of section 94 of the Public Officers Law; paragraph (b) of subdivision (3) of section 399ddd of the General Business Law.

### 4) Addition of Part 703 to Title 14 NYCRR

Justice Center Facility and Provider Disclosure

Analysis for the need for the rule: To comply with subdivision 6 of section 490 of the Social Services Law, and to establish the process for requesters to request the disclosure of records of state certified or licensed facilities or provider agencies, as defined in subdivision (4) of section 488 of the Social Services Law, relating to the abuse or neglect of vulnerable persons. The Justice Center is required to review and forward such requests to the entities which may maintain the requested records and upon receipt of such records, if any, and make a determination regarding redactions of information contained in such records and exemptions from disclosure of those records consistent with Article 6 of the Public Officers Law.

Statutory Authority: Subdivision (6) of section 490 of the Social Services Law.

### 5) Addition of Part 704 to Title 14 NYCRR

Incident Review Committee Requirement

Analysis for the need for the rule: This rule identifies appropriate methods that may be used to attain compliance with the incident review committee requirement and further defines relevant factors to consider in determining whether it is appropriate to grant an exemption from the incident review committee requirement.

Statutory Authority: Section 490 of the Social Services Law.

RULE ADOPTED IN 1986 and amended 12/31/08; 03/11/09; and 11/28/18.

### 1) Amendment of Part 710 to Title 14 NYCRR

Procedures of the Surrogate Decision-Making Committees of the New York State Commission on Quality of Care for the Mentally Disabled

Analysis for the need for the rule: To comply with Article 80 of the Mental Hygiene Law. The Justice Center submitted a notice of proposed rulemaking amending Part 710 which was published in the State Register on August 1, 2018 in order to update and set forth uniform procedures for the surrogate decision-making committee established by article 80 of the Mental Hygiene Law.

Statutory Authority: Article 80 of the Mental Hygiene Law and Article 17-A and section 17-b of the Surrogates Court Procedure Act.

## Department of Taxation and Finance

Pursuant to section 207 of the State Administrative Procedure Act (SAPA) the Department of Taxation and Finance intends to review the following rules during 2019, and invites written comments on the continuation or modification of these rules in order to assist the Department in the required review. We will consider comments that are received by February 17, 2019. Any questions concerning the items listed in this rule review or comments regarding the continuation of the rules being reviewed should be referred to: Office of Counsel,

Department of Taxation and Finance, W.A. Harriman Campus, Building 9, Room 200, Albany, New York 12227. Telephone: (518) 530-4153, Email address: tax.regulations@tax.ny.gov.

#### RULES ADOPTED IN 2016

##### 1. TAF-13-16-00005-A Metropolitan Transportation Business Tax Surcharge.

This rule amended Title 20 NYCRR to add a new Part 9 to provide the metropolitan transportation business tax rate for tax year 2016, pursuant to Tax Law section 209-B(1)(f), which requires the Commissioner to annually adjust the rate of the metropolitan transportation business tax surcharge for taxable years beginning on or after January 1, 2016.

Analysis of the need for the rule: This rule implemented section 209-B(1)(f) of the Tax Law, added by Chapter 59 of the Laws of 2014.

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis, or a job impact statement.

Legal basis for the rule: Tax Law, sections 171, subd. First 209-B(1)(f).

##### 2. TAF-21-16-00006-A Production of Daily Inventory Records to the Department of Taxation and Finance.

This rule amended section 533.2(e) of Title 20 NYCRR to require that those already required to maintain daily inventory records relating to underground storage facilities provide them to the Department, upon request.

Analysis of the need for the rule: The rule requires that every person subject to the inventory monitoring for underground storage facilities requirements in New York State Department of Environmental Conservation Regulation 6 NYCRR 613 that must already maintain daily inventory records for each tank (or battery of tanks if they are interconnected) must also provide or make available those records upon request by the New York State Department of Taxation and Finance. This rule furthers the administration of the tax law by providing the department with accurate, detailed information, to ensure that the appropriate amount of tax is remitted in connection with the purchase and sale of petroleum products. The rule imposes no additional burdens on regulated parties in that it merely requires them to produce records they are already required to maintain under Department of Environmental Conservation regulations.

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis, or a job impact statement.

Legal basis for the rule: Tax Law, sections 171, subd. First and 1135(d).

##### 3. TAF-21-16-00002-A Computation of Property Percentage of the Apportionment Factor for Personal Income Tax.

This rule amended sections 132.15(d), 262.2(a), (b) and (c) of Title 20 NYCRR to clarify that the property percentage includes rented tangible personal property in the apportionment factor.

Analysis of the need for the rule: The purpose of these amendments is to clarify that the property percentage includes tangible personal property rented to the taxpayer, when apportioning and allocating income from a business carried on partly within and partly without New York State. The previous regulations explicitly discussed the computation of the property factor with regard to rented real property, but were silent on the treatment of rented tangible personal property. Because of this omission, there was a potential for some confusion as to the treatment of rented tangible personal property. The purpose of this rule was to avoid such confusion.

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis, or a job impact statement.

Legal basis for the rule: Tax Law, sections 171, subd. First, 631(c), 697(a) and 1332(a); Code of the City of Yonkers, sections 15-108 and 15-118.

#### RULES ADOPTED IN 2009

##### 1. TAF-07-09-00010-A Communications of the Division of Taxation of the Department of Taxation and Finance.

This rule amended Parts 2375 and 2376 of Title 20 NYCRR of the Communications of the Division of Taxation of the Department of Taxation and Finance Regulations to reflect policy changes concerning communications of the Division of Taxation.

Analysis of the need for the rule: The rule needed to be updated to recognize alternative methods of disseminating communications of the department, including use of the department's Web site and online tax information, as well as electronic mail. The procedures for review and issuance of advisory opinions were streamlined to improve timeliness and protect taxpayer confidentiality. Opinions of Counsel, which were discretionary and similar in many respects to technical memoranda (TSB-Ms) were discontinued to avoid unnecessary duplication.

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis, or a job impact statement.

Legal basis for the rule: Tax Law, sections 171, subds. First and Twenty-fourth; 1142(1); and 1250 (not subdivided).

##### 2. TAF-07-09-00012-A Filing Requirements for Certain Wine Distributors Registered Under Article 18 of the Tax Law.

This rule amended section 60.1 of Title 20 NYCRR of the Alcoholic Beverage Tax Regulations to allow certain wine distributors to file annual rather than monthly alcoholic beverage returns.

Analysis of the need for the rule: This rule reduced the tax filing burden for certain New York State farm wineries, micro-wineries, and out-of-state direct wine shippers as records showed that the tax liability of these wine distributors was minimal.

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis, or a job impact statement.

Legal basis for the rule: Tax Law, sections 171, subd. First; 429(1); and 436 (not subdivided).

##### 3. TAF-07-09-00011-A Consumer Bill of Rights Regarding Tax Preparers.

This rule added Part 2398 to the Title 20 NYCRR Procedural Regulations in compliance with a statutory requirement that the department produce and make available an informational flier called a Consumer Bill of Rights Regarding Tax Preparers.

Analysis of the need for the rule: This rule implemented provisions of section 372 of the General Business Law, added by Chapter 432 of the Laws of 2008.

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis, or a job impact statement.

Legal basis for the rule: General Business Law, section 372.

##### 4. TAF-43-09-00023-A Permanent Place of Abode.

This rule amended section 105.20(e)(1) of the Title 20 NYCRR Personal Income Tax Regulations to except dwellings maintained by full-time undergraduate students from the definition of permanent place of abode.

Analysis of the need for the rule: In 2008, the regulations were amended to eliminate the "temporary stay" concept from the definition of "permanent place of abode". Removing the temporary stay concept from the regulations rendered many college students (e.g., those living in apartments) previously not taxed as residents subject to personal income tax as statutory residents. Students living in traditional dormitories were never subject to tax as statutory residents because dormitories lack the facilities to be deemed permanent places of abode under the regulations. The rule eliminated this distinction.

The notice of proposed rulemaking included a regulatory flexibility analysis and a rural area flexibility analysis.

Legal basis for the rule: Tax Law, sections 171, subd. First; 697(a) and 605(b)(1).

##### 5. RPS-37-08-00002-A Agricultural Assessment Program Definitions.

This rule amended former section 194.1 of Title 9 NYCRR to conform the definitions applicable to the agricultural assessment program with the provisions of Agricultural and Markets Law, Article 25-AA.

Analysis of the need for the rule: The Agricultural and Markets Law was amended to revise the eligibility requirements for receiving agricultural assessments. This rule updated the regulations to reflect the statutory changes and facilitated a more accurate and complete understanding of the agricultural assessment program by assessors and the farm community.

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis, or a job impact statement.

Legal basis for the rule: Real Property Tax Law, Sections 202(1)(l) and Agricultural and Markets Law 307.

6. RPS-45-08-00019-A Certification and Training Rules for Certain New York City (NYC) Assessors.

This rule amended former Subpart 188-8 of Title 9 NYCRR to reflect the provisions of Chapter 252 of the Laws of 2007 relating to training and certificates for certain New York City Assessors.

Analysis of the need for the rule: The rule reflected the extended time to obtain certification and added flexibility to the training program to incorporate assessors whose functions involve adjudication rather than just appraisal.

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis, or a job impact statement.

Legal basis for the rule: Real Property Tax Law, Art. 3, Title 3 and Section 202(1)(l).

#### RULES ADOPTED IN 2004

1. TAF-10-04-00025-A Farming and Commercial Horse Boarding Operations.

This rule updated sections 528.7 and 528.22 of Title 20 NYCRR of the Sales and Use Taxes Regulations to reflect current Tax Law as it pertains to farming and commercial horse boarding operations.

Analysis of the need for the rule: Chapter 407 of the Laws of 1999 and Chapters 63 and 472 of the Laws of 2000 amended Tax Law § 1115(a)(6) and related provisions to substantially broaden the sales tax exemptions for farming and commercial horse boarding operations. This rule was necessary to update the regulations by deleting dated information and by incorporating the legislative objectives of the 1999 and 2000 Tax Law amendments.

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis, or a job impact statement.

Legal basis for the rule: Tax Law, sections 171, subd. First; 1101(b)(19) and (20); 1105(c)(3)(vi) and (5)(iii); 1115(a)(6), (15), and (16) and (c)(2); 1142(1) and (8); and 1250 (not subdivided).

2. TAF-45-03-00004-A Registration of Wholesale Dealers of Cigarettes.

The rule amended the Cigarette Tax Regulations and the Cigarette Marketing Standards regulations of Title 20 NYCRR to require a licensed wholesale dealer of cigarettes that also sells cigarettes at retail to be registered as a retail dealer of cigarettes.

Analysis of the need for the rule: The rule provides separate authorities for each activity: a wholesale dealer's license for sales of cigarettes for resale and a retail dealer's certificate of registration for each separate retail location where cigarettes are sold to consumers. As a result, a wholesale dealer that also sells cigarettes at retail became subject to the appropriate penalties applicable to its retail activity. In addition, wholesale dealers that also sell cigarettes at retail locations are now subject to the suspension and revocation of their dealers' certificate of registration for sales to minors.

The notice of proposed rulemaking included a regulatory flexibility analysis.

Legal basis for the rule: Tax Law, sections 171, subd. First, 475 (not subdivided), 482-a, and 488.

3. TAF-06-04-00001-A Personal Income Tax Estimated Payments.

This rule amended the Personal Income Tax regulations relating to estimated tax payments on sales or transfers of real property by non-resident taxpayers required by section 663 of the Tax Law.

Analysis of the need for the rule: The rule complies with the statutory requirements of section 663 of the Tax Law.

The notice of proposed rulemaking included a regulatory flexibility analysis and a rural area flexibility analysis.

Legal basis for the rule: Tax Law, sections 171, subdivision First; 663, and 697(a).

4. TAF-52-03-00024-A Personal Income Tax Deductions.

This rule amended the personal income tax regulations to update provisions concerning the deductions subtracted by a resident individual from New York adjusted gross income in arriving at the New York taxable income of a resident individual.

Analysis of the need for the rule: The rule reflects the decision of the New York State Tax Appeals Tribunal in *Matter of Shorter* concerning the New York State deduction (standard or itemized) used in computing the New York taxable income of a resident individual.

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis, or a job impact statement.

Legal basis for the rule: Tax Law, sections 171, subdivision First, and 697(a).

5. TAF-45-03-00003-A Taxation of Foreign Corporations Participating in a Trade Show.

This rule amended the business corporation franchise tax regulations to provide that limited participation in a trade show or shows in New York State is an activity that is deemed insufficient to subject a foreign corporation to the tax. The amendments also reflected various statutory provisions and included nonsubstantive technical changes.

Analysis of the need for the rule: The rule provides a bright-line nexus test for foreign corporations participating in trade shows in New York State.

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis, or a job impact statement.

Legal basis for the rule: Tax Law, sections 171, subd. First, and 1096(a).

6. RPS-05-04-00005-A Assessors Reports and State Equalization Rates.

This rule amended former Parts 186 and 193 of Title 9 NYCRR to revise the assessors' reports requirements, the definition of isolated properties for equalization studies and the standard for establishing special segment equalization rates.

Analysis of the need for the rule: The rule reduced information required to be submitted by local governments and achieved certain efficiencies.

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis, or a job impact statement.

Legal basis for the rule: Real Property Tax Law, sections 202(1)(l), 575, 1200 and 1314(2).

7. RPS-06-04-00003-A Annual License Fees.

This rule amended former section 190-3.2 of Title 9 NYCRR relating to the annual license fee for users of the Real Property System (RPS).

Analysis of the need for the rule: The schedule of annual fees paid by users of the Real Property System (RPS) was revised based on costs to support the RPS system.

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis, or a job impact statement.

Legal basis for the rule: Real Property Tax Law, Section 202(1)(l); State Finance Law, Section 97-kk.

8. RPS-06-04-00004-A State Advisory Appraisals.

This rule amended former Subpart 195-2 of Title 9 NYCRR to simplify the program of state advisory appraisals.

Analysis of the need for the rule: The rule simplified the process conducting annual programs, shortened the times for providing

requests and information, and clarified that communications may be electronic if the parties so agree.

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis, or a job impact statement.

Legal basis for the rule: Real Property Tax Law, Sections 202(1)(l) and 1544.

#### 9. RPS-09-04-00005-A Calculation of Railroad Ceilings.

This rule added former Part 200-3 to Title 9 NYCRR to establish standards for railroads to receive depreciation in the calculation of their ceilings for local real property taxation.

Analysis of the need for the rule: The rule provided the process for applying for increased depreciation as well as the standards for granting the depreciation as required by Real Property Tax Law section 489-g and 489-ii.

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis, or a job impact statement.

Legal basis for the rule: Real Property Tax Law, Sections 202(1)(l), 489-g(8) and 489-ii(9).

#### 10. RPS-36-04-00002-A State Assistance for Annual Assessment Programs.

This rule added former section 201-2.3(f) to Title 9 NYCRR to set the filing requirements for six-year plans.

Analysis of the need for the rule: Requiring the submission of the plan sufficiently in advance of the filing of the tentative assessment roll enabled staff to analyze the plan and recommend changes to the assessing unit at a time when deficiencies could still be corrected.

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis, or a job impact statement.

Legal basis for the rule: Real Property Tax Law, Sections 202(1)(l) and 1573(1)(a).

#### RULES ADOPTED IN 1999

##### 1. TAF-06-99-00018-A Employee Meals and Lodging.

This rule amended sections 527.8(j) and 527.9(g) of Title 20 NYCRR of the Sales and Use Taxes Regulations to delete complex requirements regarding employee meals and lodging that were no longer applicable.

