
NEW YORK STATE
REGISTER

INSIDE THIS ISSUE:

- Execution by Registered Professional Nurses of Non-Patient Specific Orders to Administer Immunizations
- Process for Early Voting
- Congestion Surcharge

Court Notices
Appendix

State agencies must specify in each notice which proposes a rule the last date on which they will accept public comment. Agencies must always accept public comment: for a minimum of 60 days following publication in the *Register* of a Notice of Proposed Rule Making, or a Notice of Emergency Adoption and Proposed Rule Making; and for 45 days after publication of a Notice of Revised Rule Making, or a Notice of Emergency Adoption and Revised Rule Making in the *Register*. When a public hearing is required by statute, the hearing cannot be held until 60 days after publication of the notice, and comments must be accepted for at least 5 days after the last required hearing. When the public comment period ends on a Saturday, Sunday or legal holiday, agencies must accept comment through the close of business on the next succeeding workday.

For notices published in this issue:

- the 60-day period expires on October 20, 2019
- the 45-day period expires on October 5, 2019
- the 30-day period expires on September 20, 2019

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GOVERNOR**

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SECRETARY OF STATE**

NEW YORK STATE DEPARTMENT OF STATE

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NEW YORK STATE REGISTER

Be a part of the rule making process!

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

To be considered, comments should reach the agency before expiration of the public comment period. The law provides for a minimum 60-day public comment period after publication in the *Register* of every Notice of Proposed Rule Making, and a 45-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)

Rule Making Activities

Aging, Office for the

- 1 / Limits on Administrative Expenses and Executive Compensation (P)

Agriculture and Markets, Department of

- 2 / Spotted Lanternfly (“SL”) (EP)

Civil Service, Department of

- 4 / Jurisdictional Classification (P)

Education Department

- 7 / Execution by Registered Professional Nurses of Non-Patient Specific Orders to Administer Immunizations (E)
- 10 / Certification of Manufacturers and Wholesalers for Export Purposes (E)

Elections, State Board of

- 12 / Audit Status for Early Voting (E)
- 13 / Process for Early Voting (E)
- 15 / Related to the Minimum Required Voting Machines and Privacy Booths Needed for Early Voting Polling Sites (ERP)

Environmental Conservation, Department of

- 16 / Revised Part 208 Will Incorporate the New Federal Emission Guideline for MSW Landfills Pursuant to 40 CFR Part 60, Subpart Cf (A)
- 17 / Set Nitrogen Oxide (NOx) Emission Rate Limits for Simple Cycle and Regenerative Combustion Turbines During the Ozone Season (RP)

Financial Services, Department of

- 22 / Security at Automated Teller Facilities (A)

Health, Department of

- 22 / Nursing Home Weekly Bed Census Survey (A)
- 23 / Medical Use of Marihuana (A)

People with Developmental Disabilities, Office for

- 23 / Person Centered Planning: Care Management and Home and Community Based Services (A)

Public Service Commission

- 23 / Major Electric Rate Filing (P)
- 24 / Major Gas Rate Filing (P)
- 24 / Major Electric Rate Filing (P)
- 25 / Major Gas Rate Filing (P)
- 25 / Notice of Intent to Submeter Electricity (P)
- 25 / Compensation of Distributed Energy Resources (P)
- 26 / Customer Consent to Contact (P)

State, Department of

- 26 / Prospective Licensee Requirements (A)

Taxation and Finance, Department of

- 27 / Congestion Surcharge (E)
- 28 / Congestion Surcharge (A)

28 / Fuel Use Tax on Motor Fuel and Diesel Motor Fuel and the Art. 13-A Carrier Tax Jointly Administered Therewith (A)

29 / To Set the Sales Tax Component and the Composite Rate Per Gallon for the Period October 1, 2019 Through September 31, 2019 (P)

Hearings Scheduled for Proposed Rule Makings / 30

Action Pending Index / 33

Securities Offerings

79 / State Notices

Advertisements for Bidders/Contractors

81 / Sealed Bids

Miscellaneous Notices/Hearings

85 / Notice of Abandoned Property Received by the State Comptroller

85 / Public Notice

Court Notices

91 / Amendment of Rule Uniform Rules of the Supreme Court and the County Court

Appendix / 95

RULE MAKING ACTIVITIES

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

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

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

Office for the Aging

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Limits on Administrative Expenses and Executive Compensation

I.D. No. AGE-34-19-00014-P

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

Proposed Action: This is a consensus rule making to amend section 6656.5 of Title 9 NYCRR.

Statutory authority: Elder Law, section 201(3); Not-for-Profit Corporation Law, section 508; Executive Order No. 38

Subject: Limits on Administrative Expenses and Executive Compensation.

Purpose: To bring this rule into compliance with current law in New York State.

Text of proposed rule: Section 6656.5. Limits on executive compensation

(a) Limits on Executive Compensation. Except if a covered provider has obtained a waiver pursuant to section 6656.6 of this Part, a covered provider as defined in this regulation shall not use State funds or State-authorized payments for executive compensation given directly or indirectly to a covered executive in an amount greater than \$199,000 per annum, provided, however, that the Office shall review this figure annually to determine whether adjustment is necessary based on appropriate factors and subject to the approval of the Director of the Division of the Budget. Commencing on July 1, 2013, the limits on executive compensation pursuant to this Part shall be effective and applicable to each covered provider on the first day of each covered provider's respective covered reporting period.

(b) Except if a covered provider has obtained a waiver pursuant to section 6656.6 of this Part, [where a covered provider's executive compensa-

tion given to a covered executive is greater than \$199,000 per annum (including not only State funds and State-authorized payments but also any other sources of funding), and either:

(1) greater than the 75th percentile of that compensation provided to comparable executives in other providers of the same size and within the same program service sector and the same or comparable geographic area as established by a compensation survey identified, provided, or recognized by the Office and the Director of the Division of the Budget; or

(2) was not reviewed and approved by the covered provider's board of directors or equivalent governing body (if such a board or body exists) including at least two independent directors or voting members (or where a duly authorized compensation committee including at least two independent directors or voting members conducted such review on behalf of the full board, such actions were not reviewed and ratified by such board), or such review did not include an assessment of appropriate comparability data;]

then such covered provider shall be subject to the penalties set forth in section 6656.8 of this Part. To determine whether a covered provider may be subject to penalties, such provider shall provide, upon request by the Office or its designee, contemporaneous documentation in a form and level of detail sufficient to allow such determination to be made.

(c) Program Services Rendered by Covered Executives. The limit on executive compensation pursuant to this Section shall not be applied to limit reimbursement with State funds or State-authorized payments for reasonable compensation paid to a covered executive for program services, including but not limited to supervisory services performed to facilitate the covered provider's program services, rendered by the executive outside of his or her managerial or policy-making duties. Documentation of such program services rendered shall be used by the covered provider to determine that percentage, if any, of the covered executive's compensation that is attributable to program services and that compensation shall not be considered in the calculation of his or her executive compensation. Such documentation shall be maintained and provided to the Office or its designee upon request. Clinical and program personnel in a hospital or other entity providing program services, including chairs of departments, heads of service, chief medical officers, directors of nursing, or similar types of personnel fulfilling administrative functions that are nevertheless directly attributable to and comprise program services shall not be considered covered executives for purposes of limiting the use of State funds or State-authorized payments to compensate them.

(d) Covered Providers with Multiple Sources of State Funds or State-Authorized Payments. If a covered provider receives State funds or State-authorized payments from multiple sources, the provider's compliance with the limits on executive compensation in subdivision (a) of this section shall be determined based upon the total amount of such funding received and the reimbursements received from all sources of State funds or State-authorized payments. As set forth in section 6656.7 of this Part, the covered provider shall report all of such State funds and State-authorized payments in the form specified by the Office or its designee.

(e) Subcontractors and Agents of Covered Providers. The limits on executive compensation in subdivision (a) and (b) of this section and the reporting requirements in section 6656.7 of this Part shall apply to subcontractors and agents of covered providers if and to the extent that such a subcontractor or agent has received State funds or State-authorized payments from the covered provider to provide program or administrative services during the reporting period and would otherwise meet the definition of a covered provider but for the fact that it has received State funds or State-authorized payments from the covered provider rather than directly from a governmental agency. A covered provider shall incorporate into its agreement with such a subcontractor or agent the terms of these regulations by reference to require and facilitate compliance. Upon request, covered providers shall promptly report to the funding or authorizing agency the identity of such subcontractors and agents, along with any other information requested by that agency or by the Office or its designee. A covered provider shall not be held responsible for a subcontractor's or agent's failure to comply with these regulations.

(f) Covered Providers receiving State Funds or State-Authorized Payments from county or local governments. The Office or its designee, rather than the county or local unit of government, shall be responsible for obtaining the necessary reporting form and compliance by such covered providers and shall issue guidance to affected county and local governments to set forth the procedures by which the Office or its designee shall do so.

(g) Other Limits on Executive Compensation. If the contract, grant, or other agreement is subject to more stringent limits on executive compensation, whether through law or contract, such limits shall control and shall not be affected by the less stringent limits imposed by these regulations. However, the definition and interpretation of terms in this Part shall not be affected or limited by the definition or interpretation of terms in other regulations or agreements.

(h) A covered provider's contract or other agreement with a covered executive agreed to prior to July 1, 2012 shall not be subject to the limits in this section during the term of the contract, except that:

(1) Covered providers must apply for a waiver for any contracts or agreements with covered executives for executive compensation that exceeds or otherwise fails to comply with these regulations if such contracts or agreements extend beyond April 1, 2015; and

(2) renewals of such contracts or agreements after the completion of their term must comply with these regulations.

Text of proposed rule and any required statements and analyses may be obtained from: Stephen Syzdek, New York State Office for the Aging, Two Empire State Plaza, Albany, NY 12223, (518) 474-5041, email: stephen.syzdek@aging.ny.gov

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

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

Consensus Rule Making Determination

The New York State Office for the Aging (NYSOFA) is amending 9 NYCRR 6656.5 by consensus rule as NYSOFA has determined that no person is likely to object to the amendment as proposed because the amendment is required to bring the regulatory language into compliance with the decision rendered by the Court of Appeals "In the Matter of LeadingAge New York, Inc., et al., v Nirav Shah, as Commissioner of Health, et al., and In the Matter of Coalition of New York State Public Health Plans, et al., v New York State Department of Health, et al.

Job Impact Statement

The New York State Office for the Aging has determined that this consensus rule will not have a substantial adverse impact on jobs. This consensus rule is required to bring the regulatory language into compliance with the decision rendered by the Court of Appeals "In the Matter of LeadingAge New York, Inc., et al., v Nirav Shah, as Commissioner of Health, et al., and In the Matter of Coalition of New York State Public Health Plans, et al., v New York State Department of Health, et al.

Department of Agriculture and Markets

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Spotted Lanternfly ("SL")

I.D. No. AAM-34-19-00001-EP

Filing No. 711

Filing Date: 2019-07-31

Effective Date: 2019-07-31

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

Proposed Action: Amendment of Part 142 of Title 1 NYCRR.

Statutory authority: Agriculture and Markets Law, sections 18, 164 and 167

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

Specific reasons underlying the finding of necessity: The Spotted Lanternfly (*Lycorma delicatula*) is an insect nonindigenous to the United States. It was first detected in Berks County, Pennsylvania, in September,

2014, and since then has been detected in other counties in Pennsylvania and in other states, most recently to Dauphin County in Pennsylvania and Cecil County in Maryland ("the designated counties"). The proposed rule will require each person who wants to import, into New York, an article that originates in a designated county and that is capable of being infested by or with Spotted Lanternfly, to obtain a "certificate of inspection" from an appropriate state official, before importation into New York.

The proposed rule has been adopted, as an emergency rule, to protect the public welfare. The Spotted Lanternfly infests different types of trees, including fruit trees, as well as plants, including grape plants and hops plants. Once infested, a tree or plant is deprived of nutrients, is incapable of producing fruit to the extent it had prior to infestation, and is not useful as a source of wood. The proposed rule is designed to prevent the Spotted Lanternfly from entering the State from a designated county and thereby jeopardizing its forest-based industries and its fruit-based industries which, in sum, contribute approximately \$7 billion to the State's economy, annually.

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

Subject: Spotted Lanternfly ("SL").

Purpose: To prevent SL-infested articles originating in Dauphin County, in PA, or Cecil County, in MD, from entering NYS.

Text of emergency/proposed rule: Subdivision (a) of section 142.2 of 1 NYCRR is amended to read as follows:

(a) In the Commonwealth of Pennsylvania, the counties of Berks, Bucks, Carbon, Chester, *Dauphin*, Delaware, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton, Philadelphia, and Schuylkill.

Section 142.2 of 1 NYCRR is amended by adding thereto a new subdivision (e) to read as follows:

(e) *In the State of Maryland, the county of Cecil.*

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 October 28, 2019.

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

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

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

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

Regulatory Impact Statement

1. Statutory authority:

Section 18 of the Agriculture and Markets Law provides, in part, that the Commissioner of Agriculture and Markets ("Commissioner") may enact, amend, and repeal necessary rules which shall provide generally for the exercise of the powers and performance of the duties of the Department of Agriculture and Markets ("Department") as prescribed in the Agriculture and Markets Law ("AML") and the laws of the State and for the enforcement of their provisions and the provisions of the rules that have been enacted.

Section 164 of the AML provides, in part, that the Commissioner shall take such action as he or she may deem necessary to control or eradicate any injurious insects, noxious weeds, or plant diseases existing within the State.

Section 167 of the AML provides, in part, that the Commissioner is authorized to make, issue, promulgate and enforce such order, by way of quarantines or otherwise, as he or she may deem necessary or fitting to carry out the purposes of AML Article 14. AML Section 167 also provides that the Commissioner may adopt and promulgate such rules and regulations to supplement and give full effect to the provisions of AML Article 14.

2. Legislative objectives:

The proposed rule will amend section 142.2 of 1 NYCRR to require a person who wants to move a "regulated article" in the State that originated from Dauphin County in Pennsylvania, or Cecil County in Maryland, to obtain a certificate of inspection before doing so that indicates that such article is free of Spotted Lanternfly ("SLF") before moving the regulated article into the State.

The proposed rule will further the legislature's objective to help ensure that injurious insects, such as SLF, are not allowed to enter the State.

3. Needs and benefits:

1 NYCRR Part 142 currently regulates the movement of articles capable of transporting SLF from certain counties in Pennsylvania, Virginia, and

New Jersey, into the State. SLF is an injurious insect that attacks, infests, and destroys the value of hardwood trees of economic significance, including Walnut and Porcelain Berry, and hops plants and grape vines.

The proposed rule is needed to add the County of Dauphin, in Pennsylvania, and the County of Cecil, in Maryland, to the list of counties from which regulated articles may not be moved into the State, until determined to be free of SLF; these newly added counties have recently been found to harbor SLF and it is necessary that they be added to such list to better ensure that the SLF does not enter the State and cause the damage referred to above.

4. Costs:

(a) Costs to regulated parties for the implementation of and continuing compliance with the rule: A person who wants to import a “regulated article” into the State of New York that originates from Dauphin County, in Pennsylvania, or Cecil County, in Maryland, will be required to obtain a certificate of inspection from an appropriate State authority, attesting that the article is free of SLF; presently, no authority in either state imposes a fee for the issuance of such a certificate. The proposed rule provides that the Department of Agriculture and Markets will recognize a certificate if it indicates, *inter alia*, that a regulated article has been “treated, fumigated, or processed by an approved method” so as to be free of SLF; the cost of such treatment, fumigation, or processing is dependent upon the nature of the article being so treated, fumigated, or processed; the extent of infestation, if any; and the treatment, fumigation, or processing procedure actually used.

(b) Costs to the agency, the state and local governments for the implementation and continuation of the rule: Local governments, the Department of Agriculture and Markets, and the State will not incur any additional expenses due to the proposed rule.

(c) The information, including the sources of such information and the methodology upon which the cost analysis is based: The costs analysis set forth above is based upon observations of the industry and state regulatory agencies.

5. Local government mandates:

This rule imposes no mandates upon any county, city, town, village, school district, fire district, or other special district.

6. Paperwork:

Regulated articles inspected and certified to be free of SLF moving from Dauphin County or from Cecil County would have to be accompanied by a certificate of inspection.

7. Duplication:

There are no relevant rules or other legal requirements of the Federal or State governments that duplicate, overlap, or conflict with this rule.

8. Alternatives:

The alternative of no action was considered. However, this option is not feasible, given the fact that SLF has recently been found in Dauphin County and in Cecil County and given the threat that SLF poses to the State’s forests, agriculture, and tourism industries. As such there does not appear to be any viable alternative to the adoption of the proposed rule.

9. Federal standards:

There are no federal standards regulating the movement of articles infested, or capable of being infested, with SLF.

10. Compliance schedule:

It is anticipated that regulated parties would be able to comply with the proposed rule immediately.

Regulatory Flexibility Analysis

1. Effect of rule:

The proposed rule will amend 1 NYCRR section 142.2 to require a person who wants to move a “regulated article” (that is, an item that is capable of harboring the invasive insect, Spotted Lanternfly) that originates from Dauphin County, in Pennsylvania, or Cecil County, in Maryland (“a designated county”), to obtain a certificate from an appropriate state regulatory agency, attesting that such article is free of Spotted Lanternfly.

It is impossible to determine if, and the number of, small businesses that will want to move “regulated articles” from a designated county into the State.

It is anticipated that no local government would be involved in moving a regulated article from a designated county into the State; as such, this analysis addresses the impact of the proposed rule only upon small businesses.

2. Compliance requirements:

Each small business that wants to move a regulated article from a designated county (“a regulated party”) will be required to obtain a certificate of inspection to ship a regulated article into the State from a state agency authorized to issue such a certificate or by a person duly-designated by such an agency.

3. Professional services:

The proposed rule provides that the Department of Agriculture and Markets will not recognize a certificate of inspection unless the regulated article to be moved into the State, from a designated county, has been

found to be free of Spotted Lanternfly or rendered free of that pest by having been properly treated, fumigated, or processed by an approved method – those procedures could require utilization of a professional service in the event the party still desires to move the regulated article into the State.

4. Compliance costs:

A regulated party will need to ensure that the article to be moved from a designated county is free of Spotted Lanternfly or has been treated, fumigated, or processed by an approved method to render it free of such pest; the cost of such treatment, fumigation, or processing would be dependent upon the nature of the article being so treated, fumigated, or processed; the extent of the infestation, if any; and the treatment, fumigation, or processing procedure actually used.

In order to move a regulated article into the State, a regulated party will need to obtain a certificate of inspection from an appropriate state agency; this service is available from Pennsylvania and Maryland, neither of which imposes a fee therefor.

5. Economic and technological feasibility:

Small businesses will be economically and technically able to comply with the proposed rule. The technology exists to render an infested article free of Spotted Lanternfly. Furthermore, a small business that wants to move a regulated article into the State from a designated county will be able to obtain a certificate of inspection from Pennsylvania or Maryland, attesting that the article is free of Spotted Lanternfly, at no charge.

6. Minimizing adverse impact:

The Department has designed the proposed rule to minimize adverse economic impact on small businesses.

Spotted Lanternfly has, recently, been found in Dauphin County and in Cecil County,. The proposed rule is designed to ensure that Spotted Lanternfly does not enter the State from those counties and, thereby, have a negative impact upon the State’s agriculture and tourism industry which consist, in large part, of small businesses; the proposed rule could not have been designed any differently and still have adequately implemented its objective.

7. Small business and local government participation:

1 NYCRR Part 142 was originally made effective on September 19, 2018. Prior to that date, the Department informed a number of organizations, consisting in part of small businesses, of its intent to promulgate the proposed rule; such organizations consisted of the Empire State Forest Products Association, the Invasive Species Advisory Committee, the New York State Turfgrass Association, the New York Farm Bureau, the New York State Trucking Association, and the Catskill Regional Invasive Species Partnership. The Department received input from those organizations, none of whom objected to requiring importers of regulated articles from counties in other states, known to harbor Spotted Lanternfly, to obtain certificates, prior to importation, attesting that such activities were free of Spotted Lanternfly.

Rural Area Flexibility Analysis

1. Type and estimated numbers of rural areas:

The proposed rule will amend 1 NYCRR section 142.2 to require a person who wants to move a “regulated article” (that is, an item that is capable of harboring the invasive insect, Spotted Lanternfly) that originates from Dauphin County, in Pennsylvania, or Cecil County, in Maryland, (“a designated county”) to obtain a certificate from an appropriate state regulatory agency, attesting that such article is free of Spotted Lanternfly.

It is impossible to determine if residents of rural areas will themselves import “regulated articles” from a designated county into the State and, if so, the number of residents of such areas who will want to do so.

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

Each resident of a rural area who imports a regulated article from a designated county into the State will be required to obtain a certificate of inspection from a state agency authorized to issue such a certificate or by a person duly-designated by such an agency.

3. Costs:

The proposed rule will require that a regulated article may not be moved into the State from Dauphin County or Cecil County unless it has been inspected and a certificate of inspection has been issued that indicates the article is free of Spotted Lanternfly; this service is available from Pennsylvania and Maryland and neither state imposes a fee therefor.

The proposed rule will require that the Department of Agriculture and Markets (“Department”) recognize a certificate of inspection only if the regulated article has been found to be free of Spotted Lanternfly. If a regulated article has come into contact with Spotted Lanternfly, this certification can be made only if the article has been properly treated, fumigated, or processed by an approved method – the cost of these procedures would depend upon the nature of the article being so treated, fumigated, or processed; the extent of infestation, if any; and the treatment, fumigation, or processing procedure actually used.

4. Minimizing adverse impact:

In conformance with State Administrative Procedure Act section 202-

bb(2), the Department has designed the rule to minimize adverse economic impact on persons and businesses located in rural areas. If Spotted Lanternfly were to become endemic in the State, residents of, and businesses in, rural areas would suffer disproportionately, both economically and otherwise.

5. Rural area participation:

1 NYCRR Part 142 was originally made effective on September 19, 2018. Prior to that date, the Department informed a number of organizations, consisting in part of businesses located in rural areas, of its intent to promulgate 1 NYCRR Part 142; such organizations consisted of the Empire State Forest Products Association, the Invasive Species Advisory Committee, the New York State Turfgrass Association, the New York Farm Bureau, the New York State Trucking Association, and the Catskill Regional Invasive Species Partnership.

The Department received input from these organizations, none of whom objected to requiring importers of regulated articles from counties in other states, known to harbor Spotted Lanternfly, to obtain certificates, prior to importation, attesting that such articles were free of Spotted Lanternfly.

Job Impact Statement

The proposed rule will amend Part 142 to 1 NYCRR, requiring that a person who wants to move a designed article from Dauphin County, in Pennsylvania, or Cecil County, in Maryland, into New York State to obtain a "certificate of inspection" that indicates that the article is free of "Spotted Lanternfly", before doing so. Spotted Lanternfly is an invasive insect that can cause serious damage to grapes, hops, and various types of trees including fruit trees and deciduous trees.

The proposed rule will not have an adverse impact on jobs or employment opportunities and, in fact, will likely aid in protecting jobs and employment opportunities now and in the future. Forest related activities in New York State provide employment for approximately 70,000 people. Of that number, 55,000 jobs are associated with the wood-based forest economy, including manufacturing. The forest-based economy generates payrolls of more than \$2 billion. New York State's fruit industry is the largest on the east coast excluding citrus. New York State's fruit crop is valued at over \$400 million annually. The two largest components of that is apples and grapes. New York State ranks 2nd nationally in production of apples and ranks 3rd nationally in the production of grapes. New York State's apple industry has 694 commercial apple orchards that directly employ 10,000 people and indirectly employ 7,500 people. New York State produces 29.5 million bushels of apples per year. The New York State grape and wine industry has 1,631 vineyards and over 400 wineries. New York State produces over 175 million bottles of wine annually. The grape, wine, and juice industry generates over \$4.8 billion annually. The New York State tourism industry employs over 780,000 people generating \$64 billion in direct sales and \$34.6 billion in salary.

Implementation of the proposed rule will aid in preventing the further spread of this pest into the State from Dauphin County or from Cecil County. A spread of the infestation would have very adverse economic consequences. Additionally, a spread of the infestation could result in the imposition of more restrictive quarantines by the federal government, other states and foreign countries, which would have a detrimental impact upon the financial well-being of these industries.

By helping to prevent the spread of Spotted Lanternfly, the proposed rule helps prevent such adverse economic consequences, which protects the jobs and employment opportunities associated with the State's nursery, fruit growing, craft beverage, tourism, and forestry industries.

Department of Civil Service

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Jurisdictional Classification

I.D. No. CVS-34-19-00002-P

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

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

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

Subject: Jurisdictional Classification.

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

Text of proposed rule: Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Executive Department

under the subheading "Office of General Services," by increasing the number of positions of Assistant Appointments Officer from 4 to 7; and

Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Executive Department under the subheading "Office of General Services," by increasing the number of positions of Contract Management Specialist 1 (Market Analysis) from 1 to 4 and Contract Management Specialist 2 (Market Analysis) from 13 to 14.

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

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

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

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-19-00001-P, Issue of January 9, 2019.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-19-00001-P, Issue of January 9, 2019.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-19-00001-P, Issue of January 9, 2019.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-19-00001-P, Issue of January 9, 2019.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Jurisdictional Classification

I.D. No. CVS-34-19-00003-P

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

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

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

Subject: Jurisdictional Classification.

Purpose: To classify a position in the exempt class.

Text of proposed rule: Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Executive Department under the subheading "Gaming Commission," by increasing the number of positions of Manager Gaming Operations from 1 to 2.

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

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

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

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-19-00001-P, Issue of January 9, 2019.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-19-00001-P, Issue of January 9, 2019.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-19-00001-P, Issue of January 9, 2019.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-19-00001-P, Issue of January 9, 2019.

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

Jurisdictional Classification

I.D. No. CVS-34-19-00004-P

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

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

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

Subject: Jurisdictional Classification.

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

Text of proposed rule: Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the State Department Service under the subheading "All State Departments and Agencies," by adding thereto the position of Service and Repair Mechanic (Motor Equipment).

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

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

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

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-19-00001-P, Issue of January 9, 2019.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-19-00001-P, Issue of January 9, 2019.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-19-00001-P, Issue of January 9, 2019.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-19-00001-P, Issue of January 9, 2019.

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

Jurisdictional Classification

I.D. No. CVS-34-19-00005-P

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

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

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

Subject: Jurisdictional Classification.

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

Text of proposed rule: Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Executive Department under the subheading "Division of Criminal Justice," by adding thereto the position of Equal Opportunity Specialist 2 (1).

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

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

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

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-19-00001-P, Issue of January 9, 2019.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-19-00001-P, Issue of January 9, 2019.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-19-00001-P, Issue of January 9, 2019.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-19-00001-P, Issue of January 9, 2019.

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

Jurisdictional Classification

I.D. No. CVS-34-19-00006-P

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

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

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

Subject: Jurisdictional Classification.

Purpose: To delete positions from the non-competitive class.

Text of proposed rule: Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Mental Hygiene under the subheading "Office of Alcoholism and Substance Abuse Services," by deleting therefrom the positions of Addictions Community Worker (4) and Director of Affirmative Action Programs 1 (1).

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

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

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

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-19-00001-P, Issue of January 9, 2019.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-19-00001-P, Issue of January 9, 2019.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was

previously printed under a notice of proposed rule making, I.D. No. CVS-02-19-00001-P, Issue of January 9, 2019.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-19-00001-P, Issue of January 9, 2019.

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

Jurisdictional Classification

I.D. No. CVS-34-19-00007-P

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

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

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

Subject: Jurisdictional Classification.

Purpose: To delete positions from the non-competitive class.

Text of proposed rule: Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Mental Hygiene under the subheading "Office for People with Developmental Disabilities," by deleting therefrom the positions of øAffirmative Action Administrator (Various levels at various facilities), øAffirmative Action Administrator 2 (3), øAffirmative Action Administrator 3 (1), øAffirmative Action Administrator 5 (1), øDeputy Director for Institution Administration 1 and øSupervising Developmental Disabilities Program Planner (1).

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

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

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

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-19-00001-P, Issue of January 9, 2019.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-19-00001-P, Issue of January 9, 2019.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-19-00001-P, Issue of January 9, 2019.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-19-00001-P, Issue of January 9, 2019.

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

Jurisdictional Classification

I.D. No. CVS-34-19-00008-P

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

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

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

Subject: Jurisdictional Classification.

Purpose: To delete a subheading and to delete a position in the non-competitive class.

Text of proposed rule: Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Executive Department, by deleting therefrom the subheading "Division of Military and Naval Affairs" and the position of Curator 2 (DMNA) (1).

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

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

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

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-19-00001-P, Issue of January 9, 2019.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-19-00001-P, Issue of January 9, 2019.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-19-00001-P, Issue of January 9, 2019.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-19-00001-P, Issue of January 9, 2019.

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

Jurisdictional Classification

I.D. No. CVS-34-19-00009-P

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

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

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

Subject: Jurisdictional Classification.

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

Text of proposed rule: Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the New York State Thruway Authority, by deleting therefrom the position of øAffirmative Action Administrator 4 (1) and by adding thereto the position of Equal Opportunity Specialist 4 (1).

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

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

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

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-19-00001-P, Issue of January 9, 2019.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-19-00001-P, Issue of January 9, 2019.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was

previously printed under a notice of proposed rule making, I.D. No. CVS-02-19-00001-P, Issue of January 9, 2019.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-19-00001-P, Issue of January 9, 2019.

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

Jurisdictional Classification

I.D. No. CVS-34-19-00010-P

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

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

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

Subject: Jurisdictional Classification.

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

Text of proposed rule: Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Department of Environmental Conservation, by increasing the number of positions of Special Assistant from 23 to 24; and

Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Environmental Conservation, by increasing the number of positions of Public Information Specialist 1 (Digital Content) from 3 to 4.

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

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

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

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-19-00001-P, Issue of January 9, 2019.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-19-00001-P, Issue of January 9, 2019.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-19-00001-P, Issue of January 9, 2019.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-19-00001-P, Issue of January 9, 2019.

