
NEW YORK STATE
REGISTER

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Rule Review

Notice of Availability of State and Federal Funds

State agencies must specify in each notice which proposes a rule the last date on which they will accept public comment. Agencies must always accept public comment: for a minimum of 45 days following publication in the *Register* of a Notice of Proposed Rule Making, or a Notice of Emergency Adoption and Proposed Rule Making; 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 45 days after publication of the notice, and comments must be accepted for at least 5 days after the last required hearing. When the public comment period ends on a Saturday, Sunday or legal holiday, agencies must accept comment through the close of business on the next succeeding workday.

For notices published in this issue:

- the 45-day period expires on February 3, 2018
- the 30-day period expires on January 19, 2018

**ANDREW M. CUOMO
GOVERNOR**

**ROSSANA ROSADO
SECRETARY OF STATE**

NEW YORK STATE DEPARTMENT OF STATE

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NEW YORK STATE REGISTER

Be a part of the rule making process!

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

To be considered, comments should reach the agency before expiration of the public comment period. The law provides for a minimum 45-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)

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

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

Office of Children and Family Services

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Specialized Secure Detention Facilities

I.D. No. CFS-51-17-00017-EP

Filing No. 1067

Filing Date: 2017-12-07

Effective Date: 2017-12-07

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

Proposed Action: Amendment of Part 180 of Title 9 NYCRR.

Statutory authority: Executive Law, section 503(9)

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

Specific reasons underlying the finding of necessity: The “Raise the Age” law (Chapter 59 of the Laws of 2017 (RTA)) amended Executive Law section 503(9) to mandate “the Office of Children and Family Services (OCFS) in consultation with the State Commission of Correction (SCOC) to jointly regulate, certify, inspect and supervise specialized secure detention facilities.” The RTA also amended County Law section 218-a to mandate counties (including New York City) to “provide for adequate detention of alleged or convicted adolescent offenders in a specialized secure detention facility” and that the facility will be jointly administered by a designated county agency and the local county sheriff. The specialized secure detention facilities will need to be operational by October 1,

2018 for the safe detention of any youth alleged to be an adolescent offender. In order for the new specialized secure detention facilities to be operational, they first need to be developed and constructed, and then certified. Approval of construction plans for a specialized secure detention facility is necessary by OCFS and SCOC before any construction/modifications can begin. OCFS, which is tasked with the role of jointly regulating, certifying, inspecting and supervising such facilities, must develop and implement regulations to guide the counties’ efforts. Therefore, a new Subpart 180-3 of 9 NYCRR Part 180 is necessary to fulfill the requirements established by the enactment of Part WWW of chapter 59 of the Laws of 2017, referred to as the “Raise the Age Law” (RTA) and is being published as a notice of emergency adoption and proposed rule making. The emergency rule making is necessary as the counties need to adequately budget, procure, and plan immediately to meet the requirements of the RTA. Emergency rule making is further necessary for counties to meet the health and safety needs of alleged adolescent offenders as required by the RTA by October 1, 2018. The RTA represents New York State’s decision to change how 16- and 17-year-old youth are processed through the criminal and juvenile justice systems. This proposed rule addresses the minimum requirements needed to construct, staff and certify specialized secure detention facilities. Further rule making will propose additional rules and regulations to govern specialized secure detention facilities.

Subject: Specialized secure detention facilities.

Purpose: To establish specialized secure detention facilities.

Substance of emergency/proposed rule (Full text is posted at the following State website: <http://ocfs.ny.gov/main/legal/Regulatory/pc/>): A new Subpart 180-3 of 9 NYCRR Part 180 is necessary to fulfill the requirements established by the enactment of Part WWW of chapter 59 of the Laws of 2017, referred to as the “Raise the Age Law” (RTA). The RTA reflects New York State’s decision to change how 16- and 17-year-old youth are processed through the criminal and juvenile justice systems. In recognition that there are scientifically verified developmental differences in adolescent and adult executive reasoning, the RTA provides adolescents an opportunity to avoid being hindered throughout life by the consequences of bad decisions. This proposed rule only addresses the newly created need for specialized secure detention facilities, which will house youth alleged to be adolescent offenders, who will be youth sixteen and seventeen years of age who are accused of felonies. Specialized secure detention facilities can also house convicted adolescent offenders who are serving definite sentences for felony convictions of a year or less, and youth detained or sentenced on a vehicle and traffic violation who are 16 or 17. The New York State Office of Children and Family Services (OCFS) in conjunction with the New York State Commission of Correction (SCOC) drafted the proposed rules, as both OCFS and SCOC are mandated by law to have the ultimate regulatory oversight of the specialized secure detention facilities and these regulations meet that requirement. The proposed rule renumbers 9 NYCRR Part 180 as Subpart 180-1, to allow for the creation of a new Subpart 180-3 entitled “Specialized Secure Detention Facilities.” The following is a summary of each section in proposed Subpart 180-3, as noted the full text of the rule making.

Section 180-3.1 Legal Authority – sets forth the legal authority for promulgation of the proposal.

Section 180-3.2 Definitions – defines the terms necessary for this section.

Section 180-3.3 Certification – establishes the procedure by which the local counties (New York City included as a single county for this purpose) may apply for certification to operate specialized secure detention facilities from OCFS, which shall require review and approval by OCFS and SCOC. Certifications will last for two years.

Section 180-3.4 Administration and Operation – establishes basic guidelines by which the local counties can operate the new specialized secure detention facilities, including a regionalized approach or contracting with a public or nonprofit child caring agency. This section also

requires nondiscrimination policies and policies to prevent child abuse and abuse of vulnerable youth, and provides that a specialized secure detention facility shall be subject to and must comply with the requirements of the Prison Rape Elimination Act of 2003.

Section 180-3.5 Construction and Substantial Remodeling/Definition and Approvals – provides that any plans to construct or to substantially remodel a specialized secure detention facility must be approved by OCFS and SCOC prior to construction.

Section 180-3.6 Physical Plant Requirements – provides the physical plant requirements for a specialized secure detention facility, including the minimum design and security requirements for bathrooms, sleeping accommodations, recreation areas, school facilities, health facilities, screening and fencing, communication and monitoring, among other requirements.

Section 180-3.7 Records – requires a specialized secure detention facility to maintain current case records for each youth and establishes records retention requirements.

Section 180-3.8 Reports – requires a specialized secure detention facility to report incident through the Juvenile Detention Automated System (JDAS) or any other system or manner as required by OCFS and SCOC.

Section 180-3.9 Intake Requirements – establishes the minimum assessment that must be performed when a youth first enters a specialized secure detention facility, to address the youth's well-being and proper placement, as well as the safety of others in the facility.

Section 180-3.10 Classification – describes how a specialized secure detention facility will determine classification, which results in a youth's proper placement and supervision in the facility.

Section 180-3.11 Staffing and Supervision of Youth – establishes the required staffing necessary for the adequate and continuous supervision, safety, health, proper care and treatment of youth under the care of a specialized secure detention facility, including staff to youth ratios, programmatic staff requirements, staffing qualifications, and staff training.

Section 180-3.12 Behavioral Support System – directs a specialized secure detention facility to create a policy for managing youth behavior that must be approved by OCFS.

Section 180-3.13 Education – requires a specialized secure detention facility to provide all educational programs required by section 112 of the Education Law and have alternative programs for youth who have a diploma, a high school equivalency diploma or aged out of compulsory attendance.

Section 180-3.14 Behavioral Intervention Policies – requires a specialized secure detention facility to have a policy and methods approved by OCFS that will direct staff on how to address instances of escalated behavior by youth. This section addresses de-escalation techniques, as well as the use of physical or mechanical restraints.

Section 180-3.15 Use of Physical Restraint – outlines requirements pertaining to the use of physical restraint. Staff who are expected to use physical restraints must be specially trained. Physical restraints shall not be used for discipline, punishment or administrative convenience.

Section 180-3.16 Use of Mechanical Restraints – provides requirements for the use of mechanical restraints. Staff who are expected to use mechanical restraints must be specially trained. Mechanical restraints shall not be used for discipline, punishment or administrative convenience.

Section 180-3.17 Room Confinement – requires a specialized secure detention facility to develop a procedure for room confinement approved by OCFS if room confinement is to be used. Room confinement may be used to calm or control acute physical behavior, but not be used for discipline, punishment or administrative convenience.

Section 180-3.18 Searches of Youth – this section requires a specialized secure detention facility to develop a policy that must be approved by OCFS that outlines search parameters.

Section 180-3.19 - Waivers – provides that OCFS, in consultation with SCOC, may grant a waiver of a non-statutory requirement of this Subpart if the waiver does not affect the health, safety or welfare of the youth in the specialized secure detention facility.

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire March 6, 2018.

Text of 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: 45 days after publication of this notice.

Regulatory Impact Statement

1. Statutory Authority:

The "Raise the Age" law (Chapter 59 of the Laws of 2017 (RTA)) amended Executive Law section 503(9) to mandate "the Office of Chil-

dren and Family Services [(OCFS)] in consultation with the State Commission of Correction [(SCOC)] to jointly regulate, certify, inspect and supervise specialized secure detention facilities." The RTA also amended County Law section 218-a to mandate counties (including New York City) to "provide for adequate detention of alleged or convicted adolescent offenders in a specialized secure detention facility" and that the facility will be jointly administered by a designated county agency and the local county sheriff. When the RTA is fully implemented, adolescent offenders will be youth ages sixteen and seventeen who are accused of felonies or who, in some cases, are serving definite sentences for felony convictions. The County Law acknowledges the certification by OCFS in conjunction with SCOC, as well as the need to have enhanced security features and specially trained staff at these new facilities. Counties can arrange for adequate specialized secure detention of adolescent offenders either by operating a specialized secure detention facility or contracting for beds in another county's facility.

2. Legislative Objectives:

Enactment of "raise the age" legislation was an initiative of Governor Andrew Cuomo for several years, as New York was one of only two States left that still considered all 16- and 17-year-olds automatically criminally responsible. Consistent with adolescent developmental needs and the Prison Rape Elimination Act (PREA), the RTA recognizes the potential vulnerability and treatment needs of younger persons who will remain criminally responsible for their actions. Thus, such persons are required to be housed in discrete local facilities (i.e. specialized secure detention facilities) that are not jails, pending adjudication and for short sentences, and in specially designated facilities operated by the Department of Corrections and Community Supervision for longer sentences. This proposed rule outlines requirements under the RTA for specialized secure detention facilities for older adolescents.

3. Needs and Benefits:

The proposed rule is needed to fulfill the statutory mandates of the RTA. As noted in the "Summary of the Proposed Rule," the RTA is a necessary change to New York State's laws to address how youth are processed through the criminal and juvenile justice systems.

4. Costs:

Initial cost outlay by county governments is necessary to implement the requirements of the RTA. However, the RTA adds a new section 54-m to the State Finance Law which provides that qualifying counties are eligible for reimbursement of one hundred percent of the costs associated with implementation of the RTA. Those counties that would not automatically qualify are those that have enacted a budget that is subject to the provisions of General Municipal Law section 73(c) that has exceeded the limits of that law, or counties that are not subject to General Municipal Law section 73(c). Regardless, such counties may qualify for such state aid with a hardship waiver. Additionally, section 104-a of Part W of Chapter 59 provides that funding shall be available for one hundred percent of a county's costs associated with the transport of youth by the sheriff that would not otherwise have occurred absent the provisions of chapter 59 of the laws of 2017. The State has appropriated \$19 million to finance local detention costs and renovation.

With respect to overall costs, it should be noted that these same youth have been held in local jails, at county expense and have been maintained separately from older inmates due to the requirements of PREA. Thus, some expenses currently exist. In addition, in the event a county does not qualify for one hundred percent reimbursement under the RTA, reimbursement of the costs for new construction or substantial remodeling currently available for other juvenile detention facilities will be available for the same specialized secure detention outlays.

5. Local Government Mandates:

Counties must meet the deadlines established in the RTA to house 16-year-old adolescent offenders in specialized secure detention facilities beginning October 1, 2018 and 17-year-olds beginning October 1, 2019. In addition, New York City must transfer all 16- and 17-year-olds currently held at Rikers Island to a specialized juvenile detention facility established for that purpose by October 1, 2018. The counties will have opportunities to work jointly to create regional facilities, that may reduce the workload of a single county administering and operating a specialized secure detention facility. Counties may also engage an authorized child caring agency to operate specialized secure detention facilities.

6. Paperwork:

A county will need to obtain certification of the specialized secure detention facility every two years. There will also be paperwork associated with tracking costs and claiming reimbursement. Additionally, there will continue to be records retention requirements for the youth and reporting requirements related to incidents.

7. Duplication:

There should be no duplication of effort, as this is a single population that is being removed from the adult system to the juvenile system. This proposed rule does not duplicate other state or federal requirements.

8. Alternatives:

There were no significant alternative proposals to this rule, as the RTA mandates creation of specialized secure detention facilities and the proposal is consistent with the RTA's direction and prevailing standards.

9. Federal Standards:

This proposed rule is consistent with federal standards.

10. Compliance Schedule:

Specialized secure detention facilities must be available to house 16-year-old youth who are alleged to have committed felonies on or after October 1, 2018 and 17-year-old youth by October 1, 2019. In addition, Correction Law section 500-p mandates that 16- and 17-year-old youth who are currently housed at Rikers Island must be moved to a specialized juvenile detention facility for that purpose by October 1, 2018.

Regulatory Flexibility Analysis

1. Effect of Rule:

Each county must have adequate specialized secure detention facilities available to meet the needs of their populations. Counties (including New York City) that choose to operate a specialized secure detention facility, either alone or in conjunction with other counties, are affected by the proposed rule. The most significant impact will be on a county agency that is appointed to jointly administer detention with the applicable sheriff. The exact number to be affected in this way is unknown, as it is not known how many counties will opt to operate a specialized secure detention facility. Counties may choose to participate in a regional approach with other counties instead of operating their own specialized secure detention facilities. As for small businesses affected, the extent to which counties will choose to contract nonprofit authorized child caring agencies to operate a facility is unknown.

2. Compliance Requirements:

The county sheriffs and New York City currently house 16- and 17-year-olds accused of and serving definite sentences for felonies in local jails in areas separate from adults offenders. To comply with the proposed rule, the counties will need to determine alternate locations to house such youth in specialized secure detention. Unlike the other counties, New York City will also be required to transfer all current 16- and 17-year-olds held at Rikers Island to one or more specialized juvenile detention facilities for that purpose by October 1, 2018.

3. Professional Services:

It is likely that significant services for the construction or substantial remodeling required for the creation of specialized secure detention facilities will be necessary to meet the obligations of the RTA and this proposed rule. Additionally, there will be several professional facility staff positions required at each facility, such as teachers, medical staff, and counseling staff. Some of these staff may already exist in the facilities where such adolescents are currently being served and will transfer to the new facility, but some portion of the new facilities will likely generate new positions or contractual services.

4. Compliance Costs:

Initial capital costs are not able to be determined as the construction or renovation costs will vary depending on which counties opt to operate a facility and what will be required for startup. However, the RTA provides state aid to qualifying localities for up to one hundred percent of the costs incurred for implementation. For counties that would not qualify, existing levels of state aid for construction of new or substantially remodeled detention facilities are carried over for specialized secure detention facilities. In addition, the RTA provides for reimbursement of one hundred percent of the increased cost of sheriff transport associated with the RTA.

5. Economic and Technological Feasibility:

The RTA requires the operation of specialized secure detention facilities. Currently, certain counties and New York City operate secure detention facilities pursuant to County Law section 218-a. This proposed rule permits collocation of specialized secure detention facilities with secure detention facilities so that operators of such facilities can take advantage of unused space. Technological resources exist to create buildings with the necessary security features. Moreover, as noted above, state aid is potentially available to defray costs. Therefore, the requirements of this proposal are economically and technically feasible.

6. Minimizing Adverse Impact:

This proposal minimizes adverse impact by permitting specialized secure detention facilities to be collocated with secure detention facilities, thus allowing for use of existing unused space. In addition, financial assistance available for costs will minimize adverse impact.

7. Small Business and Local Government Participation:

OCFS is the agency charged with certifying and regulating the specialized secure detention facilities in conjunction with the State Commission of Correction (SCOC); thus, the regulations and rules must come from OCFS with input from SCOC as mandated by section 503(9) of Executive Law. Prior to publication of this proposal, meetings were held with certain detention providers regarding forthcoming requirements. The proposal will be available to affected parties for comment.

Rural Area Flexibility Analysis

1. Types and Estimated Numbers of Rural Areas:

Each county must have adequate specialized secure detention facilities available to meet the needs of their populations. Counties serving rural areas that choose to operate a specialized secure detention facility, either alone or in conjunction with other counties, will be affected by the rule. The most significant impact for those counties choosing to operate a specialized secure detention facility will be on a county agency that is appointed to jointly administer detention with the applicable sheriff. This burden is the need to administer and operate these new facilities. The exact number to be affected in this way is unknown, as it is not known how many counties serving rural areas will opt to operate a specialized secure detention facility. Counties may choose to participate in a regional approach with other counties instead of operating their own specialized secure detention facilities.

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

At this time, counties serving rural areas must meet the deadlines established in the RTA to house 16-year-olds in specialized secure detention facilities by October 2018 and 17-year-olds by October 2019. Counties serving rural areas will have opportunities to work jointly to create regional facilities, that may reduce the workload. Counties may also engage an authorized child caring agency to operate specialized secure detention facilities.

Counties serving rural areas will need to obtain certification of a specialized secure detention facility every two years. There will also be paperwork associated with tracking costs and claiming reimbursement. Additionally, there are records retention requirements for the youth and reporting requirements related to incidents.

It is likely that services for the construction or substantial remodeling required for the creation of specialized secure detention facilities will be necessary to meet the obligations of the RTA and this proposed rule. Additionally, there will be several professional facility staff positions, such as teachers, medical staff, and counseling staff. Some of these staff may already exist in the facilities where such adolescents are being served and will transfer to the new facility, but some portion of the new facilities will likely generate new positions or contractual services.

3. Costs:

Initial capital costs are currently undetermined as the construction or renovation costs will vary depending on which counties serving rural areas opt to operate a facility individually or jointly and required startup costs. However, the RTA provides state aid to qualifying localities for up to one hundred percent of the costs incurred for implementation. For counties serving rural areas that would not qualify, existing levels of state aid for construction of new or substantially remodeled detention facilities are carried over for specialized secure detention facilities. In addition, the RTA provides for reimbursement of one hundred percent of the increased cost of sheriff transport associated with the RTA.

4. Minimizing Adverse Impact:

This regulatory proposal minimizes adverse impact on rural areas by permitting specialized secure detention facilities to be collocated with secure detention facilities, thus allowing for use of existing unused space. In addition, the financial assistance available for costs associated with new construction or substantial remodeling, and one hundred percent reimbursement for costs associated with the RTA, will minimize adverse impact.

5. Rural Area Participation:

The regulatory proposal will be available to affected parties for comment and will be thoroughly addressed through statewide trainings and guidance documentation distributed to affected parties and counties, including those that serve rural communities.

Job Impact Statement

The newly created specialized secure detention facilities are not expected to have a negative impact on the job market. There may be a positive impact resulting from the need to contract for construction to create specialized secure detention facilities and ongoing employment to staff and service such facilities.

Board of Commissioner of Pilots

NOTICE OF ADOPTION

Sandy Hook Pilot Apprentices

I.D. No. COP-41-17-00009-A

Filing No. 1025

Filing Date: 2017-11-30

Effective Date: 2017-12-20

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

Action taken: Amendment of section 51.1 of Title 21 NYCRR.

Statutory authority: Navigation Law, section 95

Subject: Sandy Hook Pilot Apprentices.

Purpose: To amend the Sandy Hook pilot apprenticeship program.

Text or summary was published in the October 11, 2017 issue of the Register, I.D. No. COP-41-17-00009-P.

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

Text of rule and any required statements and analyses may be obtained from: Frank Keane, Board of Commissioner of Pilots of the State of New York, 17 Battery Place, Suite 1230, New York, NY 10004, (212) 425-5027, email: FWKeane@bdcommpilotsny.org

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2020, 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.

Department of Financial Services

NOTICE OF ADOPTION

Holding Companies

I.D. No. DFS-32-17-00017-A

Filing No. 1049

Filing Date: 2017-12-04

Effective Date: 2017-12-20

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

Action taken: Amendment of Subpart 80-1 (Regulation 52) of Title 11 NYCRR.

Statutory authority: Financial Services Law, sections 202 and 302; Insurance Law, sections 301, 1502(b) and 1506

Subject: Holding Companies.

Purpose: To make technical correction to and clarification of 11 NYCRR section 80-1.6(3).

Text or summary was published in the August 9, 2017 issue of the Register, I.D. No. DFS-32-17-00017-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, NYS Department of Financial Services, One State Street, New York, NY 10004, (212) 480-2125, email: joana.lucashuk@dfs.ny.gov

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Privacy of Consumer Financial and Health Information, General Provisions

I.D. No. DFS-35-17-00003-A

Filing No. 1048

Filing Date: 2017-12-04

Effective Date: 2017-12-20

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

Action taken: Amendment of Part 420 (Regulation 169) of Title 11 NYCRR.

Statutory authority: Financial Services Law, sections 202, 302; Insurance Law, sections 301, 1505, 1608, 1712, 3217, art. 24; 12 U.S.C. section 1831x; 15 U.S.C. sections 6801(b), 6802, 6803, 6805(b), (c), 6807; and 15 U.S.C. ch. 94

Subject: Privacy of Consumer Financial and Health Information, General Provisions.

Purpose: To incorporate recent changes to federal privacy laws regarding information maintained by financial institutions.

Text of final rule: Section 420.5 is amended as follows:

420.5 Annual privacy notice to customers required.

(a)(1) General rule. [A] *Except as provided in subdivision (b) of this section*, a licensee shall provide a clear and conspicuous notice to customers that accurately reflects its privacy policies and practices not less than annually during the continuation of the customer relationship. Annually means at least once in any period of 12 consecutive months during which that relationship exists. A licensee may define the 12-consecutive-month period, but the licensee [must] shall apply it to the customer on a consistent basis.

(2) Example. A licensee provides a notice annually if it defines the 12-consecutive-month period as a calendar year and provides the annual notice to the customer once in each calendar year following the calendar year in which the licensee provided the initial notice. For example, if a customer buys an insurance policy on any day of year one, then the licensee shall provide an annual notice to that customer by December [31st] 31 of year two, but thereafter, shall provide each subsequent annual notice within 12 calendar months of the prior annual notice.

(b) *Exception to general rule. A licensee shall not be required to provide an annual disclosure under subdivision (a) of this section if the licensee:*

(1) *provides nonpublic personal information to nonaffiliated third parties only, in accordance with sections 420.13, 420.14 or 420.15; and*

(2) *has not changed its policies and practices, with regard to disclosing nonpublic personal information, from the policies and practices that the licensee disclosed in the most recent disclosure sent to consumers in accordance with section 420.4 of this Part or this section.*

(c)(1) Termination of customer relationship. A licensee [is] shall not be required to provide an annual notice to a former customer. A former customer is an individual with whom a licensee no longer has a continuing relationship.

(2) Examples.

(i) A licensee no longer has a continuing relationship with an individual if the individual no longer is a current policyholder of an insurance product or no longer obtains insurance services with or through the licensee.

(ii) A licensee no longer has a continuing relationship with an individual if the individual's policy is lapsed, expired or otherwise inactive or dormant under the licensee's business practices, and the licensee has not communicated with the customer about the relationship for a period of 12 consecutive months, other than to provide annual privacy notices, material required by law or regulation, or promotional materials.

(iii) For the purposes of this Part, a licensee no longer has a continuing relationship with an individual if the individual's last known address according to the licensee's records is deemed invalid. An address of record is deemed invalid if mail sent to that address by the licensee has been returned [by the postal authorities] as undeliverable and if subsequent attempts by the licensee to obtain a current valid address for the individual have been unsuccessful.

(iv) A licensee no longer has a continuing relationship with a customer in the case of providing real estate settlement services, at the time the customer completes execution of all documents related to the real estate closing, payment for those services has been received, or the licensee has completed all of its responsibilities with respect to the settlement, including filing documents on the public record, whichever is later.

[(c)] (d) Delivery. When the licensee is required by this section to

deliver an annual privacy notice, the licensee shall deliver it according to section 420.9 of this Part.

Final rule as compared with last published rule: Nonsubstantive changes were made in section 420.5(e).

Text of rule and any required statements and analyses may be obtained from: Paul Zuckerman, NYS Department of Financial Services, One State Street, New York, NY 10004, (212) 480-5286, email: paul.zuckerman@dfs.ny.gov

Revised Job Impact Statement

A revised Job Impact Statement ("JIS") is not required for the adoption of the Second Amendment to 11 NYCRR 420 (Insurance Regulation 169) because the non-substantive revision to the regulation does not require a change to the previously published JIS.

Assessment of Public Comment

The agency received no public comment.

Department of Health

NOTICE OF ADOPTION

Medical Conditions for Which an Exemption from Restrictions on Tinted Glass May be Issued

I.D. No. HLT-33-17-00022-A

Filing No. 1056

Filing Date: 2017-12-05

Effective Date: 2017-12-20

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

Action taken: Amendment of section 69-7.1 of Title 10 NYCRR.

Statutory authority: Public Health Law, section 206(16)

Subject: Medical Conditions for Which an Exemption from Restrictions on Tinted Glass May be Issued.

Purpose: Amend the existing list of medical conditions for a NYS registered driver or habitual passenger for an exemption to tinted glass.

Text of final rule: Pursuant to the authority vested in the Commissioner of Health by Section 206(16) of the Public Health Law, Section 69-7.1 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, to read as follows:

Section 69-7.1 Medical conditions for which an exemption from restrictions on tinted glass may be issued.

The following medical conditions, when their existence is certified by a physician, *physician assistant or nurse practitioner*, justify granting an exemption from the limits on light transmittance found in Vehicle and Traffic Law, section 375(12-a)(b), *provided that personal protective measures such as sun protective clothing, sunscreen, or eye protective devices do not offer adequate protection:*

Albinism;
chronic actinic dermatitis/actinic reticuloid;
dermatomyositis;
lupus erythematosus;
porphyria;
xeroderma [pigmentosa] pigmentosum;
severe drug [photo-sensitivity] photosensitivity, provided that the course of treatment causing the photosensitivity is expected to be of prolonged duration;

photophobia associated with an ophthalmic or neurological disorder;
and

any other condition or disorder causing severe photosensitivity in which the individual is required for medical reasons to be shielded from the direct rays of the sun.

Final rule as compared with last published rule: Nonsubstantial changes were made in section 69-7.1.

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

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

Changes made to the last published rule do not necessitate revision to the previously published RIS, RFA, RAFA and JIS.

Initial Review of Rule

As a rule that does not require a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2022, which is no later than the 5th year after the year in which this rule is being adopted.

Assessment of Public Comment

Public comments were submitted to the New York State Department of Health (Department) on the Proposed Regulation which amended Section 69-7.1 of Title 10 of the New York State Codes, Rules and Regulations (NYCRR). The Department received comments from two members of the public, a New York State (NYS) Assembly Member and a NYS Senator. These comments and the Department's responses are summarized below.

COMMENT: Each commenter suggested additional medical conditions for inclusion in the list of medical conditions that justify granting an exemption from the limits on light transmittance found in Vehicle and Traffic Law, section 375(12-a)(b), specifically: polymorphous light eruption; vitiligo; dermatoheliosis; skin cancer; leukemia and other cancers; and immunocompromised transplant recipients.

RESPONSE: The Department's proposed amendment added several specific medical disorders to the list of medical conditions that justify granting an exemption from the limits on light transmittance of vehicle windows, including albinism, chronic actinic dermatitis/actinic reticuloid, dermatomyositis, and lupus erythematosus. The Department also added two broader conditions that allow medical professionals to use their professional judgment to determine whether a patient's condition warrants an exemption; these broader conditions include 1) photophobia associated with an ophthalmic or neurological disorder, and 2) severe photosensitivity in which the individual is required for medical reasons to be shielded from the direct rays of the sun. A technical revision was made to the proposed amendment, to clarify that these are not specific diseases or disorders, but rather conditions that may be associated with a number of disorders.

In developing the proposed amendments, the Department reviewed the medical literature, the State's experience with the current window tinting regulation, other states' window tinting legislation and regulations, and other New York State regulations mandating medical certification of conditions. Through that process, the Department determined that it was not feasible or appropriate to list every specific medical disorder that might warrant an exemption. For example, there are numerous medical disorders that can result in severe photosensitivity or photophobia in only a subset of overall cases. Providing exemptions to all individuals diagnosed with such disorder(s), regardless of whether the individual has severe photosensitivity or photophobia, is inappropriate and inconsistent with the intent of the regulation and law. In addition, for some individuals, personal protective measures such as sun protective clothing, sunscreen, or eye protective devices would offer adequate protection.

By adding the two broader conditions, the Department acknowledges the importance of health care providers' professional judgment and knowledge of their patients' medical conditions and whether personal protective measures such as sun protective clothing, sunscreen, or eye protective devices would offer adequate protection. This professional judgment allows individuals whose medical conditions warrant an exemption to be granted one, and ensures that medical exemptions are not inappropriately granted, undermining the intent and purpose of the window tinting law.

The specific medical disorders on the list and the two broader conditions are intended to include medical disorders characterized by an acute, abnormal response to ultraviolet (UV) radiation or visible light. Photophobia is an abnormal intolerance to light and is associated with several ophthalmic and neurologic conditions. Photosensitive disorders of the skin, or photodermatoses, are aberrant skin reactions that occur within minutes to hours following UV radiation or visible light exposure. In some instances, the response may be delayed and not observed for up to several days after exposure. This list is not intended to include normal skin reactions to extended sun exposure such as sunburns, or usual eye sensitivity to sunlight. The list is also not intended to include disorders caused by long-term, cumulative exposure to UV radiation, such as skin cancer or precancerous skin lesions. Although some individuals are at higher risk of skin cancer, all individuals are at risk and need to take precautions to protect themselves from UV radiation. UV-protective window films are available that meet the current limits on light transmittance of vehicle windows and can effectively block 99.9 percent of UV radiation. Individuals, especially those at greater risk for developing skin cancer, can consider this additional measure to effectively protect themselves from UV radiation while in their cars, and would not require an exemption.

The following paragraphs are in response to comments to add specific medical conditions to the regulation.

Polymorphous light eruption is a very common disorder causing abnormal photosensitivity of the skin, affecting an estimated 10%-20% of the general population. The skin rash caused by polymorphous light eruption can take many forms, and ranges from mild to severe. In some

individuals, personal protective measures may be sufficient for the management of polymorphous light eruption. Some individuals also become tolerant to sunlight over time. Thus, due to polymorphous light eruption's high prevalence and the range of clinical features, it was not added as a specific condition on the list. A medical professional can make an assessment and determination of whether an exemption is warranted under the broader category of "severe photosensitivity in which the individual is required for medical reasons to be shielded from the direct rays of the sun."