Analysis of the need for the rule: This rule was necessary to simplify the regulations and to bring them up to date to reflect the Department's current policy with respect to employee meals and lodging. The rule eliminated from the regulations complex requirements that were no longer applicable and retained only the provisions that meals and lodging furnished by certain employers to employees are not subject to sales tax if the employers receive no cash (or other consideration) from the employees and the values of the meals and lodging are not included as income for the employees for income tax purposes.

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis, or a job impact statement.

Legal basis for the rule: Tax Law, sections 171, subd. First; 1142(1); and 1250 (not subdivided).

##### 2. TAF-22-99-00001-A Sales and Use Taxes Regulations – Part 525 (General).

This rule amended Part 525 of Title 20 NYCRR of the Sales and Use Taxes Regulations concerning general sales and compensating use tax provisions.

Analysis of the need for the rule: This rule was necessary to update and simplify the "general" provisions in Part 525 by deleting text that merely repeated the statute or that was superfluous, unnecessarily complex, or no longer applicable. The rule also cited pertinent sections of the Tax Law applicable to sales and use taxes.

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis, or a job impact statement.

Legal basis for the rule: Tax Law, sections 171, subd. First; 1142(1) and (8); and 1250 (not subdivided).

##### 3. TAF-22-99-00002-A Abatement of Penalties.

The rule added Part 2392 to Title 20 NYCRR of the Procedural Regulations to consolidate and modify the grounds to establish reasonable cause.

Analysis of the rule: The rule expanded the application of reasonable cause to various other penalties imposed by the Tax Law that allowed for abatement upon a showing of reasonable cause and an absence of willful neglect. Consolidating these provisions as a single source facilitated the process of obtaining information regarding the various grounds for reasonable cause. The rule created a broad, uniform reference applicable to various taxes by including penalties that were not previously covered by the regulations and tax articles that have penalties that are jointly administered. The rule expanded what constitutes reasonable cause.

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis, or a job impact statement.

Legal basis for the rule: Tax Law, sections 171, subd. First; 171-a(8); 207-b; 219-a; 289-b(1)(c); 295 (not subdivided); 315; 433(1)(c); 436 (not subdivided); 475 (not subdivided); 481(1)(a)(iii); 509(7); 512(1)(c); 528(a); 697(a); 990(a); 1007(b); 1080(a); 1096(a); 1142(1) and (8); 1145(a)(1)(iii) and (a)(6); 1165 (not subdivided); 1250 (not subdivided); 1312(a); 1332(a); 1342 (not subdivided); 1415(a); 1468 (not subdivided); 1519 (not subdivided); and 1556 (not subdivided); and General City Law, section 25-n(e).

##### 4. TAF-17-99-00005-A Offers in Compromise of Fixed and Finally Determined Tax Liabilities.

This rule added Part 5005 to Title 20 NYCRR of the Compromises Regulations to codify the department's policy in relation to offers in compromise of fixed and finally determined tax liabilities allowed under section 171 (Fifteenth) of the Tax Law.

Analysis of the need for the rule: The rule provided written guidance to taxpayers with respect to the grounds for an offer in compromise, the procedure for submission of an offer, the procedure for review and acceptance or rejection of an offer and the criteria for rejection of an offer.

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis, or a job impact statement.

Legal basis for the rule: Tax Law, sections 171, subds. First and Fifteenth.

##### 5. TAF-16-99-00002-A Conforming the Due Dates of Short Period Returns.

This regulation conformed the due dates of certain general business and banking corporations' short period reports to those required for Federal income tax purposes. Specifically, the amendments conformed the due dates of short period reports required in cases where a taxpayer became part of or ceased to be part of a Federal consolidated group or changed from one Federal consolidated group to another. In addition, the amendments conformed the due date of a short period report required in the case of a taxpayer which was a target corporation for which an election had been made under section 338(h)(10) of the Internal Revenue Code.

Analysis of the need for the rule: The rule eased the burden on taxpayers required to file certain short period reports by conforming the due dates of those short period reports to those required for Federal income tax purposes.

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis, or a job impact statement.

Legal basis for the rule: Tax Law, sections 171, subd. First; 211.1; 1096(a); and 1462(a).

##### 6. TAF-22-99-00004-A Allocation for Business Corporations.

This rule amended Part 4 of Title 20 NYCRR of the Business Corporation Franchise Tax Regulations, relating to allocation, to repeal obsolete language and references contained in various sections of this Part, to make changes necessitated by legislative amendments, and to make technical and clarifying amendments.

Analysis of the need for the rule: This rule provided taxpayers using the regulations with current information about tax policies and procedures to assist them in complying with the Tax Law.

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis, or a job impact statement.

Legal basis for the rule: Tax Law, sections 171, subd. First; 210; 210(3)(a), (1), (2), (2)(B), (6), (7)(A), (8); 210(8); and 1096(a).

7. TAF-28-99-00014-A Pension and Annuity Exclusion.

This rule amended the Personal Income Tax regulations to extend the personal income tax pension and annuity exclusion to payments received by a beneficiary of a deceased pensioner on or after the date the decedent would have reached 59 ½ years of age.

Analysis of the need for the rule: The rule ensured equitable treatment with respect to the \$20,000 exclusion for pension and annuity payments for beneficiaries, whether the decedent had died before or after reaching the age of 59 ½.

The notice of proposed rulemaking included a regulatory flexibility analysis and a rural area flexibility analysis.

Legal basis for the rule: Tax Law, sections 171, subdivision First; 612(c)(3-a); and 697(a).

8. RPS-08-99-00015-A Inventory Standards of Property Characteristics.

This rule amended former Subparts 190-1 and 192-3 of Title 9 NYCRR to establish a comprehensive list of inventory standards.

Analysis of the need for the rule: The rule established a list of property characteristics by property class to be used uniformly by all assessors throughout the State. It addresses the issue of incomplete inventory kept by assessors.

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis, or a job impact statement.

Legal basis for the rule: Real Property Tax Law, Sections 202(1)(e), 202(1)(g), 202(1)(l), 500 and 501.



# SECURITIES OFFERINGS

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## STATE NOTICES

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

## DEALERS; BROKERS

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1801 N Madison, LLC  
80A Ocean Ave., Massapequa, NY 11758  
*State or country in which incorporated* — Indiana

Abili Investments, LLC  
718 W. Business Hwy. 60, Dexter, MO 63841  
*State or country in which incorporated* — Missouri

AG Liquid Credit Fund, L.P.  
c/o Angelo, Gordon & Co., L.P., 245 Park Ave., New York, NY 10167  
*Partnership* — AG Liquid Credit GP, LLC

AG Liquid Credit Fund Holdings, Ltd.  
c/o Angelo, Gordon & Co., L.P., 245 Park Ave., New York, NY 10167  
*State or country in which incorporated* — Cayman Islands

Amarillo Biosciences, Inc.  
4134 Business Park Dr., Amarillo, TX 79110  
*State or country in which incorporated* — Texas

American Portfolios Financial Services, Inc.  
4250 Veterans Memorial Hwy., Holbrook, NY 11741  
*State or country in which incorporated* — New York

Blue Hill Co-op, Inc.  
P.O. Box 1133, Blue Hill, ME 04614  
*State or country in which incorporated* — Maine

Chineseinvestors.com, Inc.  
227 W. Valley Blvd., Suite 208A, San Gabriel, CA 91776  
*State or country in which incorporated* — Indiana

Cibolo Energy Coinvestment III, LLC  
1455 W. Loop S, Suite 230, Houston, TX 77027  
*Partnership* — Cibolo Energy Partners GP, L.P.

Context Partners Fund, L.P.  
2223 Avenida De La Playa, Suite 300, La Jolla, CA 92037  
*Partnership* — Context Capital Management, LLC, general partner

DAD Melbourne Holdings, LP  
255 Alhambra Circle, Suite 760, Coral Gables, FL 33134  
*Partnership* — DAD Melbourne Holdings GP, LLC

Denim LA, Inc.  
8899 Beverly Blvd., Suite 600, West Hollywood, CA 90048  
*State or country in which incorporated* — Delaware

Emerson Equity, LLC  
155 Bovet Rd., Suite 725, San Mateo, CA 94402  
*State or country in which incorporated* — California limited liability company

Foreside Global Services, LLC  
Three Canal Plaza, Suite 100, Third Fl., Portland, ME 04101  
*State or country in which incorporated* — Delaware limited liability company

Fort Myers Multifamily DST  
2901 Butterfield Rd., Oak Brook, IL 60523  
*State or country in which incorporated* — Delaware

Frontier Financial Alternative Investment Fund, LP  
1398 Windsor Rd., Cardiff, CA 92007  
*Partnership* — Weiss Capital Group II, LLC

Glytch, Inc.  
330 112th Ave. NE, Suite 301, Bellevue, WA 98004  
*State or country in which incorporated* — Delaware

Gracie Events, LLC  
285 W. Broadway, Suite 400, New York, NY 10013  
*State or country in which incorporated* — Delaware

Green Check Verified Inc.  
Five Science Park, New Haven, CT 06511  
*State or country in which incorporated* — Delaware

Green Rush Group, Inc.  
2180 Bryant St., San Francisco, CA 94410  
*State or country in which incorporated* — Delaware

Green Vista Capital, LLC  
228 N. Park Ave., Suite K, Winter Park, FL 32789  
*State or country in which incorporated* — Florida limited liability company

Grids of Skill LLC  
220 Hempstead Ave., Rockville Centre, NY 11570  
*State or country in which incorporated* — New York

HFIOF Feeder Fund  
c/o Trident Trust Company (Mauritius) Limited, Fifth Fl., Barkly Wharf, Le Caudan Waterfront, Port Louis  
*State or country in which incorporated* — Mauritius

Hornet Corporation  
111 Imperial Blvd., Bldg. D400, Hendersonville, TN 37075  
*State or country in which incorporated* — Tennessee

Hudson Housing Tax Credit LXXIX LP  
630 Fifth Ave., 28th Fl., New York, NY 10111  
*Partnership* — Hudson GP LXXIX LLC

ICG Apartment Fund 2018 LLC  
901 5th Ave., Suite 4100, Seattle, WA 98164  
*State or country in which incorporated* — Washington

Maze Focus Fund, LP  
12100 Wilshire Blvd., Suite 800, Los Angeles, CA 90025  
*Partnership* — Maze Investments, LLC

Nantucket Multi Managers, LLC  
40950 Woodward Ave., Suite 307, Bloomfield Hills, MI 48304  
*State or country in which incorporated* — Delaware

Nice Girls Tour LLC  
c/o Vista Tax Group, LLC, 120 Columbia Tpk., Suite 3, Florham Park, NJ 07932  
*State or country in which incorporated* — Delaware limited liability company

Nolen Lake Partners, LLC  
1110 23rd St. S, Birmingham, AL 35205  
*Partnership* — Green Rock Management, LLC

OsteoNovus, Inc.  
1510 N. Westwood, Rm. 2040, Toledo, OH 43606  
*State or country in which incorporated* — Ohio

Putnam Retail Management Ltd Partnership  
100 Federal St., Boston, MA 02110  
*State or country in which incorporated* — Massachusetts

Redcar Fund I LP  
2341 Michigan Ave., Santa Monica, CA 90404  
*Partnership* — Redcar Fund I GP LP

Redcar Fund I Feeder LP  
2341 Michigan Ave., Santa Monica, CA 90404  
*Partnership* — Redcar Fund I GP LP

Rockaway Beach Hotel, LLC  
45 Main St., Suite 526, Brooklyn, NY 11201  
*State or country in which incorporated* — New York

Root, Inc.  
80 E. Rich St., 5th Fl., Columbus, OH 43215  
*State or country in which incorporated* — Delaware

SlideBelts Inc.  
4818 Golden Foothill Pkwy., Unit 9, El Dorado Hills, CA 95762  
*State or country in which incorporated* — Delaware

Socotra Opportunity Fund, LLC, The  
2208 29th St., Suite 100, Sacramento, CA 95817  
*State or country in which incorporated* — California limited liability company

Specialty Liquid Transportation Corp.  
610-700 W. Pender St., Vancouver, British Columbia, Canada V6C 1G8  
*State or country in which incorporated* — British Columbia

Sterling Associates Limited Partnership  
5885 SW. 118th St., Coral Gables, FL 33156  
*State or country in which incorporated* — Florida

Taproom Social CLT LLC  
10405 Royal Winchester Dr., Charlotte, NC 28277  
*State or country in which incorporated* — North Carolina

Thoma Bravo Executive Fund XIII, L.P.  
150 N. Riverside Plaza, Suite 2800, Chicago, IL 60606  
*Partnership* — Thoma Bravo Partners XIII, L.P.

Thoma Bravo Executive Fund XIII-P, L.P.  
150 N. Riverside Plaza, Suite 2800, Chicago, IL 60606  
*Partnership* — Thoma Bravo Partners XIII-P, L.P.

Unique Foods Corp.  
322 Mall Blvd., #149, Monroeville, PA 15146  
*State or country in which incorporated* — Delaware

United Rail, Inc.  
9480 S. Eastern Ave., #205, Las Vegas, NV 89123  
*State or country in which incorporated* — Nevada

Zarvona III-B, L.P.  
1010 Lamar St., Suite 500, Houston, TX 77002  
*Partnership* — Zarvona III-B GP, L.P.

# ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

## SEALED BIDS

### REDUCE FLOOD DAMAGE Village of Ardsley, Westchester County

Sealed bids for Project No. 45653-C, for Construction Work, Flood Damage Reduction Project, Saw Mill River Control Wall, Village of Ardsley, (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 Environmental Conservation, until 2:00 p.m. on Wednesday, January 9, 2019, 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 \$17,100 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 \$100,000 and \$250,000 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 Lewycky, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a 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 184 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 January 3, 2019 at 720 Saw Mill River Road, Ardsley, 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 Theresa Sweala, (845) 895-3170 a minimum of 48 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](mailto:DC.Plans@ogs.ny.gov), or call (518) 474-0203.

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

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

### REHAB STEAM TUNNELS State Campus Albany, Albany County

Sealed bids for Project No. 45689-H, for HVAC Work, Rehab Steam Tunnels and Replace Steam/Condensate Piping, South End of Campus, State Office Building Campus, 1220 Washington Avenue, Albany (Albany County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of General Services, until 2:00 p.m. on Wednesday, January 9, 2019 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 \$83,000 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 \$2,000,000 and \$3,000,000 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>

As a condition of award, within 48 hours of receipt of the proposed Contract Agreement from the State, the low bidder shall return the Contract Agreement to the State, properly executed, along with the Bonds if required by said Agreement. Low bidders who cannot meet these provisions may be subject to disqualification and forfeiture of the bid security.

The State intends to expedite award of this Contract and the Contractor shall be prepared to proceed with the Work accordingly. The substantial completion date for this project is November 4, 2019. Due to the tightness of the construction schedule, bidders should consider the necessity for an increased work force and shift operations.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 1:30 p.m. on December 20, 2018 at State Office Building Campus, Building 4, OGS Field Office Trailer, 1220 Washington Avenue, Albany, NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

Phone the office of Peter Gartung, (518) 457-2711 a minimum of 48 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](mailto:DC.Plans@ogs.ny.gov), or call (518) 474-0203.

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

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

# MISCELLANEOUS NOTICES/HEARINGS

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## Notice of Abandoned Property Received by the State Comptroller

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

1-800-221-9311  
or visit our web site at:  
[www.osc.state.ny.us](http://www.osc.state.ny.us)

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

## NOTICE OF ANNULMENT OF DISSOLUTION OF CERTAIN BUSINESS CORPORATIONS

Under the Provisions of Section 203-a of the Tax Law, As Amended  
The Secretary of State hereby provides notice that the following corporations, which were duly dissolved in the manner prescribed by Section 203-a of the Tax Law, have complied with the provisions of subdivision (7) of Section 203-a of the Tax Law, annulling all of the proceedings theretofore taken for the dissolution of each such corporation. The appropriate entries have been made on the records of the Department of State.