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

Jurisdictional Classification

I.D. No. CVS-34-19-00011-P

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

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

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

Subject: Jurisdictional Classification.

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

Text of proposed rule: Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Labor, by deleting therefrom the positions of øAffirmative Action Administrator 1 (5), øAffirmative Action Administrator 2 (7), øAffirmative Action Administrator 3 (2), øAffirmative Action Administrator 4 (2) and øAffirmative Action Administrator 5 (1) and by adding thereto the positions of Equal Opportunity Specialist 1 (5), Equal Opportunity Specialist 2 (2), Equal Opportunity Specialist 3 (1) and Equal Opportunity Specialist 4 (1).

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

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

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

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-19-00001-P, Issue of January 9, 2019.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-19-00001-P, Issue of January 9, 2019.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-19-00001-P, Issue of January 9, 2019.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-19-00001-P, Issue of January 9, 2019.

Education Department

**EMERGENCY
RULE MAKING**

Execution by Registered Professional Nurses of Non-Patient Specific Orders to Administer Immunizations

I.D. No. EDU-13-19-00009-E

Filing No. 727

Filing Date: 2019-08-02

Effective Date: 2019-08-03

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

Action taken: Amendment of section 64.7 of Title 8 NYCRR.

Statutory authority: Education Law, sections 207(not subdivided), 6504(not subdivided), 6507(2), 6902(1), 6909(5) and (7)

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

Specific reasons underlying the finding of necessity: The proposed amendment is necessary to conform the Regulations of the Commissioner of Education to current immunization standards in order to enhance the protection of the public health by expanding access to immunizations for infants, children and adults, as permitted by section 6909 of the Education Law, effective for the 2018-2019 influenza season and current measles outbreaks in New York State. Section 6909 of the Education Law allows registered professional nurses to administer immunizations pursuant to non-patient specific orders issued by a licensed physician or a certified nurse practitioner in accordance with the Regulations of the Commissioner of Education. The proposed amendment will authorize more registered professional nurses to immunize infants, children and adults

against additional infectious diseases, in accordance with current recommendations from the United States Centers for Disease Control and Prevention (CDC).

According to the CDC, the best way to prevent seasonal influenza is to get vaccinated every year. In 2018, seasonal influenza reached epidemic proportions in New York State and posed a serious health risk for children and those with compromised immune systems or chronic medical conditions. Additionally, there are currently two measles outbreaks in New York State communities with very low vaccination rates. Thus, it is critical to make such immunizing agents available to as many children and infants as possible to protect them from this disease. According to the CDC, measles is a highly contagious virus. In some cases, it can cause serious health problems, especially in infants and young children. Pregnant women with measles are also at greater risk of having premature or low-birth-rate babies. Thus, the Department recommends that, in order to better address these serious health risks to New Yorkers, the Regulations of the Commissioner of Education be amended to expand access to seasonal influenza and measles vaccines for infants, children and adults effective beginning with the current influenza season and measles outbreaks. Allowing more registered professional nurses to administer seasonal influenza and measles vaccines to infants, children and adults pursuant to a non-patient specific order and protocol will protect more people from these potentially harmful and sometimes fatal diseases.

The proposed rule was adopted as an emergency action at the March 11-12, 2019 Regents meeting and became effective March 12, 2019. After the publication of the proposed rule in the State Register on March 27, 2019, Department staff discovered that section 64.7(a)(1)(i)(c) uses the term "vaccines", instead of the more appropriate term "immunizing agents," which includes both vaccines and immunoglobulin drugs. Replacing the term "vaccines" with the term "immunizing agents" will allow registered professional nurses to execute non-patient specific orders for administering vaccines and/or immunoglobulin drugs to combat an outbreak or epidemic. Thereafter, at the June 3-4, 2019 Regents meeting, the March 2019 emergency action was repealed effective June 4, 2019, and the revised proposed rule, which replaced the term "vaccines" with the term "immunizing agents", was adopted on an emergency basis (second emergency), to ensure that the emergency rule, as revised, remains continuously in effect until the effective date of its adoption as a permanent rule. A Notice of Emergency Adoption and Revised Rule Making was published in the State Register on June 19, 2019 for an additional 45-day public comment period.

Because the Board of Regents meets at fixed intervals, the earliest the proposed amendment can be presented for regular (non-emergency) adoption, after expiration of the required 60-day public comment period provided for in the State Administrative Procedure Act (SAPA) section 202(1) and (5), would be the September 9-10, 2019 Regents meeting. Furthermore, pursuant to SAPA section 203(1), the earliest effective date of the proposed amendment, if adopted at the September meeting, would be September 25, 2019, the date a Notice of Adoption would be published in the State Register. However, the June 2019 emergency rule will expire on August 2, 2019.

Therefore, a third emergency action is necessary at the July 2019 Regents meeting for preservation of the public health and general welfare in order to enable the State Education Department to immediately implement the revised proposed rule, so that registered professional nurses can immunize infants, children and adults against additional infectious diseases, including influenza and measles, pursuant to non-patient specific orders prescribed by a licensed physician or a certified nurse practitioner, during the 2018-2019 influenza season and the current measles outbreaks in New York State.

It is anticipated that the revised proposed rule will be presented for permanent adoption at the September 9-10, 2019 Regents meeting, which is the first scheduled meeting after the expiration of the 45-day public comment period prescribed in the State Administrative Procedure Act for revised rule makings.

Subject: Execution by Registered Professional Nurses of Non-Patient Specific Orders to Administer Immunizations.

Purpose: To conform the regulation to current immunization standards.

Text of emergency rule: Subdivision (a) of section 64.7 of the Regulations of the Commissioner of Education is amended, as follows:

64.7 Administration of immunizations, emergency treatment of anaphylaxis, tuberculosis tests, human immunodeficiency virus (HIV) tests, opioid related overdose treatments, hepatitis C tests and screening for syphilis, gonorrhea and/or chlamydia infections pursuant to non-patient specific orders and protocols

(a) Immunizations.

(1) [Pursuant to section 6909(5) of the Education Law, a registered professional nurse shall be authorized to administer immunization agents prescribed in paragraph (2) of this subdivision to patients therein speci-

fied, pursuant to a non-patient specific order and protocol prescribed and ordered by a licensed physician or a certified nurse practitioner, provided the registered nurse meets the prerequisite requirements prescribed in paragraph (3) of this subdivision and the order and protocol meets the requirements of paragraph (4) of this subdivision.] *As used in this subdivision:*

(i) *Immunizing agents means vaccines and immunoglobulin drugs approved by the federal Food and Drug Administration to provide immunity against diseases caused by the infectious agents described in clauses (a) through (d) of this subparagraph. For purposes of this subdivision, immunizing agents shall include the following:*

(a) *in the case of adults, vaccines against the following infectious diseases: Hepatitis A, Hepatitis B, Influenza, Pneumococcus, Diphtheria, Tetanus, Measles, Mumps, Rubella, Varicella, Polio, Pertussis, Human Papilloma Virus, Meningococcus, and Herpes Zoster;*

(b) *in the case of infants and children under the age of 18, vaccines against the following infectious diseases: Diphtheria, Tetanus, Pertussis, Measles, Mumps, Rubella, Varicella, Haemophilus Influenzae Type b (Hib), Polio, Hepatitis B, Hepatitis A, Influenza, Meningococcus, Pneumococcus, Rotavirus, and Human Papilloma Virus;*

(c) *immunizing agents against an infectious disease that causes an epidemic or a community wide outbreak, provided that such immunizing agents are administered as part of a public health program established by the commissioner of the department of health, a county commissioner of health, or a county public health director to immunize persons against the infectious disease during the epidemic or community outbreak of the infectious disease; and*

(d) *additional immunizing agents approved by resolution of the Board of Regents upon recommendation by the commissioner that such additional immunization agents are safe and effective immunization agents for registered professional nurses to administer to patients, pursuant to a non-patient specific order and protocol as prescribed in this section, after consideration of the recommendations of State and/or nationwide authorities that evaluate the effectiveness and safety of immunization agents, including but not limited to the Centers for Disease Control and Prevention of the U.S. Department of Health and Human Services. Such additional immunization agents, which are not specifically enumerated in this subparagraph, may be removed by resolution of the Board of Regents, upon recommendation of the commissioner that such immunization agents are not safe and effective immunization agents for registered professional nurses to administer to patients, pursuant to a non-patient specific order and protocol as prescribed in this section, after consideration of the recommendations of State and/or nationwide authorities that evaluate the effectiveness and safety of immunization agents, including but not limited to the Centers for Disease Control and Prevention of the U.S. Department of Health and Human Services.*

(ii) *Entity means a state or local government, partnership, corporation or other legal entity that is authorized by the public health law, education law or other state statute to provide professional nursing services.*

(2) [Authorized immunization agents.] *A registered professional nurse may administer immunizing agent(s) pursuant to a written non-patient specific order and protocol prescribed or ordered by a licensed physician or a certified nurse practitioner, provided that the requirements of this subdivision are met.*

(i) [Adult immunizations. A registered professional nurse that meets the requirements of paragraph (3) of this subdivision shall be authorized to administer the following immunization agents to patients 18 years of age or older, pursuant to a non-patient specific order and protocol prescribed and ordered by a licensed physician or a certified nurse practitioner that meets the requirements of paragraph (4) of this subdivision: Hepatitis A, Hepatitis B, Influenza, Pneumococcus, Meningococcus, Diphtheria, Tetanus, Measles, Mumps, Rubella, Varicella, Inactivated Polio, and additional immunizations agents approved by resolution of the Board of Regents upon recommendation by the commissioner that such additional immunization agents are safe and effective immunization agents for registered professional nurses to administer to patients who are 18 years of age or older, pursuant to a non-patient specific order and protocol as prescribed in this section, after consideration of the recommendations of State and/or nationwide authorities that evaluate the effectiveness and safety of immunization agents, including but not limited to the Centers for Disease Control and Prevention of the U.S. Department of Health and Human Services. Such additional immunization agents, which are not specifically enumerated in this subparagraph, may be removed by resolution of the Board of Regents, upon recommendation of the commissioner that such immunization agents are not safe and effective immunization agents for registered professional nurses to administer to patients who are 18 years of age or older, pursuant to a non-patient specific order and protocol as prescribed in this section, after consideration of the recommendations of State and/or nationwide authorities that evaluate the effectiveness and

safety of immunization agents, including but not limited to the Centers for Disease Control and Prevention of the U.S. Department of Health and Human Services.] *The registered professional nurse shall be certified in cardio-pulmonary resuscitation or basic life support by the American Red Cross, the American Heart Association or an equivalent organization acceptable to the department which has an established record of providing programs of cardio-pulmonary resuscitation training.*

(ii) [Child immunizations. A registered professional nurse that meets the requirements of paragraph (3) of this subdivision and who is employed or is acting as an agent for the Visiting Nurses Association or other equivalent organization as determined by the department that is legally authorized to provide nursing services, or for a State, county, municipal or other government agency, shall be authorized to administer the following immunization agents to patients under the age of 18, pursuant to a non-patient specific order and protocol prescribed and ordered by a licensed physician or a certified nurse practitioner that meets the requirements of paragraph (4) of this subdivision: Diphtheria, Tetanus, Acellular Pertussis, Measles, Mumps, Rubella, Varicella, Haemophilus Influenzae Type b (Hib), Inactivated Polio, Hepatitis B, and additional immunization agents approved by resolution of the Board of Regents upon recommendation by the commissioner that such additional immunization agents are safe and effective immunization agents for registered professional nurses to administer to patients who are under the age of 18 years old, pursuant to a non-patient specific order and protocol as prescribed in this section, after consideration of the recommendations of State and/or nationwide authorities that evaluate the safety and effectiveness of immunization agents, including but not limited to the Centers for Disease Control and Prevention of the U.S. Department of Health and Human Services. Such additional immunization agents, which are not specifically enumerated in this subparagraph, may be removed by resolution of the Board of Regents, upon recommendation of the commissioner that such immunization agents are not safe and effective immunization agents for registered professional nurses to administer to patients who are under the age of 18 years old, pursuant to a non-patient specific order and protocol prescribed in this section, after consideration of the recommendations of State and/or nationwide authorities that evaluate the effectiveness and safety of immunization agents, including but not limited to the Centers for Disease Control and Prevention of the U.S. Department of Health and Human Services.] *The registered professional nurse shall ensure that anaphylactic agents, syringes and needles are available at the location where the immunizing agents are being administered.*

[(iii) Epidemics. Notwithstanding the requirements of subparagraphs (i) and (ii) of this paragraph, a registered professional nurse that meets the requirements of paragraph (3) of this subdivision shall be authorized to administer to patients, pursuant to a non-patient specific order and protocol prescribed and ordered by a licensed physician or a nurse practitioner that meets the requirements of paragraph (4) of this subdivision, any immunization agents authorized under such order and protocol to be administered as part of an immunization program maintained, authorized, or under the auspices of the Commissioner of Health, a county commissioner of health, or a county public health director, when such an immunization program is instituted pursuant to an epidemic declared by such official.]

(3) [Prerequisite requirements. For a registered professional nurse authorized to administer immunization agents prescribed in paragraph (2) of this subdivision to recipients therein specified, pursuant to a non-patient specific order and protocol prescribed by a licensed physician or a certified nurse practitioner, such registered professional nurse shall be currently certified in cardio-pulmonary resuscitation by a program of the American Red Cross or the American Heart Association or an equivalent organization acceptable to the department, which has an established record of providing programs of cardio-pulmonary resuscitation training.

(4) [Order and protocol.

(i) [The registered professional nurse shall either maintain or ensure the maintenance of a copy of the non-patient specific order and protocol prescribed by a licensed physician or a certified nurse practitioner which authorizes a registered professional nurse to administer immunization agents, in accordance with the requirements of paragraph (1) of this subdivision. The order prescribed in subparagraph (ii) of this paragraph shall incorporate a protocol that meets the requirements of subparagraph (iii) of this paragraph. Such order and protocol shall be considered a record of the patient who is immunized and maintained as a record for the period of time prescribed in section 29.2(a)(3) of this Title.] *The non-patient specific order shall include, at a minimum, the following:*

(a) *the name, license number and signature of the licensed physician or certified nurse practitioner who orders or prescribes the non-patient specific order and protocol;*

(b) *the name of the specific immunizing agent(s) to be administered;*

(c) *a protocol for administering the ordered immunizing agent(s)*

or a specific reference to a separate written protocol for administering the ordered immunizing agent(s), which shall meet the requirements of subparagraph (ii) of this paragraph;

(d) *the period of time that the order is effective, including the beginning and ending dates;*

(e) *a description of the group(s) of persons to be immunized, including the age range of such persons;*

(f) *the name and license number of the registered professional nurse(s) authorized to execute the non-patient specific order and protocol to administer the immunizing agent(s); or the name of the entity that employs or contracts with registered professional nurses to execute the non-patient specific order and protocol, provided that the registered professional nurse(s) execute the non-patient specific order and protocol only in the course of such employment or pursuant to such contract and provided further that the entity is legally authorized to employ or contract with registered professional nurses to provide nursing services.*

(ii) [The order shall authorize one or more named registered professional nurses, or registered professional nurses who are not individually named but are identified as employed or under contract with an entity that is legally authorized to employ or contract with registered professional nurses to provide nursing services, to administer specified immunization agents for a prescribed period of time. In instances in which the registered professional nurses are not individually named in the order, but are identified as employed or under contract with an entity that is legally authorized to employ or contract with registered professional nurses to provide nursing services, such registered professional nurses shall not be authorized by such order to administer immunizations outside of such employment or contract. The order shall contain but shall not be limited to the following information:] *The written protocol, incorporated into the order prescribed in subparagraph (i) of this paragraph, shall, at a minimum, require the registered professional nurse(s) to ensure that:*

(a) [the specific immunization agents that the registered professional nurse(s) is permitted to administer;] *each potential recipient is assessed, pursuant to criteria in the protocol, for conditions that would qualify or preclude him or her from receiving the ordered immunizing agent(s);*

(b) [the period of time that the order is effective, including the beginning and ending dates;] *the potential recipient, or when the potential recipient lacks capacity to consent, a person authorized pursuant to law to consent to health care for the potential recipient, receives federally required vaccine information, such as vaccine information statements, if applicable, and instructions on addressing adverse reactions to the vaccine;*

(c) [the name and license number of the registered professional nurse(s) authorized to administer the immunization agent(s) pursuant to the order; or the name of the entity that is legally authorized to employ or contract with registered professional nurses to provide nursing services with employed or under contract to administer the prescribed immunization agent(s) pursuant to the order;] *informed consent for administering the ordered immunizing agent(s) has been obtained, pursuant to the criteria in the protocol, from the recipient, or when the recipient lacks capacity to consent, a person authorized pursuant to law to consent to health care for the recipient;*

(d) [in instances in which the registered professional nurses are not individually named in the order, but are identified as employed or under contract with an entity that is legally authorized to employ or contract with registered professional nurses to provide nursing services, the order shall contain a statement limiting the registered professional nurses to administering immunizations only in the course of such employment or pursuant to such contract; and] *the administration of the ordered immunizing agent(s) is documented, including the recipient's name, date of administration, address of administration, administering nurse, immunization agent(s), manufacturer(s), lot number(s), in accordance with criteria in the protocol and that documentation relating to the immunizing agent(s) is maintained in accordance with section 29.2(a)(3) of this Title;*

(e) [the name, license number, and signature of the licensed physician or nurse practitioner who has issued the order.] *the recipient, or when the recipient lacks capacity to consent, a person authorized pursuant to law to consent to health care for the recipient, receives a certificate of immunization with the recipient's name, date of administration, address of administration, administering nurse, immunization agent(s), manufacturer(s), and lot number(s). With the consent of the recipient or a person authorized to consent for the recipient, the registered professional nurse shall communicate this information to the recipient's primary health care provider;*

(f) *adverse outcomes resulting from the administered immunizing agent(s) shall be reported to the United States Department of Health and Human Services, as may be required by federal law; and*

(g) *immunizing agents administered to recipients are reported*

to the department of health or the New York City Department of Health and Mental Hygiene, as may be required by law.

(iii) The protocol, incorporated into the order prescribed in subparagraph (ii) of this paragraph, shall require the registered professional nurse to meet the following requirements:

(a) The registered professional nurse shall ensure that each potential recipient is assessed for untoward conditions that would preclude immunization(s) and each recipient's record of immunization with manufacturer and lot number or a potential recipient's refusal to be immunized shall be documented in accordance with section 29.2(a)(3) of this Title.

(b) The registered professional nurse shall be responsible for having emergency anaphylaxis treatment agents, related syringes and needles available at the immunization site.

(c) The registered professional nurse shall inform each recipient of potential side effects and adverse reactions, orally and in writing, prior to immunization. The registered professional nurse shall provide written instructions to the recipient regarding the appropriate course of action in the event of untoward or adverse reactions, which statements are required to be developed by a competent entity knowledgeable about the untoward or adverse reactions of the immunization agent which shall be administered, such as the Centers for Disease Control of the U.S. Department of Health and Human Services, which issues vaccine information statements. The registered professional nurse shall not administer immunizations unless the recipient is adequately informed as prescribed in this clause and the recipient consents to the immunization; except for minors or other recipients incapable of consenting to the administration of an immunization, in which case a person legally responsible for the recipient shall have given prior written consent to the immunization after having been informed in writing as prescribed in this clause before it may be administered; or shall be in attendance during the immunization, informed as prescribed in this clause, and have consented to the immunization before it may be administered.

(d) The registered professional nurse shall provide to each recipient or other person legally responsible when the recipient is a minor or otherwise incapable of consenting to immunization, a signed certificate of immunization with the recipient's name, date of immunization, address of administration, administering nurse, immunization agent, manufacturer and lot number and recommendations for future immunizations recorded thereon. With the consent of the recipient or a person legally responsible when the recipient is a minor or otherwise incapable of consenting, the registered professional nurse shall communicate this information to the recipient's primary health care provider, if one exists.

(e) Each registered professional nurse shall report any adverse outcomes as may be required by Federal law on the vaccine adverse event reporting system form of the Centers for Disease Control of the U.S. Department of Health and Human Services, or on the successor form.

(f) Each registered professional nurse shall ensure that a record of all persons immunized including the recipient's name, date, address of administration, administering nurse, immunization agent, manufacturer, lot number and recommendations for future immunizations is recorded and maintained in accordance with section 29.2(a)(3) of this Title.]

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. EDU-13-19-00009-EP, Issue of March 27, 2019. The emergency rule will expire September 30, 2019.

Text of rule and any required statements and analyses may be obtained from: Kirti Goswami, Education Department, 89 Washington Avenue, Room 148, Albany, NY 12234, (518) 474-6400, email: legal@nysed.gov

Regulatory Impact Statement

Since the publication of a Notice of Emergency Adoption and Proposed Rule Making was published in the State Register on March 27, 2019, substantial revisions were made to the proposed regulation, as follows:

In § 64.7(a)(1)(i)(c), the term "vaccines" was replaced with the term "immunizing agents." The purpose of section 64.7(a)(1)(i)(c) is to allow the New State Health Department to have maximum flexibility when combatting an epidemic or outbreak. The term "immunizing agents" includes both vaccines and immunoglobulin drugs. Thus, replacing the term "vaccines" with the term "immunizing agents" will allow registered professional nurses to execute non-patient specific orders for administering vaccines and/or immunoglobulin drugs to combat an outbreak or epidemic, which furthers the intent of the proposed amendments to the regulation.

The above substantial revisions do not require any changes to the previously published Regulatory Impact Statement.

Regulatory Flexibility Analysis

Since the publication of the Notice of Emergency Adoption and Proposed Rule Making was published in the State Register on March 27,

2019, substantial revisions were made to the proposed regulation as set forth in the Statement Concerning the Regulatory Impact Statement submitted herewith.

These substantial revisions do not require any changes to the previously published Statement in Lieu of Regulatory Flexibility Analysis for Small Businesses and Local Governments.

Rural Area Flexibility Analysis

Since the publication of a Notice of Emergency Adoption and Proposed Rule Making was published in the State Register on March 27, 2019, substantial revisions were made to the proposed regulation as set forth in the Statement Concerning the Regulatory Impact Statement submitted herewith.

These substantial revisions do not require any changes to the previously published Statement in Lieu of Rural Area Flexibility Analysis.

Job Impact Statement

Since the publication of a Notice of Emergency Adoption and Proposed Rule Making in the State Register on March 27, 2019, the proposed rule has been revised as set forth in the Statement Concerning the Regulatory Impact Statement.

The aforementioned revisions do not require any changes to the previously published Statement in Lieu of Job Impact Statement.

Assessment of Public Comment

The agency received no public comment.

EMERGENCY RULE MAKING

Certification of Manufacturers and Wholesalers for Export Purposes

I.D. No. EDU-21-19-00007-E

Filing No. 728

Filing Date: 2019-08-02

Effective Date: 2019-08-05

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

Action taken: Amendment of section 63.6 of Title 8 NYCRR.

Statutory authority: Education Law, sections 207(not subdivided), 6504(not subdivided), 6507(2), 6801(1), 6802(7), (16), (18), (21) and 6808(4)

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

Specific reasons underlying the finding of necessity: The proposed amendment to the Regulations of the Commissioner of Education is necessary, so that the Department can immediately resume performing the function of issuing free sale certificates to New York State registered manufacturers or wholesalers seeking to sell their drugs and/or devices in foreign countries. Education Law § 6808(4) requires that in order to sell drugs and/or devices in foreign countries, a New York State manufacturer or wholesaler must, inter alia, obtain a certificate from the Department that verifies that it is currently registered as a manufacturer, wholesaler-repacker and/or wholesaler of drugs and/or devices and that it offers the drugs and/or devices listed on the certificate for sale in New York State. These certificates are commonly referred to as "free sale certificates."

Currently, paragraph (6) of subdivision (c) of section 63.6 of the Regulations of the Commissioner of Education states that "[a]ny registered manufacturer or wholesaler may be issued a certificate by the executive secretary of the State Board of Pharmacy, authenticating said registration and identifying the specified drugs and/or devices as articles regularly offered for sale in New York. . . ."

However, since departure of the former executive secretary of the State Board of Pharmacy in January 2019, the Department has been unable to issue any free sale certificates because 8 NYCRR § 63.6(c)(6) only permits the executive secretary to do so. Therefore, the proposed amendment paragraph (6) of subdivision (c) of section 63.6 of the Regulations of the Commissioner of Education is designed to address this issue by permitting either the executive secretary or a designee of the Commissioner of Education to issue these certificates.

The proposed rule was adopted as an emergency action at the May 2019 Regents meeting and became effective May 7, 2019. The May emergency rule will expire on August 4, 2019. A second emergency adoption is necessary to ensure that the emergency rule adopted at the May 2019 Regents meeting remains continuously in effect until the effective date of its adoption as a permanent rule.

Since the Board of Regents meets at fixed intervals, the earliest the

proposed rule can be presented for adoption, after expiration of the required 60-day comment period provided for in the State Administrative Procedure Act (SAPA) sections 201(1) and (5), would be the September 9-10, 2019 Regents meeting. Furthermore, pursuant to SAPA section 203(1), the earliest effective date of the proposed rule, if adopted at the September meeting, would be September 25, 2019 the date the Notice of Adoption would be published in the State Register.

Therefore, emergency action is necessary at the July 2019 Regents meeting for the preservation of the public health and general welfare so that the Department can issue free sale certificates to New York State registered manufacturers or wholesalers seeking to sell their drugs and/or devices in foreign countries.

Subject: Certification of Manufacturers and Wholesalers for Export Purposes.

Purpose: To clarify who may issue free sale certificates to New York State registered manufacturers or wholesalers.

Text of emergency rule: Paragraph (6) of subdivision (c) of section 63.6 of the Regulations of the Commissioner of Education is amended, as follows:

(6) Certification of manufacturers and wholesalers for export purposes. Any registered manufacturer or wholesaler may be issued a certificate by the executive secretary of the State Board of Pharmacy[,] or a designee of the Commissioner of Education, authenticating said registration and identifying the specified drugs and/or devices as articles regularly offered for sale in New York. The fee for each certificate shall be \$5.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. EDU-21-19-00007-EP, Issue of May 22, 2019. The emergency rule will expire September 30, 2019.

Text of rule and any required statements and analyses may be obtained from: Kirti Goswami, Education Department, 89 Washington Avenue, Room 148, Albany, NY 12234, (518) 474-6400, email: legal@nysed.gov

Regulatory Impact Statement

1. STATUTORY AUTHORITY:

Section 207 of the Education Law grants general rulemaking authority to the Board of Regents to carry into effect the laws and policies of the State relating to education.

Section 6504 of the Education Law authorizes the Board of Regents to supervise the admission to and regulation of the practice of the professions.

Paragraph (a) of subdivision (2) of section 6507 of the Education Law authorizes the Commissioner of Education to promulgate regulations in administering the admission to and the practice of the professions.

Education Law section 6801 defines the practice of the profession of pharmacy.

Paragraphs (a) and (b) of subdivision (16) of section 6802 of the Education Law defines the term device.

Paragraphs (a) through (d) of subdivision (7) of section 6802 of the Education Law defines the term drugs.

Subdivision (18) of section 6802 of the Education Law defines the term wholesaler.

Subdivision (21) of section 6802 of the Education Law defines the term manufacturer.

Subdivision (4) of section 6808 of the Education Law establishes the registration requirements for wholesalers and manufacturers.

2. LEGISLATIVE OBJECTIVES:

The proposed amendment carries out the legislative intent of the aforementioned statutes that the Board of Regents and the Department regulate the admission to and the practice in the professions.

Education Law § 6808(4) requires that any drug manufacturer or wholesaler of drugs be registered with the Department prior to offering such drugs and/or devices for sale in New York. Additionally, if such New York State registered manufacturer or wholesaler wishes to sell drugs and/or devices in foreign countries the registered manufacturer or wholesaler must, inter alia, obtain a certificate from the Department that verifies that it is currently registered as a manufacturer, wholesaler-repacker and/or wholesaler of drugs and/or devices and that it offers the drugs and/or devices listed on the certificate for sale in New York State. These certificates are commonly referred to as “free sale certificates.”

To obtain such authorization, a registered manufacturer or wholesaler must submit an application for a free sale certificate to the New York State Board of Pharmacy Office (pharmacy board office) with the required fee. The application requires the manufacturer or wholesaler to provide, among other things, its name and address; identify the type of establishment (manufacturer, wholesaler-repacker and/or wholesaler); the name of the country in which the certificate will be used; the name of each drug and/or device (product) it intends to export; and attach copies of the labels for each product. If the product will be sold under a different name in the identified foreign country, the English name under which the product is

sold in New York State must also appear on the label. Finally, the products for which the entity seeks the free sale certificate must appear in a domestic catalog or price list that clearly indicates that they are offered for sale in New York State, for the Department to consider issuing a free sale certificate.

Currently, paragraph (6) of subdivision (c) of section 63.6 of the Regulations of the Commissioner of Education provides that “[a]ny registered manufacturer or wholesaler may be issued a certificate by the executive secretary of the State Board of Pharmacy, authenticating said registration and identifying the specified drugs and/or devices as articles regularly offered for sale in New York. . . .”

The pharmacy board office receives approximately 20 free sale certificate applications a year. Currently, there are three pending applications. However, since the departure of the former executive secretary of the State Board of Pharmacy in January 2019, the Department has been unable to issue any free sale certificates because the regulation only permits the executive secretary issue such certificates. The proposed amendment to paragraph (6) of subdivision (c) of section 63.6 of the Regulations of the Commissioner of Education is designed to address this issue by permitting either the executive secretary or a designee of the Commissioner of Education to issue these certificates.

3. NEEDS AND BENEFITS:

The proposed amendment to paragraph (6) of subdivision (c) of section 63.6 of the Regulations of the Commissioner of Education permits either the executive secretary of the State Board of Pharmacy or a designee of the Commissioner of Education to issue free sale certificates to registered manufacturers and wholesalers seeking to export drugs and/or devices. Since the departure of the former executive secretary of the State Board of Pharmacy in January 2019, the Department has been unable to issue any free sale certificates because the current regulation only permits the executive secretary issue such certificates. By permitting a designee of the Commissioner of Education to issue free sale certificates in addition to the executive secretary of the State Board of Pharmacy, the Department will be able to issue these certificates even when the executive secretary is unavailable to do so or when the position is vacant, as it is currently.