Vitiligo is the loss of pigment in the skin when melanocyte cells in the skin die. Vitiligo may be widespread on an individual's body, or present on just one part of the body, such as a leg or arm. Some individuals with vitiligo may develop a rash after sun exposure. Vitiligo was not added as a specific condition on the list. Depending on a medical professional's assessment of the location and severity of the vitiligo, the presence of severe photosensitivity, and whether personal protective measures would offer adequate protection, the medical professional can make the determination if an exemption is warranted under the broader category of "severe photosensitivity in which the individual is required for medical reasons to be shielded from the direct rays of the sun."

Dermatoheliosis, or photoaging, is a term used to describe the changes to the skin that occur following prolonged exposure to UV radiation over a person's lifetime. Skin changes include fine or deep wrinkles, irregular pigmentation, rough skin texture, broken or dilated capillaries, and areas of actinic keratosis. All individuals are susceptible to dermatoheliosis, or photoaging, but it is most common among fair-skinned individuals with a history of extensive sun exposure, especially during youth. Allowing tinting exemptions for individuals with a history of dermatoheliosis would undermine the intent of the regulation and law. All individuals should take precautions to reduce skin damage, including using sunscreen, wearing protective clothing, and considering the use of UV-protective window films that meet the current limits on light transmittance of vehicle windows.

Skin cancer is the most common cancer in the United States; current estimates are that one in five Americans will develop skin cancer in their lifetimes. Between 40 and 50 percent of Americans who live to age 65 will have either basal cell carcinoma or squamous cell carcinoma, which are two types of skin cancer, at least once. In addition, although some individuals are at higher risk of skin cancer than others, anyone can develop skin cancer. Allowing tinting exemptions for individuals with a history of skin cancer or precancerous skin lesions would undermine the intent of the regulation and law. All individuals should take precautions to reduce their risk of skin cancer, including using sunscreen, wearing protective clothing and considering the use of UV-protective window films that meet the current limits on light transmittance of vehicle windows.

Individuals with a history of certain cancers, including leukemia, and individuals who are transplant recipients are known to be at significantly higher risk of developing skin cancer than the general population. These individuals should take extra precautions to reduce their exposure to UV radiation; they also have the option of using UV-protective window films that meet the current limits on light transmittance of vehicle windows. If an individual with a history of cancer or transplantation is being treated with a medication that a medical provider determines is causing severe drug photosensitivity and that the course of treatment is expected to be of prolonged duration, the medical provider may determine that an exemption is warranted, as outlined in the proposed amendment.

Higher Education Services Corporation

EMERGENCY RULE MAKING

New York State Get on Your Feet Loan Forgiveness Program

I.D. No. ESC-51-17-00003-E

Filing No. 1046

Filing Date: 2017-12-04

Effective Date: 2017-12-04

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

Action taken: Addition of section 2201.15 to Title 8 NYCRR.

Statutory authority: Education Law, sections 653, 655 and 679-g

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

Specific reasons underlying the finding of necessity: This statement is being submitted pursuant to subdivision (6) of section 202 of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's ("HESC") Emergency Rule Making seeking to add a new section 2201.15 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

This regulation implements a statutory student financial aid program providing for awards to be made to students who receive their undergraduate degree from a college or university located in New York State in December 2014 and thereafter. Emergency adoption is necessary to avoid an adverse impact on the processing of awards to eligible applicants. The statute provides for student loan relief to such college graduates who continue to live in New York State upon graduation, earn less than \$50,000 per year, participate in either the federal Pay as You Earn (PAYE) or Income Based Repayment (IBR) program, which cap a federal student loan borrower's payments at 10 percent of discretionary income, and apply for this program within two years after graduating from college. Eligible applicants will have up to twenty-four payments made on their behalf towards their federal income-based repayment plan commitment. For those students who graduated in December 2014, their first student loan payment will become due upon the expiration of their grace period in June 2015. Therefore, it is critical that the terms of this program as provided in the regulation be effective immediately in order for HESC to process applications so that timely payments can be made on behalf of program recipients. To accomplish this mandate, the statute further provides for HESC to promulgate emergency regulations to implement the program. For these reasons, compliance with section 202(1) of the State Administrative Procedure Act would be contrary to the public interest.

Subject: New York State Get on Your Feet Loan Forgiveness Program.

Purpose: To implement the New York State Get on Your Feet Loan Forgiveness Program.

Text of emergency rule: New section 2201.15 is added to Title 8 of the New York Code, Rules and Regulations to read as follows:

Section 2201.15 New York State Get on Your Feet Loan Forgiveness Program.

(a) *Definitions. As used in section 679-g of the education law and this section, the following terms shall have the following meanings:*

(1) *"Adjusted gross income" shall mean the income used by the U.S. Department of Education to qualify the applicant for the federal income-driven repayment plan.*

(2) *"Award" shall mean a New York State Get on Your Feet Loan Forgiveness Program award pursuant to section 679-g of the education law.*

(3) *"Deferment" shall have the same meaning applicable to the William D. Ford Federal Direct Loan Program as set forth in 34 CFR Part 685.*

(4) *"Delinquent" shall mean the failure to pay a required scheduled payment on a federal student loan within thirty days of such payment's due date.*

(5) *"Forbearance" shall have the same meaning applicable to the William D. Ford Federal Direct Loan Program as set forth in 34 CFR Part 685.*

(6) *"Income" shall mean the total adjusted gross income of the applicant and the applicant's spouse, if applicable.*

(7) *"Program" shall mean the New York State Get on Your Feet Loan Forgiveness Program.*

(8) *"Undergraduate degree" shall mean an associate or baccalaureate degree.*

(b) *Eligibility. An applicant must satisfy the following requirements:*

(1) *have graduated from a high school located in the State or attended an approved State program for a State high school equivalency diploma and received such diploma. An applicant who received a high school diploma, or its equivalent, from another state is ineligible for a Program award;*

(2) *have graduated and obtained an undergraduate degree from a college or university located in the State in or after the two thousand fourteen-fifteen academic year;*

(3) *apply for this program within two years of obtaining such undergraduate degree;*

(4) *not have earned a degree higher than an undergraduate degree at the time of application;*

(5) *be a participant in a federal income-driven repayment plan whose payment amount is generally ten percent of discretionary income;*

(6) *have income of less than fifty thousand dollars;*

(7) *comply with subdivisions three and five of section 661 of the education law;*

(8) *work in the State, if employed. A member of the military who is on*

active duty and for whom New York is his or her legal state of residence shall be deemed to be employed in NYS;

(9) not be delinquent on a federal student loan or in default on a student loan made under any statutory New York State or federal education loan program or repayment of any New York State award; and

(10) be in compliance with the terms of any service condition imposed by a New York State award.

(c) Administration.

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

(2) A recipient of an award shall:

(i) request payment at such times, on such forms and in a manner as prescribed by the corporation;

(ii) confirm he or she has adjusted gross income of less than fifty thousand dollars, is a resident of New York State, is working in New York State, if employed, and any other information necessary for the corporation to determine eligibility at such times prescribed by the corporation. Said submissions shall be on forms or in a manner prescribed by the corporation;

(iii) notify the corporation of any change in his or her eligibility status including, but not limited to, a change in address, employment, or income, and provide the corporation with current information;

(iv) not receive more than twenty four payments under this program; and

(v) provide any other information or documentation necessary for the corporation to determine compliance with the program's requirements.

(d) Amounts and duration.

(1) The amount of the award shall be equal to one hundred percent of the recipient's established monthly federal income-driven repayment plan payment whose payment amount is generally ten percent of discretionary income and whose payment is based on income rather than loan debt.

(2) In the event the established monthly federal income-driven repayment plan payment is zero or the applicant is otherwise not obligated to make a payment, the applicant shall not qualify for a Program award.

(3) Disbursements shall be made to the entity that collects payments on the federal student loan or loans on behalf of the recipient on a monthly basis.

(4) A maximum of twenty-four payments may be awarded, provided the recipient continues to satisfy the eligibility requirements set forth in section 679-g of the education law and the requirements set forth in this section.

(e) Disqualification. A recipient shall be disqualified from receiving further award payments under this program if he or she fails to satisfy any of the eligibility requirements, no longer qualifies for an award, or fails to respond to any request for information by the corporation.

(f) Renewed eligibility. A recipient who has been disqualified pursuant to subdivision (e) may reapply for this program and receive an award if he or she satisfies all of the eligibility requirements set forth in section 679-g of the education law and the requirements set forth in this section.

(g) Repayment. A recipient who is not a resident of New York State at the time a payment is made under this program shall be required to repay such payment or payments to the corporation. In addition, at the corporation's discretion, a recipient may be required to repay to the corporation any payment made under this program that, at the time payment was made, should have been disqualified pursuant to subdivision (e). If a recipient is required to repay any payment or payments to the corporation, the following provisions shall apply:

(1) Interest shall begin to accrue on the day such payment was made on behalf of the recipient. In the event the recipient notifies the corporation of a change in residence within 30 days of such change, interest shall begin to accrue on the day such recipient was no longer a New York State resident.

(2) The interest rate shall be fixed and equal to the rate established in section 18 of the New York State Finance Law.

(3) Repayment must be made within five years.

(4) Where a recipient has demonstrated extreme hardship as a result of a disability, labor market conditions, or other such circumstances, the corporation may, in its discretion, waive or defer payment, extend the repayment period, or take such other appropriate action.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt this emergency rule as a permanent rule and will publish a notice of proposed rule making in the *State Register* at some future date. The emergency rule will expire March 3, 2018.

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

Regulatory Impact Statement

Statutory authority:

The New York State Higher Education Services Corporation's ("HESC") statutory authority to promulgate regulations and administer the New York State Get on Your Feet Loan Forgiveness Program ("Program") is codified within Article 14 of the Education Law. In particular, Part C of Chapter 56 of the Laws of 2015 created the Program by adding a new section 679-g to the Education Law. Subdivision 4 of section 679-g of the Education Law authorizes HESC to promulgate emergency regulations for the purpose of administering this Program.

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

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

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

Legislative objectives:

The Education Law was amended to add a new section 679-g to create the "New York State Get on Your Feet Loan Forgiveness Program" (Program). The objective of this Program is to ease the burden of federal student loan debt for recent New York State college graduates.

Needs and benefits:

More than any other time in history, a college degree provides greater opportunities for graduates than is available to those without a postsecondary degree. However, financing that degree has also become more challenging. According to a June 9, 2014 Presidential Memorandum issued by President Obama, over the past three decades, the average tuition at a public four-year college has more than tripled, while a typical family's income has increased only modestly. More students than ever are relying on loans to pay for college. Today, 71 percent of those earning a bachelor's degree graduate with debt, which averages \$29,400. Many of these students feel burdened by debt, especially as they seek to start a family, buy a home, launch a business, or save for retirement. To ensure that student debt is manageable, the federal government enacted income-driven repayment plans, such as the Pay as You Earn (PAYE) plan, which caps a federal student loan borrower's payments at 10 percent of income.

Although New York's public colleges and universities offer among the lowest tuition in the nation, currently the average New York student graduates from college with a four-year degree saddled with more than \$25,000 in student loans. Mounting student debt makes it difficult for recent graduates to deal with everyday costs of living, which often increases the amount of credit card and other debt they must take on in order to survive. To help mitigate the disparate growth in the cost of financing a postsecondary education, this Program offers financial aid relief to recent college graduates by providing up to twenty-four payments towards an eligible applicant's federal income-based student loan repayment plan commitment. Students who receive their undergraduate degree from a college or university located in New York State in December 2014 and thereafter, who continue to live in New York State upon graduation, earn less than \$50,000 per year, participate in either the federal Pay as You Earn (PAYE) or applicable federal Income Based Repayment (IBR) program, and apply for this Program within two years after graduating from college are eligible for this Program.

Costs:

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

b. The maximum cost of the program to the State is \$5.2 million in the first year based upon budget estimates.

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

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

Local government mandates:

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

Paperwork:

This proposal will require applicants to file an electronic application for eligibility and payment together with supporting documentation.

Duplication:

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

Alternatives:

The proposed regulation is the result of HESC's outreach efforts to the U.S. Department of Education with regard to this Program. Several alternatives were considered in the drafting of this regulation. For example, several alternatives were considered in defining terms used in the regulation as well as the administration of the Program. Given the statutory language as set forth in section 679-g of the Education Law, a "no action" alternative was not an option.

Federal standards:

This proposal does not exceed any minimum standards of the Federal Government. Since this Program is intended to supplement federal repayment programs, efforts were made to align the Program with the federal programs.

Compliance schedule:

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

Regulatory Flexibility Analysis

This statement is being submitted pursuant to subdivision (3) of section 202-b of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's ("HESC") Emergency Rule Making, seeking to add a new section 2201.15 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

It is apparent from the nature and purpose of this rule that it will not impose an adverse economic impact on small businesses or local governments. HESC finds that this rule will not impose any compliance requirement or adverse economic impact on small businesses or local governments. Rather, it has potential positive economic impacts inasmuch as it implements a statutory student financial aid program that eases the burden of federal student loan debt for recent New York State college graduates who continue to live in the State. Providing students with direct financial assistance will encourage students to attend college in New York State and remain in the State following graduation, which will provide an economic benefit to the State's small businesses and local governments as well.

Rural Area Flexibility Analysis

This statement is being submitted pursuant to subdivision (4) of section 202-bb of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's Emergency Rule Making, seeking to add a new section 2201.15 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

It is apparent from the nature and purpose of this rule that it will not impose an adverse impact on rural areas. Rather, it has potential positive impacts inasmuch as it implements a statutory student financial aid program that eases the burden of federal student loan debt for recent New York State college graduates who continue to live in the State. Providing students with direct financial assistance will encourage students to attend college in New York State and remain in the State following graduation, which benefits rural areas around the State as well.

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

Job Impact Statement

This statement is being submitted pursuant to subdivision (2) of section 201-a of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's Emergency Rule Making seeking to add a new section 2201.15 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

It is apparent from the nature and purpose of this rule that it will not have any negative impact on jobs or employment opportunities. Rather, it has potential positive economic impacts inasmuch as it implements a statutory student financial aid program that eases the burden of federal student loan debt for recent New York State college graduates who continue to live in the State. Providing students with direct financial assistance will encourage students to attend college in New York State and remain in the State following graduation, which benefits the State as well.

**EMERGENCY
RULE MAKING****New York State Achievement and Investment in Merit Scholarship (NY-AIMS)**

I.D. No. ESC-51-17-00004-E

Filing No. 1047

Filing Date: 2017-12-04

Effective Date: 2017-12-04

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

Action taken: Addition of section 2201.16 to Title 8 NYCRR.

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

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

Specific reasons underlying the finding of necessity: This statement is being submitted pursuant to subdivision (6) of section 202 of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's ("HESC") Emergency Rule Making seeking to add a new section 2201.16 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

This regulation implements a statutory student financial aid program providing for awards to be made to students beginning with the fall 2015 term, which generally starts in August. Emergency adoption is necessary to avoid an adverse impact on the processing of awards to eligible scholarship applicants. The statute provides New York high school graduates who excel academically with merit-based scholarships to support their cost of attendance at any college or university located in New York State. Five thousand awards, of \$500 each, will be granted annually in 2015-16 and 2016-17. Decisions on applications for this Program are made prior to the beginning of the term. Therefore, it is critical that the terms of this program as provided in the regulation be effective immediately so that students can make informed choices and in order for HESC to process scholarship applications in a timely manner. To accomplish this mandate, the statute further provides for HESC to promulgate emergency regulations to implement the program. For these reasons, compliance with section 202(1) of the State Administrative Procedure Act would be contrary to the public interest.

Subject: New York State Achievement and Investment in Merit Scholarship (NY-AIMS).

Purpose: To implement the New York State Achievement and Investment in Merit Scholarship (NY-AIMS).

Text of emergency rule: New section 2201.16 is added to Title 8 of the New York Code, Rules and Regulations to read as follows:

Section 2201.16 The New York State Achievement and Investment in Merit Scholarship (NY-AIMS).

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

(1) *"Good academic standing" shall have the same meaning as set forth in section 665(6) of the education law.*

(2) *"Grade point average" shall mean the student's numeric grade calculated on the standard 4.0 scale.*

(3) *"Program" shall mean The New York State Achievement and Investment in Merit Scholarship codified in section 669-g of the education law.*

(4) *"Unmet need" for the purpose of determining priority shall mean the cost of attendance, as determined for federal Title IV student financial aid purposes, less all federal, State, and institutional higher education aid and the expected family contribution based on the federal formula.*

(b) *Eligibility. An applicant must:*

(1) *have graduated from a New York State high school in the 2014-15 academic year or thereafter; and*

(2) *enroll in an approved undergraduate program of study in a public or private not-for-profit degree granting post-secondary institution located in New York State beginning in the two thousand fifteen-sixteen academic year or thereafter; and*

(3) *have achieved at least two of the following during high school:*

(i) *Graduated with a grade point average of 3.3 or above;*

(ii) *Graduated with a "with honors" distinction on a New York State regents diploma or receive a score of 3 or higher on two or more advanced placement examinations; or*

(iii) *Graduated within the top fifteen percent of their high school class, provided that actual class rank may be taken into consideration; and*

(4) *satisfy all other requirements pursuant to section 669-g of the education law; and*

(5) satisfy all general eligibility requirements provided in section 661 of the education law including, but not limited to, full-time attendance, good academic standing, residency and citizenship.

(c) *Distribution and priorities.* In each year, new awards made shall be proportionate to the total new applications received from eligible students enrolled in undergraduate study at public and private not-for-profit degree granting institutions. Distribution of awards shall be made in accordance with the provisions contained in section 669-g(3)(a) of the education law within each sector. In the event that there are more applicants who have the same priority than there are remaining scholarships or available funding, awards shall be made in descending order based on unmet need established at the time of application. In the event of a tie, distribution shall be made by means of a lottery or other form of random selection.

(d) *Administration.*

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

(2) *Recipients of an award shall:*

(i) request payment annually at such times, on forms and in a manner specified by the corporation;

(ii) receive such awards for not more than four academic years of undergraduate study, or five academic years if the program of study normally requires five years as defined by the commissioner pursuant to Article 13 of the education law; and

(iii) provide any information necessary for the corporation to determine compliance with the program's requirements.

(e) *Awards.*

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

(2) Disbursements shall be made annually to institutions on behalf of recipients.

(3) Awards may be used to offset the recipient's total cost of attendance determined for federal Title IV student financial aid purposes or may be used in addition to such cost of attendance.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt this emergency rule as a permanent rule and will publish a notice of proposed rule making in the *State Register* at some future date. The emergency rule will expire March 3, 2018.

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

Regulatory Impact Statement

Statutory authority:

The New York State Higher Education Services Corporation's ("HESC") statutory authority to promulgate regulations and administer The New York State Achievement and Investment in Merit Scholarship (NY-AIMS), hereinafter referred to as "Program", is codified within Article 14 of the Education Law. In particular, Part Z of Chapter 56 of the Laws of 2015 created the Program by adding a new section 669-g to the Education Law. Subdivision 6 of section 669-g of the Education Law authorizes HESC to promulgate emergency regulations for the purpose of administering this Program.

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

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

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

Legislative objectives:

The Education Law was amended to add a new section 669-g to create The New York State Achievement and Investment in Merit Scholarship (NY-AIMS). The objective of this Program is to grant merit-based scholar-

ship awards to New York State high school graduates who achieve academic excellence.

Needs and benefits:

The cost to attain a postsecondary degree has increased significantly over the years; alongside this growth, the financing of that degree has become increasingly challenging. According to a June 9, 2014 Presidential Memorandum issued by President Obama, over the past three decades, the average tuition at a public four-year college has more than tripled, while a typical family's income has increased only modestly. All federal student financial aid and a majority of state student financial aid programs are conditioned on economic need. Despite stagnant growth in household incomes, there continues to be far fewer academically-based financial aid programs, which are awarded to students regardless of assets or income. This has resulted in more limited financial aid options for those who are ineligible for need-based aid. Concurrently, greater numbers of students are relying on loans to pay for college. Today, 71 percent of those earning a bachelor's degree graduate with student loan debt averaging \$29,400. Many of these students feel burdened by their college loan debt, especially as they seek to start a family, buy a home, launch a business, or save for retirement.

This Program cushions the disparate growth in the cost of a postsecondary education by providing New York State high school graduates who excel academically with merit-based scholarships to support their cost of attendance at any college or university located in the State for up to four years of undergraduate study (or five years if enrolled in a five-year program). Five thousand awards, of \$500 each, will be granted annually in 2015-16 and 2016-17.

Costs:

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

b. The maximum cost of the program to the State is \$2.5 million in the first year based upon budget estimates.

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

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

Local government mandates:

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

Paperwork:

This proposal will require applicants to file an electronic application for eligibility and payment together with supporting documentation.

Duplication:

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

Alternatives:

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

Federal standards:

This proposal does not exceed any minimum standards of the Federal Government and efforts were made to align it with similar federal subject areas as evidenced by the adoption of the federal definitions/methodology concerning unmet need, expected family contribution, and cost of attendance.

Compliance schedule:

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

Regulatory Flexibility Analysis

This statement is being submitted pursuant to subdivision (3) of section 202-b of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's ("HESC") Emergency Rule Making, seeking to add a new section 2201.16 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

It is apparent from the nature and purpose of this rule that it will not impose an adverse economic impact on small businesses or local governments. HESC finds that this rule will not impose any compliance requirement or adverse economic impact on small businesses or local governments. Rather, it has potential positive economic impacts inasmuch as it implements a statutory student financial aid program that provides merit-based scholarships to students who pursue their undergraduate degree at any college or university located in New York State. Providing students with direct financial assistance will encourage them to attend college in New York State, which will provide an economic benefit to the State's small businesses and local governments as well.

Rural Area Flexibility Analysis

This statement is being submitted pursuant to subdivision (4) of section 202-bb of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's Emergency Rule Making, seeking to add a new section 2201.16 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

It is apparent from the nature and purpose of this rule that it will not impose an adverse impact on rural areas. Rather, it has potential positive impacts inasmuch as it implements a statutory student financial aid program that provides merit-based scholarships to students who pursue their undergraduate degree at any college or university located in New York State. Providing students with direct financial assistance will encourage them to attend college in New York State, which benefits rural areas around the State as well.

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

Job Impact Statement

This statement is being submitted pursuant to subdivision (2) of section 201-a of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's Emergency Rule Making seeking to add a new section 2201.16 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

It is apparent from the nature and purpose of this rule that it will not have any negative impact on jobs or employment opportunities. Rather, it has potential positive economic impacts inasmuch as it implements a statutory student financial aid program that provides merit-based scholarships to students who pursue their undergraduate degree at any college or university located in New York State. Providing students with direct financial assistance will encourage them to attend college in New York State and possibly seek employment opportunities in the State as well, which will benefit the State.

Office of Mental Health

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Operation of Licensed Housing Programs for Children and Adolescents with Serious Emotional Disturbances

I.D. No. OMH-51-17-00001-P

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

Proposed Action: This is a consensus rule making to repeal section 594.8 and add new section 594.8 to Title 14 NYCRR.

Statutory authority: Mental Hygiene Law, sections 71.09 and 31.04

Subject: Operation of Licensed Housing Programs for Children and Adolescents with Serious Emotional Disturbances.

Purpose: To repeal section 594.8 of Title 14 NYCRR and replace it with a clarified revised version.

Text of proposed rule: Section 594.8 of Title 14 NYCRR is repealed and a new Section 594.8 is added to read as follows:

§ 594.8 Admission and discharge criteria.

(a) All programs subject to this Part shall maintain written admission and discharge criteria. Such criteria must be consistent with program goals and objectives and are subject to the approval of the Office of Mental Health.

(b) Admission criteria: Eligibility for admission to a licensed housing program for children and adolescents with serious emotional disturbances shall be based on the following criteria:

(1) Age requirements:

(i) For Teaching Family Homes, Community Residences, and Crisis Residences, the child must have attained at least the 5th birthday but not the 18th;

(ii) For CREDIT programs, the child must have attained at least the 12th birthday but not the 19th.

(2) Diagnosis requirements:

(i) For Teaching Family Homes, Community Residences, and Crisis Residences, the child must have a designated mental illness diagnosis.

(ii) For CREDIT programs, the child must have a designated mental illness diagnosis which includes a diagnosis of an eating disorder, as such term is defined in this Part.

(3) Functional deficits. For all programs subject to this Part, the child must have demonstrated substantial problems in social functioning due to a serious emotional disturbance within the past year.

(4) Symptomology.

(i) For Teaching Family Homes and Community Residences, the child must demonstrate serious and persistent symptoms of cognitive, affective and personality disorders; and serious problems in family relationships, peer/social interaction or school performance.

(ii) For Crisis Residences, the child must display serious and persistent symptoms of cognitive, affective and personality disorders; and current functioning and behaviors demonstrating that the child, is currently experiencing a crisis which threatens his or her psychiatric stability, but no evidence of symptoms indicative of a need for psychiatric hospitalization.

(iii) For CREDIT programs, the child must display serious and persistent symptoms of cognitive, affective and personality disorders; and serious problems in the family relationship/support system must be present in which:

A. the family members and/or support systems demonstrate behaviors that are inconsistent with the goals of treatment, such that treatment at a lower level of care is unlikely to be successful; or

B. the family members and/or support systems do not possess the requisite skills to effectively manage the disease such that treatment at a lower level of care is unlikely to be successful;

(5) Level of Service Need. For all programs subject to this Part, there must be evidence to support a determination that the child would benefit from a level of service which requires multi-agency intervention and involvement.

(6) Documentation.

(i) For Teaching Family Homes or Community Residences, a referral for admission shall be submitted to the provider from the child's single point of access process (or similar successor process). Each referral must contain the following documents, and all assessments must have occurred within the last 90 days, except for the educational assessment which must have occurred within the last year:

A. an updated medical report;

B. a psychosocial assessment;

C. a psychiatric evaluation;

D. an educational assessment;

E. a signed, parental/guardian informed consent form for admission;

F. a description of the child's current behaviors and significant strengths and problems; and

G. documentation that potentially less restrictive community, home and/or extended nonresidential services have been reasonably explored and are either not available or have not been successful.

(ii) For Crisis Residences:

A. Eligibility for admission to a crisis residence requires evidence that potentially less restrictive community, home and/or extended nonresidential services have been reasonably explored and are either not available or have not been successful.

B. A signed, parental/guardian informed consent form shall be required for each admission.

C. Admission is contingent upon documentation of medical suitability for the program.

(iii) For CREDIT Programs, a referral for admission must be received from a Comprehensive Care Center for Eating Disorders, or from the child's primary care physician or mental health provider. All assessments must have occurred within the last 30 days. Each referral must include the following documents:

A. an updated medical report;

B. a psychosocial assessment;

C. a psychiatric evaluation;

D. an educational assessment;

E. a signed, parental/guardian informed consent form for admission;

F. a description of the child's current behaviors and significant strengths and problems;

G. documentation that potentially less restrictive community, home and/or extended non-residential services have been reasonably explored and are either not available or have not been successful;

H. nutritional screening for eating disorder behaviors and nutritional status;

I. psychological testing as needed;

J. documentation that the child demonstrates an inability to be managed at a lower level of care but does not require acute inpatient level of care; and

K. assessment of the family system when appropriate by direct involvement with the family members.

(c) Intake Committees. Providers of a Teaching Family Home or Com-

community Residence (that is not a CREDIT program) must establish an intake committee to review the applications of children referred for admission to the program from the child's home single point of access process (or similar successor process) and determine the eligibility for admission to such program. The intake committee shall, at a minimum, include appropriate representation from the residential program and other agencies impacting the care and treatment of the child such as, but not limited to, the local governmental unit, social service district, school district, and family and consumer representation.

(d) *Pre-Placement Visits.* For all programs subject to this Part, each child shall be afforded at least one pre-placement visit. Where appropriate, the family shall also be afforded such opportunity.

(e) *Eligibility Determinations.* For all programs subject to this Part, determination of eligibility for acceptance must be made, once all intake materials have been received, within 10 working days.

(i) If a child is not accepted into a Teaching Family Home or Community Residence, the provider shall send a notice of rejection to the child's home single point of access committee (or similar successor process entity) and the child's parent or guardian, accompanied by an explanation of the rejection and suggestions for treatment alternatives.

(ii) If a child is not accepted into a CREDIT program, such program will send the notice of rejection to the referral source in a timely manner, but in no event later than 7 days after request has been made.

(f) *Discharge policies.* For all providers subject to this Part:

(i) a discharge policy and specific discharge criteria shall be developed. The discharge policy shall indicate that the provider will begin discharge planning upon a child's admission to the program. Although discharge planning shall begin prior to the child's 18th birthday, the child may remain in the program for up to one year following the 18th birthday, if clinically appropriate. The discharge plan must set forth the resident's functional levels and family and community supports needed to enable the child to move home or live independently. Additionally, the discharge plan must identify goals for the child to work towards which will strengthen his or her success upon discharge.

(ii) As part of the discharge planning process, for both planned and unplanned discharges, the provider shall ensure that each child and family is linked with the appropriate services needed for the child to successfully transition into the community or other appropriate alternative. Attempts should be made to ensure that the discharge process allows for gradual transition to the child's discharge living environment.

(g) All programs subject to this Part shall maintain contact with child and family for up to 90 days after discharge for the purpose of providing support during transition to the discharge living environment.

Text of proposed rule and any required statements and analyses may be obtained from: Kim Breen, NYS Office of Mental Health, 44 Holland Avenue, Albany, NY 12229, (518) 474-1331, email: omh.sm.co.regs

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

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

Consensus Rule Making Determination

This statement is being submitted pursuant to subparagraph (i) of paragraph (b) of subdivision (1) of Section 202 of the State Administrative Procedure Act in support of the Office of Mental Health's Notice of Proposed Rulemaking seeking to make technical clarifications to Section 594.8 of Part 594 of Title 14, Volume B, of the Official Compilation of Codes, Rules, and Regulations.

Part 594 of Title 14 NYCRR was established in 1993 to set forth standards for the operation of licensed housing programs for children and adolescents with serious emotional disturbances, of which there are three different types: crisis residence, community residence and teaching family homes. In 2008, legislation was passed to require the Office of Mental Health to establish Community Residences for Eating Disorder Integrated Treatment (CREDIT) programs for children and adolescents. Consequently, in 2009, Part 594 was amended to include provisions applicable to this sub-type of community residences.

Section 594.8 of this Part contains provisions regarding admission and discharge criteria for licensed housing programs for children and adolescents. Although subdivisions (a), (b), and (i) of this Section contain standards applicable to all licensed housing programs, the remaining eight subdivisions are different, and apply to various types of housing programs but not all of them. Particularly with respect to the CREDIT program, which is included or excluded based on whether or not a community residence is or is not a CREDIT program, it is difficult to easily and accurately identify applicable standards for each particular type of program.