### COUNTY: ALBANY

ENTITY NAME: LANDSCAPE IMPRESSIONS ASSOCIATES, INC.  
REINSTATE: 12/06/16  
DIS BY PROC: 06/29/16

ENTITY NAME: LANDSCAPE IMPRESSIONS ASSOCIATES, INC.  
REINSTATE: 12/06/16  
DIS BY PROC: 06/29/16

ENTITY NAME: S & Z WHOLESALE CORP.  
REINSTATE: 12/02/16  
DIS BY PROC: 06/29/16

### COUNTY: BRONX

ENTITY NAME: BETTER LEARNING TUTORIAL, INC.  
REINSTATE: 12/28/16  
DIS BY PROC: 04/27/11

ENTITY NAME: DEMARI INSTALLATIONS CORP.  
REINSTATE: 10/21/16  
DIS BY PROC: 06/29/16

ENTITY NAME: J. WILLIAMS & SONS, INC.  
REINSTATE: 10/14/16  
DIS BY PROC: 04/27/11

ENTITY NAME: JOE ROD CORP.  
REINSTATE: 12/13/16  
DIS BY PROC: 10/26/11

ENTITY NAME: LA ALTA GRACIA FUNERAL HOME, INC.  
REINSTATE: 11/03/16  
DIS BY PROC: 09/23/92

ENTITY NAME: LIFT PRO, INC.  
REINSTATE: 12/30/16  
DIS BY PROC: 06/29/16

ENTITY NAME: LIKI LOUNGE, INC.  
REINSTATE: 12/01/16  
DIS BY PROC: 10/26/16

ENTITY NAME: MARTUCCI DEVELOPMENT, INC.  
REINSTATE: 10/27/16  
DIS BY PROC: 04/27/11

ENTITY NAME: ON CALL PSYCHIATRIC SERVICES P.C.  
REINSTATE: 11/18/16  
DIS BY PROC: 01/25/12

ENTITY NAME: PF PLUMBING & HEATING, INC.  
REINSTATE: 12/27/16  
DIS BY PROC: 01/25/12

ENTITY NAME: PICHON IV, INC.  
REINSTATE: 12/22/16  
DIS BY PROC: 06/29/16

ENTITY NAME: R & F REALTY CORP.  
REINSTATE: 11/29/16  
DIS BY PROC: 01/26/11

ENTITY NAME: S. M. H. S. REALTY CORP.  
REINSTATE: 12/23/16  
DIS BY PROC: 01/25/12

ENTITY NAME: TOP OF THE LINE QUALITY CONSTRUCTION AND REMODELING INC.  
REINSTATE: 12/15/16  
DIS BY PROC: 10/26/11

ENTITY NAME: 304 EAST 149 ST INC.  
REINSTATE: 12/01/16  
DIS BY PROC: 10/26/16

**COUNTY: COLUMBIA**

ENTITY NAME: RONNYBROOK FARM DAIRY, INC.  
 REINSTATE: 11/10/16  
 DIS BY PROC: 06/29/16

**COUNTY: DELAWARE**

ENTITY NAME: LAST CHANCE INDUSTRIES, INC.  
 REINSTATE: 10/25/16  
 DIS BY PROC: 01/26/11

ENTITY NAME: NIVLAS REAL ESTATE, INC.  
 REINSTATE: 12/21/16  
 DIS BY PROC: 06/29/16

**COUNTY: DUTCHESS**

ENTITY NAME: JOHN FALVELLA, INC.  
 REINSTATE: 10/24/16  
 DIS BY PROC: 04/25/12

ENTITY NAME: SERVING YOU RESTAURANTS, INC.  
 REINSTATE: 10/06/16  
 DIS BY PROC: 04/27/11

ENTITY NAME: 1203 REALTY CORP.  
 REINSTATE: 10/13/16  
 DIS BY PROC: 10/28/09

**COUNTY: ERIE**

ENTITY NAME: ACTION BOOKKEEPING & TAX SERVICE,  
 INC.  
 REINSTATE: 10/25/16  
 DIS BY PROC: 10/28/09

ENTITY NAME: CRAZY HORSE DEVELOPMENT, INC.  
 REINSTATE: 11/04/16  
 DIS BY PROC: 07/27/11

ENTITY NAME: JULIAN LAWN CARE INC.  
 REINSTATE: 12/28/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: MMS OF WNY INC.  
 REINSTATE: 11/25/16  
 DIS BY PROC: 01/25/12

ENTITY NAME: PLAINTIFF RESOURCES INC.  
 REINSTATE: 12/30/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: THREE - V'S, INC.  
 REINSTATE: 12/06/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: TWO BY TWO INC.  
 REINSTATE: 10/19/16  
 DIS BY PROC: 06/24/92

**COUNTY: HERKIMER**

ENTITY NAME: CRIMMINS AUTOMOTIVE SALES & SERVICE,  
 INC.  
 REINSTATE: 12/09/16  
 DIS BY PROC: 06/29/16

**COUNTY: KINGS**

ENTITY NAME: A & F PHARMACY, INC.  
 REINSTATE: 10/11/16  
 DIS BY PROC: 10/26/11

ENTITY NAME: AA REALE ELECTRIC, INC.  
 REINSTATE: 12/30/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: ACME ROOFING CORP.  
 REINSTATE: 12/14/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: B.P.C. MANAGEMENT CORP.  
 REINSTATE: 11/21/16  
 DIS BY PROC: 01/25/12

ENTITY NAME: CANHOO (USA) INC  
 REINSTATE: 10/31/16  
 DIS BY PROC: 10/26/11

ENTITY NAME: CERTIFIED AUTO MECHANICS INC.  
 REINSTATE: 10/03/16  
 DIS BY PROC: 04/29/09

ENTITY NAME: CHADDERTON'S BAR & GRILL INC.  
 REINSTATE: 10/24/16  
 DIS BY PROC: 01/25/12

ENTITY NAME: CHARLES SCHNEIDER, CERTIFIED PUBLIC  
 ACCOUNTANT, P.C.  
 REINSTATE: 12/19/16  
 DIS BY PROC: 10/26/16

ENTITY NAME: CHOLULA DELI GROCERY CORP.  
 REINSTATE: 12/22/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: CHURCHGATE CONSULTING INC.  
 REINSTATE: 10/14/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: FAUCETSTOP.COM OF NY, INC.  
 REINSTATE: 12/15/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: G & E AUTO REPAIR, INC.  
 REINSTATE: 10/13/16  
 DIS BY PROC: 07/29/09

ENTITY NAME: GOLDSTONE GRANITE CORPORATION  
 REINSTATE: 11/01/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: HENTEL LITECARE CORP.  
 REINSTATE: 11/09/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: HOD PIPING & HEATING CORP.  
 REINSTATE: 12/20/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: JAKE'S SNEAKERS INC.  
 REINSTATE: 12/09/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: JEFFREY E. MEHL, P.C.  
 REINSTATE: 11/29/16  
 DIS BY PROC: 04/27/11

ENTITY NAME: K-SQUARE DEVELOPERS, INC.  
 REINSTATE: 12/01/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: KENSINGTON REALTY GROUP CORP.  
 REINSTATE: 11/28/16  
 DIS BY PROC: 01/26/11

ENTITY NAME: KINGS AND PAWNS, INC.  
 REINSTATE: 12/15/16  
 DIS BY PROC: 10/26/16

ENTITY NAME: MD ELECTRICAL SUPPLIES INC  
 REINSTATE: 10/21/16  
 DIS BY PROC: 10/26/11

ENTITY NAME: MERLITE REALTY CORP.  
 REINSTATE: 12/07/16  
 DIS BY PROC: 06/25/80

ENTITY NAME: N.K.G. CORP.  
 REINSTATE: 12/16/16  
 DIS BY PROC: 04/27/11

ENTITY NAME: NATASHAS GROUP CAR CORP.  
 REINSTATE: 11/18/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: PUTNAM 571 REALTY CORP.  
 REINSTATE: 12/06/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: PVT TAX SERVICES INC.  
 REINSTATE: 12/09/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: S.I.A.E.A. 1, INC.  
 REINSTATE: 12/13/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: SCHOOL OF ELECTRICAL EDUCATION, INC.  
 REINSTATE: 12/05/16  
 DIS BY PROC: 04/27/11

ENTITY NAME: STAGESKY HOLDINGS CORP  
 REINSTATE: 10/04/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: TARGET BROKERAGE CORP.  
 REINSTATE: 12/20/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: THE POWER PRINT INC.  
 REINSTATE: 12/27/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: THROOP DEVELOPMENTS, INC.  
 REINSTATE: 12/14/16  
 DIS BY PROC: 10/27/10

ENTITY NAME: TOP CITY CONTRACTING CORPORATION  
 REINSTATE: 12/01/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: WILLIAMSBURGH INTERNAL MEDICINE P.C.  
 REINSTATE: 10/20/16  
 DIS BY PROC: 10/28/09

ENTITY NAME: YOUTH STUDIES, INC.  
 REINSTATE: 11/02/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: ZEN RESTORATION INC.  
 REINSTATE: 11/30/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: 217 PROSPECT PARK CORP.  
 REINSTATE: 11/08/16  
 DIS BY PROC: 07/27/11

ENTITY NAME: 279-281 PARK AVE. CORP.  
 REINSTATE: 11/23/16  
 DIS BY PROC: 01/25/12

ENTITY NAME: 5200 ENTERPRISES LIMITED  
 REINSTATE: 11/08/16  
 DIS BY PROC: 06/26/96

ENTITY NAME: 77-79 WASHINGTON AVE. CORPORATION  
 REINSTATE: 11/07/16  
 DIS BY PROC: 01/25/12

ENTITY NAME: 78 CONGRESS ST. REALTY INC.  
 REINSTATE: 10/24/16  
 DIS BY PROC: 09/23/98

**COUNTY: MONROE**

ENTITY NAME: KELLYMARTS, INC.  
 REINSTATE: 11/23/16  
 DIS BY PROC: 12/24/97

**COUNTY: NASSAU**

ENTITY NAME: AMERICAN PROCESSING CORP.  
 REINSTATE: 12/20/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: CROSS ISLAND FIELD SERVICES INC  
 REINSTATE: 12/22/16  
 DIS BY PROC: 10/26/16

ENTITY NAME: DOMOND HOLDING CORP.  
 REINSTATE: 11/16/16  
 DIS BY PROC: 01/25/12

ENTITY NAME: F & A FLOOR COVERING, INC.  
 REINSTATE: 12/12/16  
 DIS BY PROC: 04/27/11

ENTITY NAME: FIVE TOWNS GASTROENTEROLOGY, P.C.  
 REINSTATE: 12/29/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: J & P UNION AVENUE REALTY CORP.  
 REINSTATE: 11/14/16  
 DIS BY PROC: 07/28/10

ENTITY NAME: J.P. MIL CORP.  
 REINSTATE: 12/05/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: JEWMEYER FOODS INC.  
 REINSTATE: 12/12/16  
 DIS BY PROC: 10/26/11

ENTITY NAME: MURRAY COMPOUND LOT 10 CORPORATION  
REINSTATE: 11/17/16  
DIS BY PROC: 06/23/93

ENTITY NAME: NICHOLAS C. TUMMINELLO, DPM, P.C.  
REINSTATE: 11/28/16  
DIS BY PROC: 04/25/12

ENTITY NAME: OG ACQUISITION, INC.  
REINSTATE: 12/02/16  
DIS BY PROC: 07/27/11

ENTITY NAME: OTTO'S SEA GRILL, INC.  
REINSTATE: 11/09/16  
DIS BY PROC: 03/24/99

ENTITY NAME: R&R GAMBLE ENTERPRISES, INC.  
REINSTATE: 12/23/16  
DIS BY PROC: 01/26/11

ENTITY NAME: REALITY ROOFING INC.  
REINSTATE: 10/07/16  
DIS BY PROC: 01/26/11

ENTITY NAME: SOUTH SHORE SALES & DEVELOPMENT  
CORP.  
REINSTATE: 10/05/16  
DIS BY PROC: 07/27/11

ENTITY NAME: THE BEDROOM SOURCE CARLE PLACE, INC.  
REINSTATE: 10/06/16  
DIS BY PROC: 07/27/11

ENTITY NAME: THE RUSH EXPRESS INC  
REINSTATE: 11/18/16  
DIS BY PROC: 06/29/16

**COUNTY: NEW YORK**

ENTITY NAME: ACS REPAIR & MAINTENANCE INC.  
REINSTATE: 12/09/16  
DIS BY PROC: 06/29/16

ENTITY NAME: ADC/ENNIS FRANCIS GP CORPORATION  
REINSTATE: 11/10/16  
DIS BY PROC: 08/31/16

ENTITY NAME: ASPEN TRUSS, INC.  
REINSTATE: 12/27/16  
DIS BY PROC: 07/27/11

ENTITY NAME: ASSURED SECURITY LOCKSMITH AND  
HARDWARE, CO. INC.  
REINSTATE: 12/16/16  
DIS BY PROC: 01/26/11

ENTITY NAME: BASTION INTERNATIONAL CORPORATION  
REINSTATE: 10/05/16  
DIS BY PROC: 01/25/12

ENTITY NAME: BEDRICK - KAITZ AGENCY, INC.  
REINSTATE: 10/24/16  
DIS BY PROC: 01/26/11

ENTITY NAME: C.B.E. CAB CORPORATION  
REINSTATE: 12/05/16  
DIS BY PROC: 06/26/02

ENTITY NAME: CHRYSALIS HEALTH CARE STAFFING, INC.  
REINSTATE: 10/18/16  
DIS BY PROC: 07/27/11

ENTITY NAME: CONSTRUCTIVE DECISIONS INC.  
REINSTATE: 12/29/16  
DIS BY PROC: 04/27/11

ENTITY NAME: COSMOPOLITAN USA CORPORATION  
REINSTATE: 12/30/16  
DIS BY PROC: 10/26/16

ENTITY NAME: DAH CONSULTING INC.  
REINSTATE: 12/02/16  
DIS BY PROC: 06/29/16

ENTITY NAME: DATAPRINT TECHNOLOGY, INC.  
REINSTATE: 10/31/16  
DIS BY PROC: 06/26/02

ENTITY NAME: DIRECT BUSINESS SERVICES, INC.  
REINSTATE: 10/28/16  
DIS BY PROC: 06/29/16

ENTITY NAME: DYC CORP.  
REINSTATE: 10/06/16  
DIS BY PROC: 01/25/12

ENTITY NAME: EDLAND US REALTY HOLDINGS INC.  
REINSTATE: 10/31/16  
DIS BY PROC: 08/31/16

ENTITY NAME: ENGINEERING SYSTEM, P.C.  
REINSTATE: 12/13/16  
DIS BY PROC: 08/31/16

ENTITY NAME: EXCELLENCE TRADING INC.  
REINSTATE: 12/02/16  
DIS BY PROC: 06/29/16

ENTITY NAME: FAMIGLIA INTERNATIONAL, INC.  
REINSTATE: 10/06/16  
DIS BY PROC: 10/26/11

ENTITY NAME: FANTASTIKDESIGN, INC.  
REINSTATE: 10/14/16  
DIS BY PROC: 04/27/11

ENTITY NAME: GREEN PARK ONE CORP.  
REINSTATE: 11/22/16  
DIS BY PROC: 07/27/11

ENTITY NAME: HANS NAMUTH, LTD.  
REINSTATE: 12/27/16  
DIS BY PROC: 06/26/96

ENTITY NAME: HARLEM BURGER INC.  
REINSTATE: 12/02/16  
DIS BY PROC: 08/31/16

ENTITY NAME: JARBAR, INC.  
REINSTATE: 10/14/16  
DIS BY PROC: 08/31/16

ENTITY NAME: JON BALTIMORE MUSIC CO. INC.  
REINSTATE: 11/30/16  
DIS BY PROC: 04/27/11

ENTITY NAME: JOURNEY DRIVER INC.  
 REINSTATE: 12/09/16  
 DIS BY PROC: 12/29/04

ENTITY NAME: KITRIDGE REALTY CO., INC.  
 REINSTATE: 11/01/16  
 DIS BY PROC: 01/28/09

ENTITY NAME: LIAT REALTY MGT. CORP.  
 REINSTATE: 10/06/16  
 DIS BY PROC: 06/26/02

ENTITY NAME: LUHKY MEDIA, INC.  
 REINSTATE: 11/15/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: MAS CAPITAL GROUP INC.  
 REINSTATE: 12/19/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: MKJ ELECTRICAL CONTRACTORS INC.  
 REINSTATE: 12/14/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: MOSCOT WHOLESALE CORP.  
 REINSTATE: 11/02/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: MY-SECOND CAB CORP.  
 REINSTATE: 12/01/16  
 DIS BY PROC: 12/29/82