4. COSTS:

The proposed amendment permits a designee of the Commissioner of Education to issue free sale certificates in addition to the executive secretary of the State Board of Pharmacy; it imposes no costs on any parties.

(a) Costs to State government. There are no additional costs to State government.

(b) Costs to local government. There are no additional costs to local government.

(c) Costs to private regulated parties. There are no additional costs to private regulated parties.

(d) Costs to the regulatory agency. There are no additional costs to the State Education Department.

5. LOCAL GOVERNMENT MANDATES:

The proposed amendment does not impose any program, service, duty, or responsibility on local governments.

6. PAPERWORK:

The proposed amendment imposes no new forms, reporting requirements, or other recordkeeping or paperwork requirements.

7. DUPLICATION:

The proposed amendment does not duplicate any other existing State or federal requirements.

8. ALTERNATIVES:

The proposed amendment to paragraph (6) of subdivision (c) of section 63.6 of the Regulations of the Commissioner of Education arose out of concerns that Department would be unable to issue free sale certificates if, as presently is the case, there is a vacancy in the executive secretary of the State Board of Pharmacy position or in instances when the executive secretary is unavailable to issue them. There are no significant alternatives to the proposed amendment and none were considered.

9. FEDERAL STANDARDS:

No Federal standards apply to the subject of this proposed rule making. The Federal government does not regulate who, at the State level, can issue free sale certificates. Since there are no applicable federal standards, the proposed amendment does not exceed any minimum federal standards for the same or similar subject areas.

10. COMPLIANCE SCHEDULE:

If adopted at the May 2019 Regents meeting, the emergency rule will become effective on May 7, 2019. It is anticipated that regulated parties will be able to comply with the proposed amendment by the effective date.

Regulatory Flexibility Analysis

The purpose of the proposed amendment is to permit either the executive secretary of the State Board of Pharmacy or a designee of the Commissioner of Education to issue free sale certificates to registered manufacturers and/or wholesalers seeking to export drugs and/or devices. Education Law § 6808(4) requires that any drug manufacturer or whole-

salers of drugs be registered with the Department prior to offering such drugs and/or devices for sale in New York. Additionally, if such New York State registered manufacturer or wholesaler wishes to sell drugs and/or devices in foreign countries the registered manufacturer or wholesaler must, inter alia, obtain a certificate, commonly referred to as "free sale certificates," from the Department that verifies that it is currently registered as a manufacturer, wholesaler-repacker and/or wholesaler of drugs and/or devices and that it offers the drugs and/or devices listed on the certificate for sale in New York State. Currently, paragraph (6) of subdivision (c) of section 63.6 of the Regulations of the Commissioner of Education provides that "[a]ny registered manufacturer or wholesaler may be issued a certificate by the executive secretary of the State Board of Pharmacy, authenticating said registration and identifying the specified drugs and/or devices as articles regularly offered for sale in New York. . . ."

The pharmacy board office receives approximately 20 free sale certificate applications a year. Currently, there are three pending applications. However, since the departure of the former executive secretary of the State Board of Pharmacy in January 2019, the Department has been unable to issue any free sale certificates because the regulation only permits the executive secretary issue such certificates. The proposed amendment to paragraph (6) of subdivision (c) of section 63.6 of the Regulations of the Commissioner of Education is designed to address this issue by permitting either the executive secretary or a designee of the Commissioner of Education to issue these certificates.

The proposed rule does not impose any new reporting, recordkeeping, or other compliance requirements on local governments or have any adverse economic impact on small businesses or local governments. Because it is evident from the nature of the proposed amendment that it will not adversely affect small businesses or local governments, no affirmative steps were needed to ascertain that fact and none were taken. Accordingly, a regulatory flexibility analysis for small businesses and local governments is not required, and one has not been prepared.

Rural Area Flexibility Analysis

The purpose of the proposed amendment is to permit either the executive secretary of the State Board of Pharmacy or a designee of the Commissioner of Education to issue free sale certificates to registered manufacturers and/or wholesalers seeking to export drugs and/or devices. Education Law § 6808(4) requires that any drug manufacturer or wholesaler of drugs be registered with the Department prior to offering such drugs and/or devices for sale in New York. Additionally, if such New York State registered manufacturer or wholesaler wishes to sell drugs and/or devices in foreign countries the registered manufacturer or wholesaler must, inter alia, obtain a certificate, commonly referred to as "free sale certificates," from the Department that verifies that it is currently registered as a manufacturer, wholesaler-repacker and/or wholesaler of drugs and/or devices and that it offers the drugs and/or devices listed on the certificate for sale in New York State. Currently, paragraph (6) of subdivision (c) of section 63.6 of the Regulations of the Commissioner of Education provides that "[a]ny registered manufacturer or wholesaler may be issued a certificate by the executive secretary of the State Board of Pharmacy, authenticating said registration and identifying the specified drugs and/or devices as articles regularly offered for sale in New York. . . ."

The pharmacy board office receives approximately 20 free sale certificate applications a year. Currently, there are three pending applications. However, since the departure of the former executive secretary of the State Board of Pharmacy in January 2019, the Department has been unable to issue any free sale certificates because the regulation only permits the executive secretary issue such certificates. The proposed amendment to paragraph (6) of subdivision (c) of section 63.6 of the Regulations of the Commissioner of Education is designed to address this issue by permitting either the executive secretary or a designee of the Commissioner of Education to issue these certificates.

Neither the current regulation nor the proposed amendment provides any exceptions from these free sale certificate requirements for registered manufacturers and wholesalers located in rural areas. Thus, the proposed amendment does not impact entities in rural areas of New York State because all New York State registered manufacturers and wholesalers must comply with the same requirements. Accordingly, no further steps were needed to ascertain the impact of the proposed amendment on entities in rural areas and none were taken. Thus, a rural flexibility analysis is not required, and one has not been prepared.

Job Impact Statement

It is not anticipated that the propose rule will impact jobs or employment opportunities. This is because the proposed amendment permits either the executive secretary of the State Board of Pharmacy or a designee of the Commissioner of Education to issue free sale certificates to registered manufacturers and/or wholesalers seeking to export drugs and/or devices. Education Law § 6808(4) requires that any drug manufacturer or wholesaler of drugs be registered with the Department prior to of-

fering such drugs and/or devices for sale in New York. Additionally, if such New York State registered manufacturer or wholesaler wishes to sell drugs and/or devices in foreign countries the registered manufacturer or wholesaler must, inter alia, obtain a certificate, commonly referred to as "free sale certificates," from the Department that verifies that it is currently registered as a manufacturer, wholesaler-repacker and/or wholesaler of drugs and/or devices and that it offers the drugs and/or devices listed on the certificate for sale in New York State. Currently, paragraph (6) of subdivision (c) of section 63.6 of the Regulations of the Commissioner of Education provides that "[a]ny registered manufacturer or wholesaler may be issued a certificate by the executive secretary of the State Board of Pharmacy, authenticating said registration and identifying the specified drugs and/or devices as articles regularly offered for sale in New York. . . ."

The pharmacy board office receives approximately 20 free sale certificate applications a year. Currently, there are three pending applications. However, since the departure of the former executive secretary of the State Board of Pharmacy in January 2019, the Department has been unable to issue any free sale certificates because the regulation only permits the executive secretary issue such certificates. The proposed amendment to paragraph (6) of subdivision (c) of section 63.6 of the Regulations of the Commissioner of Education is designed to address this issue by permitting either the executive secretary or a designee of the Commissioner of Education to issue these certificates.

The proposed amendment will not have a substantial adverse impact on jobs and employment opportunities. Because it is evident from the nature of the proposed amendment that it will not affect job and employment opportunities, no affirmative steps were needed to ascertain that fact and none were taken. Accordingly, a job impact statement is not required and one has not been prepared.

Assessment of Public Comment

The agency received no public comment.

State Board of Elections

EMERGENCY RULE MAKING

Audit Status for Early Voting

I.D. No. SBE-22-19-00001-E

Filing No. 737

Filing Date: 2019-08-06

Effective Date: 2019-08-06

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

Action taken: Addition of section 6210.18 to Title 9 NYCRR.

Statutory authority: Election Law, sections 9-211 and 3-102(17)

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

Specific reasons underlying the finding of necessity: The Commissioners determined that it is necessary for the preservation of the general welfare that this amendment be adopted on an emergency basis as authorized by section 202(6) of the State Administrative Procedure Act, effective immediately upon filing with the Department of State. This amendment is adopted as an emergency measure because time is of the essence and to adopt the regulation in the normal course of business would be contrary to the general welfare. Chapter 6 of the Laws of 2019 requires that Early Voting be implemented by the November 5, 2019 general election. Local boards of elections will not have adequate time to budget and plan for early voting by the general election, including the auditing of voting machines and systems used for early voting, if this amendment were to be adopted in the normal course of business.

Subject: Audit Status for Early Voting.

Purpose: Establishes Process for Auditing Early Voting Machines and Systems.

Text of emergency rule: Section 6210.18 is amended to add a new subdivision (l) to read as follows:

(l) Notwithstanding any other provision of this section, voting machines or systems used for early voting shall be separately audited pursuant to this subdivision and the provisions of this section not inconsistent with this subdivision after the date of the election. For purposes of selecting the voting machine(s) or system(s) used in early voting to be audited, each

separate memory storage device containing election results, exclusive of any redundant memory storage devices, used during early voting from which a result tape is generated shall be considered a separate voting machine or system for purpose of the audit. As provided by the procedures of the state board of elections and the provisions of this Part consistent with this subdivision, initially three percent of such voting machines or systems used for early voting shall be audited in addition to the initial audit of three percent of voting machines or systems used on election day as provided for in subdivision (a) of this section. The audit expansion steps for ballots voted early shall be the same as for other ballots, and both early voted ballots and all other ballots counted by machine shall be included in any full manual count conducted pursuant to this section. The cast ballots corresponding to each memory storage device containing election results shall be kept together and not intermingled with any other voted ballots. This subdivision is applicable in relation to any election at which early voting is held pursuant to title VI of article 8 of the election law as enacted by chapter 6 of the laws of 2019.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. SBE-22-19-00001-EP, Issue of May 29, 2019. The emergency rule will expire October 4, 2019.

Text of rule and any required statements and analyses may be obtained from: Nicholas Cartagena, State Board of Elections, 40 North Pearl Street, Ste. 5, Albany, NY 12207, (518) 474-2063, email: nicholas.cartagena@elections.ny.gov

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of emergency rule making, I.D. No. SBE-22-19-00001-EP, Issue of May 29, 2019.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of emergency rule making, I.D. No. SBE-22-19-00001-EP, Issue of May 29, 2019.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of emergency rule making, I.D. No. SBE-22-19-00001-EP, Issue of May 29, 2019.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of emergency rule making, I.D. No. SBE-22-19-00001-EP, Issue of May 29, 2019.

Assessment of Public Comment

The agency received no public comment.

EMERGENCY RULE MAKING

Process for Early Voting

I.D. No. SBE-22-19-00003-E

Filing No. 738

Filing Date: 2019-08-06

Effective Date: 2019-08-06

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

Action taken: Addition of Part 6211 to Title 9 NYCRR.

Statutory authority: Election Law, sections 8-602 and 3-102(17)

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

Specific reasons underlying the finding of necessity: The Commissioners determined that it is necessary for the preservation of the general welfare that this amendment be adopted on an emergency basis as authorized by section 202(6) of the State Administrative Procedure Act, effective immediately upon filing with the Department of State. This amendment is adopted as an emergency measure because time is of the essence and to adopt the regulation in the normal course of business would be contrary to the general welfare. Chapter 6 of the Laws of 2019 requires that Early Voting be implemented by the November 5, 2019 general election. Local boards of elections will not have adequate time to budget and plan for

early voting by the general election if this amendment were to be adopted in the normal course of business.

Subject: Process for Early Voting.

Purpose: Establishing Process for Early Voting.

Text of emergency rule: A new Part 6211 is added to read as follows:

PART 6211- Early Voting Regulations

6211.1 Early Voting Site Designations

(a) **Deadline for Early Voting Site Designations.** By May first of each year, the board of elections shall designate early voting sites for the general election held in such year. Early voting sites for primaries and special elections shall be designated no later than forty-five days before such an election.

(b) Minimum Number of Early Voting Sites

(1) For a general election, the board of elections shall designate at least the number of early voting sites required by this Part, based on the number of registered voters in each county, including voters in active and inactive status as of February 1, as follows:

(i) If the number of voters in the county is less than 99,999, the county must have at least one early voting site.

(ii) If the number of voters in the county is equal to or more than 100,000 and less than or equal to 149,999, the county must have at least two early voting sites.

(iii) If the number of voters in the county is equal to or more than 150,000 and less than or equal to 199,999, the county must have at least three early voting sites.

(iv) If the number of voters in the county is equal to or more than 200,000 and less than or equal to 249,999, the county must have at least four early voting sites.

(v) If the number of voters in the county is equal to or more than 250,000 and less than or equal to 299,999, the county must have at least five early voting sites.

(vi) If the number of voters in the county is equal to or more than 300,000 and less than or equal to 349,999, the county must have at least six early voting sites.

(vii) If the number of voters in the county is equal to or more than 350,000, the county must have at least seven early voting sites.

(2) For a primary election or special election, the minimum number of early voting sites shall be based on the number of voters eligible to participate in the election pursuant to subparagraph 1 of this subdivision, unless the board of elections adopts a resolution determining that a lesser number of early voting sites is sufficient to meet the needs of early voters. Such resolution shall state the basis of such determination and shall specify how the board of elections will monitor voter wait times at early voting sites and ensure compliance with 6210.19 (d) throughout the period of early voting.

(3) The board of elections may designate more early voting sites than the minimum number required for the convenience of voters.

(4) All sites must be open for voting for the sixty-hours required by Election Law § 8-600, but the board of elections may expand the hours the early voting sites are open beyond the statutory minimums.

(c) Standards For Early Voting Site Designation

(1) **Adequate and Equitable Access.** Early voting sites shall be located so that voters in each county have adequate and equitable access to early voting, and such sites shall comply with the provisions of the Election Law related to poll sites and accessibility for voters with physical disabilities. A polling place accessibility survey shall be completed, filed and updated for each early voting site as required by Part 6206.

(2) The board of elections shall consider, in totality, the following factors when designating early voting sites:

(i) population density;

(ii) travel time to the early voting location from the voter's place of residence;

(iii) proximity of an early voting site to other early voting sites;

(iv) whether the early voting site is on or near public transportation routes;

(v) commuter traffic patterns;

(vi) any other factors the board of elections deems appropriate.

6211.2 Canvass of Ballots Cast During Early Voting.

(a) All ballots cast during early voting period, by any method allowed under law, shall be canvassed and counted as if cast on Election Day. At the end of each day of early voting, all voted and unvoted ballots shall be reconciled and, along with any portable memory devices containing voting information and registration poll records, returned to the board of elections or otherwise secured pursuant to a plan approved by the state board at least sixty days before the first election at which such plan shall be applicable. Such plan submitted by the commissioners of a board of elections shall be approved or rejected by the co-executive directors of the state board no later than two weeks after receipt.

(b) The manner of canvassing the voting machines used at early voting

and announcing the results shall be consistent with section 8-600 of the election law and in the same manner as provided by title one of article 9 of the election law and the procedures of the state board of elections, except that the canvass of ballots cast during the early voting period may begin no earlier than at eight o'clock p.m. on Election Day, provided the board of elections adopts procedures to prevent the public release of any election results prior to the close of polls on election day. Such procedures must be consistent with the regulations of the state board of elections and must be filed with the state board of elections at least thirty days before any early voting period for an election to which they will apply. To prevent the premature release of voting results prior to the close of all polls on Election Day, all persons lawfully present at the canvass of ballots cast during early voting period shall remain incommunicado with all persons outside of the place of canvass and shall remain at the room or area of the canvass once the canvass has begun, absent exigency or a board of elections purpose that requires leaving the canvass room or area, until at least the close of polls on the day of election.

6211.3 Ballots Cast When Scanner Unavailable During the Early Voting Period.

At the end of each day of early voting, those ballots which were not scanned because a scanner was not available or because the ballot was abandoned at the ballot scanner, shall, if a scanner is then available, be scanned by the election inspectors as provided for by Election Law § 9-110. Any ballots that are unscannable because it is rejected by the scanner or because of an overvote or wholly blank vote warning provided by the ballot scanner, shall be secured in the manner applicable to voted ballots on election day and shall remain unexamined until the time of canvass on the day of the election, at which time they shall be examined as provided for in Election Law § 9-110 and duly canvassed. Such ballots shall be reconciled as required by the procedures of the state board and must be held inviolate until the time of canvass on election day under tamper evident seal and lock and key.

6211.4 Affidavit Ballots Cast During Early Voting.

Affidavit ballots cast during early voting shall be accounted for in the manner of affidavit ballots cast on election day. Boards of elections shall complete the bi-partisan review of the affidavits to determine the eligibility of such voter prior to the canvass of affidavit ballots cast during the early voting period, in the same manner as for affidavit ballots submitted on election day. Until the time of canvassing, affidavit ballot envelopes shall be secured, when not in bipartisan custody for processing and researching, under tamper evident seal and lock and key as required by the procedures of the state board.

6211.5 Privacy of Voting.

To ensure an efficient and fair early voting process that respects the privacy of the voter, the manner of voting on days of the early voting period shall be the same as the manner of voting on the day of election.

6211.6 Voter History and Prevention of Duplicate Voting.

(a) During the early voting period, the voting history record for each voter shall be continually updated to reflect that a voter has voted early. A record indicating a voter has voted during the early voting period shall be available to poll workers at every early voting site at which a voter is eligible to vote in near real time. In such instance where a voter is only eligible to vote at one early voting site, the single poll book at such site for such voter may serve as the continually updated record of voter history throughout the early voting period.

(b) By Election Day, the voting history record of each voter who has cast a ballot during the early voting period shall be entered into the voter registration system of the board of elections. Such voting history shall be included in the voter registration poll record that is used on Election Day to determine the eligibility of voters. Such Election Day record must differentiate voters who voted early from those who appeared to vote on the day of election.

(c) Any voter who the board of elections has identified as having voted during the early voting period shall not be eligible to vote on Election Day, except such voter shall be entitled to complete an affidavit ballot if such voter claims not to have voted early. Such affidavit shall be marked as such.

(d) No later than the seventh day after a primary or special election or the tenth day after the general election, the voting history record of each voter who has signed a poll record and thus cast a ballot on such election day shall be entered into the voter registration system of the board of elections, and the voter history for such election day voters and early voters shall be uploaded to the statewide voter registration list.

(e) Not later than the seventh day after a primary or special election or the tenth day after a general election, by five o'clock p.m. on such day, the board of elections shall prepare a list, including data elements prescribed by the board of elections and in the format specified by the state board of elections, of all persons who submitted an affidavit ballot. Such list shall be provided to the state board of elections, and the state board of elections shall provide a combined list of all affidavit ballots submitted statewide to the boards of elections.

(f) No later than seven business days after the completion of the canvass, the voting history record of each voter who has cast an absentee, military, special or federal ballot on Election Day or who has cast an affidavit ballot during early voting or on Election Day shall be entered into the voter registration system of the board of elections and the statewide voter registration list.

(g) Boards of elections shall provide information regarding voter registration records or voting records in their custody to other boards of elections, upon request, as soon as reasonably practicable.

(h) The board of elections, as required by Election Law § 8-600 (1), shall establish procedures to ensure that persons who vote during early voting shall not be permitted to vote subsequently in the same election. Such procedures shall remain in effect until amended by the board of elections and shall be filed with the state board of elections on or before the sixtieth day preceding the first day of the early voting period. Such procedures shall be approved or rejected by the co-executive directors of the state board of elections within one week of filing. If such procedures are rejected, notice shall be provided to the board of elections of the reasons therefor. The board of elections shall then have three business days to amend their procedures and resubmit the same to the state board of elections for approval.

(i) Boards of elections shall provide to the state board, in the manner specified by the state board, the number of voters who vote early on each day of early voting by the next business day after such day of early voting.

6211.7 Early Voting Communications Plan.

(a) Early Voting Information. The board of elections shall provide at least the following information to media outlets within the county:

(i) The location of early voting sites and their dates and hours of operation;

(ii) A statement that all early voting sites are accessible to voters with physical disabilities;

(iii) A clear statement that if a voter casts a ballot during early voting the voter will not be allowed to vote on election day or on a subsequent day of early voting;

(iv) If early voting sites are specific to particular cities, towns or other political subdivisions, a statement describing the area served by each early voting site.

(b) Communications Outreach. County board of elections may also provide early voting information by using social media venues and any other communication mechanisms, including but not limited to broadcast advertisements, direct mail or newspaper advertisements. The board of elections communications plan shall identify the community based groups that were involved in the development of the plan or were provided early voting information.

(c) Filing Communications Plan With State Board of Elections. The board of elections shall annually file a copy of the communications plan on or before June 1, except in the first year of early voting, on or before the first day of July.

6211.8 Applicability

This part shall apply in relation to any election at which early voting is held pursuant to title VI of article 8 of the election law as enacted by chapter 6 of the laws of 2019.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. SBE-22-19-00003-EP, Issue of May 29, 2019. The emergency rule will expire October 4, 2019.

Text of rule and any required statements and analyses may be obtained from: Nicholas Cartagena, State Board of Elections, 40 North Pearl Street, Ste. 5, Albany, NY 12207, (518) 474-2063, email: nicholas.cartagena@elections.ny.gov

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of emergency rule making, I.D. No. SBE-22-19-00003-EP, Issue of May 29, 2019.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of emergency rule making, I.D. No. SBE-22-19-00003-EP, Issue of May 29, 2019.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of emergency rule making, I.D. No. SBE-22-19-00003-EP, Issue of May 29, 2019.

Job Impact Statement

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

printed under a notice of emergency rule making, I.D. No. SBE-22-19-00003-EP, Issue of May 29, 2019.

Assessment of Public Comment

The State Board received four public comments in response to its publication of Emergency Adoption and Revised Rulemaking I.D. No. SBE-22-19-00003-EP that amends section 6211. The Board received comments from the following entities:

A Disability Rights Advocacy Organizations

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

Comment: "The NYS BOE proposed early voting communication plan ... fails to include a deadline indicating when a county board of elections office must notify eligible voters of the designated early polling places and hours of operations. Voters with disabilities have increased barriers arranging transportation to the polls on Election Day. It is necessary to provide a deadline whereby a county board of elections must notify their eligible voters of the designated polling places and hours of operations. (e.g. No less than 30 days prior to the commencement of any early voting period.)"

Response: The proposed regulations provide that a local "board of elections shall annually file a copy of the communications plan on or before June 1, except in the first year of early voting, on or before the first day of July." Any communication plan that does not timely inform voters of early voting sites and their dates and hours of operation will be rejected by the State Board.

NOTICE OF EMERGENCY ADOPTION AND REVISED RULE MAKING NO HEARING(S) SCHEDULED

Related to the Minimum Required Voting Machines and Privacy Booths Needed for Early Voting Polling Sites

I.D. No. SBE-22-19-00002-ERP

Filing No. 739

Filing Date: 2019-08-06

Effective Date: 2019-08-06

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

Action Taken: Amendment of section 6210.19 of Title 9 NYCRR.

Statutory authority: Election Law, sections 7-203(2) and 3-102(17)

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

Specific reasons underlying the finding of necessity: The Commissioners determined that it is necessary for the preservation of the general welfare that this amendment be adopted on an emergency basis as authorized by section 202(6) of the State Administrative Procedure Act, effective immediately upon filing with the Department of State. This amendment is adopted as an emergency measure because time is of the essence and to adopt the regulation in the normal course of business would be contrary to the general welfare. Chapter 6 of the Laws of 2019 requires that Early Voting be implemented by the November 5, 2019 general election. Local boards of elections will not have adequate time to budget and plan for early voting by the general election, including planning for the number of voting machines and systems required for an early voting site, if this amendment were to be adopted in the normal course of business.

Subject: Related to the Minimum Required Voting Machines and Privacy Booths needed for Early Voting Polling Sites.

Purpose: Establishes the Minimum Required Voting Machines and Privacy Booths needed for Early Voting Polling Sites.

Text of emergency/revised rule: Section 6210.19 is amended as follows:

§ 6210.19 Minimum number of voting machines

(a) The purpose of these determinations is to establish the minimum number of required voting machines and privacy booths needed for each polling place based upon whether the voting system is used on election day or for the early voting period, and [,] the type of voting system and the number of registered voters (excluding voters in inactive status) assigned to use that specific voting device in accordance with NYS Election Law, sections 7-200, [and] 7-203 and 8-600.

(b) [Determinations by type of voting system.] *Minimum Number of Voting Machines For Election Day Polling Sites*

(1) Direct recording electronic voting systems.

(i) There shall be at least one direct recording electronic voting device for every 550 registered voters (excluding voters in inactive status) [at the] assigned to a polling place.

(2) Precinct based optical scan voting systems.

(i) There shall be at least one scanning device for every 4,000 registered voters (excluding voters in inactive status) [at the] assigned to a polling place.

(ii) Privacy booths:

(a) there shall be at least one privacy booth for every 300 registered voters (excluding voters in inactive status), except that in a general election for governor, or at elections at which electors for President of the United States are selected there shall be at least one privacy booth for every 250 registered voters (excluding voters in inactive status);

(b) at polling places that accommodate more than 6,000 registered voters (excluding voters in inactive status), there shall be one privacy booth for every 350 registered voters (excluding voters in inactive status) in a general election for governor, or at elections at which electors for President of the United States shall be selected; and one privacy booth for every 400 active voters in all other elections; and

(c) a sufficient number of the privacy booths must be accessible to voters with disabilities.

(c) *Minimum Number of Voting Machines for the Early Voting Period*

(1) *Direct recording electronic voting systems.*

(i) There shall be at least one direct recording electronic voting device for every 3,000 registered voters (excluding voters in inactive status) assigned to the early voting period polling place; provided, however, no early voting site shall have less than two direct recording electronic devices.

(2) *Precinct based optical scan voting systems.*

(i) There shall be at least one scanning device for every 25,000 registered voters (excluding voters in inactive status) assigned to the early voting polling place; provided, however, no early voting site shall have less than two optical scanners.

(ii) Privacy booths:

(a) there shall be at least one privacy booth for every 4,200 registered voters (excluding voters in inactive status), except that in a general election for governor, or at elections at which electors for President of the United States are selected there shall be at least one privacy booth for every 3,600 registered voters (excluding voters in inactive status);

(b) a sufficient number of the privacy booths must be accessible to voters with disabilities.

(3) *Distribution of Voting Systems and Privacy Booths for Vote Centers.* In counties where a voter is able to vote at more than one early voting site, the total number of voting systems and privacy booths required by this section at such sites shall be determined in the aggregate for such sites and such voting systems and privacy booths shall be divided amongst such early voting sites in the manner the board determines will best meet the needs of the voters, provided no fewer than two voting systems are assigned to each site, and sufficient voting systems and privacy booths are assigned to ensure voter wait time is less than thirty minutes.

(d) Obligations of the county boards of elections.

(1) County boards shall deploy sufficient voting equipment, election workers and other resources so that voter waiting time at a poll site does not exceed 30 minutes. Each county board of elections may increase in a non-discriminatory manner, the number of voting devices used in any specific polling place. If the voter waiting time at an early voting site exceeds thirty minutes the board of elections shall deploy such additional voting equipment, election workers and other resources necessary to reduce the wait time to less than thirty minutes as soon as possible but no later than the beginning of the next day of early voting.

(2) The inspectors in each election district and at each early voting site shall record the number of persons using audio, tactile or pneumatic switch ballot devices. The county board of elections shall furnish additional voting machines equipped with audio, tactile or pneumatic switch ballot devices when it appears that the number of persons historically using such devices warrant additional devices.

([d]e) The State Board of Elections may authorize a reduction in the number of voting devices and privacy booths provided in these regulations upon application of a county board of elections which demonstrates that such a reduction will not create excessive waiting time by voters. The request for such a reduction shall be made by both commissioners, in writing, to the co-executive directors of the state board and shall set forth the rationale being used for the requested reduction. The request for such reduction shall be made no later than twenty days before the beginning of the early voting period.

(f) Provisions of this section applicable to early voting shall apply in relation to any election at which early voting is held pursuant to title VI of article 8 of the election law as enacted by chapter 6 of the laws of 2019.

This notice is intended to serve as both a notice of emergency adoption and a notice of revised rule making. The notice of proposed rule making was published in the State Register on May 29, 2019, I.D. No. SBE-22-19-00002-EP. The emergency rule will expire October 4, 2019.

Emergency rule compared with proposed rule: Substantial revisions were made in section 6210.19(c)(3), (e).

Text of rule and any required statements and analyses may be obtained from: Nicholas Cartagena, State Board of Elections, 40 North Pearl Street, Ste. 5, Albany, NY 12207, (518) 474-2063, email: nicholas.cartagena@elections.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.

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

A revised Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement are not required because the changes made to the last published rule do not necessitate revision to the previously published document. The change clarifies that a county board of elections may also request a reduction of privacy booths, as well as voting devices, and outlines the process of making a request for a reduction of voting devices and privacy booths.

Assessment of Public Comment

The agency received no public comment.

Delegated Federal New Source Performance Standards of 40 CFR 60

40 CFR 60 Subpart

Source Category

Page numbers in July 1, 2013 Edition of 40 CFR 60 unless otherwise cited

[Cc]

[Municipal Solid Waste Landfills]

[122-124]

Cf

Municipal Solid Waste Landfills

81 'Federal Register' 59276 (August 29, 2016)

The existing Part 208 is repealed. New Part 208 will be adopted as follows:

Section 208.1 Applicability.