The proposed amendments repeal Section 594.8 of Title 14 NYCRR and then replace it with a revised version that reorders, regroups, and clarifies existing criteria, without making substantive changes. Because no new requirements are added to this section, and the proposed changes are technical in nature, no person is likely to object to its adoption as written.

Job Impact Statement

The amendments to 14 NYCRR Section 594.8 are intended to reorder, regroup, and clarify existing criteria, without making substantive changes. Because no new requirements are added to this section, and the proposed changes are technical in nature, there will be no adverse impact on jobs and employment opportunities as a result of these amendments. Thus, a Job Impact Statement is not submitted with this notice.

Office for People with Developmental Disabilities

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

SNAP Benefit Offset

I.D. No. PDD-51-17-00005-EP

Filing No. 1051

Filing Date: 2017-12-05

Effective Date: 2017-12-05

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

Proposed Action: Amendment of Parts 671 and 686 of Title 14 NYCRR.

Statutory authority: Mental Hygiene Law, sections 13.07, 13.09(b), 16.00 and 41.25

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

Specific reasons underlying the finding of necessity: The emergency adoption of amendments that update the Supplemental Nutrition Assistance Program (SNAP) benefit offset and the amount that each individual must pay to providers based on the updated benefit offset is necessary to protect the health, safety, and welfare of individuals receiving services in the OPWDD system. The SNAP benefit offset prevents individuals from using other resources, which may be scarce or limited, to pay for food and to prevent an overall reduction in reimbursement for food to operators of supervised CRs and supervised IRAs.

The emergency amendments amend Title 14 NYCRR Parts 671 and 686 to reflect the changes made to SNAP eligibility levels, by the federal government, made effective October 1, 2017. The regulations must be filed on an emergency basis to reflect those changes, and ensure SNAP eligibility levels are reflected properly for individuals and providers to know the impact of the changes.

Subject: SNAP Benefit Offset.

Purpose: To update the SNAP benefit offset and the amount that each individual must pay to providers.

Text of emergency/proposed rule: New clause 671.7(b)(10)(i)(f) is added as follows:

(f) *Effective January 1, 2018 through December 31, 2018, the offset shall be \$191.50 per month. Effective January 1, 2019, the offset shall be \$192 per month.*

- Existing subparagraph 671.7(b)(10)(ii) is amended as follows:

(ii) For supportive community residences the offset shall be \$1,134 (or a prorated portion thereof for facilities which opened after April, 2009) and beginning January 1, 2010, \$126 per month. *Beginning January 1, 2018 through December 31, 2018 the offset shall be \$161 per month. Effective January 1, 2019, the offset shall be \$154 per month.*

- New clause 686.17(b)(1)(iii)(e) is added as follows:

(e) *Effective January 1, 2018 through December 31, 2018, the individual shall pay the provider \$191.50 per month. Effective January 1, 2019, the individual shall pay the provider \$192 per month.*

- New clause 686.17(b)(2)(iii)(e) is added as follows:

(e) *Effective January 1, 2018 through December 31, 2018, the individual shall pay the provider \$191.50 per month. Effective January 1, 2019, the individual shall pay the provider \$192 per month.*

- New subclause 686.17(d)(2)(iii)(b)(5) is added as follows:

(5) *Effective January 1, 2018 through December 31, 2018, the individual shall pay the provider \$191.50 per month. Effective January 1, 2019, the individual shall pay the provider \$192 per month.*

This notice is intended: to serve as both a notice of emergency adoption

and a notice of proposed rule making. The emergency rule will expire March 4, 2018.

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

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

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

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.

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

Regulatory Impact Statement

1. Statutory Authority:
 - a. OPWDD has the statutory responsibility to provide and encourage the provision of appropriate programs, supports, and services in the areas of care, treatment, habilitation, rehabilitation, and other education and training of persons with developmental disabilities, as stated in the New York State (NYS) Mental Hygiene Law Section 13.07.
 - b. OPWDD has the statutory authority to adopt rules and regulations necessary and proper to implement any matter under its jurisdiction as stated in the NYS Mental Hygiene Law Section 13.09(b).
 - c. OPWDD has the statutory authority to adopt regulations concerned with the operation of programs and the provision of services, as stated in the NYS Mental Hygiene Law Section 16.00.
 - d. OPWDD has the statutory authority to establish fee schedules for services and requires that fees charged or payments requested take into account costs and ability to pay, considering resources available from private and public assistance programs as stated in Mental Hygiene Law Section 41.25.

2. Legislative Objectives: The proposed regulations further legislative objectives embodied in sections 13.07, 13.09(b), 16.00 and 41.25 of the Mental Hygiene Law. The regulations update the Supplemental Nutrition Assistance Program (SNAP) benefit offset for supervised CRs and supervised IRAs.

3. Needs and Benefits: Effective October 1, 2017, SNAP eligibility levels set by the federal government will be updated. The proposed amendments to Title 14 NYCRR Parts 671 and 686 are needed to reflect this change. The amendments will update the SNAP benefit offset and the amount that each individual must pay to providers based on the updated benefit offset.

The proposed regulations prevent individuals from using other resources, which may be scarce or limited, to pay for food and to prevent an overall reduction in reimbursement for food to operators of supervised CRs and supervised IRAs.

4. Costs:
 - a. Costs to the Agency and to the State and its local governments: There is no anticipated impact on Medicaid expenditures as a result of the proposed regulations. The regulations merely update the SNAP benefit offset and the amount that each individual must pay to providers based on the updated benefit offset.

These regulations will not have any fiscal impact on local governments, as the contribution of local governments to Medicaid has been capped. Chapter 58 of the Laws of 2005 places a cap on the local share of Medicaid costs and local governments are already paying for Medicaid at the capped level.

There are no anticipated costs to OPWDD in its role as a provider of services to comply with the new requirements. The regulations merely update the SNAP benefit offset and the amount that each individual must pay to providers based on the updated benefit offset.

b. Costs to private regulated parties: There are no anticipated costs to regulated providers to comply with the proposed regulations. The regulations merely update the SNAP benefit offset and the amount that each individual must pay to providers based on the updated benefit offset.

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

6. Paperwork: Providers will not experience an increase in paperwork as a result of the proposed regulations.

7. Duplication: The proposed regulations do not duplicate any existing State or Federal requirements on this topic.

8. Alternatives: OPWDD did not consider any other alternatives to the proposed regulations. The regulations are necessary to update the benefit offset to reflect the change to SNAP made by the federal government.

9. Federal Standards: The proposed amendments do not exceed any

minimum standards of the federal government for the same or similar subject areas.

10. Compliance Schedule: OPWDD is planning to adopt the proposed amendments as soon as possible within the timeframes mandated by the State Administrative Procedure Act. The proposed regulations were discussed with and reviewed by representatives of providers in advance of this proposal. OPWDD expects that providers will be in compliance with the proposed requirements at the time of their effective date.

Regulatory Flexibility Analysis

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

The proposed regulations update the SNAP benefit offset and the amount that each individual must pay to providers based on the updated benefit offset. The amendments will not result in costs or new compliance requirements for regulated parties and consequently, the amendments will not have any adverse effects on providers of small business and local governments.

Rural Area Flexibility Analysis

A Rural Area Flexibility Analysis for these amendments is not being submitted because the 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 amendments.

The proposed regulations merely update the SNAP benefit offset and the amount that each individual must pay to providers based on the updated benefit offset. OPWDD expects that providers will be in compliance with the proposed requirements at the time of their effective date. The amendments will not result in costs or new compliance requirements for regulated parties and consequently, the amendments will not have any adverse effects on providers in rural areas and local governments.

Job Impact Statement

A Job Impact Statement for the proposed 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.

The proposed regulations update the SNAP benefit offset and the amount that each individual must pay to providers based on the updated benefit offset. The amendments will not result in costs, including staffing costs, or new compliance requirements for providers and consequently, the amendments will not have a substantial impact on jobs or employment opportunities in New York State.

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Site Based and Community Based Prevocational Services

I.D. No. PDD-51-17-00006-EP

Filing No. 1053

Filing Date: 2017-12-05

Effective Date: 2017-12-05

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

Proposed Action: Amendment of Subpart 635-10 of Title 14 NYCRR.

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

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

Specific reasons underlying the finding of necessity: The emergency adoption of amendments that identify what site-based and community-based services are and clarify reimbursement requirements are necessary to protect the health, safety, and welfare of individuals receiving services in the OPWDD system. Prevocational services are provided to individuals with developmental disabilities to prepare individuals for paid employment or unpaid meaningful community activities.

The emergency amendments amend existing regulations for Prevocational services to establish guidelines for when an individual can be paid less than federal/state minimum wage, provide an exception to the group size available under community-based prevocational services, and require

providers to conduct an annual assessment. The regulations must be filed on an emergency basis to ensure individuals receive services that constitute a prevocational service and that adequately prepare individuals for competitive employment. Additionally, the emergency filing is necessary to update reimbursement requirements for providers.

Subject: Site Based and Community Based Prevocational Services.

Purpose: To clarify site-based and community-based services and clarify reimbursement requirements.

Substance of emergency/proposed rule (Full text is posted at the following State website: https://opwdd.ny.gov/regulations_guidance/opwdd_regulations/emergency): OPWDD's emergency/proposed regulations clarify what site based prevocational services are, describes the skills that site based prevocational services are intended to teach, and provide examples of what site based prevocational services can include.

The regulations specify that to participate in paid site based prevocational services the individual must have a demonstrated or assessed earning capacity relative to the prevocational task(s) involved, of less than 50 percent of the current state minimum wage, federal minimum wage or prevailing wage, and be expected to have such an earning capacity while participating in prevocational services.

The regulations specify that a provider must have a valid Department of Labor 14c Certificate and comply with all applicable Federal laws and regulations to pay less than minimum wage.

The regulations specify that effective one year from effective date of this regulation, site based prevocational services may only be provided at a site that is certified by OPWDD as a site based prevocational services site.

The regulations specify that there must be no new enrollments into site based prevocational services located within day training programs that are sheltered workshops and specify that site based prevocational services may be provided in an agency-owned business or former day training/sheltered workshop program if the business or former program is in a setting that is certified as a site-based prevocational services site.

The regulations specify that if the integration standard as determined in the provider's original workshop transformation plan is not being met, or a change has been approved by OPWDD, there must be no new enrollments into site-based prevocational services.

The regulations specify that service providers must conduct an annual assessment to determine if site based prevocational services are consistent with the individual's habilitation plan, and prevocational services are needed to prepare the individual for competitive employment. The annual assessment must be done in a form and format prescribed by OPWDD.

The regulations clarify what community based prevocational services are, describes the skills that community based prevocational services are intended to teach, and provide examples of what community based prevocational services can include.

The regulations specify that to participate in paid community based prevocational services, the individual must have a demonstrated or assessed earning capacity relative to the prevocational task(s) involved of less than 50 percent of the current state minimum wage, federal minimum wage, or prevailing wage and be expected to have such an earning capacity while participating in prevocational services.

The regulations specify that community based prevocational services must be provided in the most integrated setting appropriate to the needs of the individual receiving such services.

The regulations specify that community based prevocational services may not be provided in OPWDD certified space. However, certified settings may be used for any combination of activities that provide time limited job readiness training and/or identify prevocational activities for the day. Activities must not exceed 2 hours per day.

The regulations specify that certified settings may be used for any combination of activities that provide services at the site when there is a significant circumstance in which service delivery in the community may jeopardize the health and safety of individuals as determined and documented by the provider agency administration or with prior approval from OPWDD based on the best interests of the individual(s).

The regulations specify that groups of individuals receiving community prevocational services are limited to a maximum of 8 individuals per group. However, group size may be increased to a maximum of 15 individuals if granted OPWDD approval and are businesses that were previously work centers or sheltered workshops that have an OPWDD approved workshop transformation plan and meet the integration standards as outlined in the transformation plan, or are businesses that were not previously work centers or sheltered workshops.

The regulations specify that OPWDD approval of an increased group size will expire within 24 months of issuance. Requests for renewals must be submitted in a format prescribed by OPWDD. The renewal request must include an assessment of the individual's continued need to receive prevocational services in a group size greater than eight individuals.

The regulations require the service provider to maintain documentation of OPWDD's approval (and renewal) to increase group size to more than 8 individuals.

The regulations require the service provider to conduct an annual assessment to determine whether community based prevocational services are consistent with the individual's habilitation plan and are needed to prepare the individual for competitive employment. The annual assessment must be done in a form and format prescribed by OPWDD.

The regulations specify that the four-hour program day must include at least two face-to-face services, and may also include non-face-to-face services.

The regulations specify that the two-hour program day must consist of least one face-to-face service, and may also include non-face-to-face services.

The regulations specify that when there is a break in the service delivery during a single day the service provider must combine, for billing purposes, the duration of periods or sessions of service. Rounding up is permitted for services 10 minutes or more when billing for reimbursements.

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire March 4, 2018.

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

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

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

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.

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

Regulatory Impact Statement

1. Statutory Authority:

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

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

c. OPWDD has the statutory authority to adopt regulations concerned with the operation of programs and the provision of services, as stated in the NYS Mental Hygiene Law Section 16.00.

2. Legislative Objectives: The proposed regulations further legislative objectives embodied in sections 13.07, 13.09(b), 16.00 and 16.05 of the Mental Hygiene Law. The proposed regulations specify what site-based and community-based services are, establishes guidelines for when an individual can be paid less than federal/state minimum wage, provides an exception to the group size available under community-based prevocational services, and requires providers to conduct an annual assessment.

3. Needs and Benefits: The proposed regulations amend 14 NYCRR Part 635-10.4 by identifying what site-based and community-based services are and by providing examples for the type of activities included under each service, and amends 14 NYCRR Part 635-10.5 by clarifying reimbursement requirements.

The proposed regulations in 635-10.4 establish guidelines for when an individual can be paid less than minimum wage for site-based and community-based services.

The proposed regulations in 633-10.4 requires providers to conduct an annual assessment to determine if the prevocational service is consistent with the individual's habilitation plan and is needed to prepare the individual for competitive employment.

The proposed regulations provide a timeframe for when site-based prevocational services must be provided at a site-based prevocational services site.

In addition, the proposed regulations provide an exception to the number of individuals allowed in a group for community-based prevocational services.

4. Costs:

a. Costs to the Agency and to the State and its local governments: There is no anticipated impact on Medicaid expenditures as a result of the proposed regulations. The proposed regulations specify what site-based

and community-based services are, establishes guidelines for when an individual can be paid less than federal/state minimum wage, provides an exception to the group size available under community-based prevocational services, and requires providers to conduct an annual assessment. Consequently, there are no anticipated costs for the State in its role of paying for Medicaid costs.

These regulations will not have any fiscal impact on local governments, as the contribution of local governments to Medicaid has been capped. Chapter 58 of the Laws of 2005 places a cap on the local share of Medicaid costs and local governments are already paying for Medicaid at the capped level.

There are no anticipated costs to OPWDD in its role as a provider of services to comply with the new requirements.

b. Costs to private regulated parties: OPWDD expects that the costs to ensure compliance with the regulation will be minimal and absorbed with the site-based and community-based services reimbursement.

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

6. Paperwork: Providers will experience a minimal increase in paperwork as a result of the proposed regulations. The regulations will require providers to conduct an annual assessment to determine if the prevocational service is consistent with the individual's habilitation plan and is needed to prepare the individual for competitive employment.

7. Duplication: The proposed regulations do not duplicate any existing State or Federal requirements on this topic.

8. Alternatives: OPWDD did not consider any other alternatives to the proposed regulations. The regulations are necessary to specify what site-based and community-based services are and to clarify reimbursement requirements.

9. Federal Standards: The proposed amendments do not exceed any minimum standards of the federal government for the same or similar subject areas.

10. Compliance Schedule: OPWDD is planning to adopt the proposed amendments as soon as possible within the timeframes mandated by the State Administrative Procedure Act. Providers will have one year from the effective date of this regulation to have site-based prevocational services at a site-based prevocational services site. The proposed regulations were discussed with and reviewed by representatives of providers in advance of this proposal. Additionally, OPWDD will be mailing a notice of the proposed amendments to providers in advance of the effective date.

Regulatory Flexibility Analysis

1. Effect of Rule: OPWDD has determined, through a review of the certified cost reports, that many OPWDD-funded services are provided by not-for-profit agencies which employ more than 100 people. Smaller agencies that employ fewer than 100 employees are classified as small businesses. OPWDD is unable to estimate the number of agencies that may be considered to be small businesses.

The proposed amendments have been reviewed by OPWDD in light of their impact on small businesses. The proposed regulations specify what site-based and community-based services are, establishes guidelines for when an individual can be paid less than federal/state minimum wage, provides an exception to the group size available under community-based prevocational services, and requires providers to conduct an annual assessment.

2. Compliance Requirements: The proposed amendments will impose some additional compliance requirements on providers. OPWDD requires providers to conduct an annual assessment to determine if the prevocational service is consistent with the individual's habilitation plan and is needed to prepare the individual for competitive employment.

The amendments will have no effect on local governments.

3. Professional Services: The proposed amendments will have no effect on professional services.

4. Compliance Costs: OPWDD expects the compliance costs to conduct an annual assessment will be minimal because it is conducted once a year and can be satisfied with existing staff.

5. Economic and Technological Feasibility: The proposed amendments do not impose the use of any new technological processes on regulated parties.

6. Minimizing Adverse Impact: The purpose of these proposed amendments is to specify what site-based and community-based services are, establish guidelines for when an individual can be paid less than federal/state minimum wage, provide an exception to the group size available under community-based prevocational services, and require providers to conduct an annual assessment. The amendments will result in costs to providers, including providers that are small businesses. However, OPWDD does not expect that such costs will result in an adverse impact to providers because costs will be minimal.

OPWDD has reviewed and considered the approaches for minimizing adverse impacts as suggested in section 202-bb(2)(b) of the State

Administrative Procedure Act (SAPA). However, since the annual assessment is needed to ensure prevocational services are consistent with individual's habilitation plans and prepares individuals for competitive employment, OPWDD did not establish different compliance, reporting requirements or timetables from these requirements and timetables on small businesses or exempt providers that are small businesses.

7. Small Business and Local Government Participation: The proposed regulations were discussed with and reviewed by representatives of providers, some being small businesses, in advance of this proposal. OPWDD also plans to inform all providers, including small business providers, of the proposed amendments in advance of their scheduled effective date.

Rural Area Flexibility Analysis

1. Types and Estimated Numbers of Rural Areas: 44 counties have a population of less than 200,000: Allegany, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Clinton, Columbia, Cortland, Delaware, Essex, Franklin, Fulton, Genesee, Greene, Hamilton, Herkimer, Jefferson, Lewis, Livingston, Madison, Montgomery, Ontario, Orleans, Oswego, Otsego, Putnam, Rensselaer, St. Lawrence, Saratoga, Schenectady, Schoharie, Schuyler, Seneca, Steuben, Sullivan, Tioga, Tompkins, Ulster, Warren, Washington, Wayne, Wyoming and Yates. 9 counties with certain townships have a population density of 150 persons or less per square mile: Albany, Broome, Dutchess, Erie, Monroe, Niagara, Oneida, Onondaga and Orange.

The proposed amendments have been reviewed by OPWDD in light of their impact on entities in rural areas. The proposed regulations specify what site-based and community based services are, establishes guidelines for when an individual can be paid less than federal/state minimum wage, provides an exception to the group size available under community based prevocational services, and requires providers to conduct an annual assessment.

2. Compliance Requirements: The proposed amendments will impose some additional compliance requirements on providers. OPWDD requires providers to conduct an annual assessment to determine if the prevocational service is consistent with the individual's habilitation plan and is needed to prepare the individual for competitive employment.

The amendments will have no effect on local governments.

3. Professional Services: The proposed amendments will have no effect on professional services.

4. Compliance Costs: OPWDD expects the compliance costs to conduct an annual assessment will be minimal because it is conducted once a year and can be satisfied with existing staff.

5. Minimizing Adverse Impact: The purpose of these proposed amendments is to specify what site-based and community-based services are, establish guidelines for when an individual can be paid less than federal/state minimum wage, provide an exception to the group size available under community-based prevocational services, and require providers to conduct an annual assessment. The amendments will result in costs to providers, including providers in rural areas. However, OPWDD does not expect that such costs will result in an adverse impact to providers as the costs will be minimal.

OPWDD has reviewed and considered the approaches for minimizing adverse impact as suggested in section 202-bb(2)(b) of the State Administrative Procedure Act (SAPA). However, since the annual assessment is needed to ensure prevocational services are consistent with individual's habilitation plans and prepares the individuals for competitive employment, OPWDD did not establish different compliance, reporting requirements, or timetables on providers in rural areas or local governments or exempt providers in rural areas or local governments from these requirements and timetables.

6. Rural Area Participation: The proposed regulations were discussed with and reviewed by representatives of providers, including some in rural areas, in advance of this proposal. OPWDD also plans to inform all providers, including providers in rural areas, of the proposed amendments in advance of their scheduled effective date.

Job Impact Statement

A Job Impact Statement for the proposed 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.

The purpose of these proposed amendments is to specify what site-based and community-based services are, establish guidelines for when an individual can be paid less than federal/state minimum wage, provide an exception to the group size available under community-based prevocational services, and require providers to conduct an annual assessment. The amendments will not result in staffing costs, and compliance requirements for providers are minimal. Consequently, the amendments will not have a substantial impact on jobs or employment opportunities in New York State.

Public Service Commission

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Opt-Out Tariff Regarding Installation of Advanced Digital Metering Devices in Central Hudson's Service Territory

I.D. No. PSC-51-17-00007-P

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

Proposed Action: The Commission is considering a petition for rehearing filed by Stop Smart Meters NY (SSMNY) on November 17, 2017 of the October 20, 2017 order granting, in part, and denying, in part, requests for modifications of opt-out tariff.

Statutory authority: Public Service Law, sections 5, 65, 66, 67, 71 and 72
Subject: Opt-out tariff regarding installation of advanced digital metering devices in Central Hudson's service territory.

Purpose: To determine the appropriate opt-out provisions for Central Hudson customers regarding advanced digital metering devices.

Substance of proposed rule: The Commission is considering a petition for rehearing, filed by Stop Smart Meters NY (SSMNY) on November 17, 2017, of the October 20, 2017 Order Granting, in Part, and Denying, in Part, Requests for Modifications of Opt-Out Tariff (Order). The petition alleges that the Order erred as a matter of law and fact pursuant to 16 NYCRR § 3.7(b). In the petition, SSMNY requests that the Commission modify its Order to require Central Hudson to offer remanufactured/refurbished electromechanical ("analog") electric meters within its service territory for customers who wish to opt out of the use of digital electric meters. Specifically, SSMNY argues that the Commission's Order ignores evidence submitted by SSMNY purporting to demonstrate certain risks caused by digital electric meters. The full text of the petition may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. Upon conducting its evaluation of the petition, the Commission may reaffirm its initial decision or adhere to it with additional rationale in denying the request, modify or reverse the decision in granting the request in whole or in part, or take such other or further action as it deems necessary with respect to the request.

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

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

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

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

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

(14-M-0196SP4)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Petition to Submeter Electricity

I.D. No. PSC-51-17-00008-P

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

Proposed Action: The Commission is considering the petition of 305 East 24th Owners Corp. to submeter electricity at 305 East 24th Street, New York, New York.

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

Subject: Petition to submeter electricity.

Purpose: To consider the petition of 305 East 24th Owners Corp. to submeter electricity.

Substance of proposed rule: The Commission is considering the petition of 305 East 24th Owners Corp. filed on October 20, 2017, to submeter electricity at 305 East 24th Street, 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, 305 East 24th Owners Corp. has requested authorization to take electric service from Con Edison and then distribute and meter that electricity to tenants. Submetering of electricity to residential tenants is allowed so long as it complies with the protections and requirements of the Commission's regulations at 16 NYCRR Part 96. The full text of the petition may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject or modify, in whole or in part, the relief proposed and may resolve related matters.

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

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

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

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

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

(17-E-0657SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Consideration of Con Edison's Proposed Implementation Plan

I.D. No. PSC-51-17-00009-P

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

Proposed Action: The Commission is considering a petition filed by Consolidated Edison Company of New York, Inc. (Con Edison) on November 30, 2017, requesting approval of the Implementation Plan for its approved Shared Solar Pilot Program for Low Income Customers.

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

Subject: Consideration of Con Edison's proposed Implementation Plan.

Purpose: To consider Con Edison's Implementation Plan and appropriate design of the utility-owned Shared Solar Pilot Program.

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition for an Implementation Plan, filed by Consolidated Edison Company of New York, Inc. (Con Edison) on November 30, 2017, requesting approval of the Shared Solar Pilot Program for Low Income Customers. The Implementation Plan was filed in compliance with the Commission's August 2, 2017 Order Approving Shared Solar Pilot Program With Modifications. The Implementation Plan includes details regarding Con Edison's competitive vendor procurement process, cost recovery mechanism, draft tariff revisions, a community outreach and engagement plan, and detailed accounting procedures. The full text of the petition may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject, or modify, in whole or in part, the Implementation Plan, and may resolve other related matters.

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

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

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

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

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

(16-E-0622SP2)

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

Transfer Certain Street Lighting Facilities to the Town of Owego**I.D. No.** PSC-51-17-00010-P

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

Proposed Action: The Commission is considering the petition filed by New York State Electric & Gas Corporation (NYSEG) for authority to transfer certain street lighting facilities to the Town of Owego, located in the Town of Owego, Tioga County, New York.

Statutory authority: Public Service Law, section 70

Subject: Transfer certain street lighting facilities to the Town of Owego.

Purpose: To consider the transfer of certain street lighting facilities from NYSEG to the Town of Owego.

Substance of proposed rule: The Public Service Commission (Commission) is considering the petition filed by New York State Electric & Gas Corporation for authority to transfer certain street lighting facilities to the Town of Owego, located in the Town of Owego, Tioga County, New York. The original cost of the facilities was approximately \$381,806 and is being sold at a purchase price of \$199,937, which represents the current fair market value of the facilities. The current net book value of the assets is \$101,573. The full text of the petition may be viewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject, or modify, in whole or in part, the relief proposed and may resolve related matters.

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

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

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

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement
Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(17-E-0666SP1)

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

Petition for Recovery of Certain Costs Related to the Implementation of a Non-Wires Alternative Project**I.D. No.** PSC-51-17-00011-P

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

Proposed Action: The Public Service Commission is considering a petition by Consolidated Edison Company of New York, Inc. regarding the recovery of costs for the Kennedy Airport Microgrid Project (JFK Project).

Statutory authority: Public Service Law, sections 65 and 66

Subject: Petition for recovery of certain costs related to the implementation of a Non-Wires Alternative Project.

Purpose: To consider Con Edison's petition for the recovery of costs for implementing the JFK Project.

Substance of proposed rule: The Public Service Commission is considering the petition submitted on October 27, 2017 by Consolidated Edison Company of New York, Inc. (Con Edison or Company) requesting to either: (i) confirm that Con Edison may recover all capital costs incurred for ductwork for the Glendale Project as costs of implementing the JFK Project, a Non-Wires Alternative, pursuant to the provision in Con Edison's currently-effective Electric Rate Plan authorizing Con Edison to recover the implementation costs of Non-Wires Alternatives or a similar provision in the Company's next rate plan; or (ii) rule in the alternative that the Glendale Project costs are prudently incurred costs of an aban-

doned property that may be deferred as a regulatory asset. The full text of the petition may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject or modify, in whole or in part, the petition and may resolve related matters.

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

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

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

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

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

(17-E-0708SP1)

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

Rider T – Commercial Demand Response Program**I.D. No.** PSC-51-17-00012-P

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

Proposed Action: The Commission is considering a petition filed by Consolidated Edison Company of New York, Inc. to revise Rider T – Commercial Demand Response Program (CDRP) contained in its electric tariff schedule, P.S.C. No. 10 – Electricity.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Rider T – Commercial Demand Response Program.

Purpose: To consider revisions to Rider T – CDRP.

Substance of proposed rule: The Public Service Commission is considering a petition, with related tariff amendments, filed on November 30, 2017 by Consolidated Edison Company of New York, Inc. (Con Edison), to revise its electric tariff schedule, P.S.C. No. 10 – Electricity. Con Edison proposes to revise Rider T – Commercial Demand Response Programs (CDRP) to be effective for the summer 2018 Capability Period. Con Edison proposes to: 1) extend the maximum period for its Distribution Load Relief Program (DLRP) and Commercial System Relief Program Test Events to four hours, versus the current one-hour limit; 2) require a minimum Performance Factor for Rider T reservation payments; 3) amend the definition of Customer Baseline Load (CBL) to allow for additional CBL options; 4) provide that the first reservation payment will not occur until after performance is demonstrated; 5) base DLRP Tier 2 Networks upon the most recent list of Network Reliability Index (NRI) scores instead of an average of NRI scores for the previous five years; and 6) waive, for the 2018 Capability Period, the requirement to provide meter data access during demand response events to customers participating in Rider T via an Advanced Metering Infrastructure meter and supporting systems. The proposed amendments have an effective date of March 1, 2018. The full text of the filing may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject or modify, in whole or in part, the relief proposed and may resolve related matters.

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

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

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

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

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

(17-E-0741SP1)

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

Waiver of Certain Rules and Requirements Pertaining to Cable Television Franchise

I.D. No. PSC-51-17-00013-P

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

Proposed Action: The Commission is considering a petition for certain waivers filed by Citizens Telecommunications Company of New York, Inc. DBA Frontier Communications of New York in connection with a cable television franchise for the Village of Wurtsboro.

Statutory authority: Public Service Law, sections 215, 216 and 221

Subject: Waiver of certain rules and requirements pertaining to cable television franchise.

Purpose: To determine whether to waive any regulations.

Substance of proposed rule: The Commission is considering a petition filed by Citizens Telecommunications Company of New York, Inc. DBA Frontier Communications of New York (Frontier), for certain waivers in connection with its proposed cable television franchise agreement with the Village of Wurtsboro. Frontier requests full or partial waivers of 16 NYCRR §§ 890 and 895 with respect to build out requirements, installation intervals, system description, and public, educational and governmental access availability. Specifically, Frontier requests that the Commission waive 16 NYCRR § 895.5(b)(1) and 895.5(c), requiring a five-year build-out of the primary service area; and 16 NYCRR § 895.5(b)(3) and 890(b)(1), establishing a seven-business day installation interval for providing service to certain dwellings. Frontier states that these proposed waivers will enable Frontier to bring the benefits of video competition, increased investment, and enhanced service quality—as well as enhanced high speed broadband capabilities to 35% of the residents of Wurtsboro in the near term and that additional build-out will occur based on a success based model that the Commission has previously approved for Frontier in other municipalities. The full text of the petition may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject or modify, in whole or in part, the relief proposed and may resolve related matters.

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

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

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

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

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

(17-V-0709SP1)

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

Transfer of Control

I.D. No. PSC-51-17-00014-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 of Time Warner Cable Northeast LLC seeking approval for a transfer of control of five cable television franchises from Hamilton County Cable T.V., Inc.