ENTITY NAME: NACHAMA REALTY CORP.  
 REINSTATE: 12/20/16  
 DIS BY PROC: 01/25/12

ENTITY NAME: NADINE BOCELLI & COMPANY, INC.  
 REINSTATE: 12/29/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: NEW YORK LEGAL STAFFING, INC.  
 REINSTATE: 12/29/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: NORTHERN LEASING SYSTEMS INC.  
 REINSTATE: 11/23/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: O.K. UNIFORM CO. INC.  
 REINSTATE: 11/01/16  
 DIS BY PROC: 01/25/12

ENTITY NAME: OUR CONSCIOUSNESS TRANSFORMATION  
 CORP.  
 REINSTATE: 10/04/16  
 DIS BY PROC: 01/25/12

ENTITY NAME: PHIPPS CONSTRUCTION INC  
 REINSTATE: 11/03/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: ROBBINS USA INC.  
 REINSTATE: 12/08/16  
 DIS BY PROC: 07/27/11

ENTITY NAME: ROCK YOUR INK, INC.  
 REINSTATE: 10/04/16  
 DIS BY PROC: 07/27/11

ENTITY NAME: ROTH AND ASSOCIATES EAST INC.  
 REINSTATE: 12/23/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: ROZ REACHING OUT FOR ZEAL INC.  
 REINSTATE: 12/02/16  
 DIS BY PROC: 07/28/10

ENTITY NAME: SAN MICHAEL GROCERY INC.  
 REINSTATE: 12/09/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: THREE-DIMENSIONAL MEDIA GROUP, LTD.  
 REINSTATE: 10/07/16  
 DIS BY PROC: 01/26/11

ENTITY NAME: TOM YAN, DDS, P.C.  
 REINSTATE: 12/13/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: UNTOUCHABLE EVENTS, LTD.  
 REINSTATE: 11/09/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: USEFUL CONCEPTS INC.  
 REINSTATE: 11/28/16  
 DIS BY PROC: 01/26/11

ENTITY NAME: VILLE NEUVA CORP.  
 REINSTATE: 11/17/16  
 DIS BY PROC: 04/25/12

ENTITY NAME: W.F.L. INTERNATIONAL INC.  
 REINSTATE: 12/09/16  
 DIS BY PROC: 10/26/16

ENTITY NAME: WDENTAL, P.C.  
 REINSTATE: 11/17/16  
 DIS BY PROC: 01/26/11

ENTITY NAME: WORLD CAPITAL NY CORPORATION  
 REINSTATE: 11/25/16  
 DIS BY PROC: 06/30/04

ENTITY NAME: YORKTOWN HEIGHTS INC.  
 REINSTATE: 12/30/16  
 DIS BY PROC: 10/26/11

ENTITY NAME: 1012 SECOND AVENUE INC.  
 REINSTATE: 12/12/16  
 DIS BY PROC: 04/27/11

ENTITY NAME: 5 & 7 CHARLES ST. TENANTS CORP.  
 REINSTATE: 12/22/16  
 DIS BY PROC: 04/13/88

ENTITY NAME: 524 WEST 19TH STREET CORP.  
 REINSTATE: 10/21/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: 772 EAST 168TH STREET CORP.  
 REINSTATE: 12/07/16  
 DIS BY PROC: 10/27/10

ENTITY NAME: 80TH STREET PHARMACY, INC.  
 REINSTATE: 11/01/16  
 DIS BY PROC: 08/31/16

**COUNTY: ONONDAGA**

ENTITY NAME: ASAP STAFFING, INC.  
REINSTATE: 11/03/16  
DIS BY PROC: 07/29/09

ENTITY NAME: LIFE SCIENCE LABORATORIES, INC.  
REINSTATE: 12/22/16  
DIS BY PROC: 08/31/16

**COUNTY: ORANGE**

ENTITY NAME: G.G. PROPERTIES INC.  
REINSTATE: 10/24/16  
DIS BY PROC: 07/28/10

ENTITY NAME: HATZLUCAH MEAT MARKET, INC.  
REINSTATE: 12/06/16  
DIS BY PROC: 10/27/10

ENTITY NAME: MOREHEAD AUTO SALES REAL ESTATE  
CORP.  
REINSTATE: 10/06/16  
DIS BY PROC: 01/25/12

ENTITY NAME: RLRJB REALTY, INC.  
REINSTATE: 10/07/16  
DIS BY PROC: 01/26/11

ENTITY NAME: 43 SAT 201 CORP.  
REINSTATE: 12/13/16  
DIS BY PROC: 08/31/16

ENTITY NAME: 59 FORES 115 CORP.  
REINSTATE: 11/28/16  
DIS BY PROC: 08/31/16

**COUNTY: QUEENS**

ENTITY NAME: ACROPOLIS GARDENS REALTY CORP.  
REINSTATE: 12/20/16  
DIS BY PROC: 10/26/16

ENTITY NAME: AL KOSTO, INC.  
REINSTATE: 11/21/16  
DIS BY PROC: 10/28/09

ENTITY NAME: ALLTECH ELECTRICAL CONTRACTING  
CORP.  
REINSTATE: 12/14/16  
DIS BY PROC: 08/31/16

ENTITY NAME: ATLANTIC AUTO REPAIRS & ELECTRICAL,  
INC.  
REINSTATE: 11/29/16  
DIS BY PROC: 01/26/11

ENTITY NAME: BIG L ENTERPRISES, INC.  
REINSTATE: 11/28/16  
DIS BY PROC: 06/29/16

ENTITY NAME: CARJ, INC.  
REINSTATE: 11/04/16  
DIS BY PROC: 01/26/11

ENTITY NAME: CASA RUBIO RESTAURANT INC.  
REINSTATE: 10/18/16  
DIS BY PROC: 10/26/11

ENTITY NAME: CHONG LEE PEST CONTROL INC.  
REINSTATE: 11/30/16  
DIS BY PROC: 10/27/10

ENTITY NAME: DANISH ORGANIC, INC.  
REINSTATE: 12/08/16  
DIS BY PROC: 08/31/16

ENTITY NAME: DELANCEY BRIDGE TOWER INC  
REINSTATE: 12/27/16  
DIS BY PROC: 08/31/16

ENTITY NAME: DIRECT MANAGEMENT ASSOCIATES INC.  
REINSTATE: 10/27/16  
DIS BY PROC: 06/29/16

ENTITY NAME: DYNAMIC DUO CAR & LIMO INC.  
REINSTATE: 11/02/16  
DIS BY PROC: 08/31/16

ENTITY NAME: DZENIS ORTHOPAEDICS, M.D., P.C.  
REINSTATE: 12/21/16  
DIS BY PROC: 04/27/11

ENTITY NAME: ELEVATOR TESTING COMPANY INC.  
REINSTATE: 12/09/16  
DIS BY PROC: 04/27/11

ENTITY NAME: FCLS ENTERPRISES CORP.  
REINSTATE: 12/02/16  
DIS BY PROC: 10/26/11

ENTITY NAME: FRONT-LINE BUILDING SERVICES, INC.  
REINSTATE: 11/15/16  
DIS BY PROC: 06/29/16

ENTITY NAME: GCG INDUSTRIES INC.  
REINSTATE: 11/29/16  
DIS BY PROC: 08/31/16

ENTITY NAME: GOURMET HOT FOOD CORP  
REINSTATE: 12/27/16  
DIS BY PROC: 10/26/16

ENTITY NAME: JMV TRANSPORT INC.  
REINSTATE: 12/06/16  
DIS BY PROC: 06/29/16

ENTITY NAME: KESSHIN INC.  
REINSTATE: 12/20/16  
DIS BY PROC: 12/27/00

ENTITY NAME: KING REALTY NY, INC  
REINSTATE: 10/04/16  
DIS BY PROC: 06/29/16

ENTITY NAME: M I A HOMES INC  
REINSTATE: 11/07/16  
DIS BY PROC: 08/31/16

ENTITY NAME: M&P MINUTEMAN, INC.  
REINSTATE: 12/13/16  
DIS BY PROC: 07/29/09

ENTITY NAME: METALLIC GENERAL CONSTRUCTION INC.  
REINSTATE: 12/29/16  
DIS BY PROC: 10/26/16

ENTITY NAME: MONGRU MENSWEAR, INC.  
 REINSTATE: 11/17/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: NEIGHBORHOOD DREAMS, INC.  
 REINSTATE: 10/04/16  
 DIS BY PROC: 01/27/10

ENTITY NAME: NEW OPPORTUNITY TRADING CORP.  
 REINSTATE: 12/22/16  
 DIS BY PROC: 10/26/16

ENTITY NAME: NEW ROYAL SUPPLY INC.  
 REINSTATE: 12/28/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: NORTHERN SKY DEVELOPMENT, INC.  
 REINSTATE: 12/08/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: NY CONTRACTING AND CONSULTING CORP.  
 REINSTATE: 12/14/16  
 DIS BY PROC: 07/27/11

ENTITY NAME: PIONEER CONSTRUCTION USA, INC.  
 REINSTATE: 10/28/16  
 DIS BY PROC: 01/25/12

ENTITY NAME: QUEENS BLVD.-40TH OWNERS CORP.  
 REINSTATE: 11/28/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: QUEENS CROSSING REALTY INC  
 REINSTATE: 12/29/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: ROMAN ELECTRICAL CONTRACTING, INC.  
 REINSTATE: 12/05/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: RPM NY-C INC.  
 REINSTATE: 12/05/16  
 DIS BY PROC: 10/26/11

ENTITY NAME: RUDI DELI RESTAURANT CORP.  
 REINSTATE: 11/25/16  
 DIS BY PROC: 04/27/11

ENTITY NAME: S & A STEEL FABRS INC.  
 REINSTATE: 12/19/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: S. & W. SALES COMPANY, INC.  
 REINSTATE: 11/23/16  
 DIS BY PROC: 10/26/11

ENTITY NAME: SAFFLYN GREEN INDUSTRIES, INC.  
 REINSTATE: 12/28/16  
 DIS BY PROC: 10/26/16

ENTITY NAME: SALBARDO DRUGS, INC.  
 REINSTATE: 12/09/16  
 DIS BY PROC: 09/28/94

ENTITY NAME: T-MOBILE LIMITED USA INC.  
 REINSTATE: 12/14/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: V.P. RECORDS RETAIL OUTLET, INC.  
 REINSTATE: 10/25/16  
 DIS BY PROC: 10/26/11

ENTITY NAME: WANG FAI CORPORATION  
 REINSTATE: 10/06/16  
 DIS BY PROC: 04/27/11

ENTITY NAME: 144-63 37TH AVE., CONDO, INC.  
 REINSTATE: 10/26/16  
 DIS BY PROC: 10/28/09

ENTITY NAME: 1660 DECATUR PARKING INC.  
 REINSTATE: 12/22/16  
 DIS BY PROC: 10/26/16

ENTITY NAME: 169-27 LIBERTY AVENUE REALTY CORP.  
 REINSTATE: 11/29/16  
 DIS BY PROC: 07/27/11

ENTITY NAME: 52ND AND 90TH STREET CORP.  
 REINSTATE: 12/19/16  
 DIS BY PROC: 01/26/11

ENTITY NAME: 58TH AVENUE CORP.  
 REINSTATE: 12/07/16  
 DIS BY PROC: 12/29/99

**COUNTY: RENNELAER**

ENTITY NAME: TREMONT RENTALS, INC.  
 REINSTATE: 12/22/16  
 DIS BY PROC: 07/27/11

ENTITY NAME: UNC BROCK, INC.  
 REINSTATE: 12/02/16  
 DIS BY PROC: 06/29/16

**COUNTY: RICHMOND**

ENTITY NAME: CHUMENTI ACCOUNTING INC.  
 REINSTATE: 11/28/16  
 DIS BY PROC: 01/25/12

ENTITY NAME: DORIC & STAVROS CONTRACTING, INC.  
 REINSTATE: 10/05/16  
 DIS BY PROC: 07/28/10

ENTITY NAME: GENERAL RESTORATION GROUP CORP.  
 REINSTATE: 11/07/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: NU HOMES CORP.  
 REINSTATE: 10/17/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: OLD TOWN PHARMACY INC.  
 REINSTATE: 12/01/16  
 DIS BY PROC: 04/27/11

ENTITY NAME: STEVE'S LANDSCAPING & LAWN CARE INC.  
 REINSTATE: 11/10/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: THOMAS K. KOWALSKI INSURANCE AGENCY, INC.  
 REINSTATE: 11/01/16  
 DIS BY PROC: 04/25/12