The Federal requirements of 40 CFR Part 60, Subpart Cf, (see Table 1, section 200.9 of this Title), will apply to existing municipal solid waste (MSW) landfills that have accepted waste after November 8, 1987 and began construction, reconstruction or modification prior to July 17, 2014. Activities required by or conducted pursuant to a CERCLA, RCRA, or State remedial action are not considered construction, reconstruction, or modification for purposes of this section.

Section 208.2 Definitions.

(a) To the extent that they are not inconsistent with the specific definitions in subdivision (b) of this section, the general definitions of Parts 200 and 201 of this Title, and 40 CFR Part 60, Subpart Cf apply (see Table 1, section 200.9 of this Title).

(b) For the purposes of this Part, the following definitions apply:

(1) 'Closed landfill subcategory' means a closed landfill that has submitted a closure report as specified in section 60.38(f) of 40 CFR Part 60, Subpart Cf, within one year of Part 208 becoming effective (see Table 1, section 200.9 of this Title).

Section 208.3 Severability.

Each provision of this Part shall be deemed severable, and in the event that any provision of this Part is held to be invalid, the remainder of this Part shall continue in full force and effect.

Final rule as compared with last published rule: Nonsubstantive changes were made in sections 200.9, 200.10, 208.1 and 208.3.

Text of rule and any required statements and analyses may be obtained from: Dan Brinsko, P. E., NYSDEC, Division of Air Resources, 625 Broadway, Albany, NY 12233-32, (518) 402-8396, email: air.regs@dec.ny.gov

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

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

The edits made to the express terms do not require any changes to the RIS, RFA, RAFA and JIS.

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2022, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment

Comment 1. We have a municipal landfill, closed and capped in 1990 with a geomembrane and an active gas control system that burns the gas in an enclosed flare. Do we have to do anything else under the proposed revisions? (Commenter 1)

Response to Comment 1: The Department does not have enough information about the MSW landfill in question to properly assess the applicability of the new regulatory requirements to the facility. Please contact DEC's Division of Air Resources staff in one of our regional offices (<https://www.dec.ny.gov/about/84152.html>) to discuss applicability of these rules to your particular facility.

Comment 2. We agree with the agency's decision to incorporate the Subpart Cf provisions by reference. At the same time EPA promulgated Subpart Cf for existing landfills, it also revised the NSPS at Subpart XXX for new landfills with the intent of maintaining the consistency of the work practice standards imposed under both rules. As such, Subparts Cf and XXX contain nearly identical requirements. With incorporations by reference, NYSDEC can be sure that its Subpart Cf State Plan will remain con-

Department of Environmental Conservation

NOTICE OF ADOPTION

Revised Part 208 Will Incorporate the New Federal Emission Guideline for MSW Landfills Pursuant to 40 CFR Part 60, Subpart Cf

I.D. No. ENV-12-19-00003-A

Filing No. 735

Filing Date: 2019-08-05

Effective Date: 30 days after filing

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

Action taken: Amendment of Part 200; addition of Part 208 to Title 6 NYCRR.

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

Subject: Revised Part 208 will incorporate the new Federal emission guideline for MSW landfills pursuant to 40 CFR part 60, subpart Cf.

Purpose: Part 208 controls landfill gas emissions by requiring a gas collection and control system.

Text of final rule: Sections 200.1 through 200.8 remain unchanged.

Existing Section 200.9, Table 1 is amended to read as follows:

Table 1

Regulation	Referenced Material	Availability
[208.8(d)]	[40 CFR Part 60 (July 1, 1999)] [64 Federal Register 7463 (Feb. 12, 1999)]	[*]

Table 1

Regulation	Referenced Material	Availability
208.1(a)	<i>Federal Register, Vol 81, No 167, Page 59276 (August 29, 2016)</i>	+++
208.2(a)	<i>Federal Register, Vol 81, No 167, Page 59276 (August 29, 2016)</i>	+++
208.2(b)	<i>Federal Register, Vol 81, No 167, Page 59276 (August 29, 2016)</i>	+++

Existing Section 200.10, Table 2 is amended to read as follows:

Table 2

sistent with the requirements for new landfills, while appropriately preserving the provisions of Subpart Cf that are specifically designed for existing sources, such as the applicability provisions and the provisions governing closed landfills. We support the Agency's efforts to maintain that consistency by incorporating Subpart Cf by reference. (Commenter 2)

Response to Comment 2: The Department appreciates the commenter's support for the new regulation and agrees with the commenter that incorporation of 40 CFR Part 60, Subpart Cf (Subpart Cf) by reference into revised Part 208 provides the regulatory consistency for existing landfills and/or landfill operators transitioning from Subpart Cf to 40 CFR Part 60, Subpart XXX (Subpart XXX).

Comment 3. Since NYDEC proposes to incorporate Subpart Cf provisions by reference, the agency should adopt language stating that future amendments to Subpart Cf carry through to the state rule. To ensure consistency with any aspect of Subpart Cf that is incorporated by reference, NYSDEC should specify that such incorporation encompasses any future changes, additions, or revisions to the federal rule. Where statute may prevent such future incorporation, the agency should consider streamlining mechanisms that would allow for expedited revisions to Part 208 if and when changes are promulgated to Subpart Cf pursuant to the recently proposed changes or changes arising from industry reconsideration petitions. (Commenter 2)

Response to Comment 3: As the commenter indicated, the Department is prohibited by the State Administrative Procedures Act (SAPA) from adopting rules on a prospective basis, including the automatic incorporation by reference of future federal law changes. Rather, the Department is required to comply with SAPA's rulemaking requirements, including providing the public with notice of all proposed rulemakings as well as an opportunity for review and comment, for each proposed rule. While the adoption of new Part 208 primarily consists of the incorporation by reference of federal emission guideline (EG) requirements under Subpart Cf, any future changes to federal law will require the Department to adhere to state rulemaking requirements in order to adopt those changes into state law.

Comment 4. Any new state regulation and State Plan under Subpart Cf should not take effect until EPA has approved the State Plan. NYSDEC must also leave the current regulations and State Plan "on-the-books," instead of overwriting them with the new Subpart Cf requirements, so that the current requirements can remain effective while the state awaits EPA approval of the state's new Subpart Cf rule and Plan. Accordingly, NYSDEC should likewise confirm in its revised regulations and new State Plan that Subpart Cf requirements will not take effect until EPA approves the State Plan. Doing so will eliminate the gap in time between the date that new state and federal regulatory requirements become effective, which would otherwise arise while the State Plan is under review at EPA. Subpart Cf itself confirms that compliance is not required until EPA approval. See 40 CFR § 60.32f, 60.38f(c) (requiring compliance within 30 months after the report that is due 90 days after EPA approval). NYSDEC should align the deadline for compliance with its new Subpart Cf rules and State Plan with the effective date of the EPA approval needed to make those requirements federally enforceable. (Commenter 2)

Response to Comment 4: The rulemaking process requires that new Part 208 be adopted prior to submitting a State Plan to EPA. New Part 208 will become effective and enforceable in New York regardless of whether EPA approves the State Plan. New York plans to submit a State Plan to EPA which includes identifying new Part 208 as the enforceable mechanism to implement the EG.

Comment 5. The state regulations should specify an approval process for design plans. Subpart Cf requires each existing landfill to operate pursuant to a state-approved site-specific design plan for the landfill's unique gas collection and control system (GCCS). However, Subpart Cf does not dictate the process through which states must approve those design plans. Since the lack of timely GCCS design plan approval can leave a landfill in an untenable position, we ask NYSDEC to include a more definite procedure in its state regulations for ensuring the review and response to all design plan submittals will be timely. For example, where NYSDEC staff may be unable to review a submitted design plan within a prescribed period of time, we ask NYSDEC to rely upon the required Professional Engineer certification of the design plan as a sufficient basis for approving it. We also ask NYSDEC to expressly indicate in its regulations that any alternatives approved under the prior version of the standards (Subparts Cc and WWW) will also be approved under the new regulations and Subpart Cf state plan, including alternative timelines and higher operating values, so that landfills do not need to seek re-approval of every alternative. (Commenter 2)

Response to Comment 5: In 2002, the Division of Air Resources (DAR) and the Division of Solid and Hazardous Materials (DS&HM) – now called the Division of Materials Management (DMM) – entered into a Memorandum of Responsibilities (MOR) which outlines the responsibilities of each Division in the evaluation and approval of designs submitted

to the Department for Part 208. Technical staff in the DMM have historically been responsible for landfill engineering, including the review of GCCS's, while technical staff in the DAR have expertise in the assessment and modeling of landfill gas emission generation and treatment system designs, including the evaluation of monitoring systems associated with such. DAR and DMM will continue to work together to ensure compliance with the requirements of 6 NYCRR Parts 208 and 360, while maintaining the timely evaluation and approval of design plans according to the MOR.

Comment 6. NYSDEC should include an Automatic Rescission Clause. In light of the petitions, court order and pending changes to Subparts AAAA and Cf referenced above, there remains some chance that Subpart Cf could be rescinded by EPA or vacated by a court. In similar circumstances, several states have adopted a provision to confirm that federal rules adopted into a state code will no longer be effective under state law if the rules cease to be effective under federal law, and EPA has approved such provisions if written properly. See 81 Fed. Reg. 42,587 (June 30, 2016) (Oklahoma); 81 Fed. Reg. 27,382 (May 6, 2016) (Louisiana); 79 Fed. Reg. 22,772 (Apr. 24, 2014) (Colorado). Specifically, EPA has approved "automatic rescission clauses" if they (1) ensure the public will receive reasonable notice of the rescission, and (2) the rescission will be consistent with EPA's interpretation of the triggering action. Based on EPA's prior approvals of automatic rescission clauses, we ask NYSDEC to include the following provision in its new Subpart Cf rule: If federal legislation, a federal court, or a subsequent final agency action renders the EPA's Subpart Cf emission guidelines unenforceable in whole or in part, this rule shall become void to the same extent. (Commenter 2)

Response to Comment 6: An "automatic rescission clause" would directly conflict with the rulemaking requirements under New York's SAPA. See Response to Comments 3 and 4.

List of Commentors:

1. Paul Lappano (Lockwood, Kessler & Bartlett, Inc.)
2. Steve Changaris / David Biderman (National Waste & Recycling Association/ Solid Waste Association of North America)

REVISED RULE MAKING NO HEARING(S) SCHEDULED

Set Nitrogen Oxide (NOx) Emission Rate Limits for Simple Cycle and Regenerative Combustion Turbines During the Ozone Season

I.D. No. ENV-09-19-00015-RP

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

Proposed Action: Addition of Subpart 227-3 to Title 6 NYCRR.

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

Subject: Set nitrogen oxide (NOx) emission rate limits for simple cycle and regenerative combustion turbines during the ozone season.

Purpose: Reduction of nitrogen oxide (NOx) emissions from simple cycle and regenerative combustion turbines during the ozone season.

Text of revised rule: See Appendix in the back of this issue.

Revised rule compared with proposed rule: Substantial revisions were made in sections 227-3.1 and 227-3.7.

Text of revised proposed rule and any required statements and analyses may be obtained from Ona Papageorgiou, NYSDEC, Division of Air Resources, 625 Broadway, Albany, NY 12233-3251, (518) 402-8396, email: air.regs@dec.ny.gov

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

Public comment will be received until: October 7, 2019.

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

Summary of Revised Regulatory Impact Statement (Full text is posted at the following State website: <http://www.dec.ny.gov/regulations/propregulations.html#public>):

The New York State Department of Environmental Conservation (DEC) is proposing 6 NYCRR Subpart 227-3, "Ozone Season Oxides of Nitrogen (NOx) Emission Limits for Simple Cycle and Regenerative Combustion Turbines." The primary goal of this proposal is to lower allowable NOx emissions from simple cycle and regenerative combustion turbines during the ozone season. The lower emissions from these sources will help to ad-

dress Clean Air Act (CAA) requirements, ozone nonattainment and protect the health of New York State residents. This proposal is only applicable to simple cycle and regenerative combustion turbines. This is not a mandate on local governments. It applies to any entity that owns or operates a subject source.

STATUTORY AUTHORITY

The statutory authority for the promulgation of Subpart 227-3 is found in the New York State Environmental Conservation Law (ECL), Sections 1-0101, 3-0301, 19-0103, 19-0105, 19-0301, 19-0303, 19-0305, 19-0311, 71-2103 and 71-2105.

LEGISLATIVE OBJECTIVES

Article 19 of the ECL was enacted to safeguard the air resources of New York from pollution and ensure the protection of the public health and welfare, the natural resources of the State, physical property, and integrating industrial development with sound environmental practices.

NEEDS AND BENEFITS

In March of 2008, the United States Environmental Protection Agency (EPA) lowered the eight-hour ozone National Ambient Air Quality Standard (NAAQS) from 0.08 parts per million (ppm) to 0.075 ppm.¹ Subsequently, on October 1, 2015, the EPA signed a rule that lowered this standard to 0.070 ppm.² Ozone NAAQS attainment status is demonstrated by measurements recorded from a monitoring network set up across the United States.

EPA designated the New York-Northern New Jersey-Long Island-Connecticut metropolitan area (New York metropolitan area, or NYMA) as a “marginal” nonattainment area for the 2008 ozone NAAQS effective July 20, 2012. On November 14, 2018 EPA proposed to reclassify the NYMA to “serious” nonattainment.³ The area was designated as “moderate” nonattainment for the 2015 ozone NAAQS.⁴ NYMA monitors are currently reporting ozone concentrations of 0.082 ppm, well above the standard.

Simple cycle and regenerative combustion turbines (SCCTs) sometimes referred to as peaking units, run to meet electric load during periods of peak electricity demand. They typically run on hot summer days when there is a strong likelihood of high ozone readings. Many peaking units in New York have high NOx emission rates, are inefficient and are approaching 50 years of age. It is difficult to install after-market controls on most of these units because of their age and site limitations.

New York must fulfill its CAA “good neighbor” obligations which require states to include adequate measures in its state implementation plans (SIPs) prohibiting emissions of air pollutants “in amounts which will... contribute significantly to nonattainment in, or interfere with maintenance by, any other state with respect to” a NAAQS. In addition, New York must meet the 2008 and 2015 ozone NAAQS, for which the New York-Northern New Jersey-Long Island, NY-NJ-CT area is in nonattainment.

Because high ozone days significantly impact human health in the NYMA and because older units significantly contribute on these days, DEC assessed the 99 high ozone days between 2011 and 2017. Analysis shown in Table 1.

	NOx (tons)	Heat Input (MMBtu)	Gross Load (MWh)
Pre-1986 SCCT*	1,849	7,193,633	580,109
Post-1986 SCCT*	73	6,908,887	1,040,831

*Values are the sum of high ozone days 2011 - 2017

Table 1: NOx emissions from NY SCCTs.⁵

As demonstrated in Table 1, on high ozone days newer SCCTs produced 64 percent of the electricity generated from SCCTs while emitting only 4 percent of NOx emissions from these sources⁶.

If the older sources were replaced with newer sources, the total NOx emissions from those older sources on the 99 high ozone days assessed would drop from the reported 1,849 tons to between 40 and 60 tons depending on efficiency. This would result in an approximate 1,800-ton reduction of NOx emissions over those high ozone days. A reduction of 18 tons of NOx emissions on an ozone season day would represent a reduction of over 10 percent of NYMA NOx emissions from the electricity generation sector and an overall reduction of 3.5 percent from all sources.⁷

Electric grid reliability:

To adequately assess future reliability needs associated with this rule making the Department is proposing that affected facilities submit compliance plans by March 2, 2020 so that the New York Independent System Operator (NYISO) may include the compliance solutions selected by facilities in its 2020 Reliability Needs Assessment (RNA).

Proposal:

To address NOx emissions on high ozone days from SCCTs, DEC is proposing to develop a new regulation, Subpart 227-3, that will apply to

SCCTs with a nameplate capacity of 15 megawatts or greater that inject power into the transmission or distribution systems. This regulation will phase in lower emission limits for NOx and will limit the current averaging provision found in Subpart 227-2 during the ozone season. The sources subject to this proposal will continue to be subject to the requirements of Subpart 227-3 year-round. This rulemaking proposes additional requirements for SCCTs during the ozone season while allowing more flexibility outside of the ozone season. Black start resources, defined in paragraph 227-3.2(b)(1) of Subpart 227-3 as electric generating units used to bring a facility from shutdown to operational without reliance on external supplies or the electrical system, will not be subject to Subpart 227-2. The requirements of the proposed rule are presented in the following paragraphs.

Control Requirements:

The NOx emission limits for SCCTs will be phased in as shown in Tables 2 and 3 below. These limits may be met by averaging SCCTs, electric storage resources and/or renewable generation resources on a facility-wide basis.

By May 1, 2023

	NOx Emission Limit (ppmvd ⁸)
All SCCTs	100

Table 2: NOx emission limits for SCCTs beginning 5/1/2023

By May 1, 2025

Fuel Type	NOx Emission Limit (ppmvd)
Gaseous fuels	25
Distillate oil or other liquid fuel	42

Table 3: NOx emission limits for SCCTs beginning 5/1/2025

Also beginning May 1, 2023, SCCTs will only be able to average emissions with other SCCTs at the facility or, if the facility opts to utilize the electric storage and renewable energy resources compliance option, then those SCCTs may average with approved electricity storage or renewable energy resources during the ozone season.

Compliance Options:

Owners and operators may elect to meet the limits as proposed. To offer flexibility, this rule is proposing two additional compliance options:

1) Owners and operators may elect an ozone season stop where it is recorded in the operating permit that the source may not operate during the ozone season.

2) Owners and operators may elect to adhere to an output-based NOx daily emission rate that includes electric storage and renewable energy under common control with the SCCTs with which they are averaging.

COSTS

Older SCCTs are typically not conducive to the addition of retrofit control technology. DEC expects that most impacted facilities will choose to replace or shutdown the non-compliant older SCCTs. To estimate replacement costs DEC looked to information provided by the NYISO and Department of Energy’s Energy Information Administration (EIA).

Table 4 presents costs developed by EIA and NYISO for full replacement of an SCCT.

Source	Overnight Cost (\$/kW)	Notes
EIA	\$1,054 - \$1,558 ⁹	Range is specific for the Long Island and New York City area and includes conventional and advanced combustion turbines.
NYISO	\$1,314 - \$1,357 ¹⁰	Range is specific for the Long Island and New York City area and represents replacement with a dual fuel peaking turbine.

Table 4: Estimated range of overnight costs for full replacement of an SCCT

Most SCCTs have a capacity factor of less than 5 percent, meaning that they generate less than 5 percent of the electricity output that it is capable of generating. In addition, with the implementation of several New York State initiatives,¹¹ demand for these units should continue to decline so the entire SCCT fleet would likely not need to be replaced.

Owners and operators may opt to install after-market emission control devices such as water injection technology. While costs vary widely

depending on location, operation and siting, it has been reported to DEC, anecdotally, that the cost of adding after-market water injection to these older sources is approximately \$2,000,000. Other sources report costs of \$10,000 - \$15,000 per megawatt,¹² however, this data does not include installation and other associated costs.

Cost of Nonattainment:
 This proposal is part of a suite of New York State efforts to bring the NYMA into attainment of the ozone NAAQS, in order to protect human health. EPA projected a wide array of benefits that would be realized on a national level, excluding California, if ozone attainment is achieved.¹³ The human cost of nonattainment to New York State residents is presented in Table 5.

Attainment Provides Prevention of:

Deaths from effects of ozone	13 - 22
Deaths from effects of PM2.5	31 - 70
Nonfatal heart attacks	4 - 36
Hospital admissions & emergency room visits	134
Acute bronchitis events	48
Upper & lower respiratory symptom events	1,540
Exacerbated asthma events	32,200
Missed work & school days	26,320
Restricted activity days	86,800

Table 5: Summary of Total Number of Annual Ozone and PM-Related Premature Mortalities and Premature Morbidity: 2025 National Benefits (adapted from EPA, 2015 RIA, p. ES-16)

LOCAL GOVERNMENT MANDATES
 The proposed regulation does not contain a mandate on local governments.

PAPERWORK
 This proposal will require each affected facility to submit a compliance plan to DEC. The compliance plan will state how each facility plans to comply with the new requirements.

Those facilities required to meet new emission limits will be required to submit permit applications to modify their Title V or State Facility permits to incorporate the newly applicable requirements by the May 1, 2023 compliance date.

Subject facilities that do not use a continuous emissions monitoring system (CEMS) will be required to perform an emissions test to assure compliance with the applicable NOx emission limits. Every subject facility will be required to submit test protocols and test reports to the Department for approval.

DUPLICATION
 The proposed Subpart 227-3 does not duplicate or conflict with any other state or federal requirements.

ALTERNATIVES
 DEC considered two alternatives in assessing this proposal, leave the emission rates as they are and just lowering emission rate requirements. The first option would leave New York open to CAA Section 126 petitions and if acted upon by EPA could require controls within three years. The second option does not allow for the compliance flexibility and reliability considerations included in the proposal that were developed during the stakeholder process.

FEDERAL STANDARDS
 The proposed rule does not exceed any minimum federal standards.

COMPLIANCE SCHEDULE
 March 2, 2020: All impacted sources must submit a compliance plan that must contain minimum data to demonstrate compliance will be achieved.

May 1, 2023: First phase of NOx emission limit set at 100 ppmvd¹⁴ for all SCCTs.

May 1, 2025: Second phase of NOx emission limits set at 25 ppmvd for gaseous fuels and 42 ppmvd for liquid fuels.

¹ 73 FR 16436 (March 27, 2008), codified at 40 CFR section 50.15. Attainment of the 2008 ozone NAAQS is determined when the fourth highest daily maximum 8-hour average ambient air quality ozone concentration, averaged over three year, is less than or equal to 0.075 ppm.

² 80 FR 65292 (October 26, 2015).

³ 83 FR 56781 (November 14, 2018).

⁴ 83 FR 25776 (June 4, 2018).

⁵ EPA Air Markets Program Data. <https://ampd.epa.gov/ampd/>.

⁶ Percentages calculated from EPA Air Markets Program Data for days which exceeded the ozone NAAQS. <https://ampd.epa.gov/ampd/>.

⁷ “New York State implementation plan for the 2008 ozone national ambient air quality standards.” <http://www.dec.ny.gov/chemical/110727.html>.

⁸ Parts per million on a dry volume basis at fifteen percent oxygen.

⁹ EIA, Capital Cost Estimates for Utility Scale Electricity Generating Plants, November 2016.

¹⁰ NYISO, Demand Curve Model – 2019-2020.xlsm. Retrieved (1/3/2019) from: https://www.nyiso.com/search?time=last-year&sortField=_score&resultsLayout=list&q=Demand%20Curve%20Model%202016.

¹¹ Including energy efficiency and energy storage targets, Reforming the Energy Vision and the Clean Energy Standard.

¹² The data provided only includes capital cost. “Gas Turbine Combustion.” Lefebvre & Ballal. CRC Press, April 26, 2010.

¹³ Regulatory Impact Analysis (RIA) for the 2015 ozone NAAQS.

¹⁴ Parts per million on a dry volume basis at fifteen percent oxygen.

Revised Regulatory Flexibility Analysis

The New York State Department of Environmental Conservation (DEC) is proposing new 6 NYCRR Subpart 227-3, “Ozone Season Oxides of Nitrogen (NOx) Emission Limits for Simple Cycle and Regenerative Combustion Turbines.” The primary goal of this proposal is to lower allowable NOx emission rates from simple cycle and regenerative combustion turbines (SCCTs) during the ozone season.

EFFECT OF RULE

DEC does not expect the requirements of this proposal to adversely impact employment opportunities with small businesses. Businesses and local governments subject to this proposed rule generate electricity that is injected into the electrical grid and those facilities are required to maintain generation compliant with reliability rules at the federal and state level. The facilities subject to the proposed rule are mostly large businesses and corporations.

The proposed regulation does not contain a mandate on local governments. Local governments have no additional compliance obligations. There are two SCCTs that are owned by local governments that are listed in the table below. While these sources will be subject to the requirements of this proposal, they already comply with the lower NOx rates and so no changes will be required of the facilities. While the two sources will be required to submit compliance plans, as outlined below, their plan requirements are simplified because they already comply with the emissions limits.

Facility	Local Government
Freeport	Village of Freeport
SA Carlson	Town of Jamestown

Table 1: Local Governments Subject to the Proposed Rule COMPLIANCE REQUIREMENTS

On or before March 2, 2020: All impacted sources must submit a compliance plan that must, at minimum, contain:

- Nameplate capacity;
- Ownership;
- A list of each emission source that includes identifying numbers such as facility number, source number and name;
- A schedule outlining how the owner or operator will comply with the requirements set forth in the rule;
- Which emission sources will install controls and what those controls will be; and
- Which emission sources will be replaced or repowered.

Effective May 1, 2023: The first phase of NOx emission limits will be implemented during the ozone season and SCCTs will be limited to averaging with other SCCTs, storage or renewable energy resources. The first phase of emission limits will be:

By May 1, 2023	NOx Emission Limit (ppmvd ¹)
All simple cycle and regenerative combustion turbines	100

Table 2: NOx emission limits for SCCTs beginning 5/1/2023 Effective May 1, 2025: The second and final phase of NOx emission limits will be implemented during the ozone season as follows:

Beginning May 1, 2025	
Fuel Type	NOx Emission Limit (ppmvd)

Gaseous fuels	25
Distillate oil or other liquid fuel	42

Table 3: NOx emission limits for SCCTs beginning 5/1/2025
PROFESSIONAL SERVICES

It is not expected that small businesses or local governments are likely to need professional services to comply with this rule. If an affected source currently utilizes professional services, such as consulting engineers, to comply with 6 NYCRR Subpart 227-2, they may continue to use those services to comply with the requirements of this proposal.

COMPLIANCE COSTS

Compliance costs discussed below are expected to impact larger power generation businesses, not small businesses or local governments. Discussion on the compliance costs to large generation businesses follows.

DEC is proposing to require each source owner to develop a compliance plan to demonstrate how they intend to comply with the proposed rule. The SCCTs installed prior to 1986 are typically not conducive to the addition of retrofit control technology. As a result, DEC expects that most impacted SCCT owners will choose to replace or shutdown the non-compliant SCCTs. To estimate replacement costs DEC looked to information provided by the NYISO and Department of Energy (DOE), Energy Information Administration (EIA).

The EIA describes overnight costs for electricity generating facilities as including²:

- Civil and structural costs: allowance for site preparation, drainage, installation of underground utilities, structural steel supply, and construction of buildings on the site;
- Mechanical equipment supply and installation: major equipment, including but not limited to, boilers, flue gas desulfurization scrubbers, cooling towers, steam turbine generators, condensers, photovoltaic modules, combustion turbines, and other auxiliary equipment;
- Electrical and instrumentation and control: electrical transformers, switchgear, motor control centers, switchyards, distributed control systems, and other electrical commodities;
- Project indirect costs: engineering, distributable labor and materials, craft labor overtime and incentives, scaffolding costs, construction management start up and commissioning, and contingency fees; and
- Owners costs: development costs, preliminary feasibility and engineering studies, environmental studies and permitting, legal fees, insurance costs, property taxes during construction, and the electrical interconnection costs, including a tie-in to a nearby electrical transmission system.³

Table 4 presents the full overnight costs developed by EIA and NYISO for full replacement of an SCCT.

Source	Overnight Cost (\$/kW)	Notes
EIA	\$1,054 - \$1,558 ⁴	Range is specific for the Long Island and New York City area and includes conventional and advanced combustion turbines.
NYISO	\$1,314 - \$1,357 ⁵	Range is specific for the Long Island and New York City area and represents replacement with a dual fuel peaking turbine.

Table 4: Estimated range of overnight costs for full replacement of an SCCT

DEC believes that the entire capacity of generation will likely not need to be replaced. Most SCCTs have a capacity factor of less than 5 percent, meaning that they generate less than 5 percent of the electricity output that they are capable of generating. In addition, with the implementation of several New York State initiatives, including the State’s recently announced energy efficiency and energy storage targets, Reforming the Energy Vision and the Clean Energy Standard, demand for these units should continue to decline. There are over 3,400 MW of SCCT capacity listed in the NYISO Gold Book⁶ that are older, pre-1986 SCCTs.

Owners and operators may opt to install after-market emission control devices on sources that are unable to comply. Water injection technology is the after-market technology that a facility owner would likely consider for these older sources. The costs of adding after-market emission control devices varies widely depending on location, operation and land space availability. It has been reported to DEC, anecdotally, that the cost of adding after-market water injection to one of these older sources is approximately two million dollars. Other sources discuss a cost of \$10,000 -

\$15,000 per megawatt,⁷ and many of the sources that would be impacted are 15 to 20 megawatts each. However, this data does not include installation and other associated costs.

ECONOMIC AND TECHNOLOGICAL FEASIBILITY

It is not expected that small businesses will need to comply with this proposed rule. As noted above, the two local governments subject to the emission limits already comply. This is not a mandate on small businesses or local government.

MINIMIZING ADVERSE IMPACT

To minimize any adverse impacts DEC is proposing a phase-in of requirements as well as a reliability provision. The phase-in of requirements allows for power companies, with affected sources, to plan over a longer term. In addition, DEC is proposing several compliance options to offer compliance flexibility:

- 1) Owners and operators may elect an ozone season stop where it is recorded in their operating permit that the source may not operate during the ozone season.
- 2) Owners and operators may elect to adhere to an output-based NOx daily emission rate that includes electric storage and renewable energy under common control with the SCCTs with which they are averaging.

SMALL BUSINESS AND LOCAL GOVERNMENT PARTICIPATION

DEC participated in several stakeholder meetings including those for impacted facilities and local environmental justice groups over a period of eighteen months. In addition, DEC posted a stakeholder outline on the DEC website to encourage stakeholder participation and comment.⁸ SCCTs, as applicable in this regulation, are electric generating sources and not considered small businesses. Sources identified to be government owned already comply with the proposed standard and had the opportunity to participate in the stakeholder process.

CURE PERIOD OR AMELIORATIVE ACTION

No additional cure period or other opportunity for ameliorative action is included in Subpart 227-3. This proposal will not result in immediate violations or impositions of penalties for existing facilities. To help reduce immediate impacts on affected sources, Subpart 227-3 requires a compliance plan due on March 2, 2020 followed by reduced NOx emission limits phased-in first on May 1, 2023 and later on May 1, 2025. This will allow owners and operators of affected sources time to comply with the proposed Subpart 227-3.