Statutory authority: Public Service Law, section 222

Subject: Transfer of control.

Purpose: To consider Time Warner Cable Northeast's petition seeking approval of a transfer of cable television franchises.

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

ing a petition filed by Time Warner Cable Northeast LLC (Time Warner) for approval of a transfer of control to Time Warner of five cable television franchises and systems from Hamilton County Cable T.V., Inc. (Hamilton) The franchises include the towns of Wells, Lake Pleasant, Indian Lake, and Johnsbury, and the Village of Speculator, New York. As a result of proposed transaction, Time Warner would directly acquire the franchises and the existing cable television systems from Hamilton. Charter proposes to upgrade the systems to provide broadband and advanced video services, which they do not at present. The full text of the petition may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject or modify, in whole or in part, the proposed petition and may resolve related matters.

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

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

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

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

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

(17-V-0733SP1)

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

Opt-Out Tariff Regarding Installation of Advanced Digital Metering Devices in Central Hudson's Service Territory

I.D. No. PSC-51-17-00015-P

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

Proposed Action: The Commission is considering a petition for reconsideration filed by Stop Smart Meters Woodstock NY (SSMWN) on November 20, 2017 of the October 20, 2017 order granting, in part, and denying, in part, requests for modifications of opt-out tariff.

Statutory authority: Public Service Law, sections 5, 65, 66, 67, 71 and 72

Subject: Opt-out tariff regarding installation of advanced digital metering devices in Central Hudson's service territory.

Purpose: To determine the appropriate opt-out provisions for Central Hudson customers regarding advanced digital metering devices.

Substance of proposed rule: The Commission is considering a petition for rescission, in part, and modification, filed by Stop Smart Meters Woodstock NY (SSMWN) on November 20, 2017, of the October 20, 2017 Order Granting, in Part, and Denying, in Part, Requests for Modifications of Opt-Out Tariff (Order). The petition is not styled as one for rehearing or reconsideration, and it does not state an error of law or fact or new circumstances warranting a rehearing. As such, the petition will be treated as one for reconsideration. In the petition, SSMWN requests that the Commission modify its Order to require Central Hudson to offer remanufactured/refurbished electromechanical ("analog") electric meters within its service territory for customers who wish to opt out of the use of digital electric meters. Specifically, SSMWN argues that the Commission's Order ignores evidence submitted by SSMWN purporting to demonstrate certain risks caused by digital electric meters. The full text of the petition may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. Upon conducting its evaluation of the petition, the Commission may reaffirm its initial decision or adhere to it with additional rationale in denying the request, modify or reverse the decision in granting the request in whole or in part, or take such other or further action as it deems necessary with respect to the request.

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

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

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

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

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

(14-M-0196SP5)

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

Petition for Waiver Request of Opinion No. 76-17 and 16 NYCRR Part 96

I.D. No. PSC-51-17-00016-P

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

Proposed Action: The Commission is considering the petition of Jericho Project for waiver of the individual metering requirements of Opinion No. 76-17 and 16 NYCRR Part 96 at 2065 Walton Avenue, Bronx, 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: Petition for waiver request of Opinion No. 76-17 and 16 NYCRR Part 96.

Purpose: To consider the petition of Jericho Project for waiver request of Opinion No. 76-17 and 16 NYCRR Part 96.

Substance of proposed rule: The Commission is considering the petition of Jericho Project (Owner) filed on February 1, 2017, for waiver of the individual metering requirements of Opinion 76-17 and 16 NYCRR Part 96 at 2065 Walton Avenue, Bronx, New York, located in the service territory of Consolidated Edison Company of New York, Inc. (Con Edison). By stating its intent to master meter electricity, Jericho Project, requests authorization to take electric service from Con Edison and distribute electricity to tenants without metering the individual living units (submetering). The full text of the petition may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject or modify, in whole or in part, the relief proposed and may resolve related matters.

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

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

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

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

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

(17-E-0071SP1)

Department of State

NOTICE OF ADOPTION

Esthetics Curriculum and Waxing Procedures

I.D. No. DOS-30-17-00001-A

Filing No. 1027

Filing Date: 2017-11-30

Effective Date: 180 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 section 162.2; addition of section 160.20(k) to Title 19 NYCRR.

Statutory authority: General Business Law, sections 402 and 404

Subject: Esthetics curriculum and waxing procedures.

Purpose: To update the qualifying curriculum for esthetics and ensure that waxing procedures are safe and sanitary.

Text or summary was published in the July 26, 2017 issue of the Register, I.D. No. DOS-30-17-00001-P.

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

Text of rule and any required statements and analyses may be obtained from: David Mossberg, NYS Dept. of State, 123 William St., 20th Floor, New York, NY 10038, (212) 417-2063, email: david.mossberg@dps.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 2020, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Continuing Education Requirements

I.D. No. DOS-31-17-00005-A

Filing No. 1026

Filing Date: 2017-11-30

Effective Date: 2019-01-01

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

Action taken: Amendment of section 192.7(v) and (w) of Title 19 NYCRR.

Statutory authority: General Business Law, sections 791(2), 794 and 803

Subject: Continuing education requirements.

Purpose: To amend the education requirements to include one hour of instruction on telecoil (t-coil) and other assistive listening devices.

Text or summary was published in the August 2, 2017 issue of the Register, I.D. No. DOS-31-17-00005-P.

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

Text of rule and any required statements and analyses may be obtained from: David Mossberg, NYS Dept. of State, 123 William St., 20th Fl., New York, NY 10038, (212) 417-2063, email: david.mossberg@dps.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 2020, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment

The Department received one comment in relation to this rule. The comment submitted on behalf of the Hearing Healthcare Alliance of New York (HHCANY) requested that the Department withdraw the proposal citing the purported need to maintain a minimum 2 hours of continuing education on infection control. Having reviewed and considered the objections raised by the HHCANY, the Department finds these concerns insufficient to withdraw the rule. As alluded to by the HHCANY, the Department and Hearing Aid Dispensing Advisory Board undertook significant efforts to address concerns presented by several consumers, and the findings of a specially created subcommittee, regarding the adequacy of consumer information. As the technology that supports hearing aid devices is continually and rapidly developing, there is a significant need to ensure that the consumers which rely on these devices are properly educated, and the registered dispensers which sell these devices are adequately prepared to respond to consumer needs; the proposed rule will address these concerns. The HHCANY's comment, though important, does not present significant alternatives that the Department could consider to address the need this rule is designed to remedy. Moreover, the Department finds that one hour of infection control is sufficient as a renewal course, particularly when considering that several other jurisdictions permit renewal of similar licenses with no continuing education requirements at all. Accordingly, for the reasons provided above, the Department has not made any changes to the proposed rule.

NOTICE OF ADOPTION

Appraisal Standards**I.D. No.** DOS-42-17-00002-A**Filing No.** 1054**Filing Date:** 2017-12-05**Effective Date:** 2018-01-01

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

Action taken: Amendment of section 1106.1 of Title 19 NYCRR.

Statutory authority: Executive Law, section 160-d(1)(d)

Subject: Appraisal Standards.

Purpose: To adopt the 2018-2019 edition of the Uniform Standards of Professional Appraisal Practice.

Text or summary was published in the October 18, 2017 issue of the Register, I.D. No. DOS-42-17-00002-P.

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

Text of rule and any required statements and analyses may be obtained from: David Mossberg, NYS Dept. of State, 123 William St., 20th Floor, New York, NY 10038, (212) 417-2063, email: david.mossberg@dos.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 2020, 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.

State University of New York

NOTICE OF ADOPTION

Governance, Structure and Operations of SUNY Authorized Charter Schools Pertaining to Teacher Certification**I.D. No.** SUN-30-17-00024-A**Filing No.** 1055**Filing Date:** 2017-12-05**Effective Date:** 2017-12-20

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

Action taken: Addition of Chapter V, Subchapter E, Part 700 to Title 8 NYCRR.

Statutory authority: Education Law, section 355(2-a)

Subject: Governance, structure and operations of SUNY authorized charter schools pertaining to teacher certification.

Purpose: To provide alternative teacher certification pathways to SUNY authorized charter schools with strong student performance.

Substance of final rule: Charter school education corporations authorized by the State University of New York Board of Trustees (the "SUNY Trustees") consistently post strong academic results as measured by student proficiency in meeting state performance measures. Over 80% of SUNY authorized charter schools provide parents and students public education choices that exceed the performance of the district school choices available in the same neighborhoods, districts and cities, some lifting 20 to 30 to 40% and more of their children to and over what New York identifies as grade level proficiency year after year. When SUNY authorized charter schools fail to perform well, the SUNY Trustees have a strong record of not allowing such schools to continue operation. The stated purpose of the NY Charter Schools Act of 1998 (as amended, the "Act") is to authorize a system of charter schools to provide opportunities for teachers, parents, and community members to establish and maintain schools that operate independently of existing schools and school districts in order to accomplish the following objectives:

(a) Improve student learning and achievement;

(b) Increase learning opportunities for all students, with special emphasis on expanded learning experiences for students who are at-risk of academic failure;

(c) Encourage the use of different and innovative teaching methods;

(d) Create new professional opportunities for teachers, school administrators and other school personnel;

(e) Provide parents and students with expanded choices in the types of educational opportunities that are available within the public school system; and

(f) Provide schools with a method to change from rule-based to performance-based accountability systems by holding schools established under [Article 56 of the NY Education Law] accountable for meeting measureable student achievement results.

Instead of allowing SUNY authorized charter schools to continue to operate based on rule-based measures of school success alone (state mandated curricula, district mandated textbooks or adherence to state teacher evaluation requirements), the SUNY Trustees hold charters accountable for the success achieved in helping students read, write, calculate, compute, investigate and demonstrate their abilities to meet the demands of state performance standards. When schools demonstrate, through their students' abilities, proficiency at helping students succeed, the SUNY Trustees renew them. When schools are not able, after years of opportunity, to demonstrate student success, the SUNY Trustees close those schools. The teacher certification regulations link the proficiency of SUNY authorized charters in preparing students well to the opportunity to fulfill the purposes of the Act by allowing only those schools with strong academic performance to propose a program of teacher certification. The intent is to sharpen the focus on holding schools accountable "for meeting measureable student achievement results."

Much like their district counterparts across the state, SUNY's high performing charter schools cite challenges in identifying high quality teachers. The challenges are compounded by the need to find high quality teachers that have completed the myriad of steps and tasks required in the state's rule-based teacher certification requirements that are often not directly linked to building teacher proficiency in the instructional skills and knowledge that make a particular SUNY charter school successful. For a prospective teacher, it means that in addition to a teacher's instructional course load, communication with caregivers, supporting students after and before school, grade level team meetings, meetings with school embedded instructional coaches, preparations for the next day or week's quality lesson delivery, and the school's weekly, monthly and summer intensive professional development requirements, that teacher must as well hustle after class or between summer engagements to attend and complete traditional certification requirements with no tie to the successful school program in which they teach. The SUNY charter teacher certification regulations link certification to programs that have demonstrated student success and do not require teachers to complete a set of steps, tests, and tasks not designed for teachers embedded in a high quality school. Charter schools with a history of strong student performance normally have in place teacher requirements and professional development programs that not only compare to traditional certification pathways but are also tailored to the unique, successful educational programs delivered by such charter schools.

Teacher Certification Regulation Language

The new Part 700 of title 8 of the NY Compilation of Codes, Rules and Regulations provides certain parameters and requirements for charter schools that wish to operate alternative teacher preparation programs. The rulemaking does not mandate that any school operate such a program or teacher enroll in such a program. SUNY authorized charter schools may still comply with NY Education Law § 2854(3)(a-1) with teaching staff qualified through already established teacher certification pathways. Teachers approved through a program at a SUNY authorized charter school will be able to use the approval at another SUNY authorized charter school but will not be able to transfer such certification to a charter school not authorized by SUNY or to a district school. SUNY will not charge a fee to apply for approval of an instructor program and charter schools may not charge teachers a fee for attending such programs.

The rulemaking delineates criteria for the following: educational prerequisites; number of instructional hours required; number of hours of supervised field teaching experience and additional hours required for teaching students with disabilities or English language learners; required coursework in Mandated Reporter, SAVE and bullying, harassment, and discrimination; types of certification available; term of the certification; program instructor requirements; program assessments; and, record keeping and other requirements. The proposed rulemaking also address the education corporation application and review processes as well as the minimum applicant requirements and the program revocation process.

Final rule as compared with last published rule: Nonsubstantive changes were made in sections 700.2(o), (r), 700.4(a), (b), (c), (d), (f), 700.5(b) and 700.6(a).

Text of rule and any required statements and analyses may be obtained from: Ralph A. Rossi II, SUNY Charter Schools Institute, SUNY Plaza, 353 Broadway, Albany, New York 12246, (518) 455-4250, email: charters@suny.edu

Revised Regulatory Impact Statement

A revised Regulatory Impact Statement is not required because the changes made to the last published proposed rule do not necessitate revision to the previously published document. The changes to the text still seek to implement teacher certification compliance regulations that link the proficiency of SUNY authorized charters in preparing students well to the opportunity to fulfill the purposes of the N.Y. Charter Schools Act (as amended) by allowing only those schools with strong academic performance to propose a program of teacher certification. The changes do not affect the meaning of any statement in the previously published document.

Revised Regulatory Flexibility Analysis

A revised Regulatory Flexibility Analysis is not required because the changes made to the last published rule do not necessitate revision to the previously published document. The changes to the text still seek to implement teacher certification compliance regulations that link the proficiency of SUNY authorized charters in preparing students well to the opportunity to fulfill the purposes of the N.Y. Charter Schools Act (as amended) by allowing only those schools with strong academic performance to propose a program of teacher certification. This sharpens the focus on holding schools accountable for meeting measureable student achievement results. These changes do not affect the meaning of any statement in the previously published document.

Revised Rural Area Flexibility Analysis

A revised Rural Area Flexibility Analysis is not required because the changes made to the last published rule do not necessitate revision to the previously published document. The changes to the text still seek to implement teacher certification compliance regulations that link the proficiency of SUNY authorized charters in preparing students well to the opportunity to fulfill the purposes of the N.Y. Charter Schools Act (as amended) by allowing only those schools with strong academic performance to propose a program of teacher certification. This sharpens the focus on holding schools accountable for meeting measureable student achievement results. These changes do not affect the meaning of any statement in the previously published document.

Revised Job Impact Statement

A revised Job Impact Statement is not required because the changes made to the last published rule do not necessitate revision to the previously published document. The changes to the text still seek to implement teacher certification compliance regulations that link the proficiency of SUNY authorized charters in preparing students well to the opportunity to fulfill the purposes of the N.Y. Charter Schools Act (as amended) by allowing only those schools with strong academic performance to propose a program of teacher certification. This sharpens the focus on holding schools accountable for meeting measureable student achievement results. These changes do not affect the meaning of any statement in the previously published document.

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2020, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment

This assessment responds to the comments received on the Proposed Regulations for the additional Ch. V, Subch. E, Pt. 700 of Title 8 of the New York State Code of Rules and Regulations. The Notice of Proposed Rule Making was contained in the State Register issued on July 26, 2017.

The State University of New York ("SUNY") Board of Trustees' Charter Schools Committee (the "Committee") received over 8630 comments on its proposed teacher certification requirements regulations. Approximately 2134 individual comments, which include comments with multiple signers or representative organizations, were opposed to, and 73 individual comments, which also include representative organizations, in favor of, the proposed regulations. Additional opposition comments came in the form of either automatically generated email (3257) or comments generated by a petition (3165). Some of the same comments were sent to multiple SUNY recipients and some commenters sent duplicate comments so some double counting was unavoidable within the limits of the resources available to the SUNY Charter Schools Institute (the "Institute"), which gathered and analyzed the comments for the Committee.

The automatically generated email form submissions and approximately 1400 other comments expressed general opposition to any change to the current state certification system overseen by the New York State Education Department ("NYSED"). A number of commenters incorrectly characterized the substance of the regulations and, therefore, were not relevant.

Public Comment Period

A number of commenters expressed concern that a portion of the com-

ment period occurred during August when district school teachers are on vacation and advocated for an extension of the comment period. However, the large number of comments generated during the public comment period indicated significant public engagement. In addition, the Institute continued to collect and respond to public comments following closing of the statutory public comment period.

Authority to Promulgate Regulations

Some commenters asserted that SUNY does not have the authority to promulgate regulations. The Committee was granted the authority to promulgate regulations under Education Law § 355(2-a) regarding the operation, governance, and structure of the charter schools it oversees.

One commenter asserted that a unilateral change in certification requirements violates "equal rule of the law." However, charter schools are schools of choice, no student is forced to attend a charter school by New York's compulsory education law.

One comment urged the Committee toward further study before consideration of the proposed regulations. SUNY does not agree that additional study is necessary, and notes that the regulations may be amended at any time in the future if warranted.

Profession of Teaching

A large group of commenters expressed concerns that the proposal would lower the certification standards for teachers, certify unqualified teachers, and lack sufficient ongoing review. SUNY authorized charter schools are held to a high standard, which in turn hold their teachers to a high standard. Subdivision 700.4(f) of the regulations allows the Institute to terminate a teacher instruction program if any school in an education corporation is not renewed. A fair number of commenters analogized the regulations to other professions but given the differences in the professions, these comparisons are not fair ones.

University and College Education Programs

Commenters expressed concern that the proposed regulations will diminish the value of university/college education degree programs including those of SUNY, reduce the number of students in SUNY teaching programs, and/or incur costs that would harm SUNY programs. The regulations pertain to SUNY authorized charter schools only. The Institute believes any costs related to this regulation can be borne within existing appropriations.

Qualifications of Candidates

One commenter opposed the exception for extraordinary candidates with grade point averages ("GPAs") below 3.0 noting there was no definition of what constitutes "exceptional." In response to this comment, the Committee deleted the language objected to by the commenter and replaced it with: "or shall have been found to have the necessary knowledge and skills to successfully complete the program as determined by the institute." The same language currently allows the commissioner of education to determine exceptions to NYSED certification GPA requirements.

A commenter proposed that teachers need a degree in education in order to teach in a classroom. The proposed change would be stricter than current NYSED certification requirements.

Comments stated that the minimum 30 instructional hours of classroom instruction of the proposed regulations was not sufficient. After review of the comments and the NYSED requirements for a Transitional B certificate, the Committee finds the number of hours proposed should be increased from 30 to 160. To conform the exact amount of time, the regulations will conform to NYSED "clock hours" rather than the "instructional hours" defined in § 700.2(o) of the proposed regulations, which also slightly increases all times.

Comments stated that the 100 hours of field experience was not sufficient. NYSED's regulations governing Transitional B certificates require 40 clock hours of field experience to obtain the NYSED certificate. After review, the Committee finds the number of field experience hours should be reduced from 100 to 40 clock hours. This finding was in concert with the increase in classroom instruction hours from 30 to 160, increasing the total classroom instruction and field hours combined from 130 to 200, consistent with the Transitional B certificate requirement.

Comments stated that the proposed regulations do not require any state teacher certification exams for prospective teachers. The Committee amended the proposed regulations to require either the Educating All Students ("EAS") test or an examination which measures all required elements of the EAS test.

Qualifications of Instructors

Commenters took issue with the qualifications of supervisors and instructors. The Institute did not recommend changing the experience necessary for supervisors.

Qualification of the Charter School Education Corporation

One comment provided support but requested increasing the prerequisite of a charter school receiving a short-term renewal to a requirement that the applicant currently be within a full-term renewal. The Committee adopted the commenter's recommendation.

At-Risk Students

A large number of commenters stated that the proposed regulations were insufficient for schools with higher populations of at-risk students. The Committee made changes to the proposed regulations including increasing the dual certification field work hours related to students with disabilities from 12 to 20, requiring teacher candidates for students with disabilities take and pass the appropriate students with disabilities content specialty examination, and the inclusion of a requirement that six of the 40 hours of field experience for all candidates be “focused on meeting the needs of students with disabilities.”

Non-Profit

Several commenters concerned the underlying motivations for the regulations were privatization and profits. New York charter schools are not-for-profit entities, see Education Law § 2853(1). Since 2010, the Act has not permitted charter school applicants to partner with for-profit management entities. Subdivision 700.4(e) of the regulations specifically disallows charging teacher candidates a fee for participating in a teacher instructional program. Lastly, SUNY is a not-for-profit education corporation within the University of the State of New York per Education Law § 352(1).

Oversight

Many commenters imagined other entities overseeing teacher credentialing under the proposed regulations. The Act assigns oversight of SUNY authorized charter schools to the SUNY Board of Trustees and the Board of Regents.

Mentoring

Commenters stated charter schools struggle to hire and retain teachers because of a lack of mentoring for novice teachers. The Committee amended the regulations to include mentoring throughout the three-year certification period for teacher candidates.

Union Membership

A few commenters expressed concerns with the interaction between the proposed regulations and union membership. The Institute notes that it would be illegal to deny charter school teachers the right to organize and collectively bargain, under threat of possible charter revocation under Education Law § 2855(1)(d).

General Support

Commenters wrote in support including:

- a. The focus on classroom work would better prepare teachers;
- b. The current NYSED certification processes are expensive, restrictive, and require too much professional development and that being hired in a district is difficult unless a candidate knows someone;
- c. The current NYSED certification process is too cumbersome;
- d. The onerous and costly nature of the process deters talented people;
- e. The SUNY certification could allow people with degrees in STEM fields, the arts and other languages to more easily enter the profession;
- f. There are many hardships associated with applying for certification reciprocity or starting the traditional certification process in New York;
- g. Alternatives are needed to allow those with career experience or other postsecondary degrees outside of education to enter teaching; and,
- h. Teachers at charter schools not being recognized as working in public schools by NYSED for certification purposes, i.e., work experience.

One comment noted the high performance of many charter schools in Brooklyn, and stated that a looming teacher shortage will face all public schools, that applications to graduate schools of education dropped 40% in the last five years, and saw the regulations as a tool to create a pipeline of talent to allow SUNY authorized charter schools in New York City meet the demand for quality public education.

Several comments noted that ideally, state certification would shift wholesale to a clinical residency model, and true transparency of data concerning the impact of teachers in the classroom back? mapped to their respective preparation programs. As the state is not currently doing this, the commenters viewed the teacher preparation program embodied in the regulations as a worthwhile experiment. The commenters thought the proposed regulations should include an independent body to evaluate and require changes of the internal assessments that programs will use. Similar to its approach to closing poor performing charter schools, the Committee commits to the idea that the continuation of any approved teacher instructional program will be determined by student performance presented in transparent student data.

Some commenters including parents of charter school students, and charter school teachers, noted the robust supports and professional development programs at some charter schools including programming provided before a teacher enters the classroom.

Autonomy

About a dozen comments endorsed the autonomy provided under the regulations to allow high performing charter schools to identify and hire individuals with different backgrounds while continuing to develop and systemize currently provided professional development that can then be shared as effective practices. The regulations would also provide the ability to train all individuals who want to teach in high performing schools in

a manner specific to the schools’ programs based on outcomes and not inputs. Charter operators discussed the extensive time and energy spent correcting preparation of teachers from traditional teacher preparation programs to reverse incorrect concepts fostered by those programs.

Statewide Universal Full-Day Pre-Kindergarten Program

NYSED asserted the regulations are in direct conflict with the law allowing charters to participate in Statewide Universal Full-Day Pre-Kindergarten programs as it requires all teachers in the program meet the same teacher certification standards applicable to district schools. Charter schools may apply the exemptions of Education Law § 2854(3)(a-1) to their pre-K-12 teaching staff, and would count teachers approved under the regulations as certified.

Alternatives

A few commenters compared the requirements to international and other state programs. Several commenters wanted the Committee to consider several actions other than approval of the proposed regulations: reduce class size; and increase conditions and benefits. The Committee leaves to the discretion of individual charter schools many of these determinations, and limits the regulations to what is currently proposed.

Every Student Succeeds Act

Commenters stated the proposed regulations are not supported by the state’s Every Student Succeeds Act plan, which the Institute noted is still in draft. NYSED commented that a rigorous, high quality teacher preparation program fosters a high quality teacher with the likelihood to increase student achievement. As an authorizer, SUNY has fostered, through accountability, a portfolio of high performing charter schools, specifically increasing student achievement levels of at-risk populations.

Authorizers

An institutional commenter favored the idea of there being only be one authorizer in the state – NYSED. The Institute notes that authorizer best practice is to have multiple but not too many high quality authorizers in a state, and that state statute authorizes both NYSED and SUNY.

The full Assessment of Public Comment document is available at www.newyorkcharters.org.

Department of Taxation and Finance

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Metropolitan Transportation Business Tax Surcharge

I.D. No. TAF-51-17-00002-EP

Filing No. 1045

Filing Date: 2017-12-01

Effective Date: 2017-12-01

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

Proposed Action: Amendment of section 9-1.2 of Title 20 NYCRR.

Statutory authority: Tax Law, section 171, subdivision First, section 209-B, subdivision First; L. 2014, ch. 59, part A, section 7

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

Specific reasons underlying the finding of necessity: Specific reasons underlying the finding of necessity: The Commissioner is required, pursuant to Tax Law section 209-B(1)(f), to annually adjust the rate of the metropolitan transportation business tax surcharge for taxable years beginning on or after January 1, 2016. The rate is to be adjusted as necessary to ensure that the receipts attributable to the surcharge will meet and not exceed the financial projections for each state fiscal year, as reflected in the enacted budget for that fiscal year.

This rule is being adopted on an emergency basis in order to have the rates for tax year 2018 in place by January 1, 2018, to enable taxpayers to properly estimate the taxes due for tax year 2018 and reflect these estimated taxes in their financial statements.

Subject: Metropolitan Transportation Business Tax Surcharge.

Purpose: To provide metropolitan transportation business tax rate for tax year 2018.

Text of emergency/proposed rule: Pursuant to the authority contained in Tax Law sections 171, subdivision First and 209-B, subdivision one, and

Section 7 of Part A of Chapter 59 of the Laws of 2014, the First Deputy Commissioner of Taxation and Finance, being duly authorized to act due to the vacancy in the office of the Commissioner of Taxation and Finance, hereby makes and adopts as an emergency measure and proposes as a permanent rule the following amendments to the New York State Business Corporation Franchise Tax regulations under Article 9-A of the Tax Law as published in Title 20 of the Official Compilation of Codes, Rules and Regulations of the State of New York, to read as follows:

Section 1. Subchapter A of Title 20 of the Codes, Rules and Regulations of the State of New York is amended to add a new subdivision (d) to section 9-1.2 of Part 9 to read as follows.

(d) *The metropolitan transportation business tax surcharge will be computed at the rate of 28.6 percent of the tax imposed under section 209 of the Tax Law for taxable years beginning on or after January 1, 2018 and before January 1, 2019. The rate used to compute the metropolitan transportation business tax surcharge, as determined by the Commissioner, will remain the same in any succeeding taxable year, unless the Commissioner, pursuant to the authority in paragraph (f) of subdivision (1) of section 209-B of the Tax Law, determines a new rate.*

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire February 28, 2018.

Text of rule and any required statements and analyses may be obtained from: Kathleen D. O'Connell, 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.Oconnell@tax.ny.gov

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

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

Regulatory Impact Statement

1. Statutory authority: Tax Law, section 171, subdivision First, generally authorizes the Commissioner of Taxation and Finance to promulgate regulations; Tax Law section 209-B generally imposes a tax surcharge on every corporation subject to Tax Law section 209, other than a New York S corporation, for the privilege of exercising the corporation's corporate franchise, or of doing business, or of employing capital, or of owning or leasing property in a corporate or organized capacity, or of maintaining an office, or of deriving receipts from activity in the metropolitan commuter transportation district, for all or any part of the corporation's taxable year. Tax Law section 209-B(1)(f) requires the Commissioner to adjust the rate of the metropolitan transportation business tax surcharge for taxable years beginning on or after January 1, 2016. The rate is to be adjusted as necessary to ensure that the receipts attributable to the surcharge will meet and not exceed the financial projections for each state fiscal year, as reflected in the enacted budget for that fiscal year.

2. Legislative objectives: New subdivision (d) of section 9-1.2 of Part 9 of 20 NYCRR complies with the mandate of section 209-B(1)(f), setting forth the rate for taxable years beginning on or after January 1, 2018 and before January 1, 2019 and follows subdivision (c), which set the rate for taxable years beginning on or after January 1, 2017 and before January 1, 2018. As required by section 209-B(1)(f), the First Deputy Commissioner of Taxation and Finance, being duly authorized to act due to the vacancy in the office of the Commissioner, has determined that the rate of the metropolitan transportation business tax surcharge will be 28.6 percent of the tax imposed under Tax Law section 209 for taxable years beginning on or after January 1, 2018 and before January 1, 2019. The previously established statutory rate was 28.3 percent of the tax imposed under Tax Law section 209.

3. Needs and benefits: This rule sets forth amendments to the Business Corporation Franchise Tax regulations required by Tax Law section 209-B(1)(f). This rule benefits taxpayers by putting in place the metropolitan transportation business tax surcharge effective January 1, 2018 for Tax Year 2018.

4. Costs:

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

(b) Costs to this agency, the State and local governments for the implementation and continuation of this rule: Since the need to make amendments to the New York State Business Corporation Franchise Tax regulations under Article 9-A of the Tax Law arises due to a statutory mandate that the Commissioner adjust the metropolitan transportation business tax surcharge, there are no costs to this agency or the State and local governments that are due to the promulgation of this rule.

(c) Information and methodology: This analysis is based on a review of the statutory requirements and on discussions among personnel from the Department's Taxpayer Guidance Division, Office of Counsel, Office of

Tax Policy Analysis, Bureau of Tax and Fiscal Studies, Office of Budget and Management Analysis, Management Analysis and Project Services Bureau, and the Division of Budget.

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

6. Paperwork: This rule will not require any new forms.

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

8. Alternatives: Since section 209-B(1)(f) requires the Commissioner to adjust, under certain circumstances, the metropolitan transportation business tax surcharge, there are no viable alternatives to providing such rate using the methodology prescribed in Tax Law section 209-B.

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

10. Compliance schedule: The required rate information has been made available to regulated parties, by means of the emergency adoption of new subdivision (d) of section 9-1.2 of Part 9 of the Business Corporation Franchise Tax regulations on December 1, 2017, in sufficient time to implement the rate effective January 1, 2018. This rule establishes the rate for the 2018 tax year as an emergency measure and proposes it as a permanent rule.

Regulatory Flexibility Analysis

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

The purpose of the rule is to add a new subdivision (d) to section 9-1.2 of Part 9 of 20 NYCRR, to adjust the rate of the metropolitan transportation business tax surcharge for taxable years beginning on or after January 1, 2018 and before January 1, 2019, as required by Tax Law section 209-B(1)(f).