ENTITY NAME: 2945 RESTAURANT CORP.  
REINSTATE: 10/18/16  
DIS BY PROC: 06/29/16

**COUNTY: ROCKLAND**

ENTITY NAME: A & Z SERVICE CENTER INC.  
REINSTATE: 12/05/16  
DIS BY PROC: 01/26/11

ENTITY NAME: ACE GLASS SYSTEMS INC.  
REINSTATE: 11/08/16  
DIS BY PROC: 07/28/10

ENTITY NAME: EASYNURSE PRODUCTS, INC.  
REINSTATE: 11/25/16  
DIS BY PROC: 06/29/16

ENTITY NAME: SOSKEN INC.  
REINSTATE: 10/26/16  
DIS BY PROC: 07/28/10

**COUNTY: SCHENECTADY**

ENTITY NAME: D&T LAWNCARE & PROPERTY MAINTENANCE INC.  
REINSTATE: 10/24/16  
DIS BY PROC: 10/26/11

**COUNTY: SUFFOLK**

ENTITY NAME: ANDREW GARRETT HOLDING CORP.  
REINSTATE: 12/14/16  
DIS BY PROC: 01/28/09

ENTITY NAME: BBM DEVELOPMENT INC.  
REINSTATE: 12/29/16  
DIS BY PROC: 06/29/16

ENTITY NAME: BIG TIME TOWING AND RECOVERY INC.  
REINSTATE: 12/06/16  
DIS BY PROC: 01/25/12

ENTITY NAME: BRIELLE ROSE PIZZERIA INC.  
REINSTATE: 11/22/16  
DIS BY PROC: 08/31/16

ENTITY NAME: COLLISION EQUIPMENT CONSULTING, INC.  
REINSTATE: 11/14/16  
DIS BY PROC: 07/27/11

ENTITY NAME: FEDERAL CONSERVATION CORP.  
REINSTATE: 11/15/16  
DIS BY PROC: 07/27/11

ENTITY NAME: FSM ELECTRICAL CORPORATION  
REINSTATE: 12/20/16  
DIS BY PROC: 10/26/16

ENTITY NAME: K. MALONEY INDUSTRIES INC  
REINSTATE: 12/21/16  
DIS BY PROC: 08/31/16

ENTITY NAME: MESOYIOS GREEK-CYPRIT RESTAURANT INC.  
REINSTATE: 12/01/16  
DIS BY PROC: 10/26/11

ENTITY NAME: SKY MATERIALS CORP.  
REINSTATE: 10/06/16  
DIS BY PROC: 06/29/16

ENTITY NAME: TIVOLI TRAVEL OF CORAM, INC.  
REINSTATE: 11/15/16  
DIS BY PROC: 06/29/94

**COUNTY: WASHINGTON**

ENTITY NAME: BRANCH AUTO PARTS, INC.  
REINSTATE: 12/02/16  
DIS BY PROC: 06/26/02

**COUNTY: WAYNE**

ENTITY NAME: CREEKS EDGE CONTRACTORS, INC.  
REINSTATE: 11/29/16  
DIS BY PROC: 06/29/16

**COUNTY: WESTCHESTER**

ENTITY NAME: BIG CHUCK, INC.  
REINSTATE: 12/23/16  
DIS BY PROC: 06/29/16

ENTITY NAME: BJB CONSTRUCTION CORP.  
REINSTATE: 12/15/16  
DIS BY PROC: 07/27/11

ENTITY NAME: CLEAN CARTING SERVICES INC.  
REINSTATE: 12/05/16  
DIS BY PROC: 06/29/16

ENTITY NAME: D S D REST. INC.  
REINSTATE: 12/22/16  
DIS BY PROC: 06/29/16

ENTITY NAME: DCBE CONTRACTING INC.  
REINSTATE: 10/20/16  
DIS BY PROC: 06/29/16

ENTITY NAME: DKC INC.  
REINSTATE: 10/26/16  
DIS BY PROC: 08/31/16

ENTITY NAME: LINCOLN BARBECUE CORP.  
REINSTATE: 12/28/16  
DIS BY PROC: 04/27/11

ENTITY NAME: MORTGAGE ENTERPRISE, LTD.  
REINSTATE: 12/14/16  
DIS BY PROC: 06/29/16

ENTITY NAME: MSE MANAGEMENT, INC.  
REINSTATE: 12/07/16  
DIS BY PROC: 01/26/11

ENTITY NAME: PHOENIX CREATIVE MARKETING, INC.  
REINSTATE: 12/15/16  
DIS BY PROC: 01/26/11

ENTITY NAME: RITE-WAY SALES & SERVICE INC.  
REINSTATE: 10/24/16  
DIS BY PROC: 06/25/03

ENTITY NAME: TOM'S HILLTOP HONEY, INC.  
REINSTATE: 11/22/16  
DIS BY PROC: 04/27/11

NOTICE OF ERRONEOUS INCLUSION

**IN DISSOLUTION BY PROCLAMATION OF  
CERTAIN BUSINESS CORPORATIONS**

Under the Provisions of Section 203-a of the Tax Law, As Amended  
The Secretary of State hereby provides notice that the following corporations were erroneously included in proclamations declaring certain business corporations dissolved. The State Tax Commission has duly certified to the Secretary of State that the names of these corporations were erroneously included in such proclamations. The appropriate entries have been made on the records of the Department of State.

**COUNTY: BRONX**

ENTITY NAME: BROTHERS PRO CONSTRUCTION CORP.  
REINSTATE: 12/01/16  
DIS BY PROC: 10/26/16

ENTITY NAME: EL PORTAL INC.  
REINSTATE: 12/01/16  
DIS BY PROC: 08/31/16

ENTITY NAME: ESTEBAN GENERAL CONSTRUCTION CORP.  
REINSTATE: 12/22/16  
DIS BY PROC: 08/31/16

ENTITY NAME: IMJC INC.  
REINSTATE: 11/21/16  
DIS BY PROC: 08/31/16

ENTITY NAME: LB LIFEWAY ACUPUNCTURE P.C.  
REINSTATE: 10/28/16  
DIS BY PROC: 10/26/16

ENTITY NAME: 1253 GIVAN AVE CORP.  
REINSTATE: 10/21/16  
DIS BY PROC: 08/31/16

ENTITY NAME: 1556 WESTCHESTER AVE INC.  
REINSTATE: 12/23/16  
DIS BY PROC: 10/26/16

ENTITY NAME: 50 STAR DELI GROCERY MARKET CORP.  
REINSTATE: 12/22/16  
DIS BY PROC: 08/31/16

**COUNTY: BROOME**

ENTITY NAME: I3 TECHNOLOGIES, INC.  
REINSTATE: 11/21/16  
DIS BY PROC: 10/26/16

**COUNTY: DUTCHESS**

ENTITY NAME: MOBILE FIXATION INC.  
REINSTATE: 12/01/16  
DIS BY PROC: 08/31/16

ENTITY NAME: ROVER CONTRACTING INC.  
REINSTATE: 12/06/16  
DIS BY PROC: 10/26/16

**COUNTY: ERIE**

ENTITY NAME: GO GREEN TWO INC.  
REINSTATE: 11/09/16  
DIS BY PROC: 10/26/16

ENTITY NAME: PERFECTION RENOVATION INC.  
REINSTATE: 10/12/16  
DIS BY PROC: 06/29/16

ENTITY NAME: R+A+R DEVELOPMENT INC.  
REINSTATE: 12/01/16  
DIS BY PROC: 10/26/16

ENTITY NAME: 4 MC, INC.  
REINSTATE: 12/09/16  
DIS BY PROC: 06/29/16

**COUNTY: FULTON**

ENTITY NAME: ADIRONDACK BACKPACKING SUPPLY INCORPORATED  
REINSTATE: 10/06/16  
DIS BY PROC: 08/31/16

**COUNTY: GREENE**

ENTITY NAME: SHIV & SANTOSHI, INC.  
REINSTATE: 12/12/16  
DIS BY PROC: 08/31/16

**COUNTY: KINGS**

ENTITY NAME: ABC BABY CORP.  
REINSTATE: 12/21/16  
DIS BY PROC: 08/31/16

ENTITY NAME: ALL AMERICAN HOMECARE AGENCY, INC  
REINSTATE: 11/01/16  
DIS BY PROC: 08/31/16

ENTITY NAME: APPLE DELI & GRIL CORP  
REINSTATE: 12/21/16  
DIS BY PROC: 08/31/16

ENTITY NAME: ATM-O-MATIC INC.  
REINSTATE: 12/20/16  
DIS BY PROC: 10/26/16

ENTITY NAME: BLAZE ELECTRIC, INC.  
REINSTATE: 10/26/16  
DIS BY PROC: 06/29/16

ENTITY NAME: CITY WIDE ELECTRICAL CONTRACTORS INC  
REINSTATE: 11/08/16  
DIS BY PROC: 10/26/16

ENTITY NAME: DOUBLE DRAGON FAMILY RESTAURANT INC.  
REINSTATE: 12/06/16  
DIS BY PROC: 08/31/16

ENTITY NAME: ESTY NYC INC.  
REINSTATE: 11/03/16  
DIS BY PROC: 08/31/16

ENTITY NAME: FRANKS EXPRESS INC.  
REINSTATE: 11/08/16  
DIS BY PROC: 10/26/16

ENTITY NAME: GABRIEL'S COLLISION LONG ISLAND CITY, INC.  
REINSTATE: 12/23/16  
DIS BY PROC: 10/26/16

ENTITY NAME: GASSAWAY & SULLIVAN CORP  
REINSTATE: 10/31/16  
DIS BY PROC: 10/26/16

ENTITY NAME: GLOBAL LUXURY SERVICES INC.  
REINSTATE: 11/03/16  
DIS BY PROC: 08/31/16

ENTITY NAME: GOOD BROTHERS DELI & GRILL, INC.  
REINSTATE: 12/21/16  
DIS BY PROC: 08/31/16

ENTITY NAME: HEALTH CARE II DRUGS INC.  
REINSTATE: 12/29/16  
DIS BY PROC: 08/31/16

ENTITY NAME: INTEREXPORT 26, INC.  
REINSTATE: 12/01/16  
DIS BY PROC: 08/31/16

ENTITY NAME: INTRICATE DESIGN INC.  
REINSTATE: 12/22/16  
DIS BY PROC: 08/31/16

ENTITY NAME: JJC HOLDINGS GROUP, INC.  
REINSTATE: 12/14/16  
DIS BY PROC: 08/31/16

ENTITY NAME: JOSEPH SEIKALI INC.  
REINSTATE: 12/21/16  
DIS BY PROC: 08/31/16

ENTITY NAME: LAPAROSCOPIC AND METABOLIC SURGERY,  
P.C.  
REINSTATE: 12/29/16  
DIS BY PROC: 06/29/16

ENTITY NAME: MACH GROUP INC.  
REINSTATE: 11/01/16  
DIS BY PROC: 10/26/16

ENTITY NAME: NEW CREATIONS FSHIONS CORP.  
REINSTATE: 11/01/16  
DIS BY PROC: 10/26/16

ENTITY NAME: NORTHSHORE INDUSTRIES, INC.  
REINSTATE: 12/28/16  
DIS BY PROC: 10/26/16

ENTITY NAME: RNP INTERIORS INC.  
REINSTATE: 10/04/16  
DIS BY PROC: 08/31/16

ENTITY NAME: SPENSER AND REID LTD.  
REINSTATE: 12/27/16  
DIS BY PROC: 08/31/16

ENTITY NAME: T & B AL CONSTRUCTION CORP.  
REINSTATE: 12/21/16  
DIS BY PROC: 08/31/16

ENTITY NAME: USA A-ONE CONSTRUCTION CORP  
REINSTATE: 12/01/16  
DIS BY PROC: 10/26/16

ENTITY NAME: WEST PULLMAN PICTURE COMPANY, INC.  
REINSTATE: 10/27/16  
DIS BY PROC: 08/31/16

ENTITY NAME: 77A STANHOPE REALTY CORP.  
REINSTATE: 12/23/16  
DIS BY PROC: 06/29/16

**COUNTY: MONROE**

ENTITY NAME: LOUIS P. FERRARI AGENCY, INC.  
REINSTATE: 10/27/16  
DIS BY PROC: 06/29/16

ENTITY NAME: THE LITTLE SHOP DOWN THE STREET, INC.  
REINSTATE: 11/22/16  
DIS BY PROC: 08/31/16

**COUNTY: NASSAU**

ENTITY NAME: AJ DAN TRADING CORP.  
REINSTATE: 10/28/16  
DIS BY PROC: 10/26/16

ENTITY NAME: ALEF JUDAICA INTERNATIONAL LTD.  
REINSTATE: 12/29/16  
DIS BY PROC: 08/31/16

ENTITY NAME: ALMONTE & PAULINO CORP.  
REINSTATE: 11/21/16  
DIS BY PROC: 10/26/16

ENTITY NAME: CO CO NAIL & SPA NY INC  
REINSTATE: 12/01/16  
DIS BY PROC: 10/26/16

ENTITY NAME: COWS IN THE FIELD, LTD.  
REINSTATE: 11/01/16  
DIS BY PROC: 08/31/16

ENTITY NAME: CREATIVE MEDIA DESIGNS INC.  
REINSTATE: 12/22/16  
DIS BY PROC: 08/31/16

ENTITY NAME: EVANGELISTA CONSTRUCTION SERVICES  
INC.  
REINSTATE: 10/05/16  
DIS BY PROC: 08/31/16

ENTITY NAME: F-N-M COLLISION INC.  
REINSTATE: 10/14/16  
DIS BY PROC: 01/27/10

ENTITY NAME: FLOWERS BY JENNIFER LEAHY, INC.  
REINSTATE: 11/15/16  
DIS BY PROC: 10/26/16

ENTITY NAME: G. FRIED BRENTWOOD, INC.  
REINSTATE: 10/25/16  
DIS BY PROC: 01/25/12

ENTITY NAME: GOLDSTAR TRANSPORTATION, LTD.  
REINSTATE: 10/24/16  
DIS BY PROC: 08/31/16

ENTITY NAME: HHRS MANAGEMENT INC.  
REINSTATE: 11/09/16  
DIS BY PROC: 10/26/16

ENTITY NAME: INTERNATIONAL R.C MULTI-SERVICE EX-  
PRESS, CORP.  
REINSTATE: 10/12/16  
DIS BY PROC: 08/31/16

ENTITY NAME: J C ESPINAL CONSTRUCTION CORP.  
REINSTATE: 12/05/16  
DIS BY PROC: 10/26/16

ENTITY NAME: M & A RAND ENTERPRISES INC.  
 REINSTATE: 12/02/16  
 DIS BY PROC: 10/26/16

ENTITY NAME: MEDSOURCE NATIONAL INC.  
 REINSTATE: 12/14/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: METRO NY TAX ASSOCIATES INC.  
 REINSTATE: 12/21/16  
 DIS BY PROC: 10/26/16

ENTITY NAME: NEW YORK DIGITAL PRODUCTS INC.  
 REINSTATE: 11/21/16  
 DIS BY PROC: 10/26/16

ENTITY NAME: NSOS INC.  
 REINSTATE: 12/21/16  
 DIS BY PROC: 10/26/16

ENTITY NAME: PENSIERI CONSULTING SERVICES, INC.  
 REINSTATE: 10/31/16  
 DIS BY PROC: 10/26/16

ENTITY NAME: POLICE DEPOT INC.  
 REINSTATE: 10/25/16  
 DIS BY PROC: 10/26/11

ENTITY NAME: PRACTICE PROVIDER CORP.  
 REINSTATE: 10/25/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: RMR ELECTRIC, INC.  
 REINSTATE: 10/28/16  
 DIS BY PROC: 10/26/16

ENTITY NAME: SAL THE TAILOR CORP.  
 REINSTATE: 10/31/16  
 DIS BY PROC: 10/26/16

ENTITY NAME: SH BUSINESS CORP.  
 REINSTATE: 12/27/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: THE 1994 CUP CORP.  
 REINSTATE: 10/24/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: TOP SHELF, INC.  
 REINSTATE: 10/03/16  
 DIS BY PROC: 01/27/10

ENTITY NAME: TRINITY TRENT GROUP, INC.  
 REINSTATE: 12/01/16  
 DIS BY PROC: 10/26/16

ENTITY NAME: V&B LEASING INC.  
 REINSTATE: 10/28/16  
 DIS BY PROC: 10/26/16

ENTITY NAME: VILLAMARIN COURIER SERVICES INC  
 REINSTATE: 12/23/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: VITAL BRANDS CORPORATION  
 REINSTATE: 12/22/16  
 DIS BY PROC: 08/31/16

**COUNTY: NEW YORK**

ENTITY NAME: ADVANCED NUTRACEUTICAL RESEARCH CORP.  
 REINSTATE: 10/03/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: AMERICAN MEDICAL P.C.  
 REINSTATE: 12/01/16  
 DIS BY PROC: 10/26/16

ENTITY NAME: AVENUE 822, INC.  
 REINSTATE: 11/21/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: BALCONYTV, INC.  
 REINSTATE: 11/08/16  
 DIS BY PROC: 10/26/16

ENTITY NAME: CREATV ENTERTAINMENT NETWORK, INC.  
 REINSTATE: 12/21/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: DARRIS TRADING CORPORATION  
 REINSTATE: 10/25/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: DBE LTD.  
 REINSTATE: 11/08/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: DEADBEAT PRODUCTIONS, INC.  
 REINSTATE: 12/27/16  
 DIS BY PROC: 10/26/16

ENTITY NAME: EAST HARLEM OLD FASHIONED ICES INC.  
 REINSTATE: 10/27/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: ENSYGNIA INC.  
 REINSTATE: 11/08/16  
 DIS BY PROC: 10/26/16