INITIAL REVIEW

The initial review of this rule shall occur no later than in the third calendar year after the year in which the rule is adopted.

¹ Parts per million on a dry volume basis at 15 percent oxygen.
² Overnight costs include the costs for the physical power plant assuming it can be built overnight. As a result, interest on loans are not factored into the cost estimates.
³ EIA, Capital Cost Estimates for Utility Scale Electricity Generating Plants, November 2016.
⁴ EIA, Capital Cost Estimates for Utility Scale Electricity Generating Plants, November 2016.
⁵ NYISO, The New York Installed Capacity (ICAP) market Working Group. Available here: http://www.nyiso.com/public/markets_operations/market_data/icap/index.jsp.
⁶ NYISO, 2017 Load and Capacity Data.
⁷ The data provided only includes capital cost. “Gas Turbine Combustion.” Lefebvre & Ballal. CRC Press, April 26, 2010.
⁸ <https://www.dec.ny.gov/chemical/113887.html>.

Revised Rural Area Flexibility Analysis

The New York State Department of Environmental Conservation (DEC) is proposing new 6 NYCRR Subpart 227-3, “Ozone Season Oxides of Nitrogen (NOx) Emission Limits for Simple Cycle and Regenerative Combustion Turbines.” The primary goal of this proposal is to lower allowable NOx emission rates from simple cycle and regenerative combustion turbines (SCCTs) during the ozone season.

TYPES AND ESTIMATED NUMBERS OF RURAL AREAS

Only one facility located in a rural area is affected by this regulation – the Samuel A. Carlson Generating Station located in Jamestown, Chautauqua County.

REPORTING, RECORDKEEPING AND OTHER COMPLIANCE REQUIREMENTS; AND PROFESSIONAL SERVICES

Reporting & Recordkeeping:

This proposal will require each affected facility to submit a compliance plan to DEC. The compliance plan will state how each facility plans to comply with the new requirements.

Those facilities required to meet new emission limits will be required to submit permit applications to modify their permits to incorporate the newly applicable requirements by the May 1, 2023 compliance date. If the

facility operates under a Title V permit, these changes can be incorporated into the renewal application (Title V permits must be renewed at five-year intervals). If there are no changes caused by the proposed Subpart 227-3 no permit action is required.

Subject facilities that do not use a continuous emissions monitoring system (CEMS) will be required to perform an emissions test to assure compliance with the applicable NOx emission limits. Every subject facility will be required to submit test protocols and test reports to DEC for approval.

An owner or operator that elects to use the Electric Storage and Renewable Energy Resources compliance option must submit annual electricity generation and NOx emissions data to DEC.

Compliance Requirements:

On or before March 2, 2020: All impacted sources must submit a compliance plan that must, at minimum, contain:

- Nameplate capacity;
- Ownership;
- A list of each emission source that includes identifying numbers such as facility number, source number and name;
- A schedule outlining how the owner or operator will comply with the requirements set forth in the rule;
- Which emission sources will install controls and what those controls will be; and
- Which emission sources will be replaced or repowered.

Effective May 1, 2023: The first phase of NOx emission limits will be implemented during the ozone season and SCCTs will be limited to averaging with other SCCTs, storage or renewable energy resources. The first phase of emission limits will be:

By May 1, 2023

	NOx Emission Limit (ppmvd ¹)
All SCCTs	100

Table 1: NOx emission limits for SCCTs beginning 5/1/2023
Effective May 1, 2025: The second and final phase of NOx emission limits will be implemented during the ozone season as follows:

Beginning May 1, 2025

Fuel Type	NOx Emission Limit (ppmvd)
Gaseous fuels	25
Distillate oil or other liquid fuel	42

Table 2: NOx emission limits for SCCTs beginning 5/1/2025

Professional Services:
If an affected source currently utilizes professional services, such as consulting engineers, to comply with 6 NYCRR Subpart 227-2, they may continue to use those services to comply with the requirements of this proposal.

COSTS

The Samuel A. Carlson Generating Station already complies with the NOx rates in the proposed rule. Therefore, no changes will be required of the facility. A compliance plan is still required by March 2, 2020. The costs of preparing the compliance plan should be minimal.

MINIMIZING ADVERSE IMPACT

Since the Samuel A. Carlson Generating Station already complies with the NOx rates in the proposed rule, there are no adverse impacts to that facility.

RURAL AREA PARTICIPATION

DEC participated in several stakeholder meetings including those for impacted facilities and local environmental justice groups over a period of eighteen months. In addition, DEC posted a stakeholder outline on the DEC website to encourage stakeholder participation and comment.² Samuel A. Carlson Generating Station already complies the proposed NOx rates and had the opportunity to participate in the stakeholder process.

INITIAL REVIEW

The initial review of this rule shall occur no later than in the third calendar year after the year in which the rule is adopted.

¹ Parts per million on a dry volume basis at fifteen percent oxygen.
² <https://www.dec.ny.gov/chemical/113887.html>.

Revised Job Impact Statement

The New York State Department of Environmental Conservation (DEC) is proposing new 6 NYCRR Subpart 227-3, "Ozone Season Oxides of Nitrogen (NOx) Emission Limits for Simple Cycle and Regenerative Combustion Turbines." The primary goal of this proposal is to lower al-

lowable NOx emission rates from simple cycle and regenerative combustion turbines during the ozone season.

NATURE OF IMPACT

DEC does not expect the requirements of this proposal to adversely impact employment opportunities at the affected sources. The affected sources generate electricity that is injected into the electrical grid and those facilities are required to maintain generation compliant with reliability rules at the federal and state level.

CATEGORIES AND NUMBERS AFFECTED

This proposal will affect facilities that use older simple cycle and regenerative combustion turbines (SCCTs) to generate electricity for the electrical grid. Newer SCCTs are expected to already meet the requirements set forth in this proposal. At least 18 facilities utilizing older SCCTs will be affected by this proposal.

REGIONS OF ADVERSE IMPACT

This is a statewide proposal, so all SCCTs will be subject to the requirements of a final rule. However, most SCCTs are located in New York City and on Long Island.

MINIMIZING ADVERSE IMPACT

The proposed rule contains several compliance options that owners and operators may utilize in order to comply with the proposed requirements. The first is to meet the limits as proposed. Owners and operators may also opt to shut down or not run non-compliant SCCTs during the ozone season. If an owner or operator elects to not run an SCCT during the ozone season, it must be recorded in the operating permit. Another compliance option offered in this proposal allows an owner or operator of an existing source to comply with applicable limits by meeting an average output-based emission limit (that includes renewables and storage) as a daily average emission rate. Under this option, the storage or renewable energy resource must be under common control with the SCCTs to be included in the averaging calculation.

These compliance options will allow existing SCCTs that cannot meet the proposed emission limits to operate for a few additional years while new SCCTs or other electricity generating resources are constructed. As a result, the Department does not anticipate adverse impacts to employment opportunities at a company subject to the rule.

SELF EMPLOYMENT OPPORTUNITIES

It is not expected that the proposed Subpart 227-3 will have a measurable impact on opportunities for self-employment.

INITIAL REVIEW

The initial review of this rule shall occur no later than in the third calendar year after the year in which the rule is adopted.

Assessment of Public Comment

A total of 143 distinct comments were submitted by the public in response to the Department's proposed rule for regulating simple cycle and regenerative combustion turbines, often referred to as "peakers" (Subpart 227-3). The purpose of this summary is to highlight the key issues raised by the public and the Department's response to those issues. This summary is divided into eight sections, each summarizing a different highlighted topic from comments received.

1. General Comments

The Department received general comments in support of the regulation and clean air in New York State and responded by thanking those commenters for their support of lowering nitrogen oxide (NOx) emission rates from simple cycle and regenerative combustion turbines (SCCTs). One commenter also noted that even if the Environmental Protection Agency (EPA) does not ultimately reclassify the New York City metropolitan area as a "serious" nonattainment area, the DEC should still enact the regulation. The Department agrees.

2. Applicability

The Department received several comments seeking an applicability exemption for "black start" SCCTs. Black start sources help re-start a facility after an outage. Commenters also suggested that SCCTs be exempt from this regulation if they provide second-order contingency support. The Department agrees that black start sources should remain exempt as their use is infrequent when they are used to re-start a facility after an outage. However, the Department does not agree that contingency or other ancillary services where black start units inject electricity to the electricity grid should be exempt from these requirements. To address the black start source exemption, the Department has revised the applicability section and added a definition of black start source to the definitions section of the revised proposed rule.

The applicability section of the initial proposal required that sources must bid into the New York Independent System Operator (NYISO) Wholesale Market to be applicable to the regulation. The Department received comments suggesting that this language created a potential loophole allowing sources to pull out of the NYISO Wholesale Market and sell power separately. To address this potential loophole, the Department's revised proposed rule states that the requirements apply to those sources which inject power to the grid instead of bid into the NYISO Wholesale Market.

3. Definitions

In the proposal, the Department defined the ozone season as May 1 – October 31 which corresponds to the monitoring requirements for the ozone season. Commenters suggest that this was confusing as the existing emissions reporting ozone season is May 1 – September 30. The Department agrees and has changed this definition.

The Department received comment asking for clarification whether sources covered under the definition of common control include renewable or electric storage resources. The Department's original intent was to include renewable and electric storage resources under that definition of common control and revised the definition in the revised proposed regulation to ensure that this was clear.

4. Control Requirements

There was some question about how Subpart 227-2 and Subpart 227-3 interact as both apply to SCCTs. The proposed Subpart 227-3 requirements are applicable only during the ozone season while the requirements of Subpart 227-2 apply year-round. There was also a question about whether averaging is on a weighted basis. The Department intended for the control requirements to be on a weighted average basis and the revised proposed rule clarifies this intention.

5. Compliance Options

The Department received numerous comments regarding the compliance options which allow averaging with renewable and storage resources. Many commenters were in favor of this compliance option. Two commenters suggested averaging times shorter than 24 hours. The Department considered this option, reviewed available data and consulted with the New York State Department of Public Service (DPS) and the New York Energy Research and Development Authority (NYSERDA) with respect to the operation of the SCCTs and what is expected with the averaging option. Based on the information gathered and the newly released Peak Study Analysis¹ developed by NYSERDA and filed by DPS, the Department believes that a 24-hour time frame is reasonable. However, the regulation requires the submission of data on the operation of renewable energy and energy storage resources be submitted to the Department annually. The Department will monitor how the averaging option is being utilized to ensure that emission reductions are being realized. If the Department finds that this option allows for circumvention of the rule, the Department may propose future changes following the requirements of the State Administrative Procedures Act.

6. Reliability & Compliance Plans

The regulation allows for the NYISO and transmission/distribution owners to assess whether a source may be needed for the reliability of the electricity grid. If a reliability need is determined by the NYISO or transmission/distribution owner, then an extension to comply may be granted to the source. This provision was developed as a result of the stakeholder process. There was general support for this provision with some exceptions. For the NYISO or transmission/distribution owners to determine if a source is needed for reliability, they must first be notified that the source is planning to shut down. This will be realized, in part, through a required compliance plan which must be submitted to the Department by March 2, 2020. Some commenters suggested that the rule should allow for compliance plans to be modified or changed. The Department disagrees as the basis for determining whether a source is needed for reliability is determined by the degree of confidence in the compliance plan. The Department expects the NYISO or transmission/distribution owners to use the compliance plans in their 2020 Reliability Needs Assessment to determine if and where reliability needs exist.

7. Permitting

The Department received comments regarding timing with respect to permitting as well as reliability assessments and interconnection to the grid. The compliance schedules in the regulation were developed in consultation with multiple stakeholders, including DPS, and offers implementation flexibility. The Department believes that there is sufficient time to comply with the regulatory requirements even when considering the current Article 10 process. The Department believes that the provisions set forth in paragraph 227-3.5(b) reflect the outcome of the stakeholder process and allows multiple options for compliance without the need for additional extensions and delayed compliance. Subpart 227-3 requires the submittal of compliance plans in 2020 and NOx emission limit requirements beginning in 2023 and 2025. With an up to four-year reliability extension, this would result in compliance in 2027 and 2029 and the Department believes that this gives affected sources enough time to comply.

8. Environmental Justice

Some comments were received stating that environmental justice organizations should be allowed to participate in the siting decisions with respect to new electricity generation. The Department intends to continue to collect stakeholder input, including from environmental justice groups. In addition, the NYISO's Comprehensive Reliability Plan (CRP) is developed through an open stakeholder process where environmental

justice groups may participate. During the CRP process, the issues which the commenters raised are typically addressed.

¹ NYS DPS website: <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId=%7BFDE2C318-277F-4701-B7D6-C70FCE0C6266%7D>

Department of Financial Services

NOTICE OF ADOPTION

Security at Automated Teller Facilities

I.D. No. DFS-20-19-00005-A

Filing No. 729

Filing Date: 2019-08-02

Effective Date: 2019-08-21

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

Action taken: Amendment of section 301.6 of Title 3 NYCRR.

Statutory authority: Banking Law, sections 10, 14, 75-g, 75-n, art. II-AA; Financial Services Law, sections 102, 201, 202, 301 and 302

Subject: Security at Automated Teller Facilities.

Purpose: To ensure the removal of obsolete language from the reporting requirements under Part 301 of 3 NYCRR.

Text or summary was published in the May 15, 2019 issue of the Register, I.D. No. DFS-20-19-00005-P.

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

Text of rule and any required statements and analyses may be obtained from: Eamon G. Rock, Department of Financial Services, One Commerce Plaza, Albany, NY 12203, (518) 474-4567, email: Eamon.Rock@dfs.ny.gov

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2022, 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 Health

NOTICE OF ADOPTION

Nursing Home Weekly Bed Census Survey

I.D. No. HLT-51-18-00016-A

Filing No. 734

Filing Date: 2019-08-05

Effective Date: 2019-08-21

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

Action taken: Addition of section 415.32 to Title 10 NYCRR.

Statutory authority: Public Health Law, section 2803(2)

Subject: Nursing Home Weekly Bed Census Survey.

Purpose: To require nursing homes to electronically submit weekly bed census data to the DOH through the Health Commerce System.

Text or summary was published in the December 19, 2018 issue of the Register, I.D. No. HLT-51-18-00016-P.

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

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

Initial Review of Rule

As a rule that does not require a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2024, which is no later than the 5th year after the year in which this rule is being adopted.

Assessment of Public Comment

The New York State Department of Health (Department) received one set of comments from an advocacy organization in response to the proposed amendments to Parts 415 of Title 10 of the Official Compilation of Codes, Rules and Regulations of the State of New York. Those comments are summarized below along with the Department’s responses.

Comment: The commenter asked for clarification of the “Legislative Objectives” of Article 28 of the Public Health Law (PHL), outlined in the Proposed Rulemaking, including what is meant by an “appropriate action” in response to a natural disaster or significant change to nursing home occupancy. The commenter also questioned where “such action” is authorized in law or the regulations of the Department.

Response: PHL § 2800 confers upon the Department “the central, comprehensive responsibility for the development and administration of the state’s policy with respect to hospital and related services,” with the goal of protecting and promoting the health of the residents of New York State. Given the scope of this responsibility, what constitutes “appropriate action” will depend on specific circumstances of the emergency, whether that be a natural disaster, an emergency at a particular facility, or violations of PHL or regulations occurring at a particular facility. No changes were made to the regulation as a result of this comment.

Comment: The commenter suggested that facility compliance could be improved if the Department would send the weekly reminder email to nursing homes on Wednesday of each week rather than on Tuesday. The commenter believes these reminders could be more effective if they are sent at a point in time when the facilities can immediately act on the reminder and enter the data into the Health Commerce System (HCS). The commenter further suggested that the Department ensure that reporting requirements are explicit with regard to specialty bed categories and whether they are properly included in a facility’s reported total capacity and census data.

Response: The Department agrees with the comments and will send the weekly reminder email to nursing homes on Wednesday of each week. The Department intends to clarify reporting of current occupancy data including specialty bed categories and total capacity, in a Dear Administrator Letter. Further clarification will be available on the HCS Health Electronic Response Data System (HERDS). No changes were made to the regulation as a result of this comment.

Comment: The commenter asked whether non-compliance with this proposed regulation could result in a financial penalty to a nursing home. The commenter suggested that possible financial penalties should be clearly disclosed in the Costs to Private Regulated Parties and Costs to Local Government section.

Response: The “Cost to Private Regulated Parties” and “Costs to Local Government” sections of the Regulatory Impact Statement for the proposed regulation are intended to detail the monetary cost of compliance. Financial penalties associated with non-compliance with regulations are established in PHL § 12 and 12-b. No changes were made to the regulation as a result of this comment.

NOTICE OF ADOPTION

Medical Use of Marihuana

I.D. No. HLT-17-19-00002-A

Filing No. 713

Filing Date: 2019-07-31

Effective Date: 2019-08-21

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

Action taken: Amendment of sections 55-2.15 and 1004.14 of Title 10 NYCRR.

Statutory authority: Public Health Law, sections 502 and 3369-a

Subject: Medical Use of Marihuana.

Purpose: To clarify requirements for laboratories seeking approval to test medical marihuana products in New York State.

Text or summary was published in the April 24, 2019 issue of the Register, I.D. No. HLT-17-19-00002-P.

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

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

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 2024, 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.

Office for People with Developmental Disabilities

NOTICE OF ADOPTION

Person Centered Planning: Care Management and Home and Community Based Services

I.D. No. PDD-22-19-00010-A

Filing No. 712

Filing Date: 2019-07-31

Effective Date: 2019-08-21

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

Action taken: Amendment of Subpart 636-1 of Title 14 NYCRR.

Statutory authority: Mental Hygiene Law, sections 13.07, 13.09(b), 13.15(a) and 16.00

Subject: Person Centered Planning: Care Management and Home and Community Based Services.

Purpose: To ensure consistency with person-centered planning regulations.

Text or summary was published in the May 29, 2019 issue of the Register, I.D. No. PDD-22-19-00010-P.

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

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

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

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2022, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment

The agency received no public comment.

Public Service Commission

PROPOSED RULE MAKING HEARING(S) SCHEDULED

Major Electric Rate Filing

I.D. No. PSC-34-19-00015-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 proposal filed by Rochester Gas and Electric Corporation (RG&E) to make various changes in the rates, charges, rules and regulations contained in its Schedule P.S.C. Nos. 18 and 19 — Electricity.

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

Subject: Major electric rate filing.

Purpose: To consider a proposed increase in RG&E’s electric delivery revenues of approximately \$31.7 million (or 4.1% in total revenues).

Public hearing(s) will be held at: 10:30 a.m., October 28, 2019 and continuing daily as needed at Department of Public Service, 19th Fl. Board Rm., Three Empire State Plaza, Albany, NY. (Evidentiary Hearing*)

*On occasion, there are requests to reschedule or postpone 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 19-E-0380.

Interpreter Service: Interpreter services will be made available to hearing impaired persons, at no charge, upon written request submitted within reasonable time prior to the scheduled public hearing. The written request must be addressed to the agency representative designated in the paragraph below.

Accessibility: All public hearings have been scheduled at places reasonably accessible to persons with a mobility impairment.

Substance of proposed rule: The Commission is considering a proposal, filed on May 20, 2019, by Rochester Gas and Electric Corporation (RG&E) to increase its electric delivery revenues for the rate year ending in March 31, 2021, as contained in P.S.C. Nos. 18 and 19 – Electricity.

RG&E is requesting an increase in annual electric delivery revenues of approximately \$31.7 million (7.0% increase in delivery revenues, or 4.1% increase in total revenues). RG&E's requested increase in electric delivery revenues results in a total monthly bill increase of about \$2.86 (5.4% increase on the delivery bill, or 3.0% increase on the total bill) for a residential customer using 600 kWh/month. RG&E states that the major cost drivers of this filing include increases in operating expenses, depreciation and infrastructure investments. The initial suspension period for the proposed filing runs through October 16, 2019.

The full text of the proposal and the full record of the proceeding may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject or modify in whole or in part, the action proposed and may also 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: Five days after the last scheduled public hearing.

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.

(19-E-0380SP1)

PROPOSED RULE MAKING HEARING(S) SCHEDULED

Major Gas Rate Filing

I.D. No. PSC-34-19-00016-P

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

Proposed Action: The Commission is considering a proposal filed by Rochester Gas and Electric Corporation (RG&E) to make various changes in the rates, charges, rules and regulations contained in its Schedule P.S.C. No. 16 — Gas.

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

Subject: Major gas rate filing.

Purpose: To consider a proposed increase in RG&E's gas delivery revenues of approximately \$5.8 million (or 1.4% in total revenues).

Public hearing(s) will be held at: 10:30 a.m., October 28, 2019 and continuing daily as needed at Department of Public Service, 19 Fl. Board Rm., Three Empire State Plaza, Albany, NY. (Evidentiary Hearing*)

*On occasion, there are requests to reschedule or postpone 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 19-G-0381.

Interpreter Service: Interpreter services will be made available to hearing impaired persons, at no charge, upon written request submitted within reasonable time prior to the scheduled public hearing. The written request must be addressed to the agency representative designated in the paragraph below.

Accessibility: All public hearings have been scheduled at places reasonably accessible to persons with a mobility impairment.

Substance of proposed rule: The Commission is considering a proposal, filed on May 20, 2019, by Rochester Gas and Electric Corporation (RG&E) to increase its gas delivery revenues for the rate year ending in March 31, 2021, as contained in P.S.C. No. 16 – Gas.

RG&E is requesting an increase in annual gas delivery revenues of approximately \$5.8 million (3.3% increase in delivery revenues or 1.4% increase in total revenues). RG&E's requested increase in gas delivery revenues results in a total monthly bill increase of about \$1.56 (4.0% increase on the delivery bill, or 2.2% increase on the total bill) for a residential heating customer using 80 therms per month. RG&E states that the major cost drivers of this filing are primarily associated with O&M increases, depreciation and infrastructure investments. The initial suspension period for the proposed filing runs through October 16, 2019.

The full text of the proposal and the full record of the proceeding may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject or modify in whole or in part, the action proposed and may also 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: Five days after the last scheduled public hearing.

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.

(19-G-0381SP1)

PROPOSED RULE MAKING HEARING(S) SCHEDULED

Major Electric Rate Filing

I.D. No. PSC-34-19-00018-P

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

Proposed Action: The Commission is considering a proposal filed by New York State Electric & Gas (NYSEG) to make various changes in the rates, charges, rules and regulations as contained in its Schedule P.S.C. Nos. 119, 120, and 121 — Electricity.

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

Subject: Major electric rate filing.

Purpose: To consider a proposed increase in NYSEG's electric delivery revenues of approximately \$156.7 million (10.4% in total revenues).

Public hearing(s) will be held at: 10:30 a.m., October 28, 2019 and continuing daily as needed at Department of Public Service, 19th Fl. Board Rm., Three Empire State Plaza, Albany, NY. (Evidentiary Hearing*)

*On occasion, there are requests to reschedule or postpone 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 19-E-0378.

Interpreter Service: Interpreter services will be made available to hearing impaired persons, at no charge, upon written request submitted within reasonable time prior to the scheduled public hearing. The written request must be addressed to the agency representative designated in the paragraph below.

Accessibility: All public hearings have been scheduled at places reasonably accessible to persons with a mobility impairment.

Substance of proposed rule: The Commission is considering a proposal, filed on May 20, 2019, by New York State Electric & Gas (NYSEG or the Company) to increase its electric delivery revenues for the rate year ending March 31, 2021, as contained in P.S.C. Nos. 119, 120, and 121 – Electric.

NYSEG is requesting an increase of approximately \$156.7 million (20.4% increase in delivery revenues, or a 10.4% increase in total revenues). The requested increase in electric delivery revenues results in a total monthly bill increase of approximately \$10.17 (23.7% on the delivery

bill or 13.6% on the total bill) for a residential customer using 600 kWh per month. The Company states that the major cost driver of this rate filing is vegetation management, including implementation of a full 5-year cycle distribution vegetation management program and enhanced vegetation management associated with its 2019-2023 Resiliency Plan. The initial suspension period for the proposed filing runs through October 16, 2019.

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

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

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

Public comment will be received until: Five days after the last scheduled public hearing.

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.

(19-E-0378SP1)

PROPOSED RULE MAKING HEARING(S) SCHEDULED

Major Gas Rate Filing

I.D. No. PSC-34-19-00020-P

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

Proposed Action: The Commission is considering a proposal filed by New York State Electric & Gas (NYSEG) to make various changes in the rates, charges, rules and regulations contained in its Schedule P.S.C. Nos. 87, 88 and 90 — Gas.

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

Subject: Major gas rate filing.

Purpose: To consider a proposed increase in NYSEG's gas delivery revenues of approximately \$6.3 million (or 1.4% in total revenues).

Public hearing(s) will be held at: 10:30 a.m., October 28, 2019 and continuing daily as needed at Department of Public Service, 19th Fl. Board Rm., Three Empire State Plaza, Albany, NY. (Evidentiary Hearing*)

*On occasion, there are requests to reschedule or postpone hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS Web Site (www.dps.ny.gov) under Case 19-G-0379.

Interpreter Service: Interpreter services will be made available to hearing impaired persons, at no charge, upon written request submitted within reasonable time prior to the scheduled public hearing. The written request must be addressed to the agency representative designated in the paragraph below.

Accessibility: All public hearings have been scheduled at places reasonably accessible to persons with a mobility impairment.

Substance of proposed rule: The Commission is considering a proposal, filed on May 20, 2019, by New York State Electric & Gas (NYSEG) to increase its gas delivery revenues for the rate year ending March 31, 2021, as contained in P.S.C. Nos. 87, 88 and 90 — Gas.

NYSEG is requesting an increase of approximately \$6.3 million (3.0% increase in delivery revenues, or a 1.4% increase in total revenues). NYSEG's requested increase in gas delivery revenues results in a total monthly bill increase of approximately \$1.05 (1.9% on the delivery bill or 0.9% on the total bill) for a residential heating customer using 80 therms per month. NYSEG states that the major cost drivers of this rate filing are primarily associated with O&M increases, depreciation and infrastructure investments. The initial suspension period for the proposed filing runs through October 16, 2019.

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

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

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

Public comment will be received until: Five days after the last scheduled public hearing.

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.

(19-G-0379SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Notice of Intent to Submeter Electricity

I.D. No. PSC-34-19-00017-P

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

Proposed Action: The Commission is considering the notice of intent of 537 Greenwich Owner LLC to submeter electricity at 110 Charlton Street, New York, New York, located in the service territory of Consolidated Edison Company of New York, Inc.

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

Subject: Notice of intent to submeter electricity.

Purpose: To ensure adequate submetering equipment and consumer protections are in place.

Substance of proposed rule: The Commission is considering the notice of intent filed by 537 Greenwich Owner LLC on July 29, 2019, to submeter electricity at 110 Charlton 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, 537 Greenwich Owner LLC requests authorization to take electric service from Con Edison and then distribute and meter that electricity to its residents. Submetering of electricity to residential residents is allowed so long as it complies with the protections and requirements of the Commission's regulations in 16 NYCRR Part 96.

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

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

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

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

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

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

(19-E-0518SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Compensation of Distributed Energy Resources

I.D. No. PSC-34-19-00019-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 for Compensation According to the Alternative 2 Capacity Value Calculation Set Forth in the VDER Transition Order filed by Borrego Solar Inc. on behalf of its affiliate 1115 Solar Development, LLC.

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

Subject: Compensation of distributed energy resources.

Purpose: To ensure just and reasonable rates, including compensation for distributed energy resources.

Substance of proposed rule: The Public Service Commission (Commission) is considering the Petition for Compensation According to the Alternative 2 Capacity Value Calculation Set Forth in the VDER Transition Order (Petition), filed on July 19, 2019 by Borrego Solar Inc. (Borrego) on behalf of its affiliate 1115 Solar Development, LLC.

The petition explains that Borrego is developing a community distributed generation (CDG) project at 225 Finchville Turnpike, Mt. Hope, New York, 10963 (the Finchville Project). The petition states that, based on the timing of the Finchville Project's development, Borrego expected and performed analysis and made financial commitments relying on the rules for CDG compensation for projects qualifying in June 2018. Borrego explains that the Finchville Project did qualify in June 2018. However, the petition explains, because the Finchville Project qualified in the Orange & Rockland service territory after the initial capacity allocations in that territory were exhausted, it will instead receive CDG compensation based on the rules for projects qualifying after July 2018, pursuant to the Commission's April 18, 2019 Order Regarding Value Stack Compensation. Borrego explains that this change, and specifically the resulting change to the element of compensation based on installed capacity value provided by a project, will have a negative impact on the Finchville Project's financial viability. Borrego states that it reasonably relied on the information available at the time in making financial commitments regarding the Finchville Project. Borrego therefore requests that the Finchville Project receive compensation for the installed capacity value element based on the rules in place for projects qualifying in June 2018. Borrego notes that this is consistent with relief granted in other situations where a distributed generation project had made financial commitments in reasonable reliance on a rule that was later modified.

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

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

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

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

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

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

(19-E-0513SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Customer Consent to Contact

I.D. No. PSC-34-19-00021-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 proposals filed by New York State Electric & Gas Corporation and Rochester Gas and Electric Corporation to modify their electric and gas tariff schedules, to establish a new provision, Customer Consent to Contact.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Customer Consent to Contact.

Purpose: To include a new provision establishing customer consent for the utility to contact them electronically about utility service.

Substance of proposed rule: The Commission is considering proposals

filed by New York State Electric & Gas Corporation (NYSEG) and Rochester Gas and Electric Corporation (RG&E) (together, the Companies) on July 11, 2019, to establish a new provision, Customer Consent to Contact.