Tax Law section 209-B generally imposes a tax surcharge on every corporation subject to section 209 of the Tax Law, other than a New York S corporation, for the privilege of exercising the corporation's corporate franchise, or of doing business, or of employing capital, or of owning or leasing property in a corporate or organized capacity, or of maintaining an office, or of deriving receipts from activity in the metropolitan commuter transportation district, for all or any part of the corporation's taxable year.

The Commissioner is required, pursuant to Tax Law section 209-B(1)(f), to annually adjust the rate of the metropolitan transportation business tax surcharge for taxable years beginning on or after January 1, 2016. The rate is to be adjusted as necessary to ensure that the receipts attributable to the surcharge will meet and not exceed the financial projections for each state fiscal year, as reflected in the enacted budget for that fiscal year.

Subdivision (d) of section 9-1.2 of Part 9 complies with the mandate of Tax Law section 209-B(1)(f), setting forth the rate for taxable years beginning on or after January 1, 2018 and before January 1, 2019, and follows subdivision (c), which set the rate for taxable years beginning on or after January 1, 2017 and before January 1, 2018. As required by Tax Law section 209-B(1)(f), the First Deputy Commissioner of Taxation and Finance, being duly authorized to act due to the vacancy in the office of the Commissioner, using the state fiscal year 2018 – 2019 fiscal projections, has determined that the metropolitan transportation business tax surcharge rate will be 28.6 percent of the tax imposed under section 209 of the Tax Law for taxable years beginning on or after January 1, 2018 and before January 1, 2019.

Rural Area Flexibility Analysis

A Rural Area Flexibility Analysis is not being submitted with this rule because it will not impose any adverse impact on any rural areas. The purpose of the rule is to add a subdivision (d) to section 9-1.2 of Part 9 of 20 NYCRR, to adjust the rate of the metropolitan transportation business tax surcharge for taxable years beginning on or after January 1, 2018 and before January 1, 2019, pursuant to Tax Law section 209-B(1)(f).

Tax Law section 209-B generally imposes a tax surcharge on every corporation subject to Tax Law section 209, other than a New York S corporation, for the privilege of exercising the corporation's corporate franchise, or of doing business, or of employing capital, or of owning or leasing property in a corporate or organized capacity, or of maintaining an office, or of deriving receipts from activity in the metropolitan commuter transportation district, for all or any part of the corporation's taxable year.

The Commissioner is required, pursuant to Tax Law section 209-B(1)(f), to annually adjust the rate of the metropolitan transportation business tax surcharge for taxable years beginning on or after January 1, 2016. The rate is to be adjusted as necessary to ensure that the receipts attributable to the surcharge will meet and not exceed the financial projections for each state fiscal year, as reflected in the enacted budget for that fiscal year.

Subdivision (d) of section 9-1.2 of Part 9 complies with the mandate of Tax Law section 209-B(1)(f), setting forth the rate for taxable years beginning on or after January 1, 2018 and before January 1, 2019, and follows

subdivision (c), which set the rate for taxable years beginning on or after January 1, 2017 and before January 1, 2018. As required by section 209-B(1)(f), the First Deputy Commissioner of Taxation and Finance, being duly authorized to act due to the vacancy in the office of the Commissioner, using the state fiscal year 2018-2019 fiscal projections, has determined that the metropolitan transportation business tax surcharge rate will be 28.6 percent of the tax imposed under Tax Law section 209 for taxable years beginning on or after January 1, 2018 and before January 1, 2019.

Job Impact Statement

A Job Impact Statement is not being submitted with this rule because it is evident from the subject matter of the rule that the rule will have no adverse impact on jobs and employment opportunities. The purpose of the rule is to add a new subdivision (d) to section 9-1.2 of Part 9 of 20 NYCRR, to adjust the rate of the metropolitan transportation business tax surcharge for taxable years beginning on or after January 1, 2018 and before January 1, 2019, pursuant to section 209-B(1)(f) of the Tax Law.

Tax Law section 209-B generally imposes a tax surcharge on every corporation subject to Tax Law section 209, other than a New York S corporation, for the privilege of exercising the corporation's corporate franchise, or of doing business, or of employing capital, or of owning or leasing property in a corporate or organized capacity, or of maintaining an office, or of deriving receipts from activity in the metropolitan commuter transportation district, for all or any part of the corporation's taxable year.

The Commissioner is required, pursuant to Tax Law section 209-B(1)(f), to annually adjust the rate of the metropolitan transportation business tax surcharge for taxable years beginning on or after January 1, 2016. The rate is to be adjusted as necessary to ensure that the receipts attributable to the surcharge will meet and not exceed the financial projections for each state fiscal year, as reflected in the enacted budget for that fiscal year.

Subdivision (d) of section 9-1.2 of Part 9 complies with the mandate of Tax Law section 209-B(1)(f), setting forth the rate for taxable years beginning on or after January 1, 2018 and before January 1, 2019, and follows subdivision (c), which set the rate for taxable years beginning on or after January 1, 2017 and before January 1, 2018. As required by section 209-B(1)(f), the First Deputy Commissioner of Taxation and Finance, being duly authorized to act due to the vacancy in the office of the Commissioner, using the state fiscal year 2018-2019 fiscal projections, has determined that the metropolitan business tax surcharge rate will be 28.6 percent of the tax imposed under Tax Law section 209 for taxable years beginning on or after January 1, 2018 and before January 1, 2019.

This rule merely complies with the mandates of Tax Law section 209-B, as amended, by adding a new subdivision (d) to section 9-1.2 of Part 9 of 20 NYCRR, setting forth the rate for the metropolitan transportation tax surcharge for tax year 2018.

Office of Temporary and Disability Assistance

NOTICE OF ADOPTION

Public Assistance (PA) Budgetary Method

I.D. No. TDA-39-17-00005-A

Filing No. 1052

Filing Date: 2017-12-05

Effective Date: 2017-12-20

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

Action taken: Amendment of section 352.29(h)(2)(v)(b) of Title 18 NYCRR.

Statutory authority: Social Services Law, sections 17(a)-(b), (j), 20(3)(d), 34(3)(f), 131(1) and 131-n(1)

Subject: Public Assistance (PA) budgetary method.

Purpose: To update State regulations governing treatment of income in excess of standard of need in PA households, consistent with SSL section 131-n(1).

Text or summary was published in the September 27, 2017 issue of the Register, I.D. No. TDA-39-17-00005-P.

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

Text of rule and any required statements and analyses may be obtained from: Richard P. Rhodes, Jr., New York State 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

Initial Review of Rule

As a rule that does not require a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2022, which is no later than the 5th year after the year in which this rule is being adopted.

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Establishment, Modification, and Enforcement of Child Support Obligations

I.D. No. TDA-40-17-00002-A

Filing No. 1050

Filing Date: 2017-12-05

Effective Date: 2017-12-20

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

Action taken: Repeal of sections 347.8, 347.10, 347.26; addition of new section 347.8; and amendment of sections 347.9 and 422.3 of Title 18 NYCRR.

Statutory authority: Social Services Law, sections 17(a)-(b), (j), 20(3)(d), 111-a, 111-i; Title 42 of the United States Code, sections 651-657, 660, 663-664, 666-667; Title 45 of the Code of Federal Regulations, sections 303.4, 303.6 and 303.8

Subject: Establishment, modification, and enforcement of child support obligations.

Purpose: To amend State regulations concerning support obligations to reflect Federal statutory requirements and current terminology used by the child support program, and to conform regulatory citations with Federal and State laws.

Text or summary was published in the October 4, 2017 issue of the Register, I.D. No. TDA-40-17-00002-P.

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

Text of rule and any required statements and analyses may be obtained from: Richard P. Rhodes, Jr., New York State 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

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2020, 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.

**HEARINGS SCHEDULED
FOR PROPOSED RULE MAKINGS**

Agency I.D. No.	Subject Matter	Location—Date—Time
Public Service Commission		
PSC-41-17-00006-P	Major electric rate filing	Department of Public Service, Agency Bldg. 3, 19th Fl. Boardroom, Albany, NY—January 9, 2018, 10:00 a.m. (Evidentiary Hearing)* *On occasion, there are requests to reschedule or postpone evidentiary hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 17-E-0459.
PSC-41-17-00007-P	Major gas rate filing	Department of Public Service, Agency Bldg. 3, 19th Fl. Boardroom, Albany, NY—January 9, 2018, 10:00 a.m. (Evidentiary Hearing)* *On occasion, there are requests to reschedule or postpone evidentiary hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 17-G-0460.
PSC-45-17-00008-P	Major water rate filing	Department of Public Service, Agency Bldg. 3, 3rd Fl. Hearing Rm., Albany, NY—January 29, 2018 and continuing daily as needed, 10:30 a.m. (Evidentiary Hearing)* *On occasion, there are requests to reschedule or postpone evidentiary hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 17-W-0528.
PSC-50-17-00021-P	Disposition of tax refunds and other related matters	Department of Public Service, Three Empire State Plaza, 3rd Fl. Hearing Rm., Albany, NY—February 7, 2018, 10:30 a.m. (Evidentiary Hearing)* *On occasion, there are requests to reschedule or postpone evidentiary hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 17-M-0592.

ACTION PENDING INDEX

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

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

For additional information concerning any of the proposals

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

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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AGING, OFFICE FOR THE

AGE-42-17-00001-P	10/18/18	Administration of the Long Term Care Ombudsman Program	To bring NYSOFA's rules and regulations governing LTCOP into conformance with the Federal Statute and regulations.
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ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF

ASA-41-17-00001-P	10/11/18	Establishment, Incorporation and Certification of Providers of Substance Use Disorder Services	Clarifies the obligation to recognize alcohol/substance abuse programs operated by Indian Health Services facilities
ASA-44-17-00001-P	11/01/18	Repeal Part 14 NYCRR Part 830 (Acupuncture) and add new Part 830 (Designated Services; acupuncture and telepractice)	Repeal obsolete regulations and incorporate provisions into a new Part with additional provisions
ASA-44-17-00002-P	11/01/18	Children's behavioral health services	Defines and implements children's behavioral health services pursuant to the EPSDT program in New York

CHILDREN AND FAMILY SERVICES, OFFICE OF

CFS-51-17-00017-EP	12/20/18	Specialized secure detention facilities.	To establish specialized secure detention facilities.
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CIVIL SERVICE, DEPARTMENT OF

CVS-01-17-00006-P	01/04/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-01-17-00007-P	01/04/18	Jurisdictional Classification	To delete a position from and classify positions in the non-competitive class
CVS-01-17-00008-P	01/04/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-01-17-00009-P	01/04/18	Jurisdictional Classification	To classify positions in the non-competitive class

Action Pending Index**NYS Register/December 20, 2017**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-01-17-00010-P	01/04/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-01-17-00011-P	01/04/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-01-17-00012-P	01/04/18	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-01-17-00013-P	01/04/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-01-17-00014-P	01/04/18	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-01-17-00015-P	01/04/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-01-17-00017-P	01/04/18	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-04-17-00003-P	01/25/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-04-17-00004-P	01/25/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-07-17-00003-P	02/15/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-07-17-00004-P	02/15/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-07-17-00005-P	02/15/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-07-17-00006-P	02/15/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-07-17-00007-P	02/15/18	Jurisdictional Classification	To classify a position non-competitive class.
CVS-12-17-00004-P	03/22/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-12-17-00005-P	03/22/18	Jurisdictional Classification	To delete a position from and classify a position in the non-competitive class.
CVS-12-17-00006-P	03/22/18	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class.
CVS-12-17-00007-P	03/22/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-12-17-00008-P	03/22/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-12-17-00009-P	03/22/18	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-12-17-00010-P	03/22/18	Jurisdictional Classification	To delete positions from and classify positions in the exempt class
CVS-17-17-00002-P	04/26/18	Supplemental military leave benefits	To extend the availability of supplemental military leave benefits for certain New York State employees until December 31, 2017
CVS-18-17-00001-P	05/03/18	Jurisdictional Classification	To classify a position in the exempt class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-18-17-00002-P	05/03/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-18-17-00003-P	05/03/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-18-17-00004-P	05/03/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-18-17-00005-P	05/03/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-18-17-00006-P	05/03/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-18-17-00007-P	05/03/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-18-17-00008-P	05/03/18	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-18-17-00009-P	05/03/18	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-18-17-00010-P	05/03/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-18-17-00011-P	05/03/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-18-17-00012-P	05/03/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-18-17-00013-P	05/03/18	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-18-17-00014-P	05/03/18	Jurisdictional Classification	To classify positions in the exempt and non-competitive classes
CVS-18-17-00015-P	05/03/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-18-17-00016-P	05/03/18	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-18-17-00017-P	05/03/18	Jurisdictional Classification	To classify positions in the exempt class and delete positions from the non-competitive class
CVS-23-17-00001-P	06/07/18	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-23-17-00002-P	06/07/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-23-17-00003-P	06/07/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-23-17-00005-P	06/07/18	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-23-17-00006-P	06/07/18	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-23-17-00007-P	06/07/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-23-17-00008-P	06/07/18	Jurisdictional Classification	To classify a position in the non-competitive class

Action Pending Index**NYS Register/December 20, 2017**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-23-17-00009-P	06/07/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-23-17-00010-P	06/07/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-23-17-00011-P	06/07/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-23-17-00012-P	06/07/18	Jurisdictional Classification	To delete positions from and classify positions in the exempt class
CVS-23-17-00013-P	06/07/18	Jurisdictional Classification	To delete positions from and classify positions in the exempt class
CVS-23-17-00014-P	06/07/18	Jurisdictional Classification	To delete positions from and classify positions in the exempt class
CVS-30-17-00006-P	07/26/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-30-17-00007-P	07/26/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-30-17-00008-P	07/26/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-30-17-00009-P	07/26/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-30-17-00010-P	07/26/18	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-30-17-00011-P	07/26/18	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-30-17-00012-P	07/26/18	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-30-17-00013-P	07/26/18	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-30-17-00014-P	07/26/18	Jurisdictional Classification	To classify a position in the non-competitive class.
CVS-30-17-00015-P	07/26/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-30-17-00016-P	07/26/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-30-17-00017-P	07/26/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-30-17-00018-P	07/26/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-30-17-00019-P	07/26/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-30-17-00020-P	07/26/18	Jurisdictional Classification	To delete positions from and classify positions in the exempt class and to delete positions from the non-competitive class.
CVS-30-17-00021-P	07/26/18	Jurisdictional Classification	To add a subheading and to classify positions in the non-competitive class
CVS-30-17-00022-P	07/26/18	Jurisdictional Classification	To classify positions in the exempt class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-30-17-00023-P	07/26/18	Jurisdictional Classification	To classify positions in the exempt and non-competitive classes
CVS-33-17-00002-P	08/16/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-33-17-00003-P	08/16/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-33-17-00004-P	08/16/18	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-33-17-00005-P	08/16/18	Jurisdictional Classification	To delete a position from and classify a position in the non-competitive class
CVS-33-17-00006-P	08/16/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-33-17-00007-P	08/16/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-33-17-00008-P	08/16/18	Jurisdictional Classification	To classify positions in the exempt and non-competitive classes
CVS-47-17-00001-P	11/22/18	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-47-17-00002-P	11/22/18	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-47-17-00003-P	11/22/18	Jurisdictional Classification	To delete positions from and classify a position in the exempt class
CVS-47-17-00004-P	11/22/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-47-17-00005-P	11/22/18	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-47-17-00006-P	11/22/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-47-17-00007-P	11/22/18	Jurisdictional Classification	To classify positions in the exempt class.
CVS-47-17-00008-P	11/22/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-49-17-00011-EP	12/06/18	New York State Income Protection Plan (IPP) and Paid Family Leave (PFL) benefits for certain New York State employees	To establish that IPP and PFL benefits may not be paid to a subject employee for the same day
CVS-50-17-00001-P	12/13/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-50-17-00002-P	12/13/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-50-17-00003-P	12/13/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-50-17-00004-P	12/13/18	Jurisdictional Classification	To classify positions in the exempt class

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-50-17-00005-P	12/13/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-50-17-00006-P	12/13/18	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-50-17-00007-P	12/13/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-50-17-00008-P	12/13/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-50-17-00009-P	12/13/18	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-50-17-00010-P	12/13/18	Jurisdictional Classification	To delete positions from and classify a position in the non-competitive class
CVS-50-17-00011-P	12/13/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-50-17-00012-P	12/13/18	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-50-17-00013-P	12/13/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-50-17-00014-P	12/13/18	Jurisdictional Classification	To classify positions in the non-competitive class
CORRECTION, STATE COMMISSION OF			
CMC-44-17-00003-P	11/01/18	Inmate confinement and deprivation	Require local correctional facilities to record, review and report inmate cell confinement and essential service deprivation
CMC-44-17-00012-P	11/01/18	Inmate confinement and deprivation	Require local correctional facilities to record, review and report inmate cell confinement and essential service deprivation
CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF			
CCS-39-17-00001-P	09/27/18	Temporary Release Program Rules and Regulations	To amend current regulations governing the temporary release program consistent with governing statutes and agency directives.
ECONOMIC DEVELOPMENT, DEPARTMENT OF			
EDV-46-17-00001-EP	11/15/18	Life Sciences Research and Development Tax Credit	Allow Dept to implement the Life Sciences Research and Development Tax Credit program
EDUCATION DEPARTMENT			
EDU-27-17-00006-P	07/05/18	Interstate Compact for Educational Opportunity for Military Children and Physical Education Requirements for a Diploma.	To implement Ch. 328 of the Laws of 2014 and to provide flexibility in the physical education diploma requirements.
EDU-37-17-00003-RP	09/13/18	Requirements for the Educational Leadership Service	Modify the educational requirements for out-of-state candidates seeking licensure in New York

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
EDU-39-17-00006-EP	09/27/18	Conditional initial certificates for classroom teachers	Allow out-of-state teachers obtain a conditional cert. while completing their edTPA req. during their 1st year of employ in NY
EDU-39-17-00012-P	09/27/18	Eligibility for Tuition Assistance Program	Amend definition of full-time study for students in their last year of high school
EDU-39-17-00013-P	09/27/18	Principal Preparation Programs and Annual Professional Performance Reviews	Establishes new professional practice guidelines and expectations for principals
EDU-44-17-00004-P	11/01/18	Limited license in speech-language pathology	To subject applicants who have been issued a limited license, to the same experience requirements as applicants for a license
EDU-44-17-00005-P	11/01/18	Definition of occupational therapy practice	To conform the definition of occupational therapy practice to changes to Education Law 7901 by chapter 460 of the Laws of 2011
EDU-44-17-00006-EP	11/01/18	Mandatory Quality Review Program (MQRP) in public accountancy	Eliminates the requirement that a sponsoring organization which oversees the MQRP be located in New York State.
EDU-44-17-00007-EP	11/01/18	Continuing teacher and leader education Requirements	To require continuing teacher and leader education for certain teachers and school leaders in non-public schools
EDU-44-17-00008-P	11/01/18	Transitional H Certification Pathway	Allows NYS licensed CPAs with 3 years of exp. auditing NYS school dist., BOCES, municipalities to seek a business leader cert.
EDU-44-17-00009-P	11/01/18	New Pathway to a NYS High School Equivalency Diploma	Allows students to use passing scores on certain Regents examinations in lieu of certain sub-tasks on TASC
EDU-44-17-00010-EP	11/01/18	Temporary teaching certificates	Temporary certificates for teachers displaced from Puerto Rico and/or US territory as a result of Hurricane Maria
EDU-48-17-00005-P	11/29/18	Licensing of Licensed Pathologists' Assistants	Establishes requirements for licensure including professional education, examination, fee and limited permit requirements
EDU-48-17-00006-EP	11/29/18	Mandatory Quality Review Program/ Mandatory Peer Review Program	Eliminates the exemption from the program for sole proprietorship and firms with two or fewer accounting professionals
EDU-48-17-00007-P	11/29/18	Establish Procedures and Fees for Institutional Authorization of Offer Degree Programs	To establish fees and procedures for the review of applications for new institutional authorization to offer degree programs
EDU-48-17-00008-P	11/29/18	Higher Education Opportunity Program (HEOP)	To clarify & modernize existing language & provide consistency across sectors & be useful when establishing frame work for RFP
EDU-48-17-00009-P	11/29/18	Pre-professional certificates and Transitional G certificates	Expands the Trans G certificate to fields other than STEM and allows pre-prof cert exp to count toward student teaching exp

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ELECTIONS, STATE BOARD OF			
SBE-21-17-00005-RP	05/24/18	Designation of treasurer removal committee and related procedures	To implement the process of treasurer removal provided for by Part C of Chapter 286 of the Laws of 2016
SBE-28-17-00004-P	07/12/18	Use of independent automated audit tools	To implement the amendment to Election Law 9-211 permitting use of independent automated audit tools
SBE-47-17-00009-P	11/22/18	Voting by certain special federal voters.	Provide procedures for certain special federal voters.
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
ENV-06-17-00001-P	03/31/18	Amendments to 6 NYCRR Part 617 (which implement the State Environmental Quality Review Act [Article 8 of the ECL])	The purpose of the rule making is to streamline the SEQR process without sacrificing meaningful environmental review
ENV-14-17-00001-P	05/25/18	Prevention and Control of Environmental Pollution by Radioactive Materials	To amend regulations pertaining to disposal and release of radioactive materials to the environment
ENV-16-17-00003-P	04/19/18	Permits for taking surfclams	To reduce paperwork and streamline the surfclam permitting process
ENV-19-17-00003-P	06/30/18	Part 232 regulates entities that operate dry cleaning machines.	Repeal and replace Part 232 to reduce alternative solvent and perc emissions.
ENV-22-17-00001-EP	05/31/18	Regulations governing the recreational harvest of summer flounder	To revise regulations concerning the recreational harvest of summer flounder in New York State
ENV-28-17-00003-P	07/12/18	Management of crustaceans, horseshoe crabs (HSC) and whelk; protection of terrapin	Modify rules on terrapin excluder device, HSC harvest limit and whelk reporting
ENV-49-17-00005-P	12/06/18	Bay Scallop Size Limit	Clarify current size limit provisions for the taking of bay scallops
ENV-49-17-00006-P	12/06/18	Climate Smart Communities Projects	Adoption of regulations required by statute to implement climate smart communities projects
FINANCIAL SERVICES, DEPARTMENT OF			
*DFS-17-16-00003-P	exempt	Plan of Conversion by Commercial Travelers Mutual Insurance Company	To convert a mutual accident and health insurance company to a stock accident and health insurance company
DFS-11-17-00003-P	03/15/18	Continuing Care Retirement Communities	Amend rules related to permitted investments, financial transactions, reporting requirements and add new optional contract type
DFS-18-17-00020-P	05/03/18	Establishment And Operation Of Market Stabilization Mechanisms For Certain Health Insurance Markets	To allow for the implementation of a market stabilization pool for the small group health insurance market
DFS-25-17-00002-EP	06/21/18	Minimum standards for form, content and sale of health insurance, including standards of full and fair disclosure	To ensure coverage for essential health benefits in all individual, small group, and student accident and health policies

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
FINANCIAL SERVICES, DEPARTMENT OF			
DFS-39-17-00002-P	09/27/18	Minimum Standards for Form, Content and Sale of Health Insurance, Including Standards of Full and Fair Disclosure	Provide a formulary exception process for medication for the detoxification or maintenance treatment of a substance use disorder
DFS-40-17-00003-P	10/04/18	Registration Requirements and Prohibited Practices for Credit Reporting Agencies	To address deficient practices of consumer credit reporting agencies and protect user of and the market for financial services
GAMING COMMISSION, NEW YORK STATE			
*SGC-45-16-00004-RP	02/07/18	Anti-stacking of NSAIDs and diclofenac made a 48 hour NSAID	To enable the Commission to preserve the integrity of pari-mutuel racing while generating reasonable revenue for the support of government
HEALTH, DEPARTMENT OF			
*HLT-14-94-00006-P	exempt	Payment methodology for HIV/AIDS outpatient services	To expand the current payment to incorporate pricing for services
*HLT-37-16-00024-RP	12/13/17	Medical Use of Marihuana	To comprehensively regulate the manufacture, sale and use of medical marihuana
*HLT-41-16-00002-ERP	01/10/18	Residential Health Care Facility Quality Pool	To reward NYS facilities with the highest quality outcomes as determined by methodology developed by regulation
HLT-07-17-00009-P	02/15/18	Public Water Systems	To incorporate federal rules and revisions to Public Health Law
HLT-20-17-00013-P	05/17/18	Lead Testing in School Drinking Water	Requires lead testing and remediation of potable drinking water in schools
HLT-28-17-00001-P	07/12/18	Children’s Behavioral Health and Health Services	To authorize Medicaid coverage of new behavioral health and health services for children under 21 years of age
HLT-28-17-00009-P	08/17/18	Early Intervention Program	To conform existing program regulations to federal regulations and state statute
HLT-38-17-00001-P	09/20/18	Trauma Centers	Requires hospitals to be verified by the American College of Surgeons Committee to be designated trauma centers by the Dept.
HLT-43-17-00001-EP	10/25/18	Medical Use of Marihuana	To allow certain defined facilities to become a designated caregiver for a certified patient in NYS’s Medical Marihuana Program
HLT-49-17-00002-P	12/06/18	Food and Beverages in Funeral Establishments	To lift the ban of the consumption of food and beverages in funeral establishments
JOINT COMMISSION ON PUBLIC ETHICS, NEW YORK STATE			
JPE-34-17-00003-P	08/23/18	Comprehensive lobbying regulations	To set forth comprehensive lobbying regulations that implement the provisions of the Lobbying Act

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
JOINT COMMISSION ON PUBLIC ETHICS, NEW YORK STATE			
JPE-34-17-00004-P	08/23/18	Source of funding reporting.	To make consistent with the new comprehensive lobbying regulations at Part 943 and clarify exemption procedures.
JPE-42-17-00003-P	10/18/18	Financial disclosure statements	To add a right of appeal to provisions governing exemptions related to filing a financial disclosure statement
LABOR, DEPARTMENT OF			
LAB-47-17-00011-P	11/22/18	Employee Scheduling (Call-In Pay)	To strengthen existing call-in pay protections involving employee scheduling
LIQUOR AUTHORITY, STATE			
LQR-35-17-00002-P	10/25/18	Updated price posting rules, and recordkeeping requirements, and repeal of license durations and whiskey dividend rules	To update price posting rules, and recordkeeping requirements, and repeal of license duration rules and whiskey dividend rules
LONG ISLAND POWER AUTHORITY			
*LPA-08-01-00003-P	exempt	Pole attachments and related matters	To approve revisions to the authority's tariff
*LPA-41-02-00005-P	exempt	Tariff for electric service	To revise the tariff for electric service
*LPA-04-06-00007-P	exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan
*LPA-03-10-00004-P	exempt	Residential late payment charges	To extend the application of late payment charges to residential customers
LPA-41-17-00010-P	exempt	The undergrounding provisions of the Authority's Tariff for Electric Service	To offer local communities a mechanism for financing the additional cost of undergrounding projects
LPA-41-17-00011-P	exempt	The remote meter reading provisions of the Authority's Tariff for Electric Service	To eliminate charges for remote meter reading
LPA-41-17-00012-P	exempt	The net energy metering provisions of the Authority's Tariff for Electric Service	To update the Authority's net energy metering provisions consistent with the rest of New York State
MENTAL HEALTH, OFFICE OF			
OMH-31-17-00001-P	08/02/18	Early and Periodic Screening, Diagnostic and Treatment Services for Children	To promote the expansion of behavioral health services for children and youth under 21 years of age
OMH-51-17-00001-P	12/20/18	Operation of Licensed Housing Programs for Children and Adolescents with Serious Emotional Disturbances	To repeal Section 594.8 of Title 14 NYCRR and replace it with a clarified revised version.
MOTOR VEHICLES, DEPARTMENT OF			
MTV-26-17-00003-EP	06/28/18	Insurance requirements for TNC vehicles	Technical amendment regarding insurance requirements for TNC vehicles

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
NIAGARA FALLS WATER BOARD			
*NFW-04-13-00004-EP	..... exempt	Adoption of Rates, Fees and Charges	To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders
*NFW-13-14-00006-EP	..... exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders
NIAGARA FRONTIER TRANSPORTATION AUTHORITY			
NFT-23-17-00016-P	..... 06/07/18	Procurement Guidelines of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc.	To amend Procurement Guidelines to reflect changes in law, clarifying provisions and change signing authority level
PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR			
PDD-48-17-00010-P	..... 11/29/18	Clarification of Assessment of Functional and Health-Related Needs	To clarify requirements for an Assessment of Functional and Health-Related Needs in Person Centered Planning regulations
PDD-51-17-00005-EP	..... 12/20/18	SNAP Benefit Offset	To update the SNAP benefit offset and the amount that each individual must pay to providers.
PDD-51-17-00006-EP	..... 12/20/18	Site Based and Community Based Prevocational Services	To clarify site-based and community-based services and clarify reimbursement requirements
POWER AUTHORITY OF THE STATE OF NEW YORK			
*PAS-01-10-00010-P	..... exempt	Rates for the sale of power and energy	Update ECSB Programs customers' service tariffs to streamline them/include additional required information
PAS-41-17-00002-P	..... exempt	Rates for the Sale of Power and Energy	To align rates and costs
PUBLIC SERVICE COMMISSION			
*PSC-09-99-00012-P	..... exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	..... exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-12-00-00001-P	..... exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-44-01-00005-P	..... exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-07-02-00032-P	..... exempt	Uniform business practices	To consider modification
*PSC-36-03-00010-P	..... exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-40-03-00015-P	..... exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process

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

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

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-12-08-00021-P	..... exempt	Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-13-08-00011-P	..... exempt	Waiver of commission policy and NYSEG tariff by Turner Engineering, PC	To grant or deny Turner's petition
*PSC-13-08-00012-P	..... exempt	Voltage drops by New York State Electric & Gas Corporation	To grant or deny the petition
*PSC-23-08-00008-P	..... exempt	Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project	To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project
*PSC-23-08-00009-P	..... exempt	The transfer of certain real property with an original cost under \$100,000 in the Town of Throop	To consider the filing for the transfer of certain real property in the Town of Throop
*PSC-25-08-00007-P	..... exempt	Policies and procedures regarding the selection of regulatory proposals to meet reliability needs	To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs
*PSC-25-08-00008-P	..... exempt	Report on Callable Load Opportunities	Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years
*PSC-28-08-00004-P	..... exempt	Con Edison's procedure for providing customers access to their account information	To consider Con Edison's implementation plan and timetable for providing customers access to their account information
*PSC-31-08-00025-P	..... exempt	Recovery of reasonable DRS costs from the cost mitigation reserve (CMR)	To authorize recovery of the DRS costs from the CMR
*PSC-32-08-00009-P	..... exempt	The ESCO referral program for KEDNY to be implemented by October 1, 2008	To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program
*PSC-33-08-00008-P	..... exempt	Noble Allegany's request for lightened regulation	To consider Noble Allegany's request for lightened regulation as an electric corporation
*PSC-36-08-00019-P	..... exempt	Land Transfer in the Borough of Manhattan, New York	To consider petition for transfer of real property to NYPH
*PSC-39-08-00010-P	..... exempt	RG&E's economic development plan and tariffs	Consideration of the approval of RG&E's economic development plan and tariffs
*PSC-40-08-00010-P	..... exempt	Loans from regulated company to its parent	To determine if the cash management program resulting in loans to the parent should be approved
*PSC-41-08-00009-P	..... exempt	Transfer of control of cable TV franchise	To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved
*PSC-43-08-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries

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

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

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PUBLIC SERVICE COMMISSION			
*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
*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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-14-10-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of 61 Jane Street Owners Corporation to submeter Electricity at 61 Jane Street, Manhattan, NY
*PSC-16-10-00005-P	..... exempt	To consider adopting and expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-16-10-00007-P	..... exempt	Interconnection of the networks between TDS Telecom and PAETEC Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between TDS Telecom and PAETEC Communications
*PSC-16-10-00015-P	..... exempt	Interconnection of the networks between Frontier and Choice One Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier and Choice One Communications
*PSC-18-10-00009-P	..... exempt	Electric utility transmission right-of-way management practices	To consider electric utility transmission right-of-way management practices
*PSC-19-10-00022-P	..... exempt	Whether National Grid should be permitted to transfer a parcel of property located at 1 Eddy Street, Fort Edward, New York	To decide whether to approve National Grid's request to transfer a parcel of vacant property in Fort Edward, New York
*PSC-22-10-00006-P	..... exempt	Requirement that Noble demonstrate that its affiliated electric corporations operating in New York are providing safe service	Consider requiring that Noble demonstrate that its affiliated electric corporations in New York are providing safe service
*PSC-22-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of 48-52 Franklin Street to submeter electricity at 50 Franklin Street, New York, New York
*PSC-24-10-00009-P	..... exempt	Verizon New York Inc. tariff regulations relating to voice messaging service	To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff
*PSC-25-10-00012-P	..... exempt	Reassignment of the 2-1-1 abbreviated dialing code	Consideration of petition to reassign the 2-1-1 abbreviated dialing code
*PSC-25-10-00015-P	..... exempt	To allow NYWC to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2009	Consideration of NYWC's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2009
*PSC-27-10-00016-P	..... exempt	Petition for the submetering of electricity	To consider the request of 9271 Group, LLC to submeter electricity at 960 Busti Avenue, Buffalo, New York
*PSC-31-10-00007-P	..... exempt	Waiver of the Attachment 23 requirement in 2001 Rate Order that NMPC Board of Directors consist of "outside directors"	To consider the waiver of the requirement that a majority of NMPC Board of directors consist of "outside directors"
*PSC-34-10-00003-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-34-10-00005-P	..... exempt	Approval of a contract for \$250,000 in tank repairs that may be a financing	To decide whether to approve a contract between the parties that may be a financing of \$250,000 for tank repairs
*PSC-34-10-00006-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-36-10-00010-P	..... exempt	Central Hudson's procedures, terms and conditions for an economic development plan	Consideration of Central Hudson's procedures, terms and conditions for an economic development plan
*PSC-40-10-00014-P	..... exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by National Grid
*PSC-40-10-00021-P	..... exempt	Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall	To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall
*PSC-41-10-00018-P	..... exempt	Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter	Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers
*PSC-41-10-00022-P	..... exempt	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY
*PSC-42-10-00011-P	..... exempt	Petition for the submetering of electricity	To consider the request of 4858 Group, LLC to submeter electricity at 456 Main Street, Buffalo, New York
*PSC-43-10-00016-P	..... exempt	Utility Access to Ducts, Conduit Facilities and Utility Poles	To review the complaint from Optical Communications Group
*PSC-44-10-00003-P	..... exempt	Third and fourth stage gas rate increase by Conring Natural Gas Corporation	To consider Conring Natural Gas Corporation's request for a third and fourth stage gas rate increase
*PSC-51-10-00018-P	..... exempt	Commission proceeding concerning three-phase electric service by all major electric utilities	Investigate the consistency of the tariff provisions for three-phase electric service for all major electric utilities
*PSC-11-11-00003-P	..... exempt	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service
*PSC-12-11-00008-P	..... exempt	To allow NYWC to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2010	Consideration of NYWC's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2010
*PSC-13-11-00005-P	..... exempt	Exclude the minimum monthly bill component from the earnings test calculation	Exclude the minimum monthly bill component from the earnings test calculation
*PSC-13-11-00007-P	..... exempt	Budget allocations and use of System Benefits Charge funds to pay State Cost Recovery Fee	To encourage cost effective gas and electric energy conservation in the State
*PSC-14-11-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York
*PSC-16-11-00011-P	..... exempt	The Energy Efficiency Portfolio Standard	To promote gas and electricity energy conservation programs in New York
*PSC-19-11-00007-P	..... exempt	Utility price reporting requirements related to the Commission's "Power to Choose" website	Modify the Commission's utility electric commodity price reporting requirements related to the "Power to Choose" website

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-48-11-00007-P	..... exempt	Transfer of controlling interests in generation facilities from Dynege to PSEG	Consideration of the transfer of controlling interests in electric generation facilities from Dynege to PSEG
*PSC-48-11-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York
*PSC-51-11-00010-P	..... exempt	The Total Resource Cost (TRC) test, used to analyze measures in the Energy Efficiency Portfolio Standard program	Petitioners request that the TRC test and/or its application to measures should be revised
*PSC-01-12-00007-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-01-12-00008-P	..... exempt	Transfer of real property and easements from NMPNS to NMP3	Consideration of the transfer of real property and easements from NMPNS to NMP3
*PSC-01-12-00009-P	..... exempt	Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove	To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered
*PSC-11-12-00002-P	..... exempt	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff
*PSC-11-12-00005-P	..... exempt	Transfer of land and water supply assets	Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman
*PSC-13-12-00005-P	..... exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-19-12-00019-P	..... exempt	EEPS programs administered by New York State Electric & Gas Corporation and Rochester Gas and Electric Corporation	To modify the C&I sector by combining multiple approved C&I programs into a single C&I program for each PA
*PSC-19-12-00022-P	..... exempt	Approval of a combined heat and power performance program funding plan administered by NYSEERDA	Modify NYSEERDA's EEPS programs budget and targets to fund the CHP program
*PSC-19-12-00023-P	..... exempt	Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than \$100,000	To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc.
*PSC-21-12-00006-P	..... exempt	Tariff filing requirements and refunds	To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted
*PSC-21-12-00011-P	..... exempt	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47
*PSC-23-12-00005-P	..... exempt	EEPS multifamily programs administered by Consolidated Edison Company of New York, Inc.	To redesign the multifamily electric and gas programs and modify the budgets and targets
*PSC-23-12-00007-P	..... exempt	The approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility	To consider the approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-12-13-00007-P	..... exempt	Protecting company water mains	To allow the company to require certain customers to make changes to the electrical grounding system at their homes
*PSC-13-13-00008-P	..... exempt	The potential waiver of 16 NYCRR 255.9221(d) completion of integrity assessments for certain gas transmission lines.	To determine whether a waiver of the timely completion of certain gas transmission line integrity assessments should be granted.
*PSC-17-13-00008-P	..... exempt	Provision of historical utility pricing information for comparison purposes for residential ESCO customers	Provision of historical utility pricing information for comparison purposes for residential ESCO customers
*PSC-17-13-00010-P	..... exempt	Provision of historical pricing information for comparison purposes for residential ESCO customers	Provision of historical pricing information for comparison purposes for residential ESCO customers
*PSC-18-13-00007-P	..... exempt	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes
*PSC-21-13-00003-P	..... exempt	To consider policies that may impact consumer acceptance and use of electric vehicles	To consider and further develop policies that may impact consumer acceptance and use of electric vehicles
*PSC-21-13-00005-P	..... exempt	To implement an abandonment of Windover's water system	To approve the implementation of abandonment of Windover's water system
*PSC-21-13-00008-P	..... exempt	Rates of National Fuel Gas Distribution Corporation	To make the rates of National Fuel Gas Distribution Corporation temporary, subject to refund, if they are found to be excessive
*PSC-21-13-00009-P	..... exempt	Reporting requirements for natural gas local distribution companies	To help ensure efficient and economic expansion of the natural gas system as appropriate
*PSC-22-13-00009-P	..... exempt	On remand from New York State court litigation, determine the recovery of certain deferred amounts owed NFG by ratepayers	On remand, to determine the recovery of certain deferral amounts owed NFG from ratepayers
*PSC-23-13-00005-P	..... exempt	Waiver of partial payment, directory database distribution, service quality reporting, and service termination regulations	Equalize regulatory treatment based on level of competition and practical considerations
*PSC-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-28-13-00016-P	..... exempt	The request of NGT for lightened regulation as a gas corporation.	To consider whether to approve, reject, or modify the request of Niagara gas transport of Lockport, NY LLC.
*PSC-28-13-00017-P	..... exempt	The request by TE for waiver of regulations requiring that natural gas be odorized in certain gathering line segments	Consider the request by TE for waiver of regulations that gas be odorized in certain lines
*PSC-32-13-00009-P	..... exempt	To consider the definition of “misleading or deceptive conduct” in the Commission’s Uniform Business Practices	To consider the definition of “misleading or deceptive conduct” in the Commission’s Uniform Business Practices
*PSC-32-13-00010-P	..... exempt	Permission to write off and eliminate record keeping for regulatory reserves for Pensions and Other Post Retirement Benefits	To allow write off and eliminate record keeping of Pension and Other Post Retirement Benefits Reserves
*PSC-32-13-00012-P	..... exempt	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion
*PSC-33-13-00027-P	..... exempt	Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines.	Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines.
*PSC-33-13-00029-P	..... exempt	Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy.	To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy.
*PSC-34-13-00004-P	..... exempt	Escrow account and surcharge to fund extraordinary repairs	To approve the establishment of an escrow account and surcharge
*PSC-37-13-00007-P	..... exempt	Dissolution of Garrow Water Works Company, Inc..	To allow for the dissolution of Garrow Water Works Company, Inc.
*PSC-39-13-00010-P	..... exempt	NY-Sun initiative within the Customer-Sited Tier of the RPS Program.	To increase the statewide adoption of customer sited photovoltaic solar generation through the NY-Sun Initiative.
*PSC-42-13-00013-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-42-13-00015-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-43-13-00015-P	..... exempt	Petition for submetering of electricity	To consider the request of 2701 Kingsbridge Terrace L.P. to submeter electricity at 2701 Kingsbridge Terrace, Bronx, N.Y.
*PSC-45-13-00021-P	..... exempt	Investigation into effect of bifurcation of gas and electric utility service on Long Island.	To consider a Petition for an investigation into effect of bifurcation of gas and electric utility service on Long Island.
*PSC-45-13-00022-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00023-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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-04-14-00005-P	..... exempt	National Fuel Gas Corporation's Conservation Incentive Programs.	To modify National Fuel Gas Corporation's Non-Residential Conservation Incentive Program.
*PSC-05-14-00010-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-07-14-00008-P	..... exempt	Petition for submetering of electricity	To consider the request of Greater Centennial Homes HDFC, Inc. to submeter electricity at 102, 103 and 106 W 5th Street, et al.
*PSC-07-14-00012-P	..... exempt	Water rates and charges	Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project
*PSC-08-14-00015-P	..... exempt	Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities	To improve Verizon New York Inc.'s service quality andthe Customer Trouble Report Rate levels at certain central office entities
*PSC-10-14-00006-P	..... exempt	Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance	To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance
*PSC-11-14-00003-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-16-14-00014-P	..... exempt	Whether to order NYSEG to provide gas service to customers when an expanded CPCN is approved and impose PSL 25-a penalties.	To order gas service to customers in the Town of Plattsburgh after approval of a town wide CPCN and to impose penalties.
*PSC-16-14-00015-P	..... exempt	Whether Central Hudson should be permitted to defer obligations of the Order issued on October 18, 2013 in Case 13-G-0336.	Consideration of the petition by Central Hudson to defer reporting obligations of the October 18, 2013 Order in Case 13-G-0336
*PSC-16-14-00016-P	..... exempt	Waiver of Commission regulations governing termination of service.	Consider United Water New York Inc.'s proposal to expand termination of service provisions.
*PSC-17-14-00003-P	..... exempt	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism
*PSC-17-14-00004-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00007-P	..... exempt	To consider petitions for rehearing, reconsideration and/or clarification	To consider petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00008-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-19-14-00014-P	..... exempt	Market Supply Charge	To make tariff revisions to the Market Supply Charge for capacity related costs
*PSC-19-14-00015-P	..... exempt	Whether to permit the use of the Sensus accuWAVE for use in residential and commercial gas meter applications	To permit gas utilities in New York State to use the Sensus accuWAVE 415TC gas meter
*PSC-19-14-00018-P	..... exempt	Uniform System of Accounts, deferral of an expense item	Authorization of a deferral for an expense item beyond the end of the year in which it was incurred
*PSC-22-14-00013-P	..... exempt	Petition to transfer and merge systems, franchises and assets.	To consider the Comcast and Time Warner Cable merger and transfer of systems, franchises and assets.
*PSC-23-14-00010-P	..... exempt	Whether to permit the use of the GE Dresser Series B3-HPC 11M-1480 rotary gas met for use in industrial gas meter applications	To permit gas utilities in New York State to use the GE Dresser Series B3-HPC 11M-1480 rotary gas meter
*PSC-23-14-00014-P	..... exempt	Waiver of the negative revenue adjustment associated with KEDLI's 2013 Customer Satisfaction Performance Metric	Consideration of KEDLI's waiver request pertaining to its 2013 performance under its Customer Satisfaction Metric
*PSC-24-14-00005-P	..... exempt	To examine LDC's performance and performance measures.	To improve gas safety performance.
*PSC-26-14-00010-P	..... exempt	Petitioner requests an order authorizing its participation in the next Main Tier solicitation offered under the RPS Program.	To enable continued operation of a 21 MW biomass fueled electric generating facility in Chateaugay, New York.
*PSC-26-14-00013-P	..... exempt	Waiver of RG&E's tarified definition of emergency generator.	To consider waiver of RG&E's tarified definition of emergency generator.
*PSC-26-14-00017-P	..... exempt	Existing ratemaking and rate design practices will be revised with a focus on outcomes and incentives.	To use the Commission's ratemaking authority to foster a DER-intensive system.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-26-14-00020-P	..... exempt	New electric utility backup service tariffs and standards for interconnection may be adopted.	To encourage development of microgrids that enhance the efficiency, safety, reliability and resiliency of the electric grid.
*PSC-26-14-00021-P	..... exempt	Consumer protections, standards and protocols pertaining to access to customer data may be established.	To balance the need for the information necessary to support a robust market with customer privacy concerns.
*PSC-28-14-00014-P	..... exempt	Petition to transfer systems, franchises and assets.	To consider the Comcast and Charter transfer of systems, franchise and assets.
*PSC-30-14-00023-P	..... exempt	Whether to permit the use of the Sensus iPERL Fire Flow Meter.	Pursuant to 16 NYCRR Part 500.3 , it is necessary to permit the use of the Sensus iPERL Fire Flow Meter.
*PSC-30-14-00025-P	..... exempt	Allocation of uncommitted Technology and Market Development Funds to the Combined Heat & Power Performance Program.	To consider allocation of uncommitted Technology & Market Development Funds to the Combined Heat & Power Performance Program.
*PSC-30-14-00026-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of Renaissance Corporation of to master meter electricity at 100 Union Drive,Albany, NY.
*PSC-31-14-00004-P	..... exempt	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross
*PSC-32-14-00012-P	..... exempt	Whether to grant or deny, in whole or in part, the Connect New York Coalition’s petition	To consider the Connect New York Coalition’s petition seeking a formal investigation and hearings
*PSC-34-14-00009-P	..... exempt	Whether to approve the Quadlogic S10N residential submeter.	Approval of the Quadlogic S10N Smart Meter for use in residential electric submetering is required by 16 NYCRR Parts 93 and 96.
*PSC-35-14-00004-P	..... exempt	Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY	To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY
*PSC-35-14-00005-P	..... exempt	Whether to permit the use of the Sensus iConA electric meter	Pursuant to 16 NYCRR Parts 92 and 93, Commission approval is necessary to permit the use of the Sensus iConA electric meter
*PSC-36-14-00009-P	..... exempt	Modification to the Commission’s Electric Safety Standards.	To consider revisions to the Commission’s Electric Safety Standards.
*PSC-36-14-00010-P	..... exempt	The procurement of Main Tier renewable resources will become the responsibility of the State’s electric utilities.	To ensure the development of large-scale renewables in New York State to promote fuel diversity and reduce carbon emissions.
*PSC-36-14-00011-P	..... exempt	To defer pension settlement losses associated with retirements in the year ended March 31, 2014.	To resolve the ratemaking of the pension settlement loss.
*PSC-38-14-00003-P	..... exempt	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.
*PSC-38-14-00004-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-38-14-00005-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-38-14-00007-P	..... exempt	Whether to expand Con Edison's low income program to include Medicaid recipients.	Whether to expand Con Edison's low income program to include Medicaid recipients.
*PSC-38-14-00008-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00010-P	..... exempt	Inter-carrier telephone service quality standard and metrics and administrative changes.	To review recommendations from the Carrier Working Group and incorporate appropriate modifications to the existing Guidelines.
*PSC-38-14-00012-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-38-14-00018-P	..... exempt	New electric utility demand response tariffs may be adopted.	To develop mature DER markets by enabling the development and use of DR as an economic system resource.
*PSC-39-14-00020-P	..... exempt	Whether to permit the use of the Mueller Systems 400 Series and 500 Series of water meters	Pursuant to 16 NYCRR section 500.3, whether to permit the use of the Mueller Systems 400, and 500 Series of water meters
*PSC-40-14-00008-P	..... exempt	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.
*PSC-40-14-00009-P	..... exempt	Whether to permit the use of the Itron Open Way Centron Meter with Hardware 3.1 for AMR and AMI functionality.	Pursuant to 16 NYCRR Parts 93, is necessary to permit the use of the Itron Open Way Centron Meter with Hardware 3.1.
*PSC-40-14-00011-P	..... exempt	Late Payment Charge.	To modify Section 7.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-40-14-00013-P	..... exempt	Regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.	To consider regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.
*PSC-40-14-00014-P	..... exempt	Waiver of 16 NYCRR Sections 894.1 through 894.4(b)(2)	To allow the Town of Goshen, NY, to waive certain preliminary franchising procedures to expedite the franchising process.
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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-10-15-00009-P	..... exempt	Contingency Tariffs regarding demand response issues	To consider Contingency Tariffs regarding demand response issues
*PSC-12-15-00007-P	..... exempt	The Annual Reconciliation of Gas Expenses and Gas Cost Recoveries codified at Title 16 NYCRR Section 720.6.5	Examine the Annual Reconciliation of Gas Expenses and Gas Cost Recoveries mechanism
*PSC-13-15-00024-P	..... exempt	Whether Leatherstocking should be permitted to recover a shortfall in earnings	To decide whether to approve Leatherstocking's request to recover a shortfall in earnings
*PSC-13-15-00026-P	..... exempt	Whether to permit the use of the Sensus Smart Point Gas AMR/AMI product	To permit the use of the Sensus Smart Point Gas AMR/AMI product
*PSC-13-15-00027-P	..... exempt	Whether to permit the use of the Measurlogic DTS 310 electric submeter	To permit the use of the Measurlogic DTS 310 submeter
*PSC-13-15-00028-P	..... exempt	Whether to permit the use of the SATEC EM920 electric meter	To permit necessary to permit the use of the SATEC EM920 electric meter
*PSC-13-15-00029-P	..... exempt	Whether to permit the use the Triacta Power Technologies 6103, 6112, 6303, and 6312 electric submeters	To permit the use of the Triacta submeters
*PSC-17-15-00007-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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-27-15-00014-P	..... exempt	Authorization for NYAW to accrue interest on internal reserve debit balances	To allow NYAW to accrue interest on internal reserve debit balances
*PSC-29-15-00018-P	..... exempt	Approval of ratemaking related to amendment a certificate of public convenience and necessity	To approve or reject the ratemaking aspects of SLG's petition to amend its certificate of public convenience and necessity
*PSC-29-15-00025-P	..... exempt	Joint Petition for authority to transfer real property located at 624 West 132nd Street, New York, NY	Whether to authorize the proposed transfer of real property located at 624 West 132nd Street, New York, NY
*PSC-32-15-00006-P	..... exempt	Development of a Community Solar Demonstration Project.	To approve the development of a Community Solar Demonstration Project.
*PSC-32-15-00012-P	..... exempt	Proposed standards for Commission oversight of Distributed Energy Resource suppliers.	To consider proposed standards for Commission oversight of Distributed Energy Resource suppliers.
*PSC-33-15-00009-P	..... exempt	Remote net metering of a demonstration community net metering program.	To consider approval of remote net metering of a demonstration community net metering program.
*PSC-33-15-00012-P	..... exempt	Remote net metering of a Community Solar Demonstration Project.	To consider approval of remote net metering of a Community Solar Demonstration Project.
*PSC-34-15-00021-P	..... exempt	Petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs	To consider the petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs
*PSC-35-15-00014-P	..... exempt	Consideration of consequences against Light Power & Gas, LLC for violations of the UBP	To consider consequences against Light Power & Gas, LLC for violations of the UBP
*PSC-37-15-00007-P	..... exempt	Submetered electricity	To consider the request of 89 Murray Street Ass. LLC, for clarification of the submetering order issued December 20, 2007
*PSC-40-15-00014-P	..... exempt	Whether to permit the use of the Open Way 3.5 with cellular communications	To consider the use of the Open Way 3.5 electric meter, pursuant to 16 NYCRR Parts 92 and 93
*PSC-41-15-00005-P	..... exempt	Intergrow disputes National Grid's revenue assurance calculations	To consider whether the revenue assurance National Grid is requiring of Intergrow for the new interconnection is appropriate

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-41-15-00009-P	..... exempt	Main Tier of the Renewable Portfolio Standard program	To consider allocating funding from the Main Tier to an eligible hydroelectric facility
*PSC-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-44-15-00030-P	..... exempt	System Improvement Plan mechanism	To consider Bath's petition to implement a SIP mechanism
*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-01-16-00002-P	..... exempt	Revenue assurance calculations	To consider whether the revenue assurance National Grid is requiring of Tiashoke for the upgraded service is appropriate
*PSC-01-16-00005-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-04-16-00011-P	..... exempt	Investigation that certain practices of Central Hudson Gas and Electric Corporation resulted in violations of HEFPA.	To consider the Petition of Nobody Leaves Mid-Hudson to investigate Central Hudson for claims of HEFPA violations.
*PSC-04-16-00012-P	..... exempt	Proposal to mothball three gas turbines located at the Astoria Gas Turbine Generating Station.	Consider the proposed mothball of three gas turbines located at the Astoria Gas Turbine Generating Station.
*PSC-04-16-00013-P	..... exempt	Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.	Consider whether three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.
*PSC-06-16-00010-P	..... exempt	Lakewood disputes National Grid's revenue assurance calculations, specifically the duration used.	To consider whether the revenue assurance National Grid is requiring of Lakewood for the new interconnection is appropriate.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-06-16-00012-P	..... exempt	Inclusion of a Farm and Food Community program in the community distributed generation program.	To consider the inclusion of a Farm and Food Community program in the community distributed generation program.
*PSC-06-16-00013-P	..... exempt	Continued deferral of approximately \$16,000,000 in site investigation and remediation costs.	To consider the continued deferral of approximately \$16,000,000 in site investigation and remediation costs.
*PSC-06-16-00014-P	..... exempt	MEGA's proposed demonstration CCA program.	To consider MEGA's proposed demonstration CCA program.
*PSC-07-16-00016-P	..... exempt	Use of the Electro Industries Shark 200 electric submeter in residential applications	To consider the use of the Electro Industries Shark 200 submeter
*PSC-14-16-00008-P	..... exempt	Resetting retail markets for ESCO mass market customers.	To ensure consumer protections with respect to residential and small non-residential ESCO customers.
*PSC-15-16-00012-P	..... exempt	Adequate service of Verizon New York, Inc.	To consider the adequacy of Verizon New York Inc.'s service quality
*PSC-18-16-00013-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00014-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00015-P	..... exempt	Petitions for rehearing of the Order Resetting Retail Energy Markets and Establishing Further Process.	To ensure consumer protections for ESCO customers.
*PSC-18-16-00016-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00018-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-20-16-00008-P	..... exempt	Consideration of consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).	To consider consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).
*PSC-20-16-00010-P	..... exempt	Deferral and recovery of incremental expense.	To consider deferring costs of conducting leak survey and repairs for subsequent recovery.
*PSC-20-16-00011-P	..... exempt	Enetics LD-1120 Non-Intrusive Load Monitoring Device in the Statewide Residential Appliance Metering Study.	To consider the use of the Enetics LD-1120 Non-Intrusive Load Monitoring Device.
*PSC-22-16-00011-P	..... exempt	Petition for rehearing of the Order Modifying Standardized Interconnection Requirements and alternative enforcement mechanisms.	To ensure compliance with the Standardized Interconnection Requirements.
*PSC-22-16-00013-P	..... exempt	Disposition of tax refunds and other related matters.	To consider the disposition of tax refunds and other related matters.
*PSC-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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-29-16-00025-P	..... exempt	Proposed modifications to gas safety violations metric adopted in Case 12-G-0202.	To consider NMPC's petition to modify gas safety violations metric.
*PSC-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.
*PSC-34-16-00005-P	..... exempt	Community Choice Aggregation (CCA) Data Services.	To consider the implementation of fees for CCA Data Services requested by CCA Administrators.
*PSC-34-16-00006-P	..... exempt	Community Choice Aggregation (CCA) Data Services.	To consider the implementation of fees for CCA Data Services requested by CCA Administrators.
*PSC-34-16-00008-P	..... exempt	Community Choice Aggregation (CCA) Data Services.	To consider the implementation of fees for CCA Data Services requested by CCA Administrators.
*PSC-34-16-00009-P	..... exempt	Community Choice Aggregation (CCA) Data Services.	To consider the implementation of fees for CCA Data Services requested by CCA Administrators.
*PSC-34-16-00010-P	..... exempt	Community Choice Aggregation (CCA) Data Services.	To consider the implementation of fees for CCA Data Services requested by CCA Administrators.
*PSC-34-16-00011-P	..... exempt	Community Choice Aggregation (CCA) Data Services.	To consider the implementation of fees for CCA Data Services requested by CCA Administrators.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-34-16-00012-P	..... exempt	Community Choice Aggregation (CCA) Data Services.	To consider the implementation of fees for CCA Data Services requested by CCA Administrators.
*PSC-34-16-00013-P	..... exempt	Community Choice Aggregation (CCA) Data Services.	To consider the implementation of fees for CCA Data Services requested by CCA Administrators.
*PSC-34-16-00015-P	..... exempt	Community Choice Aggregation (CCA) Data Services.	To consider the implementation of fees for CCA Data Services requested by CCA Administrators.
*PSC-35-16-00015-P	..... exempt	NYSRC's revisions to its rules and measurements	To consider revisions to various rules and measurements of the NYSRC
*PSC-36-16-00003-P	..... exempt	Petition regarding the Commission's July 14, 2016 Order Denying Petition.	To consider the terms and conditions of utility service received by Fastrac Markets, LLC.
*PSC-36-16-00004-P	..... exempt	Recovery of costs for installation of electric service.	To consider the recovery of costs for installation of electric service.
*PSC-40-16-00013-P	..... exempt	Surcharge to recover costs of Dynamic Load Management Programs.	To consider a surcharge to recover costs of the Dynamic Load Management Programs.
*PSC-40-16-00014-P	..... exempt	Surcharge to recover costs of Dynamic Load Management Programs.	To consider a surcharge to recover costs of the Dynamic Load Management Programs.
*PSC-40-16-00017-P	..... exempt	Request for waiver of 16 NYCRR sections 96.5(a) and 96.6(b)	To consider the request for waiver of 16 NYCRR sections 96.5(a) and 96.6(b)
*PSC-40-16-00018-P	..... exempt	Petition for commercial electric meter.	To consider the petition to use the Itron OpenWay Riva commercial meter in electric metering applications.
*PSC-40-16-00019-P	..... exempt	Surcharge to recover costs of Dynamic Load Management Programs.	To consider a surcharge to recover costs of the Dynamic Load Management Programs.
*PSC-40-16-00021-P	..... exempt	Surcharge to recover costs of Dynamic Load Management Programs.	To consider a surcharge to recover costs of the Dynamic Load Management Programs.
*PSC-40-16-00025-P	..... exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP).	To consider whether to impose consequences on Smart One for its apparent non-compliance with Commission requirements.
*PSC-40-16-00026-P	..... exempt	Compliance filing establishing an interruptible gas service sales rate.	To consider RG&E's proposed revisions to establish an interruptible gas service sales rate.
*PSC-42-16-00014-P	..... exempt	Proposed Public Policy Transmission Needs/ Public Policy Requirements, as defined under the NYISO tariff.	To identify any proposed Public Policy Transmission Needs/Public Policy Requirements for referral to the NYISO.
*PSC-44-16-00015-P	..... exempt	Surcharge to recover costs of Dynamic Load Management Programs	To consider a surcharge to recover costs of the Dynamic Load Management Programs
*PSC-45-16-00008-P	..... exempt	Petition to use a commercial electric meter.	To consider the petition to use the Landis+Gyr S4X Commercial Meter with Gridstream Series 5 RF Mesh IP AMI.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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-49-16-00005-P	..... exempt	Waiver of certain rules and requirements pertaining to cable television franchise.	To determine whether to waive any regulations.
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-03-17-00003-P	..... exempt	Good Energy, L.P.'s Community Choice Aggregation Implementation Plan and Data Protection Plan.	To ensure appropriate consumer protections.
PSC-07-17-00019-P	..... exempt	Deferral and recovery of incremental costs	To consider deferring costs related to water main leak repairs for subsequent recovery
PSC-08-17-00007-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 327 Central Park West, New York, New York.
PSC-12-17-00012-P	..... exempt	Amendments to the UBP.	To consider amendments to the UBP.
PSC-12-17-00017-P	..... exempt	Amendments to the UBP.	To consider the petition for amendments to the UBP.
PSC-14-17-00016-P	..... exempt	Waiver to the prohibition on service to low-income customers by ESCOs..	To consider the petition for a waiver to the prohibition on service to low-income customers by ESCOs.
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-18-17-00025-P	..... exempt	A petition for rehearing or reconsideration of the Order on Remand Denying Refunds.	To determine whether IPANY and individual pay telephone providers are entitled to refunds from Verizon New York Inc.
PSC-18-17-00026-P	..... exempt	Revisions to the Dynamic Load Management surcharge.	To consider revisions to the Dynamic Load Management surcharge.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-18-17-00027-P	..... exempt	A petition for rehearing or clarification of the March 9, 2017 Order.	To determine appropriate treatment of submetered energy users in community distributed generation programs.
PSC-18-17-00028-P	..... exempt	A petition for rehearing, reconsideration, or clarification of the March 9, 2017 Order.	To determine appropriate treatment of environmental attributes related to distributed energy resources.
PSC-18-17-00033-P	..... exempt	Use of the ROMET AdEM-T volumetric corrector.	To consider the use of the ROMET AdEM-T volumetric corrector.
PSC-18-17-00034-P	..... exempt	Use of the ROMET AdEM-PTZ volumetric corrector.	To consider the use of the ROMET AdEM-PTZ volumetric corrector.
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-21-17-00012-P	..... exempt	Compensation for distributed generation systems located at farms.	To consider appropriate compensation and policies for distributed generation systems located at farms.
PSC-21-17-00013-P	..... exempt	The establishment and implementation of Earnings Adjustment Mechanisms.	To consider the establishment and implementation of Earnings Adjustment Mechanisms.
PSC-21-17-00018-P	..... exempt	Proposed agreement for the provision of water service by Saratoga Water Services, Inc.	To consider a waiver and approval of terms of a service agreement.
PSC-22-17-00004-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives	To consider the proposed Interconnection Survey Process and Earnings Adjustment Mechanisms
PSC-22-17-00006-P	..... exempt	Revisions to the delivery discount and monthly customer charge for SC No. 3 and the commodity price for SC 15	To consider revisions to the delivery discount and monthly customer charge for SC No. 3 and the commodity price for SC 15
PSC-22-17-00007-P	..... exempt	Certain Commission requirements related to blockable central office codes	To consider a change to certain Commission requirements related to blockable central office codes
PSC-22-17-00008-P	..... exempt	Petition to submeter electricity and waiver request	To consider the petition to submeter electricity at 412-14 East 10th Street, New York, New York and waiver of 16 NYCRR § 96.2(b)
PSC-23-17-00021-P	..... exempt	Petition to transfer cable systems.	To consider Nicholville et. al.'s request to transfer cable systems in an internal restructuring.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-25-17-00005-P	..... exempt	Minor rate filing	To consider an increase in annual revenues by \$154,329 or 116%
PSC-25-17-00006-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent of The Charles Condominiums, LLC to submeter electricity at 1355 First Avenue, New York, NY
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-27-17-00014-P	..... exempt	Major electric rate filing.	To consider an increase in NMPC's electric delivery revenues by approximately \$326 million (or 13.0% in total revenues).
PSC-27-17-00017-P	..... exempt	Major gas rate filing.	To consider an increase in NMPC's gas delivery revenues by approximately \$81 million (14.0% in total revenues).
PSC-28-17-00008-P	..... exempt	FASB update on pension and OPEB net periodic costs	To consider whether to adopt the FASB update
PSC-29-17-00006-P	..... exempt	Petition to submeter gas.	To consider the petition of LaGuardia Gateway Partners, to submeter gas at LaGuardia Airport Central Terminal B, Flushing, NY.
PSC-30-17-00031-P	..... exempt	Proposed tariff filing to implement electric rate options on a pilot basis for the Energy Smart Community Project.	To consider tariff revisions implementing electric rate options on a pilot basis for the Energy Smart Community Project.
PSC-31-17-00007-P	..... exempt	Notice of intent to submeter electricity	To consider the notice of intent of 685 First Realty Company, LLC to submeter electricity at 685 1st Avenue, New York, 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-31-17-00011-P	..... exempt	Notice of intent to submeter electricity and waiver request	To consider the notice of intent to submeter electricity and waiver request of 16 NYCRR § 96.5(k)(3)
PSC-31-17-00012-P	..... exempt	Minor rate filing.	To consider an increase in annual revenues of about \$304,629 or 14%.
PSC-32-17-00006-P	..... exempt	Petition to amend bill estimation procedures for AMI.	To consider the petition of Con Edison to amend its current bill estimation procedures for AMI.
PSC-32-17-00007-P	..... exempt	Petition to amend bill estimation procedures for AMI.	To consider the petition of Orange and Rockland to amend its current bill estimation procedures for AMI.
PSC-32-17-00008-P	..... exempt	Consideration of the National Grid companies' Implementation Plan and audit recommendations.	To consider the National Grid companies' Implementation Plan.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-32-17-00010-P	..... exempt	Consideration of NFGD's Implementation Plan and audit recommendations.	To consider NFGD's Implementation Plan.
PSC-32-17-00011-P	..... exempt	Minor rate filing.	To consider an increase in annual revenues of about \$625,974 or 14.6%.
PSC-32-17-00012-P	..... exempt	Consideration of O&R's Implementation Plan and audit recommendations.	To consider O&R's Implementation Plan.
PSC-32-17-00013-P	..... exempt	Consideration of NYSEG and RG&E's Implementation Plan and audit recommendations.	To consider the NYSEG and RG&E Implementation Plan.
PSC-32-17-00014-P	..... exempt	Consideration of Central Hudson's Implementation Plan and audit recommendations.	To consider Central Hudson's Implementation Plan.
PSC-32-17-00015-P	..... exempt	Consideration of Con Edison's Implementation Plan and audit recommendations.	To consider Con Edison's Implementation Plan.
PSC-32-17-00016-P	..... exempt	Initial Tariff Schedule and escrow account which includes rates, charges, rules and regulations for water service.	To consider the proposed Initial Tariff Schedule, initial rate, and escrow account.
PSC-33-17-00012-P	..... exempt	Notice of intent to submeter electricity.	To consider the notice of intent of BOP Greenpoint G LLC to submeter electricity at 37 Blue Slip, Brooklyn, New York.
PSC-33-17-00013-P	..... exempt	The obligation of electric utilities to pay for the extension of electric service to residential developments.	To consider if National Grid should change its practices and compensate the petitioners for past charges.
PSC-33-17-00015-P	..... exempt	Electric energy storage systems to import from and export to Con Edison's distribution system.	To consider revisions to P.S.C. No. 10 - Electricity related to electric energy storage systems.
PSC-33-17-00016-P	..... exempt	Gas service to power generators.	To consider proposals in the report regarding service to power generators and related proposed tariff revisions.
PSC-33-17-00017-P	..... exempt	Notice of intent to submeter electricity.	To consider the notice of intent of Bridge Land Vestry LLC to submeter electricity at 70 Vestry Street, New York, New York.
PSC-33-17-00020-P	..... exempt	Gas service to power generators.	To consider proposals in the report regarding service to power generators and related proposed tariff revisions.
PSC-33-17-00021-P	..... exempt	Notice of intent to submeter electricity.	To consider the notice of intent of 1 DSA Owner LLC to submeter electricity at 242 Broome Street, New York, New York.
PSC-34-17-00005-P	..... exempt	Proposed electric and gas energy efficiency budget and metrics plan	To establish an energy efficiency budget and metrics plan for the Company's electric and gas portfolios for the years 2017-2020
PSC-34-17-00006-P	..... exempt	Proposed gas energy efficiency budget and metrics plan	To establish an energy efficiency budget and metrics plan for the Company's gas portfolio for the years 2017-2020