ENTITY NAME: FRESH DENTAL P.C.  
 REINSTATE: 12/09/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: GARDEN HAMILTON, INC.  
 REINSTATE: 12/23/16  
 DIS BY PROC: 10/26/16

ENTITY NAME: GEO SERVICES INC.  
 REINSTATE: 12/29/16  
 DIS BY PROC: 10/26/16

ENTITY NAME: GLOBAL AFFINITY MANAGERS INC  
 REINSTATE: 10/25/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: H FAMOUS DELI CORP.  
 REINSTATE: 12/21/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: IDK PUBLIC RELATIONS, INC.  
 REINSTATE: 12/21/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: IRONHORSE DEVELOPMENT AND MANAGEMENT INC.  
REINSTATE: 10/27/16  
DIS BY PROC: 06/29/16

ENTITY NAME: J. GRACE CORPORATION  
REINSTATE: 11/21/16  
DIS BY PROC: 10/26/16

ENTITY NAME: KARA MANN LTD.  
REINSTATE: 10/04/16  
DIS BY PROC: 08/31/16

ENTITY NAME: KEEPSAKE DIAMONDS CORP.  
REINSTATE: 12/06/16  
DIS BY PROC: 10/26/16

ENTITY NAME: LAW OFFICE OF VICTORIA WICKMAN, INC.  
REINSTATE: 12/14/16  
DIS BY PROC: 10/26/16

ENTITY NAME: LG BROADWAY MANAGEMENT, INC.  
REINSTATE: 10/28/16  
DIS BY PROC: 08/31/16

ENTITY NAME: MALESORI CORP.  
REINSTATE: 11/30/16  
DIS BY PROC: 08/31/16

ENTITY NAME: MANHATTAN TAX & ACCOUNTING COMPANY LTD.  
REINSTATE: 11/22/16  
DIS BY PROC: 10/26/16

ENTITY NAME: MAX MARKUS KATZ P.C.  
REINSTATE: 12/06/16  
DIS BY PROC: 12/29/93

ENTITY NAME: NATIONWIDE CLOSEOUT NYC CORPORATION  
REINSTATE: 12/01/16  
DIS BY PROC: 10/26/16

ENTITY NAME: NEST EASY, INC.  
REINSTATE: 12/14/16  
DIS BY PROC: 10/26/16

ENTITY NAME: ONE MEDICAL OF NY, P.C.  
REINSTATE: 11/25/16  
DIS BY PROC: 08/31/16

ENTITY NAME: OUTRE ENTERTAINMENT, INC.  
REINSTATE: 12/21/16  
DIS BY PROC: 08/31/16

ENTITY NAME: PAUL'S CORNER INC  
REINSTATE: 12/16/16  
DIS BY PROC: 08/31/16

ENTITY NAME: QUICK ACCESS FUNDING CORP.  
REINSTATE: 11/09/16  
DIS BY PROC: 10/26/16

ENTITY NAME: RUN DA (USA) INTERNATIONAL INC.  
REINSTATE: 10/27/16  
DIS BY PROC: 08/31/16

ENTITY NAME: SBS FOOD CORP.  
REINSTATE: 12/29/16  
DIS BY PROC: 08/31/16

ENTITY NAME: SHENGCHANG INTERIOR HOME IMPROVEMENT INC.  
REINSTATE: 12/01/16  
DIS BY PROC: 08/31/16

ENTITY NAME: SUN SUN FASHION INC.  
REINSTATE: 11/21/16  
DIS BY PROC: 08/31/16

ENTITY NAME: THE ADDESSI GROUP INC.  
REINSTATE: 12/30/16  
DIS BY PROC: 10/26/16

ENTITY NAME: THINK TANK ADVERTISING CORP.  
REINSTATE: 11/22/16  
DIS BY PROC: 10/26/16

ENTITY NAME: VR ENG, INC  
REINSTATE: 11/15/16  
DIS BY PROC: 10/26/16

ENTITY NAME: WINSPEAR AVENUE, INC.  
REINSTATE: 11/16/16  
DIS BY PROC: 08/31/16

ENTITY NAME: YUMMY PERFECTION INC.  
REINSTATE: 12/15/16  
DIS BY PROC: 10/26/16

**COUNTY: NIAGARA**

ENTITY NAME: ALLVANRAC INC.  
REINSTATE: 12/21/16  
DIS BY PROC: 08/31/16

ENTITY NAME: VALIANT HEARTS INCORPORATED  
REINSTATE: 12/23/16  
DIS BY PROC: 08/31/16

**COUNTY: ONEIDA**

ENTITY NAME: YK UTICA DISCOUNT CORP.  
REINSTATE: 12/01/16  
DIS BY PROC: 08/31/16

**COUNTY: ONONDAGA**

ENTITY NAME: C U C INC.  
REINSTATE: 11/30/16  
DIS BY PROC: 08/31/16

**COUNTY: ORANGE**

ENTITY NAME: INTERNATIONAL SAFETY SYSTEMS INC.  
REINSTATE: 12/21/16  
DIS BY PROC: 07/29/09

ENTITY NAME: L&J CONSTRUCTION CONTRACTING INC.  
REINSTATE: 10/25/16  
DIS BY PROC: 08/31/16

ENTITY NAME: 3 FREI CORP.  
REINSTATE: 11/25/16  
DIS BY PROC: 08/31/16

**COUNTY: PUTNAM**

ENTITY NAME: GCG CONSTRUCTION INC.  
REINSTATE: 10/17/16  
DIS BY PROC: 08/31/16

**COUNTY: QUEENS**

ENTITY NAME: AMERICAN EAGLE TOUR CORPORATION  
 REINSTATE: 11/21/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: APPBASKET INC.  
 REINSTATE: 12/21/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: ARDIGOO INC.  
 REINSTATE: 11/21/16  
 DIS BY PROC: 10/26/16

ENTITY NAME: BARGAIN 99 CENTS PLUS & DISCOUNT II, INC.  
 REINSTATE: 11/15/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: C N J RESTORATION CORP  
 REINSTATE: 11/08/16  
 DIS BY PROC: 10/26/16

ENTITY NAME: CHACO CORP.  
 REINSTATE: 10/13/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: CINDERELLA & JOY INC.  
 REINSTATE: 10/28/16  
 DIS BY PROC: 10/26/16

ENTITY NAME: CLASS CONSTRUCTION/REN INC.  
 REINSTATE: 12/15/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: CRIS & JASON BEAUTY STUDIO, INC.  
 REINSTATE: 11/16/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: CYPRIANS REALTY CORP.  
 REINSTATE: 11/21/16  
 DIS BY PROC: 10/26/16

ENTITY NAME: DARP TOW INC.  
 REINSTATE: 12/01/16  
 DIS BY PROC: 10/26/16

ENTITY NAME: DOCKERY EXPRESS INC  
 REINSTATE: 12/12/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: DOWELL K&B SUPPLIES INC  
 REINSTATE: 12/05/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: EXOTIC SEX SUTRA TOYS, INC.  
 REINSTATE: 12/01/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: GRACE & LOREN'S NAILS INC  
 REINSTATE: 11/22/16  
 DIS BY PROC: 10/26/16

ENTITY NAME: GRACE'S PLACE INC.  
 REINSTATE: 11/25/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: JAMES LEACH HOME IMPROVEMENTS INC.  
 REINSTATE: 12/12/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: JMC REALTY CORP.  
 REINSTATE: 10/31/16  
 DIS BY PROC: 10/26/16

ENTITY NAME: LIMA'S INCOME TAX CORP.  
 REINSTATE: 10/31/16  
 DIS BY PROC: 10/26/16

ENTITY NAME: LIMONGELLI ELECTRIC CORP.  
 REINSTATE: 12/29/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: LINDEN GOLD RUSH, INC.  
 REINSTATE: 11/16/16  
 DIS BY PROC: 10/26/16

ENTITY NAME: M & B DONUT, INC.  
 REINSTATE: 10/14/16  
 DIS BY PROC: 07/27/11

ENTITY NAME: MAIWAND FOOD CORP.  
 REINSTATE: 12/09/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: MANGIA MEGALE CORP  
 REINSTATE: 12/01/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: MD LEE CONSTRUCTIONS CORP.  
 REINSTATE: 11/15/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: MEDICAL PROFESSIONAL GROUP, P.C.  
 REINSTATE: 12/23/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: METRO CUSTOM CABINETS CORP.  
 REINSTATE: 12/01/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: MINI STARLIGHT COFFEE SHOP INC.  
 REINSTATE: 12/01/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: NEW MONSTER INC.  
 REINSTATE: 10/04/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: PET PINION CORP  
 REINSTATE: 12/01/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: R & W HALAL MEAT INC.  
 REINSTATE: 11/16/16  
 DIS BY PROC: 10/26/16

ENTITY NAME: RESIDENCE 8 CONDOMINIUM INC.  
 REINSTATE: 11/21/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: REWARD WORLD TRAVEL PASS, INC.  
 REINSTATE: 12/01/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: SCHOLL MAINTENANCE, CORP.  
 REINSTATE: 11/25/16  
 DIS BY PROC: 10/26/16

ENTITY NAME: SEG MAINTENANCE, INC  
REINSTATE: 11/15/16  
DIS BY PROC: 10/26/16

ENTITY NAME: SELVA TRANSPORTATION INC.  
REINSTATE: 10/31/16  
DIS BY PROC: 10/26/16

ENTITY NAME: SIL FASHION INC.  
REINSTATE: 12/01/16  
DIS BY PROC: 08/31/16

ENTITY NAME: SKYWAY RESTORATION INC  
REINSTATE: 11/21/16  
DIS BY PROC: 08/31/16

ENTITY NAME: SOUTH FERRY DEVELOPMENT CORP.  
REINSTATE: 11/15/16  
DIS BY PROC: 08/31/16

ENTITY NAME: SPRINGFIELD DONUT, INC.  
REINSTATE: 10/14/16  
DIS BY PROC: 07/27/11

ENTITY NAME: SUNDAY ENTERTAINMENT CONCEPTS (USA)  
INC.  
REINSTATE: 11/25/16  
DIS BY PROC: 08/31/16

ENTITY NAME: TACOS & BAKERY JALAPENO CORP.  
REINSTATE: 12/21/16  
DIS BY PROC: 08/31/16

ENTITY NAME: TECHNOMEN NY INC  
REINSTATE: 11/15/16  
DIS BY PROC: 10/26/16

ENTITY NAME: TOP FASHION INC.  
REINSTATE: 12/23/16  
DIS BY PROC: 08/31/16

ENTITY NAME: UNITED INTERNATIONAL SOURCE CORP.  
REINSTATE: 10/27/16  
DIS BY PROC: 06/29/16

ENTITY NAME: US CARGO EXPRESS INC.  
REINSTATE: 10/28/16  
DIS BY PROC: 10/26/16

ENTITY NAME: VELKAST & ASSOCIATES INC.  
REINSTATE: 12/07/16  
DIS BY PROC: 08/31/16

ENTITY NAME: VIVIA PECUNIA CORP.  
REINSTATE: 12/22/16  
DIS BY PROC: 08/31/16

ENTITY NAME: WANGFA INTERNATIONAL TRADE INC.  
REINSTATE: 11/21/16  
DIS BY PROC: 10/26/16

ENTITY NAME: WEDDING-SUTRA, INC.  
REINSTATE: 12/01/16  
DIS BY PROC: 08/31/16

ENTITY NAME: WIJS INC  
REINSTATE: 10/11/16  
DIS BY PROC: 06/29/16

ENTITY NAME: 1314 GRAND CONCOURSE REALTY CORP.  
REINSTATE: 11/25/16  
DIS BY PROC: 10/28/09

ENTITY NAME: 46-22 CORP.  
REINSTATE: 12/27/16  
DIS BY PROC: 10/26/16

ENTITY NAME: 5 STAR CLEANING, INC.  
REINSTATE: 10/28/16  
DIS BY PROC: 10/26/16

**COUNTY: RICHMOND**

ENTITY NAME: JR GLAM INC.  
REINSTATE: 10/25/16  
DIS BY PROC: 08/31/16

ENTITY NAME: KAMCO GROUP, LTD.  
REINSTATE: 11/15/16  
DIS BY PROC: 10/26/16

ENTITY NAME: LANDLINE CONTRACTING, INC.  
REINSTATE: 10/24/16  
DIS BY PROC: 08/31/16

ENTITY NAME: MAJOR TRANSPORTATION INC.  
REINSTATE: 10/28/16  
DIS BY PROC: 10/26/16

ENTITY NAME: MISAKI CORP.  
REINSTATE: 12/06/16  
DIS BY PROC: 10/26/16

**COUNTY: ROCKLAND**

ENTITY NAME: ALPHONSO E. BROWN FUNERAL DIREC-  
TORS, INC.  
REINSTATE: 11/08/16  
DIS BY PROC: 10/26/16

ENTITY NAME: APPLE CONDO CORPORATION  
REINSTATE: 10/06/16  
DIS BY PROC: 08/31/16

ENTITY NAME: MILSADE LTD.  
REINSTATE: 11/09/16  
DIS BY PROC: 08/31/16

ENTITY NAME: NICHOLAS AND PETER CORPORATION  
REINSTATE: 11/03/16  
DIS BY PROC: 08/31/16

ENTITY NAME: SPOTLIGHT PRO NY INC.  
REINSTATE: 11/25/16  
DIS BY PROC: 08/31/16

ENTITY NAME: TWO BROTHERS MASONS INC.  
REINSTATE: 11/21/16  
DIS BY PROC: 10/26/16

**COUNTY: SARATOGA**

ENTITY NAME: KINNEY SERVICES, INC.  
REINSTATE: 11/25/16  
DIS BY PROC: 08/31/16

**COUNTY: SUFFOLK**

ENTITY NAME: C&C MECHANICAL SOLUTIONS CORP  
 REINSTATE: 10/31/16  
 DIS BY PROC: 10/26/16

ENTITY NAME: CONSTRUCTIVE CONSULTING CORPORATION  
 REINSTATE: 12/21/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: DEBBIE FISHKIN MA, CCC-SLP P.C.  
 REINSTATE: 12/23/16  
 DIS BY PROC: 10/26/16

ENTITY NAME: GENEL'S WORLD OF FLOORS, LTD.  
 REINSTATE: 12/23/16  
 DIS BY PROC: 03/31/04

ENTITY NAME: ILF MOBILE APPS CORP.  
 REINSTATE: 11/01/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: INSIGHT FACILITIES SOLUTIONS INC.  
 REINSTATE: 10/25/16  
 DIS BY PROC: 06/29/16

ENTITY NAME: L.I. FUEL OIL CO., INC.  
 REINSTATE: 12/23/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: NORTHRAY, LTD.  
 REINSTATE: 11/08/16  
 DIS BY PROC: 10/26/16

ENTITY NAME: PRA & ASSOCIATES INC.  
 REINSTATE: 11/15/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: SAMARA SPRING CHURGIN, MEDICAL DOCTOR, PROFESSIONAL CORPORATION  
 REINSTATE: 10/25/16  
 DIS BY PROC: 08/31/16

**COUNTY: ULSTER**

ENTITY NAME: HRR CORP.  
 REINSTATE: 11/21/16  
 DIS BY PROC: 10/26/16

**COUNTY: WESTCHESTER**

ENTITY NAME: BASKETBALL IS FUNDAMENTAL, INC.  
 REINSTATE: 12/21/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: CATALINA NAVARRO DDS P.C.  
 REINSTATE: 10/12/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: CHOICE NAIL STUDIO CORP.  
 REINSTATE: 11/21/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: CMX CONSTRUCTION CORP  
 REINSTATE: 12/09/16  
 DIS BY PROC: 10/26/16

ENTITY NAME: DE SANTIS ELECTRIC INC.  
 REINSTATE: 11/15/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: PLANTIN AMERICA, INC.  
 REINSTATE: 11/08/16  
 DIS BY PROC: 10/26/16

ENTITY NAME: SHAPE UP NY CORP.  
 REINSTATE: 10/27/16  
 DIS BY PROC: 08/31/16

ENTITY NAME: TRIDENT CASTLE TRANSPORTATION INC.  
 REINSTATE: 12/01/16  
 DIS BY PROC: 08/31/16

**NOTICE OF ERRONEOUS INCLUSION  
 IN ANNULMENT OF AUTHORITY OF  
 CERTAIN FOREIGN CORPORATIONS**

Under the Provisions of Section 203-b of the Tax Law, As Amended  
 The Secretary of State hereby provides notice that the following foreign corporations were erroneously included in proclamations declaring their authority to do business in this state annulled. The State Tax Commission has duly certified to the Secretary of State that the names of the following foreign corporations were erroneously included in such proclamations. The appropriate entries have been made on the records of the Department of State.