NYSEG proposes modifications to its electric and gas tariff schedules, P.S.C. No. 119 and P.S.C. No. 90, and RG&E proposes modifications to its electric and gas tariff schedules, P.S.C. No. 19 and P.S.C. No. 16, to add a new provision, Customer Consent to Contact. The revisions are intended to clarify the customer's consent to receive auto-dialed and prerecorded/artificial calls and texts (collectively "communications") from the Company or its agents that are closely related to the utility service, and limiting such communications to those that warn about planned or unplanned service outages; provide updates about service outages or service restoration; provide information about potential brown-outs due to heavy energy usage; ask for confirmation of service restoration or information about lack of service; provide notification of meter work, tree trimming, or other field work related to the customer's utility service; provide notification of the possibility of subsidized or lower-cost services; and calls relating to handling, servicing, and billing of a customer's account. Calls may include contact from companies working on NYSEG's or RG&E's behalf to service customers' accounts. Customers may opt-out of these communications by contacting the Company's customer service via phone call, mail, or e-mail. Message and data rates may apply. The proposed amendments have an effective date of December 1, 2019.

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

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

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

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

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

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

(19-M-0500SP1)

Department of State

NOTICE OF ADOPTION

Prospective Licensee Requirements

I.D. No. DOS-23-19-00001-A

Filing No. 740

Filing Date: 2019-08-06

Effective Date: 2019-08-21

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

Action taken: Amendment of section 1103.2(a) of Title 19 NYCRR.

Statutory authority: Executive Law, section 160-d

Subject: Prospective licensee requirements.

Purpose: To conform current NYS standards to existing applicable Federal requirements for licensure.

Text or summary was published in the June 5, 2019 issue of the Register, I.D. No. DOS-23-19-00001-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, Esq., NYS Department of State, 123 William Street, 20th Fl., New York, NY 10038, (212) 417-2063, email: david.mossberg@dos.ny.gov

Assessment of Public Comment

The agency received no public comment.

Department of Taxation and Finance

EMERGENCY RULE MAKING

Congestion Surcharge

I.D. No. TAF-09-19-00005-E

Filing No. 731

Filing Date: 2019-08-05

Effective Date: 2019-08-05

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

Action taken: Addition of Part 700 to Title 20 NYCRR.

Statutory authority: Tax Law, sections 171, subdivision First, 1096(a) and art. 29-C

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

Specific reasons underlying the finding of necessity: Pursuant to Article 29-C of the Tax Law, a surcharge is in effect, beginning January 1, 2019, on certain intrastate for-hire transportation that begins in, ends in, or passes through the geographic area of the city of New York, in the borough of Manhattan, south of and excluding 96th Street (the "congestion zone"). The Commissioner is required to administer this surcharge, and to accept the registration of persons liable for the surcharge.

This rule is being readopted on an emergency basis so that persons liable for the congestion surcharge can timely register, and to ensure that proper transportation records are kept, beginning January 1, 2019. The emergency readoption of the rule will prevent a gap in the effectiveness of the congestion surcharge regulations until the rule becomes effective as a permanent measure, upon publication of the permanent adoption of the rule in the State Register.

Subject: Congestion Surcharge.

Purpose: To implement the Congestion Surcharge and related registration, recordkeeping and reporting requirements.

Substance of emergency rule (Full text is posted at the following State website: <https://www.tax.ny.gov/rulemaker/default.htm>): Tax Law Article 29-C mandates the payment of a surcharge, effective January 1, 2019, on the provision of certain intrastate for-hire transportation that begins in, ends in, or passes through the geographic area of the city of New York, in the borough of Manhattan, south of and excluding 96th Street (the "congestion zone"). The provisions of Article 29-C require, among other things, that persons liable for the congestion surcharge register with the Commissioner of Taxation and Finance and keep records of the transportation they are responsible for.

This rule adds a new Subchapter E (section 700.1 through section 700.4) to Chapter IV of Title 20 NYCRR. Section 700.1 contains definitions that are applicable throughout Subchapter E, while section 700.2 reflects the imposition of the congestion surcharge. Section 700.3 sets forth registration and renewal requirements (including the payment of fees) for persons liable for the surcharge. Finally, section 700.4 identifies the types of records and information that must be kept, how they must be kept and transmitted, and who is responsible for keeping them (i.e., persons liable for the congestion surcharge).

The rule is being readopted as an emergency measure to avoid a gap in effectiveness between the date on which the previously adopted emergency rule expires and the date on which the rule becomes effective as a permanent measure, when published in the State Register. The text of the permanent rule is identical to that of the previously adopted emergency rules.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. TAF-09-19-00005-EP, Issue of June 26, 2019. The emergency rule will expire August 21, 2019.

Text of rule and any required statements and analyses may be obtained from: Kathleen D. Chase, Tax Regulations Specialist II, Department of Taxation and Finance, Office of Counsel, Room 200, Building 9, W.A. Harriman Campus, Albany, NY 12227, (518) 530-4153, email: kathleen.chase@tax.ny.gov

Regulatory Impact Statement

1. Statutory authority: Tax Law, section 171, subdivision First, generally authorizes the Commissioner of Taxation and Finance to promulgate

regulations; section 1096(a) of the Tax Law generally authorizes the Commissioner to make such rules and regulations, and to require such facts and information to be reported, as it may deem necessary to enforce the provisions of Article 27 of the Tax Law; section 1299-G of Article 29-C of the Tax Law states that the provisions of Article 27 of the Tax Law apply with respect to the administration of and procedure with respect to the congestion surcharge; section 1299-A of Article 29-C of the Tax Law imposes a surcharge on for-hire transportation trips that begin in, end in, or pass through the geographic area of the city of New York, in the borough of Manhattan, south of and excluding 96th Street (the "congestion zone"); Article 29-C of the Tax Law requires the Commissioner to administer the congestion surcharge, and to accept the registration of persons liable for the surcharge. Section 1299-C of Article 29-C requires that persons liable for the congestion surcharge file with the Commissioner a completed application for a certificate of registration, in a form prescribed by the Commissioner, subject to renewal in accordance with rules promulgated by the Commissioner. Section 1299-E of Article 29-C requires records to be kept by persons liable for the surcharge.

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

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

4. Costs:

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

(b) Costs to this agency, the State and local governments for the implementation and continuation of this rule: Since the need to make amendments to the New York State Sales and Use and Other Miscellaneous Tax regulations under Article 29-C of the Tax Law arises due to the statutory changes requiring that the Commissioner administer the congestion surcharge, and accept the registration of those who will be liable for the surcharge, there are no costs to this agency or the State and local governments that are due to the promulgation of this rule.

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

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

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

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

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

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

10. Compliance schedule: The required registration, renewal and recordkeeping information has been made available to regulated parties, by means of the emergency adoption of New Subchapter E of the Sales and Use and Other Miscellaneous Tax Regulations on November 19, 2018, the readoption as an emergency measure and proposal as a permanent rule on February 12, 2019 and the subsequent readoption as an emergency rule on April 10, 2019 and June 6, 2019, in sufficient time for affected parties to comply with the congestion surcharge effective January 1, 2019. This rule readopts the amendments relating to the congestion surcharge as an emergency measure in order to maintain the effectiveness of the amendments until the adoption of the rule as a permanent measure becomes effective, when published in the State Register. The readoption of the rule as an emergency measure permits continuing compliance with the require-

ments of Article 29-C of the Tax Law, avoiding a gap in the effectiveness of the congestion surcharge regulations.

Regulatory Flexibility Analysis

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

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

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

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

Rural Area Flexibility Analysis

A Rural Area Flexibility Analysis is not being submitted with this rule because it will not impose any adverse impact on any rural areas. The purpose of the rule is to add a new Subchapter E to 20 NYCRR, to implement Article 29-C of the Tax Law, as added by Part NNN of Chapter 59 of the Laws of 2018. Article 29-C generally imposes a surcharge on for-hire transportation that begins in, ends in, or passes through the geographic area of the City of New York, in the borough of Manhattan, south of and excluding 96th Street (the "congestion zone"). The Commissioner is required to administer the congestion surcharge imposed by Article 29-C, and to accept the registration of persons liable for the surcharge.

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

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

Job Impact Statement

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

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

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Congestion Surcharge

I.D. No. TAF-09-19-00005-A

Filing No. 732

Filing Date: 2019-08-05

Effective Date: 2019-08-21

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

Action taken: Addition of Part 700 to Title 20 NYCRR.

Statutory authority: Tax Law, sections 171, subdivision First, 1096(a) and art. 29-C

Subject: Congestion Surcharge.

Purpose: To implement the Congestion Surcharge and related registration, recordkeeping and reporting requirements.

Text or summary was published in the February 27, 2019 issue of the Register, I.D. No. TAF-09-19-00005-EP.

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

Text of rule and any required statements and analyses may be obtained from: Kathleen D. Chase, Tax Regulations Specialist II, Department of Taxation and Finance, Office of Counsel, Room 200, Building 9, W.A. Harriman Campus, Albany, NY 12227, (518) 530-4153, email: kathleen.chase@tax.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 2024, 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

Fuel Use Tax on Motor Fuel and Diesel Motor Fuel and the Art. 13-A Carrier Tax Jointly Administered Therewith

I.D. No. TAF-21-19-00006-A

Filing No. 733

Filing Date: 2019-08-05

Effective Date: 2019-08-05

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

Action taken: Amendment of section 492.1(b)(1) of Title 20 NYCRR.

Statutory authority: Tax Law, sections 171, subd. First, 301-h(c), 509(7), 523(b) and 528(a)

Subject: Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith.

Purpose: To set the sales tax component and the composite rate per gallon for the period July 1, 2019 through September 30, 2019.

Text or summary was published in the May 22, 2019 issue of the Register, I.D. No. TAF-21-19-00006-P.

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

Text of rule and any required statements and analyses may be obtained from: Kathleen D. Chase, Tax Regulations Specialist, Department of Taxation and Finance, Office of Counsel, Building 9, W.A. Harriman Campus, Albany, NY 12227, (518) 530-4153, email: Kathleen.Chase@tax.ny.gov

Assessment of Public Comment

The agency received no public comment.

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

To Set the Sales Tax Component and the Composite Rate Per Gallon for the Period October 1, 2019 Through September 31, 2019

I.D. No. TAF-34-19-00013-P

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

Proposed Action: Amendment of section 492.1(b)(1) of Title 20 NYCRR.

Statutory authority: Tax Law, sections 171, subd. First, 301-h(c), 509(7), 523(b) and 528(a)

Subject: To set the sales tax component and the composite rate per gallon for the period October 1, 2019 through September 31, 2019.

Purpose: To set the sales tax component and the composite rate per gallon for the period October 1, 2019 through September 31, 2019.

Text of proposed rule: Pursuant to the authority contained in subdivision First of section 171, subdivision (c) of section 301-h, subdivision 7 of section 509, subdivision (b) of section 523, and subdivision (a) of section 528 of the Tax Law, the First Deputy Commissioner of Taxation and Finance, being duly authorized to act due to the absence of the Commissioner of Taxation and Finance, hereby proposes to make and adopt the following amendments to the Fuel Use Tax Regulations, as published in Article 3 of Subchapter C of Chapter III of Title 20 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

Section 1. Paragraph (1) of subdivision (b) of section 492.1 of such regulations is amended by adding a new subparagraph (xcvi) to read as follows:

Motor Fuel			Diesel Motor Fuel		
Sales Tax Component	Composite Rate	Aggregate Rate	Sales Tax Component	Composite Rate	Aggregate Rate
(xcv) July-September 2019					
15.4	23.4	41.10	16.0	24.0	39.95
(xcvi) October-December 2019					
15.6	23.6	41.30	16.0	24.0	39.95

Text of proposed rule and any required statements and analyses may be obtained from: Kathleen D. Chase, Tax Regulations Specialist, Department of Taxation and Finance, Building 9, W.A. Harriman Campus, Albany, NY 12227, (518) 530-4153, email: kathleen.chase@tax.ny.gov

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

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

Regulatory Impact Statement, 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.

**HEARINGS SCHEDULED
FOR PROPOSED RULE MAKINGS**

Agency I.D. No.	Subject Matter	Location—Date—Time
Environmental Conservation, Department of		
ENV-29-19-00016-P	Reasonably Available Control Technology (RACT) for major facilities of oxides of nitrogen (NOx)	Department of Environmental Conservation, 625 Broadway, Public Assembly Rm. 129A/B, Albany, NY—September 16, 2019, 11:00 a.m.
ENV-29-19-00017-P	Federal and State standards for acceptable air quality	Department of Environmental Conservation, 625 Broadway, Public Assembly Rm. 129A/B, Albany, NY—September 16, 2019, 11:00 a.m.
Public Service Commission		
PSC-31-19-00015-P	Proposed major rate increase in KEDNY’s gas delivery revenues by \$236.8 million (13.6% increase in total revenues)	Department of Public Service, Three Empire State Plaza, Albany, NY—October 2, 2019 and continuing daily as needed, 10:00 a.m. (Evidentiary Hearing)* *On occasion, there are requests to reschedule or postpone 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 19-G-0309.
PSC-31-19-00016-P	Proposed major rate increase in KEDNY’s gas delivery revenues by \$49.4 million (4.1% increase in total revenues)	Department of Public Service, Three Empire State Plaza, Albany, NY—October 2, 2019 and continuing daily as needed, 10:00 a.m. (Evidentiary Hearing)* *On occasion, there are requests to reschedule or postpone 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 19-G-0310.
PSC-32-19-00013-P	Disposition of tax refunds received by New York American Water Company, Inc.	Department of Public Service, Three Empire State Plaza, Albany, NY— October 9, 2019, 10:30 a.m. (Evidentiary Hearing)* *On occasion, there are requests to reschedule or postpone 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 19-W-0185.
PSC-34-19-00015-P	Major electric rate filing	Department of Public Service, Three Empire State Plaza, 19th Fl. Board Rm., Albany, NY— October 28, 2019 and continuing daily as needed, 10:30 a.m. (Evidentiary Hearing)* *On occasion, there are requests to reschedule or postpone 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 19-E-0380.
PSC-34-19-00016-P	Major gas rate filing	Department of Public Service, Three Empire State Plaza, 19th Fl. Board Rm., Albany, NY— October 28, 2019 and continuing daily as needed, 10:30 a.m. (Evidentiary Hearing)* *On occasion, there are requests to reschedule or postpone 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 19-E-0381.
PSC-34-19-00018-P	Major electric rate filing	Department of Public Service, Three Empire State Plaza, 19th Fl. Board Rm., Albany, NY—

PSC-34-19-00020-P	Major gas rate filing	October 28, 2019 and continuing daily as needed, 10:30 a.m. (Evidentiary Hearing)*
		*On occasion, there are requests to reschedule or postpone 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 19-E-0378.
		Department of Public Service, Three Empire State Plaza, 19th Fl. Board Rm., Albany, NY—October 28, 2019 and continuing daily as needed, 10:30 a.m. (Evidentiary Hearing)*
		*On occasion, there are requests to reschedule or postpone 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 19-E-0379.
State, Department of		
DOS-27-19-00014-P	New York State Uniform Fire Prevention and Building Code (the Uniform Code)	Department of State, 99 Washington Ave., Conference Rm. 505, Albany, NY—September 5, 2019, 10:00 a.m.
		Department of State, 123 William St., Conference Rm. 231, New York, NY—September 5, 2019, 10:00 a.m.
		Perry B. Duryea Jr. State Office Bldg., 250 Veterans Memorial Hwy., Rms. 2 and 3, Hauppauge, NY—September 5, 2019, 10:00 a.m.
		Utica State Office Bldg., 207 Genesee St., 1st Fl., Conference Rm. A, Utica, NY—September 5, 2019, 10:00 a.m.
		Amherst Town Hall, 5583 Main St., Council Chambers, 2nd Fl., Williamsville, NY—September 5, 2019, 10:00 a.m.
DOS-27-19-00015-P	State Energy Conservation Construction Code (the “Energy Code”)	Department of State, 99 Washington Ave., Conference Rm. 505, Albany, NY—September 5, 2019, 10:00 a.m.
		Department of State, 123 William St., Conference Rm. 231, New York, NY—September 5, 2019, 10:00 a.m.
		Perry B. Duryea Jr. State Office Bldg., 250 Veterans Memorial Hwy., Rms. 2 and 3, Hauppauge, NY—September 5, 2019, 10:00 a.m.
		Utica State Office Bldg., 207 Genesee St., 1st Fl., Conference Rm. A, Utica, NY—September 5, 2019, 10:00 a.m.
		Amherst Town Hall, 5583 Main St., Council Chambers, 2nd Fl., Williamsville, NY—September 5, 2019, 10:00 a.m.
DOS-29-19-00015-EP	New York State Uniform Fire Prevention and Building Code (the Uniform Code)	Department of State, 99 Washington Ave., Rm. 505, Albany, NY—September 16, 2019, 10:00 a.m.

ACTION PENDING INDEX

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

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

For additional information concerning any of the proposals

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

Agency code	Issue number	Year published	Serial number	Action Code
AAM	01	12	0001	P

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

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

AGE-44-18-00005-P 10/31/19	Nutrition Program	The purpose of this rule is to update the regulations governing the Nutrition Program
AGE-34-19-00014-P	..... 08/20/20	Limits on Administrative Expenses and Executive Compensation	To bring this rule into compliance with current law in New York State

AGRICULTURE AND MARKETS, DEPARTMENT OF

AAM-17-19-00001-P	..... 04/23/20	Farm wineries, breweries, and distilleries; hops processors; and cideries	To update references to regulations and to exempt small hops processors from food processing licensing requirements
AAM-21-19-00002-EP	..... 05/21/20	Control of the European Cherry Fruit Fly	To help control the spread of the European Cherry Fruit Fly (ECFF), which renders cherries unmarketable if they are infested.
AAM-30-19-00004-P	..... 07/23/20	Fuels for use in automobiles and motor-driven devices and equipment.	To conform regulations with federal requirements; to provide standards for, and relieve confusion in the sale of new fuels.
AAM-33-19-00003-P	..... 08/13/20	State aid to districts	To conform Part 363 to S&WCL Sec. 11-a statutory amendments and to make technical amendments.
AAM-34-19-00001-EP	..... 08/20/20	Spotted Lanternfly ("SL")	To prevent SL-infested articles originating in Dauphin County, in PA, or Cecil County, in MD, from entering NYS

ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF

ASA-32-19-00005-P 08/06/20	Appeals, Hearings and Rulings	Protect patient confidentiality, update due process provisions, technical amendments
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AUDIT AND CONTROL, DEPARTMENT OF

AAC-29-19-00021-P 07/16/20	Limitations on Public Safety Overtime	To clarify that public safety overtime is subject to the limitations contained in the RSSL
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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CHILDREN AND FAMILY SERVICES, OFFICE OF			
CFS-51-18-00010-P	12/19/19	Residential and non-residential services to victims of domestic violence	To conform the existing regulations to comply with state and federal laws regarding services to victims of domestic violence
CFS-19-19-00006-EP	05/07/20	Procedures for addressing children absent without consent from foster care, conditional releases and searches	To put into place procedures for children absent without consent from foster care, conditional releases and searches
CFS-20-19-00001-EP	05/14/20	To eliminate requirement that victims of domestic violence apply for public assistance to pay for cost of shelter and services	To eliminate requirement that victims of domestic violence apply for public assistance to pay for cost of shelter and services
CIVIL SERVICE, DEPARTMENT OF			
CVS-33-18-00007-P	08/15/19	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-06-19-00001-P	02/06/20	Jurisdictional Classification	To classify a position in the exempt class
CVS-13-19-00003-P	03/26/20	Jurisdictional Classification	To delete positions from and classify positions in the exempt class
CVS-18-19-00007-P	04/30/20	Jurisdictional Classification	To classify positions in the exempt class
CVS-18-19-00008-P	04/30/20	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-25-19-00001-P	06/18/20	Jurisdictional Classification	To delete positions from and classify positions in the exempt and non-competitive classes.
CVS-25-19-00002-P	06/18/20	Jurisdictional Classification	To classify positions in the exempt class.
CVS-25-19-00003-P	06/18/20	Jurisdictional Classification	To classify a position in the exempt class.
CVS-25-19-00004-P	06/18/20	Jurisdictional Classification	To delete positions from the non-competitive class.
CVS-25-19-00005-P	06/18/20	Jurisdictional Classification	To delete positions from and classify a position in the non-competitive class.
CVS-25-19-00006-P	06/18/20	Jurisdictional Classification	To classify positions in the non-competitive class.
CVS-25-19-00007-P	06/18/20	Jurisdictional Classification	To delete positions from and classify a position in the non-competitive class.
CVS-25-19-00008-P	06/18/20	Jurisdictional Classification	To classify positions in the non-competitive class.
CVS-25-19-00009-P	06/18/20	Jurisdictional Classification	To delete positions from and classify positions in the exempt and non-competitive classes.
CVS-25-19-00010-P	06/18/20	Jurisdictional Classification	To classify positions in the non-competitive class.
CVS-29-19-00001-P	07/16/20	Jurisdictional Classification	To delete positions from and classify a position in the non-competitive class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-29-19-00002-P	07/16/20	Jurisdictional Classification	To classify a position in the exempt class and to delete positions from and classify a position in the non-competitive class
CVS-29-19-00003-P	07/16/20	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-29-19-00004-P	07/16/20	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-29-19-00005-P	07/16/20	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-29-19-00006-P	07/16/20	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-29-19-00007-P	07/16/20	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-29-19-00008-P	07/16/20	Jurisdictional Classification	To delete a position from and classify positions in the non-competitive class
CVS-29-19-00009-P	07/16/20	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-29-19-00010-P	07/16/20	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-29-19-00011-P	07/16/20	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-29-19-00012-P	07/16/20	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-29-19-00013-P	07/16/20	Jurisdictional Classification	To classify positions in the exempt class and to delete positions from the non-competitive class
CVS-29-19-00014-P	07/16/20	Jurisdictional Classification	To delete a position in the non-competitive class
CVS-34-19-00002-P	08/20/20	Jurisdictional Classification	To classify positions in the exempt and non-competitive classes.
CVS-34-19-00003-P	08/20/20	Jurisdictional Classification	To classify a position in the exempt class
CVS-34-19-00004-P	08/20/20	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-34-19-00005-P	08/20/20	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-34-19-00006-P	08/20/20	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-34-19-00007-P	08/20/20	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-34-19-00008-P	08/20/20	Jurisdictional Classification	To delete a subheading and to delete a position in the non-competitive class

Action Pending Index**NYS Register/August 21, 2019**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-34-19-00009-P	08/20/20	Jurisdictional Classification	To delete a position from and classify a position in the non-competitive class
CVS-34-19-00010-P	08/20/20	Jurisdictional Classification	To classify positions in the exempt and non-competitive classes
CVS-34-19-00011-P	08/20/20	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF			
CCS-05-19-00006-P	01/30/20	Standard Conditions of Release Parole Revocation Dispositions	Establish standard conditions of release and provide a workable structure for applying appropriate parole revocation penalties
CCS-21-19-00014-P	05/21/20	Adolescent Offender Facilities	To reclassify two existing correctional facilities to adolescent offender facilities.
CCS-28-19-00003-EP	07/09/20	Reclassification of Correctional Facilities	The classification of Collins and Queensboro Correctional Facilities as Work Release facilities
CCS-32-19-00007-P	08/06/20	Transfer of Foreign Nationals	Correct spelling and update employee responsibility
CRIMINAL JUSTICE SERVICES, DIVISION OF			
CJS-20-19-00003-P	05/14/20	Certified Instructors and Course Directors	Establish/maintain effective procedures governing certified instructors and course directors who deliver MPTC-approved courses
CJS-21-19-00004-P	05/21/20	Changes the accrediting authority to the ANSI-ASQ National Accreditation Board.	To change the accrediting authority to the ANSI-ASQ National Accreditation Board.
CJS-30-19-00010-EP	07/23/20	Use of Force	Set forth use of force reporting and recordkeeping procedures
ECONOMIC DEVELOPMENT, DEPARTMENT OF			
EDV-30-19-00003-EP	07/23/20	START-UP NY Program	Establish procedures for the implementation and execution of START-UP NY program
EDUCATION DEPARTMENT			
EDU-40-18-00010-RP	10/03/19	Professional development plans and other related requirements for school districts and BOCES	To improve the quality of teaching and learning for teachers and leaders for professional growth
EDU-52-18-00005-P	12/26/19	Annual professional performance reviews.	To extend the transition period for an additional year (until 2019-2020).
EDU-05-19-00008-RP	01/30/20	Protecting Personally Identifiable Information	To implement the provisions of Education Law section 2-d
EDU-13-19-00009-ERP	03/26/20	The Execution by Registered Professional Nurses of Non-Patient Specific Orders to Administer Immunizations	To conform the regulation to current immunization standards

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
EDU-17-19-00008-P	04/23/20	To require study in language acquisition and literacy development of English language learners in certain teacher preparation	To ensure that newly certified teachers enter the workforce fully prepared to serve our ELL population
EDU-21-19-00007-EP	05/21/20	The Certification of Manufacturers and Wholesalers for Export Purposes	To clarify who may issue free sale certificates to New York State registered manufacturers or wholesalers
EDU-21-19-00008-P	05/21/20	Continuing Teacher and Leader Education (CTLE) for Educators in nonpublic schools.	To make technical amendments to the CTLE regulations for educators employed in nonpublic schools.
EDU-21-19-00009-P	05/21/20	Creation of safety nets for the science Content Specialty Tests (CSTs)	Allow candidates to be held harmless during a one-year transition period from the predecessor CSTs to the revised CST's
EDU-21-19-00010-P	05/21/20	Conditional initial certificate requirements.	Provides that candidates may be eligible for an Initial certificate even after their conditional initial certificate expires.
EDU-21-19-00011-P	05/21/20	Educational Broadcast Councils and Radio Stations	Reduce costs incurred by each Council and Radio Station for redundant annual certified audits & to streamline reporting process
EDU-21-19-00012-P	05/21/20	Requirements for Transitional D Programs that Lead to School District Leader Certification	Certificate enables the candidates to work in a school dist. /BOCES as a school dist. leader while they complete their requireme
EDU-25-19-00014-EP	06/18/20	Eligibility Requirements for the Endorsement Pathway for Certification as an Educator in the Classroom Teaching Service	To provide candidates with more flexibility to be eligible for the endorsement pathway
EDU-25-19-00015-EP	06/18/20	Statement of continued eligibility for certain teachers of students with disabilities	Extends the deadline to apply for a statement of continued eligibility for certain teachers of students with disabilities
EDU-26-19-00001-P	06/25/20	Reports of child abuse in an educational setting	To implement the provisions of Chapter 363 of the Laws of 2018 relating to reports of child abuse in an educational setting
EDU-27-19-00010-P	07/02/20	Substantially Equivalent Instruction for Nonpublic School Students	Provide guidance to local school authorities to assist them in fulfilling their responsibilities under the Compulsory Ed Law
EDU-31-19-00009-EP	07/30/20	Instructional Time for State Aid purposes	To provide school districts with additional flexibility when establishing their school calendars
EDU-31-19-00010-EP	07/30/20	School and district safety plans	To implement certain provisions of section 32 of part YYY of chapter 59 of the Laws of 2019
ELECTIONS, STATE BOARD OF			
SBE-22-19-00001-EP	05/28/20	Audit Status for Early Voting	Establishes Process for Auditing Early Voting Machines and Systems
SBE-22-19-00002-ERP	05/28/20	Related to the Minimum Required Voting Machines and Privacy Booths needed for Early Voting Polling Sites	Establishes the Minimum Required Voting Machines and Privacy Booths needed for Early Voting Polling Sites
SBE-22-19-00003-EP	05/28/20	Process for Early Voting	Establishing Process for Early Voting

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
ENV-09-19-00015-RP	05/13/20	Set nitrogen oxide (NOx) emission rate limits for simple cycle and regenerative combustion turbines	Reduction of nitrogen oxide (NOx) emissions from simple cycle and regenerative combustion turbines
ENV-10-19-00003-P	05/13/20	Regulate volatile organic compounds (VOCs) in architectural and industrial maintenance (AIM) coatings	To set new and lower VOC limits for certain coating categories. Update categories and methods
ENV-12-19-00002-P	05/23/20	Air emissions regulation of cleaning solutions containing volatile organic compounds.	Update existing regulation with latest emission control requirements and add requirements recently issued by EPA.
ENV-18-19-00006-EP	04/30/20	Regulations governing commercial fishing and harvest of scup.	To revise regulations concerning the commercial harvest of scup in New York State waters.
ENV-24-19-00002-P	08/18/20	Hazardous Waste Management Regulations (FedReg5)	To amend regulations pertaining to hazardous waste management
ENV-27-19-00001-P	07/02/20	Feeding of wild deer and moose, use of 4-Poster™ devices.	To prohibit feeding of wild deer and moose, to define conditions for use of 4-Poster™ devices.
ENV-27-19-00003-P	07/02/20	Black Bear hunting.	Expand bear hunting opportunities in Wildlife Management Unit 4W to reduce bear abundance.
ENV-28-19-00001-P	07/09/20	Omnibus changes to 6 NYCRR	Bring regulations current with statutory changes and to improve application efficiency as part of the Governor's Lean initiative
ENV-28-19-00002-EP	07/09/20	Regulations governing recreational fishing of scup	To revise regulations concerning the recreational harvest of scup in New York State
ENV-29-19-00016-P	09/15/20	Reasonably Available Control Technology (RACT) for Major Facilities of Oxides of Nitrogen (NOx)	Regulation of NOx emissions from major facilities of NOx. The regulation sets NOx limits for boilers, turbines, and engines
ENV-29-19-00017-P	09/15/20	Federal and State standards for acceptable air quality	To revise outdated State and Federal air quality standards
ENV-31-19-00008-EP	07/30/20	Sanitary Condition of Shellfish Lands	To reclassify underwater shellfish lands to protect public health
ENV-32-19-00006-P	08/06/20	Chronic wasting disease	Amend regulations to reduce risk of introduction of infectious material into New York
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-25-18-00006-P	exempt	Plan of Conversion by Medical Liability Mutual Insurance Company	To convert a mutual property and casualty insurance company to a stock property and casualty insurance company
*DFS-30-18-00007-RP	10/23/19	Minimum Standards for Form, Content, and Sale of Health Insurance, Including Standards for Full and Fair Disclosure	To clarify requirements regarding coverage and disclosure of information for contraceptives