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-34-17-00007-P	..... exempt	Proposed electric and gas energy efficiency budget and metrics plan	To establish an energy efficiency budget and metrics plan for the Companies' electric and gas portfolios for 2019-2020
PSC-34-17-00008-P	..... exempt	Proposed electric and gas energy efficiency budget and metrics plan	To establish an energy efficiency budget and metrics plan for the Company's electric and gas portfolios for 2019-2020
PSC-34-17-00009-P	..... exempt	Proposed electric and gas energy efficiency budget and metrics plan	To establish an energy efficiency budget and metrics plan for the Company's electric and gas portfolios for the years 2018-2020
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-34-17-00012-P	..... exempt	Proposed electric and gas energy efficiency budget and metrics plan	To establish an energy efficiency budget and metrics plan for the Company's electric and gas portfolios for the years 2017-2020
PSC-34-17-00013-P	..... exempt	Proposed gas energy efficiency budget and metrics plan	To establish an energy efficiency budget and metrics plan for the Company's gas portfolio for the years 2017-2020
PSC-34-17-00014-P	..... exempt	Proposed gas energy efficiency budget and metrics plan	To establish an energy efficiency budget and metrics plan for the Company's gas portfolio for the years 2017-2020
PSC-34-17-00017-P	..... exempt	Use of the Honeywell Mercury EC350 volumetric corrector in gas metering applications	To consider the use of the Honeywell Mercury EC350 volumetric corrector in gas metering applications
PSC-34-17-00018-P	..... exempt	Use of the Artech UCE-7, URJ-17, VCE-17 and CRB-17 transformers in electric metering applications	To consider the use of the Artech UCE-7, URJ-17, VCE-17 and CRB-17 transformers in electric metering applications
PSC-34-17-00019-P	..... exempt	Development of an aggregation standard for release of whole-building energy data to building owners	Improved energy data access to support state energy efficiency and demand reduction goals
PSC-36-17-00008-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 233 Landing Road, Bronx, New York and waiver request.
PSC-36-17-00009-P	..... exempt	Clarification of the Commission's Order Extending the BQDM Program.	To consider Con Edison's petition for clarification of the Commission's Order Extending BQDM Program.
PSC-36-17-00010-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of The Heritage Dean Street, LLC, to submeter electricity at 470 Dean St, Brooklyn, New York.
PSC-36-17-00011-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 229 Cherry Street, New York, New York and waiver request.
PSC-36-17-00012-P	..... exempt	Petition to amend bill estimation procedures for AMI.	To consider the petition of Con Edison to amend its current bill estimation procedures for AMI.
PSC-37-17-00004-P	..... exempt	Community Distributed Generation compensation after Tranche 3.	To encourage the development of distributed energy resources while managing impacts on non-participants.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-37-17-00007-P	..... exempt	Lifeline Service that offers a discounted rate to service to qualifying low income consumers.	To consider changes to the Commission's requirements related to eligibility for the supplemental New York Lifeline discount.
PSC-37-17-00008-P	..... exempt	Petition to move room air conditioning programs to Rider L, make changes to Rider L and continue the Connected Devices Pilot.	To consider Con Edison's proposals made by the petition and accompanying tariff filing.
PSC-37-17-00009-P	..... exempt	Fishers Island Water Works Corporation's rates for the provision of water.	To consider an increase in Fishers Island Water Works Corporation's annual water revenues by approximately \$296,031 or 44.5%.
PSC-39-17-00007-P	..... exempt	Rider Q - Standby Rate Pilot.	To consider the implementation of Rider Q - Standby Rate Pilot.
PSC-39-17-00008-P	..... exempt	Petition to submeter electricity and waiver request.	To consider the petition to submeter electricity and waiver request of 16 NYCRR § 96.5(k)(3).
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-39-17-00010-P	..... exempt	Waiver of certain rules and requirements pertaining to cable television franchise.	To determine whether to waive any regulations.
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-40-17-00004-P	..... exempt	Notice of intent to submeter electricity and waiver request	To consider the notice of intent to submeter electricity and waiver of 16 NYCRR § 96.5(k)(3)
PSC-40-17-00005-P	..... exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP)	To consider whether to impose consequences on Flanders for its apparent non-compliance with Commission requirements
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-40-17-00007-P	..... exempt	Notice of intent to submeter electricity	To consider the notice of intent of CPS Fee Company LLC to submeter electricity
PSC-40-17-00008-P	..... exempt	Proposed transfer of interests in Danskammer, issuance of long-term debt by owner and continuing lightened regulation	To consider proposed transfer of interests in Danskammer, issuance of long-term debt and continuing lightened regulation
PSC-40-17-00009-P	..... exempt	Petition to issue and sell unsecured debt obligations	To consider Orange and Rockland's request to issue and sell unsecured debt obligations
PSC-40-17-00010-P	..... exempt	Eligibility for Value of Distributed Energy Resource tariffs	To encourage the development of distributed energy resources while managing impacts on non-participants

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-41-17-00003-P	..... exempt	Petition to submeter electricity.	To consider the petition of Hillside Association, Inc. to submeter electricity at 566 44th Street, Brooklyn, New York.
PSC-41-17-00005-P	..... exempt	Notice of intent to submeter electricity.	To consider the notice of intent of Sandy 350 LLC to submeter electricity at 350 Clarkson Avenue, Brooklyn, New York.
PSC-41-17-00006-P	..... exempt	Major electric rate filing.	To consider an increase in CHG&E's electric delivery revenues by approximately \$43 million (or 7.9% in total revenues).
PSC-41-17-00007-P	..... exempt	Major gas rate filing.	To consider an increase in CHG&E's gas delivery revenues by approximately \$18.1 million (or 12.3% in total revenues).
PSC-41-17-00008-P	..... exempt	Petition to submeter electricity.	To consider the petition of 1115 Fifth Avenue Corporation to submeter electricity at 1115 Fifth Avenue, New York, New York.
PSC-42-17-00004-P	..... exempt	NYSRC's revisions to its rules and measurements.	To consider revisions to various rules and measurements of the NYSRC.
PSC-42-17-00005-P	..... exempt	Complaint for review of rates charged for water service to commercial and residential customers of water works corporation.	To consider the complaint filed on January 3, 2017 by Bristol customers.
PSC-42-17-00006-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of 45 John NY LLC to submeter electricity at 45 John Street, New York, New York.
PSC-42-17-00007-P	..... exempt	Ampersand Kayuta Lake Hyrdo, LLC's 460 kW hydroelectric facility in Boonville, New York.	To promote and maintain renewable electric energy resources.
PSC-42-17-00008-P	..... exempt	Ampersand Chasm Falls Hydro, LLC's 1.6 MW hydroelectric facility in Chateaugay, New York	To promote and maintain renewable electric energy resources.
PSC-42-17-00009-P	..... exempt	To obtain a letter of credit and increase the currently capped debt.	To consider the Petitioner's request for a letter of credit and increase the currently capped debt.
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-43-17-00003-P	..... exempt	Notice of intent to submeter electricity and waiver request	To consider the notice of intent to submeter electricity and waiver request
PSC-43-17-00004-P	..... exempt	ReEnergy Lyonsdale, LLC's 22 MW biomass facility located in Lewis County, New York	To promote and maintain renewable electric energy resources
PSC-44-17-00011-P	..... exempt	Implementation of program rules for Renewable Energy Standard (RES) and Zero-Emission Credit (ZEC) requirement.	To promote and maintain renewable and zero-emission electric energy resources.
PSC-45-17-00004-P	..... exempt	Interval data charges for ESCOs.	To consider the elimination of interval data charges for ESCOs.
PSC-45-17-00005-P	..... exempt	Existing baseline resources under Tier 2 of the Renewable Energy Standard Program.	To promote and maintain renewable and zero-emission electric energy resources.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-45-17-00006-P	..... exempt	Arrow Park, Inc.'s rates for the provision of water.	To consider an increase in Arrow Park, Inc.'s annual water revenues by approximately \$11,200 or 62.06%.
PSC-45-17-00007-P	..... exempt	Request for waiver of the individual metering requirements of 16 NYCRR Part 96.	To consider the request for waiver of the individual metering requirements of 16 NYCRR Part 96.
PSC-45-17-00008-P	..... exempt	Major water rate filing.	To consider an increase in SUEZ O-N's annual revenue requirement by approximately \$600,000, or 33.4%.
PSC-46-17-00004-P	..... exempt	Drift Marketplace, Inc.'s petition for rehearing	To consider the petition for rehearing filed by Drift Marketplace, Inc.
PSC-46-17-00005-P	..... exempt	To consider further proposed amendments to the original criteria to grandfathering established in the Transition Plan	To modify grandfathering criteria
PSC-46-17-00006-P	..... exempt	To consider further proposed amendments to the original criteria to grandfathering established in the Transition Plan	To modify grandfathering criteria
PSC-46-17-00007-P	..... exempt	Petition to issue unsecured debt obligations	To consider the Company's request to issue unsecured debt obligations
PSC-46-17-00008-P	..... exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP)	To consider whether to impose consequences on MPower for its apparent non-compliance with Commission requirements
PSC-46-17-00009-P	..... exempt	Requirements pertaining to inspections and reporting on plastic fusions installed in gas company service territories	To clarify prior requirements and establish new requirements for plastic fusion qualifications and inspections
PSC-46-17-00010-P	..... exempt	Compliance with plastic fusion requirements	To consider requiring NFG to comply with current and new plastic fusion requirements and report compliance failures
PSC-46-17-00011-P	..... exempt	M&R Energy Resource Corp.'s petition for rehearing	To consider the petition for rehearing filed by M&R Energy Resource Corp.
PSC-46-17-00012-P	..... exempt	To consider further proposed amendments to the original criteria to grandfathering established in the Transition Plan	To modify grandfathering criteria
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-46-17-00014-P	..... exempt	To consider further proposed amendments to the original criteria to grandfathering established in the Transition Plan	To modify grandfathering criteria
PSC-47-17-00010-P	..... exempt	Con Edison's petition for approval of the Smart Solutions for Natural Gas Customers Program.	To consider Con Edison's multi-solution strategy to decrease gas usage and procure alternative resources.
PSC-48-17-00011-P	..... exempt	Petition to submeter electricity and waiver request.	To consider the petition to submeter electricity and waiver request of 16 NYCRR § 96.5(k)(3).

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-48-17-00012-P	..... exempt	The extension of the compensation term for certain community distributed generation projects.	To determine the appropriate compensation term for certain community distributed generation projects.
PSC-48-17-00013-P	..... exempt	VDER Tranche allocations and policies.	To consider modifications to VDER Tranche allocations and policies.
PSC-48-17-00014-P	..... exempt	The SATEC Branch Feeder Monitor II electric submeter.	To consider the SATEC Branch Feeder Monitor II electric submeter for use in New York State.
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-48-17-00016-P	..... exempt	Petition for rehearing of the Commission order.	To consider New Rochelle Home Owners Association's petition for rehearing.
PSC-48-17-00017-P	..... exempt	To issue long-term indebtedness, preferred stock and hybrid securities and to enter into derivative instruments.	To consider New York State Electric & Gas Corporation's finance transactions.
PSC-48-17-00018-P	..... exempt	Transfer of certain street lighting facilities.	To consider the transfer of certain street lighting facilities from NYSEG to the Town of Bedford.
PSC-49-17-00008-P	..... exempt	Merger and associated cessation of operations	To consider Vernon and Oriskany Falls' petition seeking approval of a merger
PSC-49-17-00009-P	..... exempt	Part of the Tier 2 Maintenance Tier Program in the RES of the CES	To promote and maintain renewable electric energy resources
PSC-49-17-00010-P	..... exempt	Minor rate filing	To consider an increase in annual revenues of about \$300,000 or 5.2%
PSC-50-17-00016-P	..... exempt	Joule Assets, Inc.'s Community Choice Aggregation Implementation Plan.	To ensure appropriate consumer protections.
PSC-50-17-00017-P	..... exempt	New Wave Energy Corp.'s petition for rehearing.	To consider the petition for rehearing filed by New Wave Energy Corp.
PSC-50-17-00018-P	..... exempt	Application of the Public Service Law to DER suppliers.	To determine the appropriate regulatory framework for DER suppliers.
PSC-50-17-00019-P	..... exempt	Transfer of utility property.	To consider the transfer of utility property.
PSC-50-17-00020-P	..... exempt	Administrative costs and funding sources for the RES and ZEC programs.	To promote and maintain renewable and zero-emission electric energy resources.
PSC-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-50-17-00023-P	..... exempt	Notice of intent to submeter electricity.	To consider the notice of intent to submeter electricity and waiver request.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-51-17-00008-P	..... exempt	Petition to submeter electricity.	To consider the petition of 305 East 24th Owners Corp. to submeter electricity.
PSC-51-17-00009-P	..... exempt	Consideration of Con Edison's proposed Implementation Plan.	To consider Con Edison's Implementation Plan and appropriate design of the utility-owned Shared Solar Pilot Program.
PSC-51-17-00010-P	..... exempt	Transfer certain street lighting facilities to the Town of Owego.	To consider the transfer of certain street lighting facilities from NYSEG to the Town of Owego.
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-51-17-00012-P	..... exempt	Rider T - Commercial Demand Response Program.	To consider revisions to Rider T - CDRP.
PSC-51-17-00013-P	..... exempt	Waiver of certain rules and requirements pertaining to cable television franchise.	To determine whether to waive any regulations.
PSC-51-17-00014-P	..... exempt	Transfer of control.	To consider Time Warner Cable Northeast's petition seeking approval of a transfer of cable television franchises.
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-51-17-00016-P	..... exempt	Petition for waiver request of Opinion No. 76-17 and 16 NYCRR Part 96.	To consider the petition of Jericho Project for waiver request of Opinion No. 76-17 and 16 NYCRR Part 96.
STATE, DEPARTMENT OF			
DOS-32-17-00002-P	..... 08/09/18	Alarm installation, servicing and maintenance	Update current regulations for industry improvement and to make technical changes to existing text
STATE UNIVERSITY OF NEW YORK			
SUN-06-17-00003-P	..... 02/08/18	proposed amendments to traffic and parking regulations at SUNY Binghamton	Amend existing regulations to update traffic and parking regulations
SUN-49-17-00004-EP	..... 12/06/18	College fees	To amend the College fees at SUNY's four university centers, as approved as part of the Broad Based Fee review process
TAXATION AND FINANCE, DEPARTMENT OF			
TAF-37-17-00002-P	..... 09/13/18	Reference to forms required to file a petition or an exception with the Division of Tax Appeals	To delete parenthetical references to form numbers that are no longer in use, as the agency has updated and renumbered its forms
TAF-48-17-00004-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, 2018 through March 31, 2018.

Action Pending Index**NYS Register/December 20, 2017**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
TAXATION AND FINANCE, DEPARTMENT OF			
TAF-49-17-00007-EP	12/06/18	New York State, City of Yonkers and New York City withholding tables and other methods	To provide current New York State, City of Yonkers and New York City withholding tables and other methods
TAF-51-17-00002-EP	12/20/18	Metropolitan Transportation Business Tax Surcharge	To provide metropolitan transportation business tax rate for tax year 2018.
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
TDA-35-17-00005-P	08/30/18	Application process for the Supplemental Nutrition Assistance Program (SNAP)	To align State regulations for SNAP application process with federal statutory and regulatory requirements and SNAP policy
WORKERS' COMPENSATION BOARD			
WCB-36-17-00015-RP	09/06/18	Permanent Impairment Guidelines for Schedule Loss of Use Determinations	Incorporate Workers' Compensation Impairment Guidelines for determination of permanent impairment

RULE REVIEW

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 2018, 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 7, 2018. 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 2015

1. TAF-48-14-00003-A Filing Requirements for Farm Distilleries Under Article 18 of the Tax Law.

This rule amended section 60.1 of Title 20 NYCRR, relating to filing requirements for farm distilleries under Article 18 of the Tax Law.

Analysis of the need for the rule: The rule amended section 60.1(a) of the Alcoholic Beverage Tax Regulations to allow entities licensed by the State Liquor Authority of New York State as a farm distillery, pursuant to section 61 of the Alcoholic Beverage Control Law, to apply to file annual alcoholic beverage tax returns rather than monthly returns as previously required. Records show that the tax liability of these farm distilleries is minimal; annual filing would reduce the burden placed upon these filers.

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, 429(1) and 436 (not subdivided).

RULES ADOPTED IN 2013

1. TAF-37-12-00005-A Combined Reports

This rule amended Parts 3, 6, and 21 of Title 20 NYCRR; and added Part 33 to Title 20 NYCRR, relating to combined reports.

Analysis of the need for the rule: This rule updated certain provisions of 20 NYCRR and codified Department interpretation regarding combined reports. The rule also made technical amendments relating to the filing of combined reports by Real Estate Investment Trusts (REITs) and Regulated Investment Companies (RICs).

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, 1096(a), 1468 and 1519.

2. TAF-48-12-00008-A Tax Return Filings for Licensed Farm Breweries

This rule amended section 60.1 of Title 20 NYCRR regarding tax return filings for licensed farm breweries.

Analysis of the need for the rule: The rule allowed licensed farm breweries to file annual beer tax returns in lieu of monthly returns, reducing the filing burden on such taxpayers.

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, 429(1), and 436 (not subdivided).

3. TAF-38-13-00008-A Tax Return Preparers

This rule added Part 2600; repealed section 158.12(1)(iv); and amended section 158.12(1)(v)-(ix) of Title 20 NYCRR regarding tax return preparers.

Analysis of the need for the rule: The rule regulates the tax return preparer industry. The purpose of the rule is to advance tax administration, elevate the professionalism of the tax return preparation industry, and protect NYS taxpayers. The rule imposes educational and testing requirements, and provides minimum standards of conduct for registered tax return preparers. The rule further provides for sanctions for failure to satisfy these requirements, or for deviation from the conduct standards.

The rule imposes minimal educational and testing requirements, as well as basic standards of conduct. A beginning commercial tax return preparer must initially complete 16 credit hours of annual continuing professional education (“CPE”) and pass a one-time competency exam; after satisfying this requirement for one year, he or she must complete only 4 hours of CPE annually. Experienced tax return preparers are required to complete 4 hours of CPE annually and pass the one-time competency exam. These requirements balance the need to protect taxpayers against the need to avoid imposing undue burdens on tax return preparers.

The notice of proposed rulemaking included a regulatory flexibility analysis and a rural area flexibility analysis.

Legal basis for the rule: Tax Law sections 32, 171, subdivision First, 697(a); and Section 4 of Part VV of Chapter 59 of the Laws of 2009.

4. TAF-39-13-00007-A Mailing of Certain Excise Tax Documents

This rule amended sections 68.3, 68.4, 73.1 and 417.2 of Title 20 NYCRR regarding mailing of certain excise tax documents.

Analysis of the need for the rule: This rule eliminated references to the mailing of certain excise tax publications and documents by the Department. This allowed the Department to disseminate these documents by more efficient methods, such as the Internet and electronic mail, thereby reducing its printing and mailing costs.

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, 436 (not subdivided) and 475 (not subdivided).

5. TAF-39-13-00008-A Offers in Compromise

This rule amended Parts 5000 and 5005, and section 4000.4; and repealed section 7-4.5 of Title 20 NYCRR regarding offers in compromise.

Analysis of the need for the rule: This rule reflects the amendments made by Chapter 469 of the Laws of 2011 and defines what constitutes undue economic hardship in the context of offers in compromise.

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, subdivisions First, Fifteenth and Eighteenth-a and 1096(a); and Chapter 469 of the Laws of 2011.

6. TAF-39-13-00009-A Service of Process on the Department

This rule amended section 2391.3(a) of 20 NYCRR to eliminate the option to personally serve the Department with process at its district offices.

Analysis of the need for the rule: This rule eliminated the option of personally serving the Department with legal process at its district offices, thereby making it possible for the Department to streamline departmental operations by discontinuing all walk-in services previously available at district offices, including receipt of process. Taxpayers retained the options of serving the Department personally at its principal office in Albany, NY, or by first class or certified mail.

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 section 171, subdivision First; and Civil Practice Law and Rules, section 307.

RULES ADOPTED IN 2012

1. TAF-07-12-00007-A Continuing Education Training for Assessors and County Directors

This rule amended sections 188-2.8, 188-2.9, 188-4.8 and 188-4.9 of Title 9 NYCRR to reduce the required continuing education training for assessors and county directors of real property tax service agencies.

Analysis of the need for the rule: Under Real Property Tax Law (RPTL), sections 310(5)(b) and 1550(3)(b), respectively, the Commissioner has responsibility for administering the continuing education training program for assessors and county real property tax service agencies. From its inception in 1983, the continuing education credit hour requirement ranged from 9 to 12 credit hours per year. In 1990, the continuing education credit requirement was changed substantially to mandate 24 hours, rather than a required average number of credit hours per year. To provide mandate relief to the assessors and county directors of real property tax service agencies who must earn continuing education, the rule returned to a requirement of 12 credits rather than 24, to ensure that a reasonable level of education was maintained without imposing an excessive burden.

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), 310(5), 318 and 1530.

RULES ADOPTED IN 2008

1. TAF-10-08-00004-A Supplemental Schedule for Distributors of Tobacco Products to Account for Roll-Your Own Cigarette Tobacco in New York State

This rule added section 89.4 to Title 20 NYCRR of the Tobacco Products Tax Regulations to codify in regulation the reporting requirements for distributors of tobacco products that import, cause to be imported, or manufacture roll-your-own cigarette tobacco to file a schedule to account for any roll-your-own (RYO) cigarette tobacco imported or caused to be imported into New York State, or manufactured in New York State.

Analysis of the need for the rule: New York State's Public Health Law Article 13-G constitutes the State's "Qualifying Statute" under the Master Settlement Agreement (MSA). It provides that each tobacco product manufacturer selling cigarettes or RYO cigarette tobacco in New York must either: (a) join the MSA and make the annual payments required by that agreement; or (b) make annual escrow deposits based upon the amount of its products sold each year in New York. Chapter 272 of the Laws of 2006 amended the Public Health Law in relation to enforcement of the MSA to require non-participating manufacturers to include RYO cigarette tobacco in determining their

annual escrow payments. This rule required tobacco distributors to complete a schedule reporting information on roll-your-own cigarette tobacco manufactured in the State or imported into the State to assist in the enforcement of the Public Health 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, subdivisions First and Fourteenth and 475 (not subdivided); Public Health Law, section 1399-oo, subdivision (10).

2. TAF-24-08-00006-A Increased Rate of Excise Tax on Cigarettes

This rule amended sections 70.1, 80.2 and Parts 74 and 82; renumbered section 79.3 to section 79.4; and added new section 79.3 to Title 20 NYCRR of the Cigarette Tax Regulations to reflect the statutory increase in the rate of New York State cigarette excise tax that was effective on June 3, 2008.

Analysis of the need for the rule: Chapter 57 of the Laws of 2008, Part RR-1, amended Article 20 of the Tax Law to increase the tax on cigarettes effective June 3, 2008. Part RR-1 also required all agents, wholesale dealers and retail dealers to pay the tax increase on cigarettes possessed and tax stamps in inventory as of the close of business June 2, 2008. The rule made necessary regulatory changes to implement the statutory provisions and to set the commissions allowable to cigarette agents for affixing cigarette stamps relating to the new rate of tax. The rule also updated the calculation of the basic cost of cigarettes and made other technical updates.

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; 475 (not subdivided); 1142(1), 1250 (not subdivided); and L. 2008, ch 57, part RR-1, section 4.

3. TAF-37-08-00005-A Sales Tax Re-Registration of Show and Entertainment Vendors and Other Persons

This rule amended Parts 533, 539, and 540 of Title 20 NYCRR of the Sales and Use Taxes Regulations to streamline the sales tax re-registration process for show and entertainment vendors and other persons.