**COUNTY: ALBANY**

ENTITY NAME: APPRECIATION EVENTS, INC.  
 JURIS: CALIFORNIA  
 REINSTATE: 11/21/16  
 ANNUL OF AUTH: 01/25/12

ENTITY NAME: DELTA SCIENTIFIC CORPORATION  
 JURIS: CALIFORNIA  
 REINSTATE: 12/29/16  
 ANNUL OF AUTH: 08/31/16

ENTITY NAME: LIFE QUOTES, INC.  
 JURIS: ILLINOIS  
 REINSTATE: 11/15/16  
 ANNUL OF AUTH: 10/26/16

ENTITY NAME: TUV RHEINLAND INDUSTRIAL SOLUTIONS, INC.  
 JURIS: MICHIGAN  
 REINSTATE: 11/01/16  
 ANNUL OF AUTH: 08/31/16

ENTITY NAME: URS AGENTS INC.  
 JURIS: CALIFORNIA  
 REINSTATE: 10/21/16  
 ANNUL OF AUTH: 08/31/16

**COUNTY: BRONX**

ENTITY NAME: ENTERPRISE INFINITY SYSTEMS, INC.  
 JURIS: NEW JERSEY  
 REINSTATE: 10/31/16  
 ANNUL OF AUTH: 06/29/16

**COUNTY: ERIE**

ENTITY NAME: SENECA PROMOTIONS, INC.  
 JURIS: ALL OTHERS  
 REINSTATE: 11/08/16  
 ANNUL OF AUTH: 10/26/16

**COUNTY: KINGS**

ENTITY NAME: KNOWN MERCHANT, INC.  
JURIS: DELAWARE  
REINSTATE: 11/01/16  
ANNUL OF AUTH: 08/31/16

ENTITY NAME: REHABILITATION CHOICE, INC.  
JURIS: MICHIGAN  
REINSTATE: 12/20/16  
ANNUL OF AUTH: 04/25/12

ENTITY NAME: SAGE PUBLICATIONS, INC.  
JURIS: DELAWARE  
REINSTATE: 11/03/16  
ANNUL OF AUTH: 08/31/16

**COUNTY: MONROE**

ENTITY NAME: BELL CORP.  
FICT NAME: BELL OF ROCHESTER  
JURIS: DELAWARE  
REINSTATE: 12/12/16  
ANNUL OF AUTH: 01/26/11

ENTITY NAME: IBERDROLA ENERGY PROJECTS INC.  
JURIS: DELAWARE  
REINSTATE: 10/12/16  
ANNUL OF AUTH: 08/31/16

ENTITY NAME: STRONG ARM TECHNOLOGIES, INC.  
JURIS: DELAWARE  
REINSTATE: 12/06/16  
ANNUL OF AUTH: 10/26/16

**COUNTY: NASSAU**

ENTITY NAME: AMERI-SWISS MERCHANT LTD.  
JURIS: DELAWARE  
REINSTATE: 10/04/16  
ANNUL OF AUTH: 08/31/16

ENTITY NAME: SPEC SIMPLE, INC.  
JURIS: DELAWARE  
REINSTATE: 12/01/16  
ANNUL OF AUTH: 08/31/16

ENTITY NAME: VETAURA, INC.  
JURIS: DELAWARE  
REINSTATE: 12/12/16  
ANNUL OF AUTH: 08/31/16

**COUNTY: NEW YORK**

ENTITY NAME: ADDEPAR, INC.  
JURIS: DELAWARE  
REINSTATE: 10/24/16  
ANNUL OF AUTH: 08/31/16

ENTITY NAME: AECOM TECHNOLOGY CORPORATION  
JURIS: DELAWARE  
REINSTATE: 11/30/16  
ANNUL OF AUTH: 10/26/16

ENTITY NAME: BROKEN FOOT PRODUCTIONS, INC.  
FICT NAME: BROKEN FOOT (NY) PRODUCTIONS  
JURIS: CALIFORNIA  
REINSTATE: 12/01/16  
ANNUL OF AUTH: 10/26/16

ENTITY NAME: CELMATIX INC.  
JURIS: DELAWARE  
REINSTATE: 11/01/16  
ANNUL OF AUTH: 08/31/16

ENTITY NAME: CREDIT SERVICE COMPANY, INC.  
FICT NAME: CSC THE ACCOUNTS RECEIVABLE PROFESSIONALS  
JURIS: COLORADO  
REINSTATE: 12/06/16  
ANNUL OF AUTH: 10/26/16

ENTITY NAME: DAIMARU MATSUZAKAYA DEPARTMENT STORES CO. LTD.  
JURIS: JAPAN  
REINSTATE: 11/30/16  
ANNUL OF AUTH: 06/29/16

ENTITY NAME: FEE INSURANCE GROUP, INC.  
FICT NAME: FEE INSURANCE AGENCY  
JURIS: KANSAS  
REINSTATE: 12/01/16  
ANNUL OF AUTH: 10/26/16

ENTITY NAME: FREESE AND NICHOLS, INC.  
JURIS: TEXAS  
REINSTATE: 11/25/16  
ANNUL OF AUTH: 06/29/16

ENTITY NAME: FRIENDFINDER NETWORKS INC.  
JURIS: DELAWARE  
REINSTATE: 10/27/16  
ANNUL OF AUTH: 10/26/16

ENTITY NAME: HARMON, INC.  
JURIS: MINNESOTA  
REINSTATE: 12/16/16  
ANNUL OF AUTH: 10/26/16

ENTITY NAME: LIQUITOMIC, INC.  
JURIS: DELAWARE  
REINSTATE: 10/25/16  
ANNUL OF AUTH: 08/31/16

ENTITY NAME: M & T GLOBAL TRANSPORTATION, INC.  
JURIS: DELAWARE  
REINSTATE: 12/09/16  
ANNUL OF AUTH: 10/26/16

ENTITY NAME: MAVENMAGNET INC.  
JURIS: DELAWARE  
REINSTATE: 12/29/16  
ANNUL OF AUTH: 10/26/16

ENTITY NAME: MOAT INC.  
JURIS: DELAWARE  
REINSTATE: 11/21/16  
ANNUL OF AUTH: 08/31/16

ENTITY NAME: NORTHERN ESTATES CORP.  
FICT NAME: NORTHERN ESTATES REALTY HOLDING  
JURIS: DELAWARE  
REINSTATE: 11/17/16  
ANNUL OF AUTH: 10/26/16

ENTITY NAME: OFI GLOBAL ASSET MANAGEMENT, INC.  
JURIS: DELAWARE  
REINSTATE: 12/19/16  
ANNUL OF AUTH: 10/26/16

ENTITY NAME: PIVOTAL SOFTWARE, INC.  
 JURIS: DELAWARE  
 REINSTATE: 12/12/16  
 ANNUL OF AUTH: 10/26/16

ENTITY NAME: PREMIER SUPPLY CHAIN IMPROVEMENT, INC.  
 JURIS: DELAWARE  
 REINSTATE: 10/05/16  
 ANNUL OF AUTH: 06/29/16

ENTITY NAME: ROCHE TCRC, INC.  
 JURIS: DELAWARE  
 REINSTATE: 12/09/16  
 ANNUL OF AUTH: 10/26/16

ENTITY NAME: SAFEGUARDS TECHNOLOGY INC.  
 JURIS: GEORGIA  
 REINSTATE: 11/21/16  
 ANNUL OF AUTH: 06/30/04

ENTITY NAME: SAPA EXTRUDER, INC.  
 JURIS: DELAWARE  
 REINSTATE: 10/04/16  
 ANNUL OF AUTH: 06/29/16

ENTITY NAME: SISENSE INC.  
 JURIS: DELAWARE  
 REINSTATE: 12/09/16  
 ANNUL OF AUTH: 10/26/16

ENTITY NAME: SOFTWARE INTERNATIONAL, INC.  
 JURIS: DELAWARE  
 REINSTATE: 10/04/16  
 ANNUL OF AUTH: 03/24/99

ENTITY NAME: SZR NEW YORK LH, INC.  
 JURIS: VIRGINIA  
 REINSTATE: 11/21/16  
 ANNUL OF AUTH: 10/26/16

ENTITY NAME: TAPAD, INC.  
 JURIS: DELAWARE  
 REINSTATE: 11/01/16  
 ANNUL OF AUTH: 10/26/16

ENTITY NAME: TREMISIS ENERGY ACQUISITION CORPORATION  
 JURIS: DELAWARE  
 REINSTATE: 12/21/16  
 ANNUL OF AUTH: 01/26/11

ENTITY NAME: TRIBECA CLOUD INC.  
 JURIS: DELAWARE  
 REINSTATE: 12/01/16  
 ANNUL OF AUTH: 10/26/16

ENTITY NAME: VISAHQ.COM INC.  
 JURIS: VIRGINIA  
 REINSTATE: 10/04/16  
 ANNUL OF AUTH: 08/31/16

ENTITY NAME: WESTMINSTER MGT. GP CORP.  
 JURIS: NEW JERSEY  
 REINSTATE: 11/08/16  
 ANNUL OF AUTH: 10/26/11

ENTITY NAME: WHITE STAR CAPITAL USA, INC.  
 JURIS: DELAWARE  
 REINSTATE: 12/06/16  
 ANNUL OF AUTH: 10/26/16

ENTITY NAME: ZUMFUN INC.  
 JURIS: DELAWARE  
 REINSTATE: 10/31/16  
 ANNUL OF AUTH: 10/26/16

ENTITY NAME: 1LIFE HEALTHCARE, INC.  
 JURIS: DELAWARE  
 REINSTATE: 11/09/16  
 ANNUL OF AUTH: 08/31/16

**COUNTY: NIAGARA**

ENTITY NAME: N. HARRIS COMPUTER CORPORATION  
 JURIS: ONTARIO  
 REINSTATE: 10/28/16  
 ANNUL OF AUTH: 08/31/16

**COUNTY: ONONDAGA**

ENTITY NAME: MR. BULT'S, INC.  
 JURIS: ILLINOIS  
 REINSTATE: 10/28/16  
 ANNUL OF AUTH: 08/31/16

**COUNTY: QUEENS**

ENTITY NAME: DELL SOFTWARE INC.  
 JURIS: DELAWARE  
 REINSTATE: 11/22/16  
 ANNUL OF AUTH: 10/26/16

**COUNTY: RENSSELAER**

ENTITY NAME: PITNEY BOWES SOFTWARE INC.  
 JURIS: DELAWARE  
 REINSTATE: 12/14/16  
 ANNUL OF AUTH: 06/29/16

ENTITY NAME: UMS GROUP INC.  
 FICT NAME: UMS GROUP HOLDINGS  
 JURIS: NEW JERSEY  
 REINSTATE: 10/31/16  
 ANNUL OF AUTH: 10/26/16

**COUNTY: SARATOGA**

ENTITY NAME: PROFESSIONAL PERFORMANCE DEVELOPMENT GROUP, INC.  
 JURIS: TEXAS  
 REINSTATE: 11/29/16  
 ANNUL OF AUTH: 10/26/16

**COUNTY: SCHENECTADY**

ENTITY NAME: TOLY DIGITAL NETWORKS, INC.  
 JURIS: FLORIDA  
 REINSTATE: 10/27/16  
 ANNUL OF AUTH: 08/31/16

**NOTICE OF CANCELLATION  
 OF ANNULMENT OF AUTHORITY OF  
 CERTAIN FOREIGN CORPORATIONS**

Under the Provisions of Section 203-b of the Tax Law, As Amended  
 The Secretary of State hereby provides notice that the following  
 foreign corporations, which had their authority to do business in this

State annulled in the manner prescribed by Section 203-b of the Tax Law, have complied with the provisions of subdivision (7) of Section 203-b of the Tax Law, annulling all of the proceedings theretofore taken for the annulment of authority of each such corporation. The appropriate entries have been made on the records of the Department of State.

**COUNTY: ALBANY**

ENTITY NAME: MESSAGE CENTER MANAGEMENT, INC.  
 JURIS: DELAWARE  
 REINSTATE: 12/23/16  
 ANNUL OF AUTH: 06/26/02

ENTITY NAME: TOUTON U.S.A. LIMITED  
 JURIS: INDIANA  
 REINSTATE: 10/17/16  
 ANNUL OF AUTH: 08/31/16

**COUNTY: MONROE**

ENTITY NAME: MIDWEST FINANCIAL ACCEPTANCE CORPORATION  
 JURIS: MISSOURI  
 REINSTATE: 11/17/16  
 ANNUL OF AUTH: 10/28/09

**COUNTY: NEW YORK**

ENTITY NAME: BNN GROUP, INC.  
 JURIS: NEW JERSEY  
 REINSTATE: 12/05/16  
 ANNUL OF AUTH: 07/27/11

ENTITY NAME: BRATTFORD INVESTMENTS LIMITED  
 JURIS: ALL OTHERS  
 REINSTATE: 12/08/16  
 ANNUL OF AUTH: 10/26/11

ENTITY NAME: BUJEON ELECTRONICS CO., LTD.  
 JURIS: KOREA  
 REINSTATE: 11/23/16  
 ANNUL OF AUTH: 07/27/11

ENTITY NAME: MEDIANEWS GROUP, INC.  
 JURIS: DELAWARE  
 REINSTATE: 11/04/16  
 ANNUL OF AUTH: 08/31/16

ENTITY NAME: MONTROSE SECURITIES INTERNATIONAL  
 JURIS: CALIFORNIA  
 REINSTATE: 10/19/16  
 ANNUL OF AUTH: 06/25/03

ENTITY NAME: ONB INSURANCE GROUP, INC.  
 FICT NAME: ONB INSURANCE GROUP AGENCY  
 JURIS: INDIANA  
 REINSTATE: 12/02/16  
 ANNUL OF AUTH: 10/27/10

ENTITY NAME: QUOVERA, INC.  
 JURIS: CALIFORNIA  
 REINSTATE: 10/03/16  
 ANNUL OF AUTH: 10/26/11

ENTITY NAME: R2 SYSTEMS, INC.  
 JURIS: CALIFORNIA  
 REINSTATE: 12/28/16  
 ANNUL OF AUTH: 06/29/16

ENTITY NAME: TRIPLE CANOPY, INC.  
 JURIS: ILLINOIS  
 REINSTATE: 12/09/16  
 ANNUL OF AUTH: 10/26/16

ENTITY NAME: UJA, INC.  
 JURIS: NEW JERSEY  
 REINSTATE: 12/06/16  
 ANNUL OF AUTH: 01/26/11

**COUNTY: SUFFOLK**

ENTITY NAME: PRECISION TIME SYSTEMS, INC.  
 JURIS: PENNSYLVANIA  
 REINSTATE: 11/10/16  
 ANNUL OF AUTH: 04/27/11

**PUBLIC NOTICE**

**New York State and Local Retirement Systems  
 Unclaimed Amounts Payable to Beneficiaries**

Pursuant to the Retirement and Social Security Law, the New York State and Local Retirement Systems hereby gives public notice of the amounts payable to beneficiaries.