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
FINANCIAL SERVICES, DEPARTMENT OF			
DFS-36-18-00003-RP	12/04/19	Professional Bail Agents; Managing General Agents; et al	To provide greater protection to consumers, and raise the standards of integrity in the bail business.
DFS-46-18-00014-P	11/14/19	Regulations Implementing the Comprehensive Motor Vehicle Insurance Reparations Act- Claims for Personal Injury Protection Benefit	To give insurer option to void assignment of benefits when insurer issues denial for EIP's failure to attend IME or EUO
DFS-18-19-00005-P	04/30/20	Servicing Mortgage Loans: Business Conduct Rules	Sets standards governing the servicing of residential home mortgage loans.
DFS-20-19-00002-P	05/14/20	Electronic Filings and Submissions	To require certain filings or submissions to be made electronically
DFS-20-19-00004-P	05/14/20	Valuation of Individual and Group Accident and Health Insurance Reserves	To adopt the 2016 Cancer Claim Cost Valuation Tables
DFS-21-19-00005-P	05/21/20	Continuing Care Retirement Communities	Amend rules related to permitted investments, financial transactions, reporting requirements and add new optional contract type.
DFS-28-19-00007-P	07/09/20	Accelerated Payment of the Death Benefit Under a Life Insurance Policy	Implement statutory amendments in: Laws of 2017 ch. 300, Laws of 2014 ch. 465, Laws of 2014 ch. 448, and Laws of 2010 ch. 563
DFS-31-19-00007-P	07/30/20	Student Loan Servicers	To provide for the supervision of the student loan servicing industry
DFS-32-19-00003-P	08/06/20	Minimum Standards for Form, Content and Sale of Medicare Supplement and Medicare Select Insurance, et al.	To conform with the NAIC model regulation for Medicare supplement insurance, as required by 42 U.S.C. Section 1395ss.
DFS-33-19-00004-P	08/13/20	Minimum Standards for Form, Content, and Sale of Health Insurance, Including Standards for Full and Fair Disclosure	To set forth minimum standards for the content of health insurance identification cards.
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-42-18-00008-P	10/17/19	Office-Based Surgery Practice Reports	Requires accredited Office-Based Surgery practices to submit adverse event & practice information which includes procedural data
HLT-51-18-00018-P	12/19/19	New requirements for Annual Registration of Licensed Home Care Services Agencies	To amend the regulations for licensed home care services agencies for the annual registration requirements of the agency
HLT-05-19-00005-P	01/30/20	Midwifery Birth Center Services	To set the standards for all birth centers to follow the structure of Article 28 requirements
HLT-09-19-00004-P	02/27/20	Cardiac Catheterization Laboratory Centers	To amend existing Certificate of Need requirements for the approval and operation of Cardiac Catheterization Laboratory Centers.
HLT-18-19-00016-P	04/30/20	Blood Lead Level	To improve the current understanding of lead poisoning risks to children and pregnant women

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
HLT-20-19-00006-P	05/14/20	Schroon Lake Water District	The regulation is no longer needed since Horseshoe Pond no longer serves as the public drinking water source
HLT-22-19-00015-P	05/28/20	Residents' Rights	Require nursing homes provide info. about home and community based services & comm. transition progs. to residents upon admission
HLT-25-19-00013-P	06/18/20	Registered Nurses in the Emergency Department	To remove a barrier to new graduate nurse recruitment in the emergency department
HLT-29-19-00020-P	07/16/20	Patients' Bill of Rights	To protect D&TC patients against unknowingly receiving care from out-of-network providers, resulting in surprise medical bills
HLT-30-19-00006-P	07/23/20	Maximum Contaminant Levels (MCLs)	Incorporating MCLs for perfluorooctanoic acid (PFOA), perfluorooctanesulfonic acid (PFOS) and 1,4-dioxane.
HIGHER EDUCATION SERVICES CORPORATION			
ESC-25-19-00012-EP	06/18/20	Eligibility criteria for student financial aid award programs under article 14 of the Education Law	To implement the eligibility criteria for student financial aid award programs under article 14 of the Education Law
ESC-31-19-00001-EP	07/30/20	NYS Child Welfare Worker Loan Forgiveness Incentive Program	To implement the NYS Child Welfare Worker Loan Forgiveness Incentive Program
ESC-31-19-00002-EP	07/30/20	New York State Science, Technology, Engineering and Mathematics Incentive Program	To implement the New York State Science, Technology, Engineering and Mathematics Incentive Program
ESC-31-19-00003-EP	07/30/20	NYS Child Welfare Worker Incentive Scholarship Program	To implement the NYS Child Welfare Worker Incentive Scholarship Program
ESC-31-19-00004-EP	07/30/20	Excelsior Scholarship	To implement the Excelsior Scholarship
ESC-31-19-00005-EP	07/30/20	Enhanced Tuition Awards program	To implement the Enhanced Tuition Awards program
HOUSING AND COMMUNITY RENEWAL, DIVISION OF			
HCR-21-19-00019-P	07/21/20	Low-Income Housing Qualified Allocation Plan	To amend definitions, threshold criteria and application scoring for the allocation of low-income housing tax credits.
HOUSING FINANCE AGENCY			
HFA-21-19-00020-P	07/21/20	Low-Income Housing Qualified Allocation Plan	To amend definitions, threshold criteria and application scoring for the allocation of low-income housing tax credits
HUMAN RIGHTS, DIVISION OF			
HRT-27-19-00002-P	07/02/20	Gender Identity or Expression Discrimination	To conform the Division's regulations with Executive Law as amended by Chapter 8 of the Laws of New York 2019.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LONG ISLAND POWER AUTHORITY			
*LPA-08-01-00003-P	..... exempt	Pole attachments and related matters	To approve revisions to the authority's tariff
*LPA-41-02-00005-P	..... exempt	Tariff for electric service	To revise the tariff for electric service
*LPA-04-06-00007-P	..... exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan
*LPA-03-10-00004-P	..... exempt	Residential late payment charges	To extend the application of late payment charges to residential customers
*LPA-15-18-00013-P	..... exempt	Outdoor area lighting	To add an option and pricing for efficient LED lamps to the Authority's outdoor area lighting
LPA-37-18-00013-P	..... exempt	The net energy metering provisions of the Authority's Tariff for Electric Service	To implement PSC guidance increasing eligibility for value stack compensation to larger projects
LPA-37-18-00017-P	..... exempt	The treatment of electric vehicle charging in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on electric vehicle supply equipment.
LPA-37-18-00018-P	..... exempt	The treatment of energy storage in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on the NY Energy Storage Roadmap.
METROPOLITAN TRANSPORTATION AGENCY			
MTA-23-19-00006-EP	..... 06/04/20	Debarment of contractors	To comply with Public Authorities Law, section 1279-h, which requires the MTA to establish a debarment process for contractors
MOTOR VEHICLES, DEPARTMENT OF			
MTV-25-19-00011-P	..... 06/18/20	Alcohol & Drug Rehabilitation Programs - Restricted Use License eligibility provision	Conforms regulation with statute
MTV-27-19-00011-P	..... 07/02/20	Limited Use Vehicles - provides that number of characters in a VIN be in conformance with Federal standards.	conforms regulation with statute
MTV-27-19-00012-P	..... 07/02/20	Private Service Bureaus-employment of persons who've been convicted of a crime in accordance with Article 23-A of Correction Law	conforms regulation with statute
MTV-27-19-00013-P	..... 07/02/20	Driving Schools-relates to employment of persons convicted of a crime in accordance with Article 23-A of Correction Law.	conforms regulation with statute
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
NIAGARA FALLS WATER BOARD			
NFW-01-19-00019-EP	..... exempt	Adoption of Rates, Fees, and Charges	To pay for increased costs necessary to operate, maintain, and manage the system, and to meet covenants with the bondholders
OGDENSBURG BRIDGE AND PORT AUTHORITY			
OBA-33-18-00019-P	..... exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit.
OBA-07-19-00019-P	..... exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit
PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR			
PDD-23-19-00002-EP	..... 06/04/20	Enrollment in Medicare Prescription Drug Plans and Fully Integrated Duals Advantage Plans for IDD	To allow individuals to be enrolled in a FIDA-IDD plan when individuals are unable to enroll themselves
PDD-31-19-00006-P	..... 07/30/20	Procedures for the Control of Tuberculosis	To modify the tuberculosis testing requirements for service recipients only receiving clinical services within an Art 16 clinic
PDD-33-19-00015-P	..... 08/13/20	Limits on Administrative Expenses and Executive Compensation	To conform with recent court decisions
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
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
*PSC-41-03-00010-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*PSC-34-04-00031-P	..... exempt	Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc.	To set appropriate level of permanent rates

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-07-06-00009-P	..... exempt	Modification of the current Environmental Disclosure Program	To include an attributes accounting system
*PSC-22-06-00019-P	..... exempt	Hourly pricing by National Grid	To assess the impacts
*PSC-22-06-00020-P	..... exempt	Hourly pricing by New York State Electric & Gas Corporation	To assess the impacts
*PSC-22-06-00021-P	..... exempt	Hourly pricing by Rochester Gas & Electric Corporation	To assess the impacts
*PSC-22-06-00022-P	..... exempt	Hourly pricing by Consolidated Edison Company of New York, Inc.	To assess the impacts
*PSC-22-06-00023-P	..... exempt	Hourly pricing by Orange and Rockland Utilities, Inc.	To assess the impacts
*PSC-24-06-00005-EP	..... exempt	Supplemental home energy assistance benefits	To extend the deadline to Central Hudson's low-income customers
*PSC-25-06-00017-P	..... exempt	Purchased power adjustment by Massena Electric Department	To revise the method of calculating the purchased power adjustment and update the factor of adjustment
*PSC-34-06-00009-P	..... exempt	Inter-carrier telephone service quality standards and metrics by the Carrier Working Group	To incorporate appropriate modifications
*PSC-37-06-00015-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-37-06-00017-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-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
*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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-13-08-00012-P	..... exempt	Voltage drops by New York State Electric & Gas Corporation	To grant or deny the petition
*PSC-23-08-00008-P	..... exempt	Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project	To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project
*PSC-25-08-00007-P	..... exempt	Policies and procedures regarding the selection of regulatory proposals to meet reliability needs	To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs
*PSC-25-08-00008-P	..... exempt	Report on Callable Load Opportunities	Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years
*PSC-28-08-00004-P	..... exempt	Con Edison's procedure for providing customers access to their account information	To consider Con Edison's implementation plan and timetable for providing customers access to their account information
*PSC-31-08-00025-P	..... exempt	Recovery of reasonable DRS costs from the cost mitigation reserve (CMR)	To authorize recovery of the DRS costs from the CMR
*PSC-32-08-00009-P	..... exempt	The ESCO referral program for KEDNY to be implemented by October 1, 2008	To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program
*PSC-33-08-00008-P	..... exempt	Noble Allegany's request for lightened regulation	To consider Noble Allegany's request for lightened regulation as an electric corporation
*PSC-36-08-00019-P	..... exempt	Land Transfer in the Borough of Manhattan, New York	To consider petition for transfer of real property to NYPH
*PSC-39-08-00010-P	..... exempt	RG&E's economic development plan and tariffs	Consideration of the approval of RG&E's economic development plan and tariffs
*PSC-40-08-00010-P	..... exempt	Loans from regulated company to its parent	To determine if the cash management program resulting in loans to the parent should be approved
*PSC-41-08-00009-P	..... exempt	Transfer of control of cable TV franchise	To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved
*PSC-43-08-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-46-08-00008-P	..... exempt	Property transfer in the Village of Avon, New York	To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York
*PSC-46-08-00010-P	..... exempt	A transfer of indirect ownership interests in nuclear generation facilities	Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities
*PSC-46-08-00014-P	..... exempt	The attachment of cellular antennae to an electric transmission tower	To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower

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

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PUBLIC SERVICE COMMISSION			
*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
*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