Analysis of the need for the rule: Part LL-1 of Chapter 57 of the Laws of 2008 directed the Department to institute a sales tax re-registration program under which registered persons were required to file new certificates of registration (renewal) and obtain new certificates of authority to collect sales tax. The rule was part of the Department's plan to streamline the sales tax re-registration process by eliminating the special certificate of authority and its specified annual term that was applicable only to show and entertainment vendors. Prior to the rule, this "Certificate of Authority for Show and Entertainment Vendors" was automatically reissued by the Department at the end of each calendar year provided the vendor had no sales tax delinquencies. The rule allows the Department to conform the process by which show and entertainment vendors' certificates of authority are renewed to the process applicable to other registered persons. Additionally, the rule contains clarifying, technical, and conforming amendments in conjunction with this change and with Part LL-1 of Chapter 57 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: Tax Law sections 171, subdivision First; 1134(a)(2) and (5); 1142(1) and (8); 1250 (not subdivided); and part LL-1 of Chapter 57 of the Laws of 2008.

4. TAF-42-08-00016-A Definition of Resident for Personal Income Tax

This rule amended section 105.20(e)(1) of Title 20 NYCRR of the Personal Income Tax Regulations to remove provisions of the regulations providing for a "temporary stay" exception from the definition of permanent place of abode for purposes of determining whether an individual is a resident for personal income tax purposes.

Analysis of the need for the rule: The elimination of the temporary stay exception from the definition of permanent place of abode provided taxpayers and the Department with more clear rules for as-

sessing residency status for New York State personal income tax purposes. Prior to the rule, a place of abode would not be considered permanent if it was maintained only during a temporary stay, or “fixed and limited period,” for the accomplishment of a “particular purpose.” The temporary stay concept does not appear in the statute, and was difficult to apply for both taxpayers and the Department.

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; 697(a) and 605(b)(1).

5. TAF-44-08-00016-A Taxable Sales by Certain Exempt Organizations

This rule amended sections 526.10, 529.7, 529.8, and 529.9 of Title 20 NYCRR of the Sales and Use Taxes Regulations to provide rules regarding sales tax on sales, including auction sales, by certain exempt organizations.

Analysis of the need for the rule: Part KK-1 of Chapter 57 of the Laws of 2008 amended Section 1116(b)(1) of the Tax Law to expand the existing “shop or store” provision so that certain additional sales of tangible personal property and services are subject to sales tax when sold by certain organizations that are otherwise exempt from sales tax. The rule reflects the additional sales made taxable by Part KK-1, which include remote sales (e.g., sales over the Internet) of tangible personal property and certain services if made with a degree of regularity, frequency, and continuity. Because this legislation applies to remote auction sales, the rule also provided guidance regarding when both remote and traditional auction sales are considered to be made with a degree of regularity, frequency, and continuity.

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; 1116(b)(1); 1142(1) and (8); 1250 (not subdivided); and L.2008, ch.57, part KK-1.

6. RPS-16-08-00006-A Annual Charges to Railroad Companies

Analysis of the need for the rule: The rule restored the process of establishing annual charges that was unintentionally deleted in a prior rulemaking.

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-q, and 489-nn; and State Finance Law, section 97-jj.

RULES ADOPTED IN 2003

1. RPS-49-02-00014-A Reimbursement of Local Officials

Analysis of the need for the rule: The rule provided a process for the equitable distribution of the available funds.

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), 318, and 1530; and Chapter 53 of the Laws of 2002.

RULES ADOPTED IN 1998

1. TAF-49-97-00004-A Stock Transfer Tax – Formerly Subchapter G of Chapter III

This rule amended Subchapter G of Chapter I of Title 20 NYCRR to simplify and update the Stock Transfer Tax Regulations.

Analysis of the need for the rule: This rule removed outdated information, and consolidated and summarized the language. The rule also provided for an alternative means for brokers to submit daily reports to a clearing corporation and provided for the manner in which they could certify such records. In addition, the rule addressed the rebate of the stock transfer tax provided for in section 280-a of 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 section 171, subdivision First.

2. TAF-01-98-00007-A Action for Failure to Release a Lien

This rule added Part 2400 to the Title 20 NYCRR Procedural Regulations to provide taxpayers with guidance relating to actions for failure to release a lien.

Analysis of the need for the rule: This rule implemented provisions of Chapter 577 of the Laws of 1997 and provides taxpayers with guidance on administrative review of a “notice of failure to release a lien”. The rule also provides for the type of bond or other security which is acceptable to effectuate a release of lien.

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 3032(a) and (d), and section 56(j) of Chapter 577 of the Laws of 1997.

3. TAF-07-98-00003-A Application of Sales Tax Exemption to Marshmallows

This rule amended section 528.2(a) of Title 20 NYCRR of the Sales and Use Taxes Regulations to delete regulatory inconsistency in the imposition of sales tax on receipts from the sales of marshmallows and marshmallow bits.

Analysis of the need for the rule: Prior to the rule, large marshmallows were considered to be candy and confectionary and were, consequently, subject to sales tax. At the same time, marshmallow bits were considered to be food used in cooking and baking and were, therefore, exempt from tax. The rule allowed marshmallows to be treated consistently as exempt from sales tax.

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; 1142(1); and 1250 (not subdivided).

4. TAF-17-98-00004-A Credit Line Mortgage

This rule amended Part 647 of Title 20 NYCRR to reflect the statutory change that extended favorable tax treatment afforded certain residential credit line mortgages to all credit line mortgages securing a maximum principal indebtedness of less than \$3 million.

Analysis of the need for the rule: Prior to statutory changes made by Chapters 489 and 490 of the Laws of 1996, when a credit line mortgage of real property principally improved or to be improved by a one-to six-family owner-occupied residence or dwelling (“residential credit line mortgage”) was recorded, the mortgage recording tax was computed and paid based on the maximum principal amount secured by the mortgage. No further tax was payable on the recording or the filing of instruments evidencing advances or readvances by the lender to the borrower under a residential credit line mortgage. The rule reflected the Department’s interpretation of the statutory amendments and provided for the aggregation of certain related mortgages so the \$3 million limitation could not be easily circumvented.

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; 253-b(3); and 263(1)(a).

5. TAF-19-98-00002-A Taxpayers Affected by Declared Disasters

This rule added Part 2401 to Title 20 NYCRR of the Procedural Regulations to provide relief for taxpayers affected by declared disasters by extending tax deadlines. It also provides a determination of taxpayers affected by declared disasters.

Analysis of the need for rule: The rule implemented the provisions of Chapter 8 of the Laws of 1998 that authorize the Commissioner of Taxation and Finance to postpone certain tax deadlines for a period up to 90 days, without imposition of penalty and interest, for taxpayers determined to be affected by a disaster declared by the President or the Governor.

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 section 171, subdivisions First and Twenty-eighth.

6. TAF-32-98-00004-A Social and Athletic Clubs

This rule amended Example 29 of section 527.11(b)(7) of Title 20 NYCRR of the Sales and Use Taxes Regulations to eliminate the reference to fishing and hunting clubs as examples of athletic clubs whose dues and initiation fees are subject to sales tax, and to qualify the reference to boating clubs subject to such tax.

Analysis of the need for the rule: This rule was necessary to conform the regulations to current interpretation of statutory provisions concerning the taxation of dues and initiation fees paid to athletic clubs. In general, these dues and initiation fees are subject to sales tax under Section 1105(f)(2) of the Tax Law. This rule reflected a prior change in Department policy that dues and initiation fees paid to fishing and hunting clubs are no longer subject to sales tax. The rule also qualified the nature of boating clubs that are considered to be athletic clubs, i.e., those boating clubs devoted to sports and athletic activities. This was necessary to clarify that not all boating clubs fall within the purview of Section 1105(f)(2) of the Tax Law as taxable athletic clubs.

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; 1142(1); and 1250 (not subdivided).

7. RPS-29-98-00008-A General Administration

Analysis of the need for the rule: This rule simplified provisions of Part 185 relating to general administrative provisions of rules.

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); Public Officers Law, sections 87(1)(b), 94(2), and (1)(i); Environmental Conservation Law, sections 8-0113(3); and State Administrative Procedure Act, section 204.

8. RPS-29-98-00009-A Equalization Products

Analysis of the need for the rule: This rule simplified provisions of Part 186 relating to equalization products established by the Office of Real Property Tax Services.

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 Articles 8, 12, 18, and 19; sections 202(1)(l), 1314, and 1315.

9. RPS-29-98-00010-A Minimum Qualifications Standards, Training and Certification of Local Assessment Administration Personnel

Analysis of the need for the rule: This rule simplified provisions of Part 188 relating to qualifications, training and certification of assessors and other local assessment and administration personnel.

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), 310, 312, 318, 320, 322, 1530, and 1532.

10. RPS-29-98-00011-A Preparation and Maintenance of Tax Maps for Real Property Tax Administration

Analysis of the need for the rule: This rule simplified provisions of Part 189 relating to tax maps for use in real property tax administration.

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 503(1)(b).

11. RPS-29-98-00012-A Requirements for Form and Preparation of Local Assessment Rolls

Analysis of the need for the rule: This rule simplified provisions of Part 190 relating to assessment rolls.

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 504(1).

12. RPS-29-98-00013-A Real Property Transfers

Analysis of the need for the rule: This rule simplified provisions of Part 191 relating to real property transfer reports.

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, 574, 738, and 1570; and Real Property Law section 333.

13. RPS-29-98-00014-A Assessors' Reports to the State Board of Real Property Services

Analysis of the need for the rule: This rule simplified provisions of Part 193 relating to filing and content of assessors' reports.

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 and 575.

14. RPS-32-98-00007-A Advisory Appraisals

Analysis of the need for the rule: This rule simplified provisions of Part 195 relating to advisory appraisals.

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), 1536, 1544, 1546, and 1548.

15. RPS-32-98-00008-A Revisions of Provisions Concerning Assessment of Oil and Gas Economic Unit

Analysis of the need for the rule: This rule simplified provisions relating to assessment of oil and gas economic unit.

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 and 592.

16. RPS-32-98-00009-A Establishment of Assessments and Full Values of Special Franchises

Analysis of the need for the rule: This rule simplified provisions relating to establishment of special franchise assessments and full values.

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), and art. 6.

17. RPS-32-98-00010-A Taxation of State Lands

Analysis of the need for the rule: This rule simplified provisions of Part 199 relating to taxation of State lands.

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).

18. RPS-32-98-00011-A Establishment of Railroad Ceilings

Analysis of the need for the rule: This rule simplified provisions relating to railroad ceilings.

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), (m), 489-q, and 489-nn.

Dated: December 1, 2017

Kathleen D. O'Connell

Tax Regulations Specialist 2

SECURITIES OFFERINGS

STATE NOTICES

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

DEALERS; BROKERS

ABS Emerging Markets Strategic Portfolio, LP
537 Steamboat Rd., Greenwich, CT 06830
Partnership — ABS Investment Management LLC

Ardenton Capital Corporation
2400-1021 W. Hastings St., 9th Fl., Vancouver, British Columbia,
Canada V6E 0C3
State or country in which incorporated — Canada

B Plus E LLC
2303 N. Florida Ave., Tampa, FL 33602
State or country in which incorporated — Florida

Berkeley Ventures II, LLC
3500 Parkway Lane, Suite 430, Norcross, GA 30092
Partnership — PEN Equity II, LLC

Blocklink Ventures, LLC
20 River Court, #3611, Jersey City, NJ 07310

Buffalo Angels LLC
c/o Colligan Law LLP, 12 Fountain Plaza, Buffalo, NY 14202
State or country in which incorporated — New York limited liability
company

Capital Trading Management, LLC
110 Stone Hill Rd., Colts Neck, NJ 07722
State or country in which incorporated — Delaware

Centenus Fund, LP
437 Madison Ave., Suite 19B, New York, NY 10022
Partnership — Centenus Management, LLC

Centenus Offshore Fund, Ltd.
c/o Maples Corporate Services Limited, PO Box 309, Ugland House,
Grand Cayman, Cayman Islands, KY1-1104
State or country in which incorporated — Cayman Islands

Dick Mondell's Gainseville LLC
538 NW. 34th Terrace, Gainseville, FL 32607
State or country in which incorporated — Florida

Efficient Growth II LP
4350 Baker Rd., Suite 245, Minnetonka, MN 55343
Partnership — Running Oak Capital GP LLC

Elmhurst TH, LLC
One Bigelow Sq., Suite 630, Pittsburgh, PA 15219

Folio Investments, Inc.
8180 Greenbush Dr., 8th Fl., McLean, VA 22102

Gamez International LLC
3969 E. South St., Jackson, MI 49201

Juhl Clean Energy Assets, Inc.
470 W. 78th St., Suite 250, Chanhassen, MN 55317
State or country in which incorporated — Delaware

KPG Curtis Investors, L.P.
126 E. Elm St., Suite 400, Conshohocken, PA 19428
Partnership — KPG Curtis Investors GP, LLC

LaSalle Property Fund, L.P.
c/o LaSalle Investment Management, Inc., 333 W. Wacker Dr., Suite
2300, Chicago, IL 60606
Partnership — LaSalle Property Fund GP, L.P.

M&T, LLC
Seven Hemlock Way, Stratham, NH 03885
State or country in which incorporated — New Hampshire limited li-
ability company

Mad River Investments LLC
1075 Broad Ripple Ave., Suite 350, Indianapolis, IN 46220
State or country in which incorporated — Indiana limited liability
company

National Multifamily Portfolio III DST
2901 Butterfield Rd., Oak Brook, IL 60523
State or country in which incorporated — Delaware

NetSpeed LLC
50 Methodist Hill Rd., Rochester, NY 14623
State or country in which incorporated — New York

ORCM HP LLC
c/o Off Road Capital Partners LLC, 485 Madison Ave., 23rd Fl., New
York, NY 10022
State or country in which incorporated — Delaware

Othr Inc.
51 Columbia Place, #1, Brooklyn, NY 11201
State or country in which incorporated — Delaware

Penumbra-007 | LLC
325 Miron Dr., Suite 130, Southlake, TX 76092
State or country in which incorporated — Texas

Petoskey Capital Fund, LP
39555 Orchard Hill Place, Suite 139, Novi, MI 48375
Partnership — Petoskey Capital, LLC

Qura, Inc.
P.O. Box 716, Medway, MA 02053
State or country in which incorporated — Delaware

Royalty Flow Inc.
1444 Wazee St., Suite 350, Denver, CO 80202
State or country in which incorporated — Delaware

Steel Fund, LP
303 Scioto Court, Johns Creek, GA 30097
State or country in which incorporated — Delaware

TerraCycle US Inc.
121 New York Ave., Trenton, NJ 08638
State or country in which incorporated — Delaware

TM Fieldcrest Walk Apartments LLC
1230 Peachtree St. NE., Suite 1900, Atlanta, GA 30309

Translunar Ventures GP, L.L.C.
1810 Anita Dr., Austin, TX 78704
State or country in which incorporated — Delaware

Two Chip Investors, LLC
3060 Peachtree Rd. NW., Suite 1830, Atlanta, GA 30305

Visio Financial Services Inc.
1905 Kramer Lane, Suite B700, Austin, TX 78578
State or country in which incorporated — Delaware

We Lighthouse Pointe LLC
12 College Rd., Monsey, NY 10952
State or country in which incorporated — Delaware

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

PROVIDE INSPECTION/ADJUSTMENT OF LOCKING Great Meadow Correctional Facility Comstock, Washington County

Sealed bids for Project Nos. 43215-C, 43215-P, comprising separate contracts for Construction Work and Plumbing Work, Provide Inspection and Adjustment of Locking, System Building No. 4, F Block, SHU, Great Meadow Correctional Facility, 11739 State Route 22, Comstock (Washington County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Corrections and Community Supervision, until 2:00 p.m. on Wednesday, December 20, 2017, 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 \$38,200 for C and \$5,300 for P.

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$1,000,000 and \$2,000,000 for C and between \$50,000 and \$100,000 for P.

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 367 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on December 7, 2017 at OGS Field

Office, 11607 SR22, Comstock, NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

Phone the office of William Belden, (518) 473-5545 a minimum of 72 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

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

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

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

For questions about purchase of bid documents, please send an e-mail to DC.Plans@ogs.ny.gov, 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

REPAIR/REPLACE MAIN SEWER LINES PRIORITY 1 AREAS Fishkill Correctional Facility Beacon, Dutchess County

Sealed bids for Project Nos. 45156-C, 45156-P, 45156-E, comprising separate contracts for Construction Work, Plumbing Work, and Electrical Work, Repair/Replace Main Sewer Lines Priority 1 Areas, Fishkill Correctional Facility, Prospect Street, PO Box 307, Beacon (Dutchess County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Corrections and Community Supervision, until 2:00 p.m. on Wednesday, December 20, 2017, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bid-

ders and must be accompanied by a certified check, bank check, or bid bond in the amount of \$77,300 for C, \$1,600 for P, and \$21,200 for E.

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$2,000,000 and \$3,000,000 for C, under \$25,000 for P, and between \$250,000 and \$500,000 for E.

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

The substantial completion date for this project is 209 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on December 7, 2017 at OGS Field Office, 275 Matteawan Road, Beacon, 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 Shannon Landolfa, (845) 831-3111 a minimum of 72 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

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

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

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

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

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

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

NOTICE OF AVAILABILITY OF STATE AND FEDERAL FUNDS

New York Homes and Community Renewal
Affordable Housing Corporation
38-40 State St., 4th Fl. S
Albany, NY 12207

CITIES, TOWNS, VILLAGES, COUNTIES, HOUSING AUTHORITIES, HOUSING DEVELOPMENT FUND COMPANIES, NOT-FOR-PROFIT CORPORATIONS OR CHARITABLE ORGANIZATIONS

AHC Affordable Home Ownership Development Program (AHODP)

The New York State Affordable Housing Corporation (AHC) announces the availability of \$25,250,000 for its Affordable Home Ownership Development Program (AHODP) pursuant to the State budget for Fiscal Year 2016-2017.

PROGRAM DESCRIPTION

The Affordable Home Ownership Development Program (AHODP) is a State funded program administered by the New York State Affordable Housing Corporation's (AHC's) Office of Community Renewal (OCR). AHC's mission is to promote Home Ownership by persons of low- and moderate- income, which, in turn, fosters the development, stabilization and preservation of neighborhoods and communities throughout New York State.

AHC AHODP ELIGIBLE APPLICANTS

Eligible applicants include cities, towns, villages, and counties throughout New York State, housing authorities, housing development fund companies, and not-for-profit corporations or charitable organizations which have as one of their primary purposes the development and improvement of housing.

AHC AHODP ELIGIBLE ACTIVITIES

The AHODP provides funds for three project types:

- New construction of owner-occupied homes for sale, including one-to-four family homes, condominiums, cooperatives and the replacement of dilapidated mobile and manufactured homes with new Energy-Star manufactured homes or stick-built homes on homeowner-owned land.
- Acquisition/rehabilitation of owner-occupied homes for sale, including one-to-four family homes, condominiums and cooperatives.
- Home improvements to existing, owner-occupied one-to-four family homes, condominiums or cooperatives.

In the event the homes are to be located in a mixed-use structure, then any costs associated with the nonresidential uses are ineligible costs.

Proposals may not include more than one type of project. Individual proposals must be submitted for each project type. Eligible activities and owner-occupancy requirements are pursuant to the Program Regulations of the AHODP (please see the AHC Request for Proposals for details).

Special consideration will be given to Acquisition/Rehabilitation applications that involve SONYMA CRF properties. These applications will be accepted and awarded on a rolling basis as will any applications that are submitted through future programs announced under the Governor's Housing Plan.

2016-17 MAXIMUM FUNDING LIMITS

The maximum AHODP award is \$35,000 per unit except for high

cost areas where the maximum award is \$40,000 per unit. Additional information regarding high cost areas can be found at <http://www.nyshcr.org/assets/documents/HighCostAreaTable.pdf>. Due to limited funds, AHC may ask that projects requesting more than \$1,000,000 in grant funds be developed in phases.

AHC reserves the right to reject all proposals, to negotiate with applicants, recommend funding in an amount less than requested, conduct site visits, interview the applicant and development team, extend the submission deadline, and request additional information. AHC reserves the right to waive or modify any requirement contained in the Request for Proposals, subject to the applicable statutes and the Program Regulations.

APPLICATION FOR FUNDING

AHC AHODP Housing Resources Funding Opportunities for 2016-2017

The AHODP Application will be available on the NYS Homes and Community Renewal website at the following two locations on Wednesday, December 6, 2017:

www.nyshcr.org/Funding/ and www.nyhomes.org/Municipalities/AHCGrants/RequestsforProposals.htm

Applications submitted for AHC funding available under this NOFA are due by Friday, February 16, 2018.

Applications for AHC Acquisition/Rehabilitation funding that also seek to assist properties through the SONYMA CRF or other future programs announced under the Governor's Housing Plan will be accepted and awarded on a rolling basis.

Applications are to be mailed or hand-delivered to:

Mr. Dominic A. Martello

Vice President

New York State Affordable Housing Corporation

641 Lexington Avenue - 4th Floor

New York, NY 10022

ATTN: 2016-2017 AHC AHODP Housing Activities Application

MINORITY- AND WOMEN-OWNED BUSINESS ENTERPRISES (M/WBE) and Service-Disabled Veteran-Owned Businesses (SDVOB) COMPLIANCE

In accordance with Section 312 of Article 15-A and Article 17-B of the Executive Law, NYS Homes and Community Renewal requires contractors and awardees to make affirmative efforts to ensure that New York State certified Minority and Women Owned Business Enterprises and Service-Disabled Veteran-Owned Businesses (SDVOB) have opportunities for meaningful participation on projects awarded funding by the Housing Trust Fund Corporation and the Affordable Housing Corporation.

On October 1, 2014 Governor Andrew M. Cuomo announced that his Administration is increasing its goal for MWBE state contracting utilization to 30 percent, the highest such target for any state in the nation. You can read more about the Governor's announcement at <http://www.governor.ny.gov/press/10114-mwbe-contracting>.

The Service-Disabled Veteran-Owned Business Act, signed into law by Governor Andrew M. Cuomo on May 12, 2014, allows eligible Veteran business owners to get certified as a New York State Service-Disabled Veteran-Owned Business (SDVOB). To ensure continued progress toward the statewide SDVOB utilization, a goal of 6% has been established by New York State Executive Law Article 17-B. For an overview, please visit <https://ogs.ny.gov/Veterans/default.asp>

Applicants must submit a preliminary Utilization Plan with their application, identifying a list of prospective MWBEs and SDVOBs for their project. The Utilization Plan can be found at <http://www.nyshcr.org/Forms/FairHousing/>.

Additional information regarding MWBE/SDVOB compliance for the Programs included in this NOFA can be found at:

<http://www.nyshcr.org/AboutUs/Offices/FairHousing/MWBE/NYSHCR-MWBE-Program-for-Not-For-ProfitOrganizations.pdf>

<http://www.nyshcr.org/AboutUs/Offices/FairHousing/MWBE/NYSHCR-MWBE-Program-for-Not-For-PProfit-Script.pdf>

NEW YORK STATE GRANTS GATEWAY PREQUALIFICATION

The New York State Grants Gateway is a statewide effort that will improve the way the State administers grants by simplifying and streamlining the grants management process.

Effective August 1, 2014, not-for-profit organizations must be prequalified to do business with New York State. To prequalify, not-for-profit organizations must submit an online Prequalification Application through the Grants Gateway. The Prequalification Application is comprised of five components to gauge your organizational structure and the types of services you provide. The required forms and document uploads are all part of the Grants Gateway Document Vault. Resources to complete the application and associated document vault can be found in the Quick Links Section of the Grants Gateway page at <http://grantsreform.ny.gov/>.

Prequalification is designed as a way for not-for-profits to interact more directly with State agencies before they compete for State contracts, enabling them to make adjustments and answer concerns prior to entering a competitive bid process. Once they have been prequalified, multiple State agencies will have ready access to the prequalification materials, eliminating redundant submissions of such information by the vendor. Not-for-profits will only have to formally prequalify every 3 years, with the responsibility to keep their information current throughout the 3-year period.

PLEASE NOTE: Not-for-Profit applicants that are not prequalified through the New York State Grants Gateway by the application deadline of Friday, February 16, 2018, will not be eligible to receive funds, and any applications submitted to OCR will be deemed ineligible for review and consideration.

CONTACT INFORMATION

For inquiries and technical assistance regarding AHC's AHODP, please contact: New York Homes and Community Renewal, New York State Affordable Housing Corporation, 641 Lexington Ave., 4th Fl., New York, NY 10022, (212) 872-0438

MISCELLANEOUS NOTICES/HEARINGS

Notice of Abandoned Property Received by the State Comptroller

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

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

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

PUBLIC NOTICE Department of Health

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

The Department of Health proposes to amend the Title XIX (Medicaid) State Plan for non-institutional services to revise provisions of the Ambulatory Patient Group (APG) reimbursement methodology on and after January 1, 2018. The following changes are proposed:

The Ambulatory Patient Group (APG) reimbursement methodology is revised to include recalculated weight and component updates that will become effective on and after January 1, 2018.

The estimated annual net aggregate decrease in gross Medicaid attributable to this initiative contained in the budget for state fiscal year 2018/2019 is \$4,340,000.

The public is invited to review and comment on this proposed State Plan Amendment. Copies of which will be available for public review on the Department's website at http://www.health.ny.gov/regulations/state_plans/status.

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

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

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

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

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

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

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

For further information and to review and comment, please contact: Department of Health, Bureau of Federal Relations & Provider Assessments, 99 Washington Ave., One Commerce Plaza, Suite 1430, Albany, NY 12210, (518) 474-1673, (518) 473-8825 (FAX), spa_inquiries@health.state.ny.us

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
OOYBAMROONG,DON	ALBANY	NY
SIRIPONG,ROTCHANA	ALBANY	NY
WICHAIKUL,JINTANA RATANA	ALBANY	NY
TROMBLEY,DOROTHY M ESTATE OF	MALONE	NY

WOOLMAN,MELISSA	SYRACUSE	NY	WASHINGTON,WIL- LIAM DARNELL	SYRACUSE	NY
DEYO,FREDA MARY	CLIMAX	NY	REECE,BERNESTEEN	BROOKLYN	NY
LAFARO,ROBERT J ESTATE OF	SHELTON	CT	SCHAIRER,ERIN	LAKEWOOD	CO
STANFORD,LATONYA	ALBANY	NY	POWERS,JEAN	SPEONK	NY
TYLER,AUDREY BETH	HUNTINGTON	NY	SMITH,TRUDY L	MEDINA	NY
BENNETT,DEANNE	SYRACUSE	NY	GARY,LINDA ESTATE OF	SODUS	NC
BENNETT,KELLY	SYRACUSE	NY	ZUK,ROBERT E	ACCORD	NY
FALCONE,JUSTINE R	ALTAMONTE SPRINGS	FL	LAYTON,KATHERINE LEE	WINSTED	CT
WAAS,RUTH ESTATE OF	SPRING VALLEY	NY	LAYTON,LINDA LEE	WINSTED	CT
EURICH,ROBERT C ESTATE OF	WALLKILL	NY	COLE,DEBORAH	PAYSON	NY
GREEN,SHELLY	.....	..	COONS,LEORA JANE ESTATE OF	CANANDAIGUA	NY
POWERS,RUTH L ESTATE OF	KINGSTON	NY	ELQUHIR,CECILIE ESTATE OF	ALLENHURST	NY
CERINO,TINA	ALBANY	NY	HUGHES,JAY	STAFFORD	VA
MOREHOUSE,PAULA	ALBANY	NY	LEKUS,ESTATE OF DIANA R	OAKLAND	CA
DIRENZO,KATHLEEN ANN	HIGHLAND MILLS	NY	BURKE,ASHLEY M	TAYLOR	MI
MELLEN,JUDITH F	ALBANY	NY	HOTCHKISS,CORINNE E	HORSEHEADS	NY
PARRIS,CECIL R JR ESTATE OF	NEW YORK	NY	HOTCHKISS,ELISE R	HORSEHEADS	NY
MISRA,BISHAMBHAR LAL	ALBANY	NY	KING,THERESE M ESTATE OF	ROCKY POINT	NY
PANASUK,PATRICK	EUGENE	OR	MADUBELA,JERRY JABU THABO	SOUTH AFRICA	..
TOBIAS,GENEVIEVE ESTATE OF	BUFFALO	NY	SANTI HLOMPHO,ELIZABETH	SOUTH AFRICA	..
BEDNARK,MARY ROSE ESTATE OF	UTICA	NY	SANTI KABELO,ROMGOLLO	SOUTH AFRICA	..
GELB,RITA T	PONTE VERDA BEACH	FL	SANTI MALEFA,MAGDALENA	SOUTH AFRICA	..
ONG,ZENAIDA S	ALBANY	NY	ROWLEY,MADELINE	HOLLEY	NY
WYSOCKI,DREW	SARASOTA	FL	BILL,AMY JEAN	MONROE	NY
OHALLORAN,GARRY	GREENVILLE	NY	KENZLER,AMANDA	EAST AMHERST	NY
OHAL- LORAN,STEPHEN	GREENVILLE	NY	YASKOVIC,FRANCIS ESTATE OF	YONKERS	NY
CUSIMANO,COSMO JOSEPH	SPENCER	NY	DAY,PATRICIA L	ILION	NY
LEVINSON,DOROTHY ESTATE OF	BROOKLYN	NY	DAY,TIMOTHY M	ILION	NY
BARBER,CHARLOTTE	LAKE HAVASU CITY	AZ	ARNDT,DELLA	CARMEL	NY
HENDRICKSON,DORO- THY E EST OF	OCEANSIDE	NY			
DEWEY,CAROLYN F ESTATE OF	CANANDAIGUA	NY			
TONI,KATHRYN F	NIAGARA FALLS	NY			
TORRES,LEONIDES	BRONX	NY			
TORRES,MARIE	BRONX	NY			
HOGAN,ADDISON	RALEIGH	AZ			
HOGAN,LIAM	RALEIGH	NC			
HOCHBERG,SHEILA	HOLLYWOOD	FL			
WHITE,KELLY	CENTEREACH	NY			
MCCARTHY,TIMOTHY P	BUFFALO	NY			
KUT,STEPHEN E	E MEADOW	NY			
CAMPBELL,ROBERT B	SPRINGTOWN	PA			
MOSS,RACHEL	HASBROUCK HEIGHTS	NJ			

PUBLIC NOTICE

REVISED

Department of State

F-2017-0841

Date of Issuance – December 6, 2017

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

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

In F-2017-0841, Suffolk County Parks Department is proposing the Indian Island Living Shoreline Project at Indian Island County Park in

the Town of Riverhead, Suffolk County. The applicant proposes to create natural and nature-based features (NNBF) within Flanders Bay by constructing three segmented emergent rock sills, marsh habitat restoration consisting of beach nourishment fill planted with wetland vegetation, and bluff stabilization consisting of an upland cantilevered bulkhead covered with fill and planted with beach grass.

The applicant's consistency certification and supporting information are also available at: http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2017-0841_PermitApplication.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 6, 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.