The State Comptroller, pursuant to Sections 109 (a) and 409 (a) of the Retirement and Social Security Law has received, from the New York State and Local Retirement Systems, a listing of beneficiaries or estates having unclaimed amounts in the Retirement System. A list of the names contained in this notice is on file and open to public inspection at the office of the New York State and Local Retirement Systems located at 110 State St., in the City of Albany, New York.

Set forth below are the names and addresses (last known) of beneficiaries and estates appearing from the records of the New York State and Local Retirement Systems, entitled to the unclaimed benefits.

At the expiration of six months from the date of publication of this list of beneficiaries and estates, unless previously paid to the claimant, the amounts shall be deemed abandoned and placed in the pension accumulation fund to be used for the purpose of said fund.

Any amounts so deemed abandoned and transferred to the pension accumulation fund, may be claimed by the executor or administrator of the estates or beneficiaries so designated to receive such amounts, by filing a claim with the State Comptroller. In the event such claim is properly made, the State Comptroller shall pay over to the estates or to the person or persons making such claim, the amount without interest.

BENEFICIARY NAME	PUBLICATION CITY	PUB STATE
FOSS,CHARLES R	EL PASO	TX
READ,GORDON N ESTATE OF	MANCHESTE	NH
FOLKMANN,GYORGYI ESTATE OF	ALBANY	NY
AUSTIN,SHARON SMITH	PHILADELPHIA	PA
RUFF SR,JAMES H ESTATE OF	BROOKLYN	NY
ROUNSVILLE,FREDERICK L EST OF	NORESHEADS	NY
MC GOWAN,JANET S ESTATE OF	ALBANY	NY
ARROYO,MONSERATE ESTATE OF	BAY SHORE	NY
CRAIG,GWENDOLYN ESTATE OF	YONKERS	NY
BADINER,JACOB S ESTATE OF	MATAWAN	MI
BEVERLY,ALICE	ALBANY	NY
WOLFSON,ESTATE OF LILLIAN	MENANDS	VA

BENEFICIARY NAME	PUBLICATION CITY	PUB STATE	BENEFICIARY NAME	PUBLICATION CITY	PUB STATE
GALVIN,LAWRENCE JOSEPH	CAIRO	NY	KESSLER,COSMO M	SYRACUSE	NY
ANNARELLA,CAROL	ISLAND PARK	NY	KESSLER,MAISY R	SYRACUSE	NY
BISHOP,JANICE A	CLEAR LAKE	FL	STERN,ARIELLE	WARWICK	NY
LEO,HENRY C ESTATE OF	ELMIRA	NY	ELLINGTON,KAIDEN A	BROOKLYN	NY
ESTER,CHARLES ESTATE OF	NEW YORK	NY	WILLIAMS,MAGGIE	BREEZY POINT	NY
ESTES,ANN RUTH	ALBANY	NY	COLEMAN,CAMERON	HUDSON	NY
LEWIS,NORMAN	DANA POINT	WI	DI PASQUALE,ANTHONY ESTATE OF	SARATOGA SPRINGS	NY
SALZER,NANCY J ESTATE OF	MONROE	NY	JOHNSON,TRINITY	ROCHESTER	NY
MC NULTY,TARA	GILORY	CA	MAGLOTT,ESTATE OF STEPHEN A	MIDDLE RIVER	MD
BOCHENEK,TRAVIS	WINDHAM	NH	NOJAY,ESTATE OF WILIAM R	PITTSFORD	NY
MACEDA,SANTIAGO	BRONX	NY	DOGBEY,BRITNEY W	COPIAGUE	NY
HARTMAN,KRISTA E	ROME	NY	D'ESPOSITO,GABRIELLA	RAVENA	NY
KENNY,MURIEL M ESTATE OF	BAY SHORE	NY	D'ESPOSITO,KYLIE	RAVENA	NY
CHILELLI,NICHOLAS V	BORDENTOWN	NJ	D'ESPOSITO,MIKAYLA	RAVENA	NY
WHITE,DEBORAH ANN	ALBANY	NY	MAYER,DENNIS	BUFFALO	NY
LOGAN,MICHAEL D ESTATE OF	NEW PALTZ	NY	MAYER,MATTHEW	BUFFALO	NY
COLEMAN,JAMESV	LEBANON	NH	TURNBAUGH,SANDRA	WEST SENECA	NY
VANKLEECK,MICHELE	KINGSTON	NY	SANTIAGO,GEORGE	DEER PARK	NY
TAYLOR,JEAN S	LEVITTOWN	NY	HAWKINS,GINA T	MEDFORD	NY
SMITH,JERRI	NEWFIELD	NY	HAWKINS,JENNIFER M	MEDFORD	NY
MANNA,MADISON	MELBOURNE	FL	HAWKINS,JOSEPH A	MEDFORD	NY
SOKOLOVSKAYA,TATIANA	ALBANY	FL	HAWKINS,MICHELLE C	MEDFORD	NY
TANNER GOLLER,LEAH J ESTATE OF	SOUTH WALES	GA	RICHARDSON,K'NAIIA A	BRONX	NY
FOSTER,FRANK	SACRAMENTO	CA			
HOLOP,ANTHONY	MORICHES	NY			
TUNDO,FELECIA ESTATE OF	BLASDELL	NY			
CLANCY,SUZANNE	DELMAR	CA			
DENEA,MARK R ESTATE OF	PERRYSBURG	NY			
CUMMINGS,CLARENCE E ESTATE OF	GOUVERNEUR	NY			
WINTERS,MICHELE	SAUGERTIES	NY			
SYRON,ROBERT	EAST MARION	NY			
ALIBERTI,JOHN M	BELLMORE	NY			
GILLINDER,SUSAN	PORT JERVIS	NY			
AUBUT,LAWRENCE C ESTATE OF	CAMBRIDGE	OH			
KAEPPEL,ERIKA	HUNTINGTON STATION	NY			
BYRNE,AIDAN J	KINGS PARK	NY			
BYRNE,CULLEN O	KINGS PARK	NY			
BRODHURST,DEVIN	BRONX	NY			
MOORE,KENYATTA S	BRIDGEPORT	CT			
MOORE,KYRA C	BRIDGEPORT	CT			
CIANFRANO,AARON	ROME	NY			
CIANFRANO,EVAN	ROME	NY			
SLASKI,MEGHAN	ALBANY	NY			
DAVANE, TAVAREZ	GARFIELD	NJ			
MENOS,KATRINA	POMONA	NY			
BLACK,TANAIYA E	BUFFALO	NY			

**PUBLIC NOTICE**

Department of State  
F-2018-0598

Date of Issuance – December 19, 2018

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

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

In F-2018-0598, Ludvipol, LLC and Roger Flik are proposing maintenance dredging of two existing marinas, and new dredging of a fairway area to reach the federal navigation channel within Mamaroneck Harbor, Village of Mamaroneck, Westchester County. Approximately 13,934 cubic yards of material will be removed and is proposed to be disposed of at the Western Long Island Sound Disposal Site (WLDS).

The applicants’ submission can be downloaded at: F-2018-0598LudvipolLLCFlikConsistencyCertification.pdf

The proposed activity would be located within or has the potential to affect the following Special Management or Regulated Area(s):

- Village of Mamaroneck Local Waterfront Revitalization Program: [https://www.dos.ny.gov/opd/programs/WFRvitalization/LWRP\\_status.html](https://www.dos.ny.gov/opd/programs/WFRvitalization/LWRP_status.html)

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice or by January 3, 2018.

*Comments should be addressed to:* Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

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

## PUBLIC NOTICE

Department of State  
F-2018-0740

Date of Issuance – December 19, 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. Public information and data submitted by the applicant are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York. Portions of the application are also available for review at: [http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2018-0740\\_ApplicationForPN.pdf](http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2018-0740_ApplicationForPN.pdf)

In F-108-0740, Mr. Ashwatha Narayana, is proposing the Shoreline Stabilization and Dock Project in Stockport Creek at 156 Hidden Estate Road, Town of Stockport & Columbia County. The applicant proposes to undertake site improvements consisting of stabilizing approximately 113 linear feet of shoreline with riprap (proposing 3ft riverward encroachment); in-kind replacement of an existing timber bulkhead using 2'x2'x6' jersey blocks; installing a 5'x15' gangway and a 8'x16' pressure-treated floating dock; constructing an upland wooden staircase from existing residence to the proposed site improvements (14' wide limit of tree clearing); and upgrading the existing septic system. The stated purpose of the project is to place a pre-engineered residential structure on an existing foundation with associated wastewater treatment system and improve waterfront access from the main residence.

The proposed activity would be located within or has the potential to affect the following Special Management or Regulated Area(s):

- Stockport Creek and Flats Significant Coastal Fish and Wildlife Habitat: [https://www.dos.ny.gov/opd/programs/consistency/Habitats/HudsonRiver/Stockport\\_Creek\\_and\\_Flats\\_and\\_Marsh\\_FINAL.pdf](https://www.dos.ny.gov/opd/programs/consistency/Habitats/HudsonRiver/Stockport_Creek_and_Flats_and_Marsh_FINAL.pdf)
- Columbia - Greene North (CGN) Scenic Area of Statewide Significance: <https://www.dos.ny.gov/opd/programs/consistency/scenicass.html>

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or, January 3, 2018.

*Comments should be addressed to:* the Consistency Review Unit, Department of State, Office of Planning, Development & 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  
F-2018-1076

Date of Issuance – December 19, 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 at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York, and are available for review at: [http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2018-1076\\_Application.pdf](http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2018-1076_Application.pdf)

In F 2018 1076, Sprague Operating Resources, LLC, is proposing the Sprague Shoreline Stabilization Project in Mott Creek at 1 Bay Boulevard, City of Lawrence, Nassau County. The stated purpose of the project is to temporarily stabilize a failing steel sheet bulkhead at an existing oil terminal facility. The applicant proposes to install 4 steel buttresses, 2 lower steel whalers (18'10" long and 8'6" long), 1 upper steel whaler (18'4" long), a 7 pile barge mooring cluster, an approximately 8-ft fender return on the western side consisting of 4 piles and 2 steel whalers. Additionally, an open grate platform would be installed on the landward side of the existing steel sheet bulkhead.

The proposed activity would be located within or has the potential to affect the Jamaica Bay Significant Coastal Fish and Wildlife Habitat: [https://www.dos.ny.gov/opd/programs/consistency/Habitats/nyc/Jamaica\\_Bay.pdf](https://www.dos.ny.gov/opd/programs/consistency/Habitats/nyc/Jamaica_Bay.pdf)

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or, January 18, 2019.

*Comments should be addressed to:* Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

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

## PUBLIC NOTICE

Department of State  
F-2018-1237

Date of Issuance – December 19, 2018

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

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

In F-2018-1237, New Haven Terminal, New Haven Harbor, New Haven, CT - is proposing maintenance dredging of the existing commercial terminal. Approximately 24,500 cubic yards of material will be removed and is proposed to be disposed of at the Central Long Island Sound Disposal Site (CLDS).

The applicants' submission can be downloaded at:

- F-2018-1237NewHavenTerminalConsistencyCertification.pdf

The proposed activity would be located within or has the potential to affect the following Special Management or Regulated Area(s):

- Long Island Sound Coastal Management Program: <https://www.dos.ny.gov/opd/programs/pdfs/LISCMP.pdf>

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice or by January 3, 2018.

*Comments should be addressed to:* Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington

Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

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

**PUBLIC NOTICE**

Department of State  
F-2018-1251 (DA)

Date of Issuance – December 19, 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.

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

In F-2018-1251 (DA), the U.S. Army Corps of Engineers, Buffalo District has submitted a consistency determination for the maintenance dredging of Rochester Harbor with subsequent open-water disposal of 250,000 cubic yards of dredged material at the open-lake placement area located 1.5 miles from the harbor’s West Pierhead light at an azimuth of 060°00’.

The Corps’ consistency determination can be downloaded at: F-2018-1251(DA)COE\_RochesterHarborDredging.pdf

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or, by Thursday, January 3, 2019.

*Comments should be addressed to:* Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

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

**PUBLIC NOTICE**

Department of State  
Uniform Code Variance/Appeal Petitions

2018-0382 Matter of Stanley Hayes, Hyman Hayes Associates, LLC/Principal, Six Wembley Court, Albany, NY 12205 for a variance concerning a violation of the International Building Code with respect to the installation of building code required audio fire alarm notification devices in a building containing a “B Research Laboratory”. The building is part of a group of buildings known as the Albany Medical Center Hospital located at 43 New Scotland Ave., City of Albany, County of Albany, State of New York.

**PUBLIC NOTICE**

Department of State  
Uniform Code Variance/Appeal Petitions

2018-0444 Matter of James Lawrence of “Mohawk Adjustment Services LLC” 142 Front St. City of Schenectady, County of Schenectady, State of New York for a variance concerning a violation of the “Multiple Residence Law” in a building containing an R-2 (Multiple Dwelling) occupancy. The building is located at Five Union Street, City of Schenectady, County of Schenectady, State of New York.

2018-0504 Matter of Patrick Haggerty, 11 South Church Street, City of Schenectady, County of Schenectady, State of New York for a variance concerning a violation of the “Multiple Residence Law” in a building containing an R-2 (Multiple Dwelling) occupancy. The building is located at 11 South Church Street, City of Schenectady, County of Schenectady, State of New York.

2018-0527 Matter of Jane and George Davidson, 131 Crane Street, Village of Scotia, County of Schenectady, State of New York for a variance concerning a violation of the “Multiple Residence Law” in a building containing an R-2 (Multiple Dwelling) occupancy. The building is located at 1138 Glenwood Blvd., City of Schenectady, County of Schenectady, State of New York.

2018-0526 Matter of Craig Garrow, PO Box 786, Village of Malone, County of Franklin, State of New York for a variance concerning a violation of the “Uniform Code” with respect to minimum ceiling height in a two family residence occupancy. The building is located at 13 Cedar St., Village of Malone, County of Franklin, State of New York.

2018-0551 Matter of Russell And Patricia Fritz, 58 Union Avenue Apt. One, City of Schenectady, County of Schenectady, State of New York for a variance concerning a violation of the “Multiple Residence Law” in a building containing an R-2 (Multiple Dwelling) occupancy. The building is located at 58 Union Avenue, City of Schenectady, County of Schenectady, 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.

2018-0578 In the matter of Emily Vogel and Paul Wu, Four Evergreen Lane, 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, three stories in height, located at 104 Utica Street, City of Ithaca, County of Tompkins, New York.

**PUBLIC NOTICE**

Department of State  
Uniform Code Regional Boards of Review

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

2018-0580 Matter of New York Power Authority, Anthony Impeluso, 123 Main Street, White Plains, NY 10601, for a variance concerning safety requirements, including ceiling height.

**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.

2018-0583 Matter of AP Lofts at Larkinville located at 545 Swan Street, City of Buffalo (Erie County), NY, for a variance concerning raised platform for tub shower units. (Board Variance).

**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.

2018-0584 Matter of Hadley Exhibits located at 334 Grote Street, City of Buffalo (Erie County), NY, for a variance concerning bathroom accessibility (Routine Variance).

**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.

2018-0585 Matter of Majewski Residence located at 310 and 312 Normal Street, City of Buffalo (Erie County), NY, for a variance concerning Exterior Wall Openings. (Routine Variance).