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-18-10-00009-P	..... exempt	Electric utility transmission right-of-way management practices	To consider electric utility transmission right-of-way management practices
*PSC-19-10-00022-P	..... exempt	Whether National Grid should be permitted to transfer a parcel of property located at 1 Eddy Street, Fort Edward, New York	To decide whether to approve National Grid's request to transfer a parcel of vacant property in Fort Edward, New York
*PSC-22-10-00006-P	..... exempt	Requirement that Noble demonstrate that its affiliated electric corporations operating in New York are providing safe service	Consider requiring that Noble demonstrate that its affiliated electric corporations in New York are providing safe service
*PSC-22-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of 48-52 Franklin Street to submeter electricity at 50 Franklin Street, New York, New York
*PSC-24-10-00009-P	..... exempt	Verizon New York Inc. tariff regulations relating to voice messaging service	To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff
*PSC-25-10-00012-P	..... exempt	Reassignment of the 2-1-1 abbreviated dialing code	Consideration of petition to reassign the 2-1-1 abbreviated dialing code
*PSC-27-10-00016-P	..... exempt	Petition for the submetering of electricity	To consider the request of 9271 Group, LLC to submeter electricity at 960 Busti Avenue, Buffalo, New York
*PSC-34-10-00003-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-34-10-00005-P	..... exempt	Approval of a contract for \$250,000 in tank repairs that may be a financing	To decide whether to approve a contract between the parties that may be a financing of \$250,000 for tank repairs
*PSC-34-10-00006-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-36-10-00010-P	..... exempt	Central Hudson's procedures, terms and conditions for an economic development plan	Consideration of Central Hudson's procedures, terms and conditions for an economic development plan
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-43-10-00016-P	..... exempt	Utility Access to Ducts, Conduit Facilities and Utility Poles	To review the complaint from Optical Communications Group
*PSC-44-10-00003-P	..... exempt	Third and fourth stage gas rate increase by Corning Natural Gas Corporation	To consider Corning Natural Gas Corporation's request for a third and fourth stage gas rate increase
*PSC-51-10-00018-P	..... exempt	Commission proceeding concerning three-phase electric service by all major electric utilities	Investigate the consistency of the tariff provisions for three-phase electric service for all major electric utilities
*PSC-11-11-00003-P	..... exempt	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service
*PSC-13-11-00005-P	..... exempt	Exclude the minimum monthly bill component from the earnings test calculation	Exclude the minimum monthly bill component from the earnings test calculation
*PSC-14-11-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York
*PSC-19-11-00007-P	..... exempt	Utility price reporting requirements related to the Commission's "Power to Choose" website	Modify the Commission's utility electric commodity price reporting requirements related to the "Power to Choose" website
*PSC-20-11-00012-P	..... exempt	Petition for the submetering of electricity	To consider the request of KMW Group LLC to submeter electricity at 122 West Street, Brooklyn, New York
*PSC-20-11-00013-P	..... exempt	Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges	To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable
*PSC-22-11-00004-P	..... exempt	Whether to permit the use of the Sensus accWAVE for use in residential gas meter applications	To permit gas utilities in New York State to use the Sensus accWAVE diaphragm gas meter
*PSC-26-11-00007-P	..... exempt	Water rates and charges	To approve an increase in annual revenues by about \$25,266 or 50%
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-38-11-00003-P	..... exempt	Waiver of certain provisions of the electric service tariffs of Con Edison	Consideration of waiver of certain provisions of the electric service tariffs of Con Edison
*PSC-40-11-00010-P	..... exempt	Participation of regulated local exchange carriers in the New York Data Exchange, Inc. (NYDE)	Whether to partially modify its order requiring regulated local exchange carriers' participation NYDE
*PSC-40-11-00012-P	..... exempt	Granting of transfer of plant in-service to a regulatory asset	To approve transfer and recovery of unamortized plant investment
*PSC-42-11-00018-P	..... exempt	Availability of telecommunications services in New York State at just and reasonable rates	Providing funding support to help ensure availability of affordable telecommunications service throughout New York
*PSC-43-11-00012-P	..... exempt	Transfer of outstanding shares of stock	Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC
*PSC-47-11-00007-P	..... exempt	Remedying miscalculations of delivered gas as between two customer classes	Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations
*PSC-48-11-00007-P	..... exempt	Transfer of controlling interests in generation facilities from Dynegy to PSEG	Consideration of the transfer of controlling interests in electric generation facilities from Dynegy to PSEG
*PSC-48-11-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York
*PSC-01-12-00007-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-01-12-00008-P	..... exempt	Transfer of real property and easements from NMPNS to NMP3	Consideration of the transfer of real property and easements from NMPNS to NMP3
*PSC-01-12-00009-P	..... exempt	Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove	To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered
*PSC-11-12-00002-P	..... exempt	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff
*PSC-11-12-00005-P	..... exempt	Transfer of land and water supply assets	Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman
*PSC-13-12-00005-P	..... exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-19-12-00023-P	..... exempt	Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than \$100,000	To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc.
*PSC-21-12-00006-P	..... exempt	Tariff filing requirements and refunds	To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-21-12-00011-P	..... exempt	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47
*PSC-23-12-00007-P	..... exempt	The approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility	To consider the approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility
*PSC-23-12-00009-P	..... exempt	Over earnings sharing between rate payers and shareholders	To establish an Earnings Sharing Mechanism to be applied following the conclusion of Corning's rate plan
*PSC-27-12-00012-P	..... exempt	Implementation of recommendations made in a Management Audit Report	To consider implementation of recommendations made in a Management Audit Report
*PSC-28-12-00013-P	..... exempt	Exemption of reliability reporting statistics for the purpose of the 2012 Reliability Performance Mechanism	Consideration of Orange and Rockland Utilities request for exemption of the 2012 reliability reporting statistics
*PSC-29-12-00019-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Hamden to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-30-12-00010-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Andes to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-33-12-00009-P	..... exempt	Telecommunications companies ability to attach to utility company poles	Consideration of Tech Valley's ability to attach to Central Hudson poles
*PSC-37-12-00009-P	..... exempt	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers
*PSC-42-12-00009-P	..... exempt	Regulation of Gipsy Trail Club, Inc.'s long-term financing agreements	To exempt Gipsy Trail Club, Inc. from Commission regulation of its financing agreements
*PSC-45-12-00008-P	..... exempt	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-08-13-00012-P	..... exempt	Filing requirements for certain Article VII electric facilities	To ensure that applications for certain electric transmission facilities contain pertinent information
*PSC-08-13-00014-P	..... exempt	Uniform System of Accounts - Request for Accounting Authorization	To allow the company to defer an item of expense or capital beyond the end of the year in which it was incurred
*PSC-12-13-00007-P	..... exempt	Protecting company water mains	To allow the company to require certain customers to make changes to the electrical grounding system at their homes
*PSC-13-13-00008-P	..... exempt	The potential waiver of 16 NYCRR 255.9221(d) completion of integrity assessments for certain gas transmission lines.	To determine whether a waiver of the timely completion of certain gas transmission line integrity assessments should be granted.
*PSC-18-13-00007-P	..... exempt	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes
*PSC-21-13-00003-P	..... exempt	To consider policies that may impact consumer acceptance and use of electric vehicles	To consider and further develop policies that may impact consumer acceptance and use of electric vehicles
*PSC-21-13-00005-P	..... exempt	To implement an abandonment of Windover's water system	To approve the implementation of abandonment of Windover's water system
*PSC-21-13-00008-P	..... exempt	Rates of National Fuel Gas Distribution Corporation	To make the rates of National Fuel Gas Distribution Corporation temporary, subject to refund, if they are found to be excessive
*PSC-21-13-00009-P	..... exempt	Reporting requirements for natural gas local distribution companies	To help ensure efficient and economic expansion of the natural gas system as appropriate
*PSC-22-13-00009-P	..... exempt	On remand from New York State court litigation, determine the recovery of certain deferred amounts owed NFG by ratepayers	On remand, to determine the recovery of certain deferral amounts owed NFG from ratepayers
*PSC-23-13-00005-P	..... exempt	Waiver of partial payment, directory database distribution, service quality reporting, and service termination regulations	Equalize regulatory treatment based on level of competition and practical considerations
*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-32-13-00012-P	..... exempt	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion
*PSC-33-13-00027-P	..... exempt	Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines.	Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines.
*PSC-33-13-00029-P	..... exempt	Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy.	To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy.
*PSC-34-13-00004-P	..... exempt	Escrow account and surcharge to fund extraordinary repairs	To approve the establishment of an escrow account and surcharge
*PSC-42-13-00013-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-42-13-00015-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-43-13-00015-P	..... exempt	Petition for submetering of electricity	To consider the request of 2701 Kingsbridge Terrace L.P. to submeter electricity at 2701 Kingsbridge Terrace, Bronx, N.Y.
*PSC-45-13-00021-P	..... exempt	Investigation into effect of bifurcation of gas and electric utility service on Long Island.	To consider a Petition for an investigation into effect of bifurcation of gas and electric utility service on Long Island.
*PSC-45-13-00022-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00023-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00024-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4); waiver of filing deadlines.	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00025-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-47-13-00009-P	..... exempt	Petition for submetering of electricity.	To consider the request of Hegeman Avenue Housing L.P. to submeter electricity at 39 Hegeman Avenue, Brooklyn, N.Y.
*PSC-47-13-00012-P	..... exempt	Conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.	Consideration of conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-49-13-00008-P	..... exempt	Authorization to transfer all of Crystal Water Supply Company, Inc. stocks to Essel Infra West Inc.	To allow Crystal Water Supply Company, Inc to transfer all of its issued and outstanding stocks to Essel Infra West Inc.
*PSC-51-13-00009-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00010-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00011-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-52-13-00012-P	..... exempt	The development of reliability contingency plan(s) to address the potential retirement of Indian Point Energy Center (IPEC).	To address the petition for rehearing and reconsideration/motion for clarification of the IPEC reliability contingency plan(s).
*PSC-52-13-00015-P	..... exempt	To enter into a loan agreement with the banks for up to an amount of \$94,000.	To consider allowing Knolls Water Company to enter into a long-term loan agreement.
*PSC-05-14-00010-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-07-14-00008-P	..... exempt	Petition for submetering of electricity	To consider the request of Greater Centennial Homes HDFC, Inc. to submeter electricity at 102, 103 and 106 W 5th Street, et al.
*PSC-07-14-00012-P	..... exempt	Water rates and charges	Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project
*PSC-08-14-00015-P	..... exempt	Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities	To improve Verizon New York Inc.'s service quality and the Customer Trouble Report Rate levels at certain central office entities
*PSC-10-14-00006-P	..... exempt	Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance	To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance
*PSC-11-14-00003-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-16-14-00014-P	..... exempt	Whether to order NYSEG to provide gas service to customers when an expanded CPCN is approved and impose PSL 25-a penalties.	To order gas service to customers in the Town of Plattsburgh after approval of a town wide CPCN and to impose penalties.
*PSC-16-14-00015-P	..... exempt	Whether Central Hudson should be permitted to defer obligations of the Order issued on October 18, 2013 in Case 13-G-0336.	Consideration of the petition by Central Hudson to defer reporting obligations of the October 18, 2013 Order in Case 13-G-0336
*PSC-17-14-00003-P	..... exempt	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism
*PSC-17-14-00004-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-17-14-00007-P	..... exempt	To consider petitions for rehearing, reconsideration and/or clarification	To consider petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00008-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-19-14-00014-P	..... exempt	Market Supply Charge	To make tariff revisions to the Market Supply Charge for capacity related costs
*PSC-19-14-00015-P	..... exempt	Whether to permit the use of the Sensus accuWAVE for use in residential and commercial gas meter applications	To permit gas utilities in New York State to use the Sensus accuWAVE 415TC gas meter
*PSC-22-14-00013-P	..... exempt	Petition to transfer and merge systems, franchises and assets.	To consider the Comcast and Time Warner Cable merger and transfer of systems, franchises and assets.
*PSC-23-14-00010-P	..... exempt	Whether to permit the use of the GE Dresser Series B3-HPC 11M-1480 rotary gas met for use in industrial gas meter applications	To permit gas utilities in New York State to use the GE Dresser Series B3-HPC 11M-1480 rotary gas meter
*PSC-23-14-00014-P	..... exempt	Waiver of the negative revenue adjustment associated with KEDLI's 2013 Customer Satisfaction Performance Metric	Consideration of KEDLI's waiver request pertaining to its 2013 performance under its Customer Satisfaction Metric
*PSC-24-14-00005-P	..... exempt	To examine LDC's performance and performance measures.	To improve gas safety performance.
*PSC-26-14-00013-P	..... exempt	Waiver of RG&E's tariffed definition of emergency generator.	To consider waiver of RG&E's tariffed definition of emergency generator.
*PSC-26-14-00020-P	..... exempt	New electric utility backup service tariffs and standards for interconnection may be adopted.	To encourage development of microgrids that enhance the efficiency, safety, reliability and resiliency of the electric grid.
*PSC-26-14-00021-P	..... exempt	Consumer protections, standards and protocols pertaining to access to customer data may be established.	To balance the need for the information necessary to support a robust market with customer privacy concerns.
*PSC-28-14-00014-P	..... exempt	Petition to transfer systems, franchises and assets.	To consider the Comcast and Charter transfer of systems, franchise and assets.
*PSC-30-14-00023-P	..... exempt	Whether to permit the use of the Sensus iPERL Fire Flow Meter.	Pursuant to 16 NYCRR Part 500.3 , it is necessary to permit the use of the Sensus iPERL Fire Flow Meter.
*PSC-30-14-00026-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of Renaissance Corporation of to master meter electricity at 100 Union Drive,Albany, NY.
*PSC-31-14-00004-P	..... exempt	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross
*PSC-32-14-00012-P	..... exempt	Whether to grant or deny, in whole or in part, the Connect New York Coalition's petition	To consider the Connect New York Coalition's petition seeking a formal investigation and hearings
*PSC-35-14-00004-P	..... exempt	Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY	To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-35-14-00005-P	..... exempt	Whether to permit the use of the Sensus iConA electric meter	Pursuant to 16 NYCRR Parts 92 and 93, Commission approval is necessary to permit the use of the Sensus iConA electric meter
*PSC-36-14-00009-P	..... exempt	Modification to the Commission's Electric Safety Standards.	To consider revisions to the Commission's Electric Safety Standards.
*PSC-38-14-00003-P	..... exempt	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.
*PSC-38-14-00004-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00005-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-38-14-00007-P	..... exempt	Whether to expand Con Edison's low income program to include Medicaid recipients.	Whether to expand Con Edison's low income program to include Medicaid recipients.
*PSC-38-14-00008-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00010-P	..... exempt	Inter-carrier telephone service quality standard and metrics and administrative changes.	To review recommendations from the Carrier Working Group and incorporate appropriate modifications to the existing Guidelines.
*PSC-38-14-00012-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-39-14-00020-P	..... exempt	Whether to permit the use of the Mueller Systems 400 Series and 500 Series of water meters	Pursuant to 16 NYCRR section 500.3, whether to permit the use of the Mueller Systems 400, and 500 Series of water meters
*PSC-40-14-00008-P	..... exempt	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-42-14-00003-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-42-14-00004-P	..... exempt	Winter Bundled Sales Service Option	To modify SC-11 to remove language relating to fixed storage charges in the determination of the Winter Bundled Sales charge
*PSC-48-14-00014-P	..... exempt	Considering the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.	To consider the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.
*PSC-52-14-00019-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of 614 South Crouse Avenue, LLC to master meter electricity at 614 South Crouse Avenue, Syracuse, NY..
*PSC-01-15-00014-P	..... exempt	State Universal Service Fund Disbursements	To consider Edwards Telephone Company's request for State Universal Service Fund disbursements
*PSC-08-15-00009-P	..... exempt	Approval of a surcharge.	To allow or disallow Emerald Green Lake Louise Marie Water Company, Inc. for a surcharge.
*PSC-08-15-00010-P	..... exempt	Request pertaining to the lawfulness of National Grid USA continuing its summary billing program.	To grant, deny, or modify URAC Rate Consultants' request that National Grid cease its summary billing program.
*PSC-10-15-00007-P	..... exempt	Notification concerning tax refunds	To consider Verizon New York Inc.'s partial rehearing or reconsideration request regarding retention of property tax refunds
*PSC-10-15-00008-P	..... exempt	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes
*PSC-13-15-00024-P	..... exempt	Whether Leatherstocking should be permitted to recover a shortfall in earnings	To decide whether to approve Leatherstocking's request to recover a shortfall in earnings
*PSC-13-15-00026-P	..... exempt	Whether to permit the use of the Sensus Smart Point Gas AMR/AMI product	To permit the use of the Sensus Smart Point Gas AMR/AMI product
*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-29-15-00025-P	..... exempt	Joint Petition for authority to transfer real property located at 624 West 132nd Street, New York, NY	Whether to authorize the proposed transfer of real property located at 624 West 132nd Street, New York, NY
*PSC-32-15-00006-P	..... exempt	Development of a Community Solar Demonstration Project.	To approve the development of a Community Solar Demonstration Project.
*PSC-33-15-00009-P	..... exempt	Remote net metering of a demonstration community net metering program.	To consider approval of remote net metering of a demonstration community net metering program.
*PSC-33-15-00012-P	..... exempt	Remote net metering of a Community Solar Demonstration Project.	To consider approval of remote net metering of a Community Solar Demonstration Project.
*PSC-34-15-00021-P	..... exempt	Petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs	To consider the petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs
*PSC-35-15-00014-P	..... exempt	Consideration of consequences against Light Power & Gas, LLC for violations of the UBP	To consider consequences against Light Power & Gas, LLC for violations of the UBP
*PSC-37-15-00007-P	..... exempt	Submetered electricity	To consider the request of 89 Murray Street Ass. LLC, for clarification of the submetering order issued December 20, 2007
*PSC-40-15-00014-P	..... exempt	Whether to permit the use of the Open Way 3.5 with cellular communications	To consider the use of the Open Way 3.5 electric meter, pursuant to 16 NYCRR Parts 92 and 93
*PSC-42-15-00006-P	..... exempt	Deferral of incremental expenses associated with NERC's new Bulk Electric System (BES) compliance requirements approved by FERC.	Consideration of Central Hudson's request to defer incremental expenses associated with new BES compliance requirements.
*PSC-44-15-00028-P	..... exempt	Deferral of incremental expenses associated with new compliance requirements	Consideration of Central Hudson's request to defer incremental expenses associated with new compliance requirements
*PSC-47-15-00013-P	..... exempt	Whitepaper on Implementing Lightened Ratemaking Regulation.	Consider Whitepaper on Implementing Lightened Ratemaking Regulation.
*PSC-48-15-00010-P	..... exempt	Lightened and incidental regulation of a 55 MW electric and steam generating facility.	Consider the lightened and incidental regulation of a 55 MW electric and steam generating facility.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-48-15-00011-P	..... exempt	Proposal to retire Huntley Units 67 and 68 on March 1, 2016.	Consider the proposed retirement of Huntley Units 67 and 68.
*PSC-50-15-00006-P	..... exempt	The reduction of rates.	To consider the reduction of rates charged by Independent Water Works, Inc.
*PSC-50-15-00009-P	..... exempt	Notice of Intent to submeter electricity.	To consider the request to submeter electricity at 31-33 Lincoln Road and 510 Flatbush Avenue, Brooklyn, New York.
*PSC-51-15-00010-P	..... exempt	Modification of the EDP	To consider modifying the EDP
*PSC-01-16-00005-P	..... exempt	Proposed amendment to Section 5, Attachment 1.A of the Uniform Business Practices	To consider amendment to Section 5, Attachment 1.A of the Uniform Business Practices
*PSC-04-16-00007-P	..... exempt	Whether Hamilton Municipal Utilities should be permitted to construct and operate a municipal gas distribution facility.	Consideration of the petition by Hamilton Municipal Utilities to construct and operate a municipal gas distribution facility.
*PSC-04-16-00012-P	..... exempt	Proposal to mothball three gas turbines located at the Astoria Gas Turbine Generating Station.	Consider the proposed mothball of three gas turbines located at the Astoria Gas Turbine Generating Station.
*PSC-04-16-00013-P	..... exempt	Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.	Consider whether three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.
*PSC-06-16-00013-P	..... exempt	Continued deferral of approximately \$16,000,000 in site investigation and remediation costs.	To consider the continued deferral of approximately \$16,000,000 in site investigation and remediation costs.
*PSC-06-16-00014-P	..... exempt	MEGA's proposed demonstration CCA program.	To consider MEGA's proposed demonstration CCA program.
*PSC-14-16-00008-P	..... exempt	Resetting retail markets for ESCO mass market customers.	To ensure consumer protections with respect to residential and small non-residential ESCO customers.
*PSC-18-16-00013-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-20-16-00011-P	..... exempt	Enetics LD-1120 Non-Intrusive Load Monitoring Device in the Statewide Residential Appliance Metering Study.	To consider the use of the Enetics LD-1120 Non-Intrusive Load Monitoring Device.
*PSC-24-16-00009-P	..... exempt	Petition to submeter gas service.	To consider the Petition of New York City Economic Development Corp. to submeter gas at Pier 17, 89 South Street, New York, NY.
*PSC-25-16-00009-P	..... exempt	To delay Companies' third-party assessments of customer personally identifiable information until 2018.	To extend the time period between the Companies' third-party assessments of customer personally identifiable information.
*PSC-25-16-00025-P	..... exempt	Acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.	To consider acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.
*PSC-25-16-00026-P	..... exempt	Use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter, in residential fire service applications.	To consider the use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter in fire service applications.
*PSC-28-16-00017-P	..... exempt	A petition for rehearing of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework.	To determine appropriate rules for and calculation of the distributed generation reliability credit.
*PSC-29-16-00024-P	..... exempt	Participation of NYPA customers in surcharge-funded clean energy programs.	To consider participation of NYPA customers in surcharge-funded clean energy programs.
*PSC-32-16-00012-P	..... exempt	Benefit-Cost Analysis Handbooks.	To evaluate proposed methodologies of benefit-cost evaluation.
*PSC-33-16-00001-EP	..... exempt	Use of escrow funds for repairs.	To authorize the use of escrow account funds for repairs.
*PSC-33-16-00005-P	..... exempt	Exemption from certain charges for delivery of electricity to its Niagara Falls, New York facility.	Application of System Benefits Charges, Renewable Portfolio Standard charges and Clean Energy Fund surcharges.
*PSC-35-16-00015-P	..... exempt	NYSRC's revisions to its rules and measurements	To consider revisions to various rules and measurements of the NYSRC
*PSC-36-16-00004-P	..... exempt	Recovery of costs for installation of electric service.	To consider the recovery of costs for installation of electric service.
*PSC-40-16-00025-P	..... exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP).	To consider whether to impose consequences on Smart One for its apparent non-compliance with Commission requirements.
*PSC-47-16-00009-P	..... exempt	Petition to use commercial electric meters	To consider the petition of Itron, Inc. to use the Itron CP2SO and CP2SOA in commercial electric meter applications
*PSC-47-16-00010-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00013-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00014-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-47-16-00016-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-02-17-00010-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for RG&E.
*PSC-02-17-00012-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for NYSEG.
*PSC-14-17-00017-P	..... exempt	Petition for Full-Scale Deployment of AMI and to Establish an AMI Surcharge.	To consider the petition for Full-Scale Deployment of AMI and to Establish an AMI Surcharge.
*PSC-18-17-00024-P	..... exempt	A petition for rehearing or reconsideration of the Order Addressing Public Policy Transmission Need for AC Transmission Upgrades	To determine whether Public Policy Transmission Need/Public Policy Requirements continue to exist.
*PSC-18-17-00026-P	..... exempt	Revisions to the Dynamic Load Management surcharge.	To consider revisions to the Dynamic Load Management surcharge.
*PSC-19-17-00004-P	..... exempt	NYAW's request to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2016.	Consideration of NYAW's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2016.
*PSC-20-17-00008-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid NY regarding the potential for adoption of compressed natural gas as a motor fuel.
*PSC-20-17-00010-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid regarding the potential for adoption of compressed natural gas as a motor fuel.
*PSC-21-17-00013-P	..... exempt	The establishment and implementation of Earnings Adjustment Mechanisms.	To consider the establishment and implementation of Earnings Adjustment Mechanisms.
*PSC-21-17-00018-P	..... exempt	Proposed agreement for the provision of water service by Saratoga Water Services, Inc.	To consider a waiver and approval of terms of a service agreement.
*PSC-22-17-00004-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives	To consider the proposed Interconnection Survey Process and Earnings Adjustment Mechanisms
*PSC-23-17-00022-P	..... exempt	Changes in regulation of ESCOs, including restrictions on or prohibitions of marketing or offering certain products or services.	To ensure consumer protection for ESCO customers.
*PSC-24-17-00006-P	..... exempt	Development of the Utility Energy Registry.	Improved data access.
*PSC-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-34-17-00011-P	..... exempt	Waiver to permit Energy Cooperative of America to serve low-income customers	To consider the petition for a waiver
*PSC-37-17-00005-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives.	To consider the revised Interconnection Survey Process and Earnings Adjustment Mechanisms.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-37-17-00006-P	..... exempt	Petition to submeter electricity.	To consider the petition of ACC OP (Park Point SU) LLC to submeter electricity at 417 Comstock Avenue, Syracuse, New York.
*PSC-39-17-00011-P	..... exempt	Whether to direct New York State Electric & Gas to complete electric facility upgrades at no charge to Hanehan.	To determine financial responsibility between NYSEG and Hanehan for the electric service upgrades to Hanehan.
*PSC-40-17-00006-P	..... exempt	The aggregation of electric service for the Empire State Plaza and the Sheridan Avenue Steam Plant	To consider a waiver of National Grid's tariff provision requiring all electric delivery points to be on the same premises
*PSC-42-17-00010-P	..... exempt	Petition for rehearing of negative revenue adjustment and contents of annual Performance Report.	To consider NFGD's petition for rehearing.
*PSC-48-17-00015-P	..... exempt	Low Income customer options for affordable water bills.	To consider the Low Income Bill Discount and/or Energy Efficiency Rebate Programs.
*PSC-50-17-00017-P	..... exempt	New Wave Energy Corp.'s petition for rehearing.	To consider the petition for rehearing filed by New Wave Energy Corp.
*PSC-50-17-00018-P	..... exempt	Application of the Public Service Law to DER suppliers.	To determine the appropriate regulatory framework for DER suppliers.
*PSC-50-17-00019-P	..... exempt	Transfer of utility property.	To consider the transfer of utility property.
*PSC-50-17-00021-P	..... exempt	Disposition of tax refunds and other related matters.	To consider the disposition of tax refunds and other related matters.
*PSC-50-17-00022-P	..... exempt	Data protection rules for DER suppliers.	To determine the appropriate regulatory framework for DER suppliers.
*PSC-51-17-00011-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-04-18-00005-P	..... exempt	Notice of intent to submeter electricity.	To consider the notice of intent of Montante/ Morgan Gates Circle LLC to submeter electricity.
*PSC-05-18-00004-P	..... exempt	Lexington Power's ZEC compliance obligation.	To promote and maintain renewable and zero-emission electric energy resources.
*PSC-06-18-00012-P	..... exempt	To consider further proposed amendments to the original criteria to grandfathering established in the Transition Plan	To modify grandfathering criteria
*PSC-06-18-00017-P	..... exempt	Merger of NYAW and Whitlock Farms Water Corp.	To consider the merger of NYAW and Whitlock Farms Water Company into a single corporate entity
*PSC-07-18-00015-P	..... exempt	The accuracy and reasonableness of National Grid's billing for certain interconnection upgrades.	To consider AEC's petition requesting resolution of their billing dispute with National Grid.
*PSC-11-18-00004-P	..... exempt	New York State Lifeline Program.	To consider TracFone's petition seeking approval to participate in Lifeline.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-13-18-00015-P	..... exempt	Eligibility of an ESCO to market to and enroll residential customers.	To consider whether Astral should be allowed to market to and enroll residential customers following a suspension.
*PSC-13-18-00023-P	..... exempt	Reconciliation of property taxes.	To consider NYAW's request to reconcile property taxes.
*PSC-14-18-00006-P	..... exempt	Petition for abandonment	To consider the abandonment of Willsboro Bay Water Company's water system
*PSC-15-18-00008-P	..... exempt	Amendments to the Uniform Business Practices.	Consideration of revised consumer protections and business practices of energy service companies.
*PSC-17-18-00010-P	..... exempt	Petition for use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
*PSC-18-18-00009-P	..... exempt	Transfer of control of Keene Valley Video Inc.	To ensure performance in accordance with applicable cable laws, regulations and standards and the public interest
*PSC-23-18-00006-P	..... exempt	Whether to impose consequences on Aspiry for its non-compliance with Commission requirements.	To ensure the provision of safe and adequate energy service at just and reasonable rates.
*PSC-23-18-00014-P	..... exempt	Proposed major rate increase of approximately \$11.7 million to cover its Franklin and St. Lawrence Counties expansion project.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
*PSC-24-18-00013-P	..... exempt	Implementation of program rules for Renewable Energy Standard and ZEC requirements.	To promote and maintain renewable and zero-emission electric energy resources.
*PSC-28-18-00011-P	..... exempt	Storm Hardening Collaborative Report.	To ensure safe and adequate gas service.
*PSC-29-18-00008-P	..... exempt	Participation in Targeted Accessibility Fund	To encourage enhanced services for low-income consumers
*PSC-29-18-00009-P	..... exempt	Overvaluing real property tax expense recovery in water rates	To prevent unjust and unreasonable water rates
*PSC-30-18-00004-P	..... exempt	Ownership of St. Lawrence Gas Company, Inc.	To consider whether a proposed transfer of ownership interests in St. Lawrence Gas Company, Inc. is in the public interest.
*PSC-31-18-00011-P	..... exempt	Petition for the use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
PSC-34-18-00011-P	..... exempt	Compensation of distributed energy resources.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-34-18-00015-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and energy efficiency protections are in place.
PSC-34-18-00016-P	..... exempt	Deferral of pre-staging and mobilization storm costs.	To ensure just and reasonable rates for ratepayers and utility recovery of unexpected, prudently incurred costs.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-35-18-00003-P	..... exempt	Con Edison's 2018 DSIP and BCA Handbook Update.	To continue Con Edison's transition to a modern utility serving as a Distributed System Platform Provider.
PSC-35-18-00005-P	..... exempt	NYSEG and RG&E's 2018 DSIP and BCA Handbook Update.	To continue NYSEG and RG&E's transition to modern utilities acting as Distributed System Platform Providers.
PSC-35-18-00006-P	..... exempt	National Grid's 2018 DSIP and BCA Handbook Update.	To continue National Grid's transition to a modern utility serving as a Distributed System Platform Provider.
PSC-35-18-00008-P	..... exempt	Central Hudson's 2018 DSIP and BCA Handbook Update.	To continue Central Hudson's transition to a modern utility serving as a Distributed System Platform Provider.
PSC-35-18-00010-P	..... exempt	O&R's 2018 DSIP and BCA Handbook Update.	To continue O&R's transition to a modern utility acting as a Distributed System Platform Provider.
PSC-36-18-00005-P	..... exempt	Permanent operator of gas wells and certain gas facilities.	To resolve ownership of overlapping gas facilities associated with wells transferred to two gas companies.
PSC-39-18-00005-P	..... exempt	Participation in New York State Lifeline Program.	To encourage enhanced services for low-income customers.
PSC-40-18-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	To review the gas utilities' reconciliation of Gas Expenses and Gas Cost Recoveries for 2018.
PSC-40-18-00015-P	..... exempt	Proposed rate filing to increase annual revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-42-18-00011-P	..... exempt	Voluntary residential beneficial electrification rate design.	To provide efficient rate design for beneficial technologies in New York State that is equitable for all residential customers.
PSC-42-18-00013-P	..... exempt	Petition for clarification and rehearing of the Smart Solutions Program Order.	To address the increased demand for natural gas in the Con Edison's service territory and the limited pipeline capacity.
PSC-44-18-00012-P	..... exempt	Petition for approval of gas metering equipment.	To ensure that customer bills are based on accurate measurements of gas usage.
PSC-44-18-00013-P	..... exempt	Petition for approval of gas metering equipment.	To ensure that customer bills are based on accurate measurements of gas usage.
PSC-44-18-00016-P	..... exempt	Petition for approval of gas metering equipment.	To ensure that customer bills are based on accurate measurements of gas usage.
PSC-45-18-00004-P	..... exempt	Proposed transfer of two natural gas pipeline operating companies, and for lightened and incidental regulation	To consider transfer if there is no market power or ratepayer harm, incidental regulation, and continuing lightened regulation
PSC-45-18-00005-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place
PSC-46-18-00005-P	..... exempt	Proposed rate filing to increase annual revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-47-18-00008-P	..... exempt	Proposed Public Policy Transmission Needs/ Public Policy Requirements, as defined under the NYISO tariff.	To identify any proposed Public Policy Transmission Needs/Public Policy Requirements for referral to the NYISO.
PSC-50-18-00003-P	..... exempt	Proposed transfer of interests in an electric generating facility and dedicated natural gas pipeline	To consider the transfer of generating facility and dedicated gas pipeline if there is no market power or ratepayer harm
PSC-52-18-00008-P	..... exempt	Minor rate filing.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-52-18-00011-P	..... exempt	LED Street Lighting.	To provide customers with more efficient, lower cost LED street lighting options.
PSC-52-18-00012-P	..... exempt	Minor rate filing.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-01-19-00004-P	..... exempt	Advanced Metering Infrastructure.	To determine whether Niagara Mohawk Power Corporation d/b/a National Grid should implement advanced metering infrastructure.
PSC-01-19-00013-P	..... exempt	Order of the Commission related to caller ID unblocking.	To require telephone companies to unblock caller ID on calls placed to the 311 municipal call center in Suffolk County.
PSC-01-19-00014-P	..... exempt	To modify provisions for accepting new or additional gas service applications when there is inadequate supply or capacity.	To continue to provide safe and reliable service to existing customers.
PSC-01-19-00015-P	..... exempt	To modify provisions for accepting new or additional gas service applications when there is inadequate supply or capacity.	To continue to provide safe and reliable service to existing customers.
PSC-01-19-00016-P	..... exempt	To modify provisions for accepting new or additional gas service applications when there is inadequate supply or capacity.	To continue to provide safe and reliable service to existing customers.
PSC-02-19-00014-P	..... exempt	Petition for use of electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
PSC-03-19-00002-P	..... exempt	DPS Staff White Paper for who must be trained in 16 NYCRR Part 753 requirements and how the Commission will approve trainings.	To reduce damage to underground utility facilities by requiring certain training and approving training curricula.
PSC-04-19-00004-P	..... exempt	Con Edison's petition for the Gas Innovation Program and associated budget.	To pursue programs that continue service reliability and meet customer energy needs while aiding greenhouse gas reduction goals.
PSC-04-19-00011-P	..... exempt	Update of revenue targets.	To ensure NYAW's rates are just and reasonable and accurately reflect the needed revenues.
PSC-05-19-00009-P	..... exempt	Transfer of street lighting facilities	To consider whether the transfer of certain street lighting facilities is in the public interest
PSC-06-19-00005-P	..... exempt	Consideration of the Joint Utilities' proposed BDP Program.	To to expand opportunities for low-income households to participate in Community Distributed Generation (CDG) projects.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-07-19-00009-P	..... exempt	Whether to impose consequences on AAA for its non-compliance with Commission requirements.	To insure the provision of safe and adequate energy service at just and reasonable rates.
PSC-07-19-00010-P	..... exempt	The rates and charges for non-roadway LED service offerings for outdoor lighting customers.	To determine whether to amend National Grid's P.S.C. No. 214 - Outdoor Lighting Tariff to provide new LED service offerings.
PSC-07-19-00016-P	..... exempt	Participation in New York State Lifeline Program.	To encourage enhanced services for low-income customers.
PSC-09-19-00007-P	..... exempt	Exemptions from standby rates.	To consider whether the standby rate exemptions proposed by the City of New York are reasonable and in the public interest.
PSC-09-19-00009-P	..... exempt	Amendments to the tariff of Con Edison pertaining to interruptible gas service customers.	To consider the appropriate tariff provisions for Con Edison interruptible gas service customers.
PSC-09-19-00010-P	..... exempt	Non-pipeline alternatives report recommendations.	To consider the terms and conditions applicable to gas service.
PSC-09-19-00013-P	..... exempt	Cyber Security requirements.	Establish a framework to ensure the protection of utility systems and customer data from cyber events.
PSC-10-19-00006-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-11-19-00003-P	..... exempt	Transfer of street lighting facilities	To consider whether the transfer of certain street lighting facilities is in the public interest
PSC-12-19-00004-P	..... exempt	To test innovative pricing proposals on an opt-out basis.	To provide pricing structures that deliver benefits to customers and promote beneficial electrification technologies.
PSC-12-19-00005-P	..... exempt	The request to issue long-term debt securities.	To assume debt for general corporate purposes, including working capital and other financial requirements
PSC-12-19-00006-P	..... exempt	Transfer of utility property.	To determine whether to approve the transfer of utility property.
PSC-13-19-00010-P	..... exempt	New Commission requirements for gas company operator qualification programs.	To make pipelines safer with improved training of workers who perform construction and repairs on natural gas facilities.
PSC-13-19-00011-P	..... exempt	Modifications to the Gas Cost Factor and Daily Delivery Service Programs.	To ensure safe and reliable service for customers at just and reasonable rates.
PSC-13-19-00012-P	..... exempt	Paperless billing credit.	To provide just and reasonable rates.
PSC-13-19-00020-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-13-19-00021-P	..... exempt	Modifications to the Gas Supply Charge and Balancing Service Programs.	To ensure safe and reliable service for customers at just and reasonable rates.
PSC-15-19-00010-P	..... exempt	Tariff provisions for Interruptible and Off-Peak Firm Service Customers.	To amend certain penalties for non-compliant Interruptible and Off-Peak Firm Customers.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-16-19-00002-P	..... exempt	NYSEG and RG&E Implementation Plan and audit recommendations.	To consider NYSEG and RG&E's Implementation Plan.
PSC-16-19-00003-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-16-19-00005-P	..... exempt	Proposed major electric delivery revenue requirement increase of approximately \$485 million (or 4.6% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-16-19-00007-P	..... exempt	Recommendation of the levelization surcharge, changes to the System Improvement Charge, and a one-year stay-out.	To address the issues in NYAW's petition dated February 25, 2019.
PSC-16-19-00008-P	..... exempt	Proposed major rate increase in Con Edison's gas delivery revenues of approximately \$210 million (or 9.1% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-17-19-00010-P	..... exempt	Waiver of tariff rules and a related Commission regulation.	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest.
PSC-17-19-00014-P	..... exempt	Minor rate filing.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-18-19-00010-P	..... 04/30/20	Energy efficiency programs, budgets, and targets for investor-owned utilities.	To encourage the delivery and procurement of energy efficiency by investor-owned utilities.
PSC-18-19-00011-P	..... exempt	Policies, budgets and targets for support of heat pump deployment by investor-owned utilities.	To encourage the support for heat pump deployment by investor-owned utilities.
PSC-18-19-00012-P	..... 04/30/20	Policies, budgets and targets for support of energy efficiency programs for low- and moderate-income customers.	To encourage the support of energy efficiency programs for low- and moderate-income customers by investor-owned utilities.
PSC-18-19-00013-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-18-19-00014-P	..... exempt	Revenue neutral revenue adjustment to the demand and energy charges under SC No. 3.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-18-19-00015-P	..... exempt	Minor rate filing.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-19-19-00012-P	..... exempt	Minor rate filing.	To ensure that the Village of Silver Spring provides safe and adequate service and that its rates are just and reasonable.
PSC-19-19-00013-P	..... exempt	Proposed merger of three water utilities into one corporation.	To determine if the proposed merger is in the public interest.
PSC-19-19-00014-P	..... exempt	Establishment of the regulatory regime applicable to an approximately 124 MW electric generating facility.	Consideration of a lightened regulatory regime for an approximately 124 MW electric generating facility.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-19-19-00015-P	..... exempt	Establishment of the regulatory regime applicable to an energy storage facility of up to 316 MW.	Consideration of a lightened regulatory regime for an energy storage facility of up to 316 MW
PSC-19-19-00016-P	..... exempt	Establishment of the regulatory regime applicable to an approximately 242 MW electric generating facility.	Consideration of a lightened regulatory regime for an approximately 242 MW electric generating facility.
PSC-20-19-00008-P	..... exempt	Reporting on energy sources	To ensure accurate reporting and encourage clean energy purchases
PSC-20-19-00009-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-20-19-00010-P	..... exempt	Compensation policies for certain CHP projects	To consider appropriate rules for compensation of certain CHP resources
PSC-20-19-00011-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-20-19-00012-P	..... exempt	Waiver of 16 NYCRR Section 894.4(b)(2) pertaining to publishing notice of the RFP in national publications	To determine whether to waive any rules and regulations
PSC-20-19-00013-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place
PSC-20-19-00014-P	..... exempt	Transfer of street lighting facilities	To consider the transfer of street lighting facilities to the City of Oneonta
PSC-20-19-00015-P	..... exempt	Establishment of the regulatory regime applicable to an approximately 105.8 MW electric generating facility	Consideration of a lightened regulatory regime for an approximately 105.8 MW electric generating facility
PSC-21-19-00015-P	..... exempt	The Implementation Plan used to recover the costs of ZECs from Load Serving Entities.	To more accurately calculate Load Serving Entities' future ZEC obligation payments.
PSC-21-19-00016-P	..... exempt	Use of electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
PSC-21-19-00017-P	..... exempt	Residential meter reading.	To establish provisions for a special meter read for when service is discontinued to residential customers.
PSC-21-19-00018-P	..... exempt	Methodology used to set discount level for income-based discounts to residential electric and gas utility bills.	To ensure that income-based discounts are adjusted in a manner that moderates annual changes.
PSC-22-19-00012-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-22-19-00013-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-23-19-00003-P	..... exempt	Ownership interest in poles.	To consider the transfer of ownership interest in certain poles from NYSEG to Verizon.
PSC-23-19-00004-P	..... exempt	Individually negotiated contracts.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-23-19-00005-P	..... exempt	Proposed major rate increase in SWNY's annual base revenues of approximately \$31.5 million (or 19.8% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-24-19-00003-P	..... exempt	Three-year pilot for inspecting gas services at intervals longer than existing regulations require.	To use risk-based reasoning for gas service lines inspection intervals on a pilot basis.
PSC-24-19-00004-P	..... exempt	Municipal Gross Receipts Taxes.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-24-19-00005-P	..... exempt	Non-Firm Demand Response service classes.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-24-19-00006-P	..... exempt	Municipal Gross Receipts Taxes.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-24-19-00007-P	..... exempt	Municipal Gross Receipts Taxes.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-24-19-00008-P	..... exempt	Non-Firm Demand Response service classes.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-24-19-00009-P	..... exempt	Municipal Gross Receipts Taxes.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-25-19-00016-P	..... exempt	The request of New York Transco LLC to assume debt with a repayment period that exceeds 12 months.	To consider a petition to incur debt.
PSC-25-19-00017-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-26-19-00002-P	..... exempt	Petition to submeter electricity and waiver of energy audit	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place
PSC-27-19-00006-P	..... exempt	Tariff provisions for SHR Demonstration Project customers.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-27-19-00007-P	..... exempt	Implementation of consolidated billing for distributed energy resources.	To facilitate development of and participation in Community Distributed Generation projects.
PSC-27-19-00008-P	..... exempt	Tariff provisions for SHR Demonstration Project customers.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-27-19-00009-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-28-19-00004-P	..... exempt	Revenue and Property Tax Reconciliation Mechanism.	To ensure recovery of proper expenses and the continued provision of safe and adequate service.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-28-19-00005-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-28-19-00006-P	..... exempt	Establishment of an escrow account.	To maintain a replenishable escrow account with a maximum balance of \$5,000.
PSC-29-19-00018-P	..... exempt	Compensation for distributed energy resources.	To establish rules for NYPA customer participation in the Value of Distributed Energy Resources program.
PSC-29-19-00019-P	..... exempt	Transfer of street lighting facilities.	To determine whether to transfer street lighting facilities and the proper accounting for the transaction.
PSC-30-19-00007-P	..... exempt	Use of electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
PSC-30-19-00008-P	..... exempt	To institute a voluntary Tier 2(B) Physical Storage Program under the DDS Program.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-30-19-00009-P	..... exempt	An Index REC procurement mechanism for Tier 1 REC procurements.	To provide a hedge against market volatility, and lower costs to both renewable generators and customers.
PSC-31-19-00011-P	..... exempt	Electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
PSC-31-19-00012-P	..... exempt	Purchase of renewable energy from distributed generators and energy storage systems 15 kilowatts or less.	To establish provisions to ensure safe and reliable service for all customers.
PSC-31-19-00013-P	..... exempt	Implementation of Statewide Energy Benchmarking.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-31-19-00014-P	..... exempt	Consideration of NYAW's Interim Implementation Plan.	To ensure NYAW improves its service to ratepayers.
PSC-31-19-00015-P	..... exempt	Proposed major rate increase in KEDNY's gas delivery revenues by \$236.8 million (13.6% increase in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-31-19-00016-P	..... exempt	Proposed major rate increase in KEDLI's gas delivery revenues of approximately \$49.4 million (or 4.1% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-31-19-00017-P	..... exempt	Implementation of e-DPAs.	To consider a proposal to implement e-DPAs.
PSC-32-19-00004-EP	..... exempt	RDM target modifications for SC 8 customers and defer any revenue shortfall as a regulatory asset.	To ensure SC 8 electric customers are being charged properly and avoid customer confusion and unnecessary rate volatility.
PSC-32-19-00008-P	..... exempt	Compensation of distributed energy resources	To ensure just and reasonable rates, including compensation, for distributed energy resources
PSC-32-19-00009-P	..... exempt	Petition to submeter electricity and waiver request	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-32-19-00010-P	..... exempt	Notice of intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-32-19-00011-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place
PSC-32-19-00012-P	..... exempt	Standby Service Rates and Buyback Service Rates	To ensure just and reasonable rates, including compensation, for distributed energy resources
PSC-32-19-00013-P	..... exempt	Disposition of tax refunds received by New York American Water Company, Inc.	To determine the disposition of tax refunds and other related matters
PSC-33-19-00007-P	..... exempt	Transfer of street lighting facilities.	To determine whether to provide written consent for the proposed transfer of certain street lighting facilities.
PSC-33-19-00008-P	..... exempt	Pole attachment rates.	To ensure safe and adequate service at just and reasonable rates charged to customers without preferences.
PSC-33-19-00009-P	..... exempt	Transfer of street lighting facilities.	To determine whether to provide written consent for the proposed transfer of certain street lighting facilities.
PSC-33-19-00010-P	..... exempt	Purchase of renewable energy from new distributed generators and energy storage systems 15 kilowatts or less.	To establish provisions to ensure safe and reliable service for all customers.
PSC-33-19-00011-P	..... exempt	Update revenue targets and pass back regulatory liability/asset resulting from tax law changes.	To ensure New York American Water's rates are just and reasonable and accurately reflect the needed revenues.
PSC-33-19-00012-P	..... exempt	Limited waiver of tariff provisions for customers with PEVs under Special Provision L of the SC-1 VTOU rate.	To ensure just and reasonable rates charged to customers without undue preferences
PSC-33-19-00013-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-33-19-00014-P	..... exempt	Electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
PSC-34-19-00015-P	..... exempt	Major electric rate filing.	To consider a proposed increase in RG&E's electric delivery revenues of approximately \$31.7 million (or 4.1% in total revenues).
PSC-34-19-00016-P	..... exempt	Major gas rate filing.	To consider a proposed increase in RG&E's gas delivery revenues of approximately \$5.8 million (or 1.4% in total revenues).
PSC-34-19-00017-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-34-19-00018-P	..... exempt	Major electric rate filing.	To consider a proposed increase in NYSEG's electric delivery revenues of approximately \$156.7 million (10.4% in total revenues).
PSC-34-19-00019-P	..... exempt	Compensation of distributed energy resources.	To ensure just and reasonable rates, including compensation for distributed energy resources.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-34-19-00020-P	..... exempt	Major gas rate filing.	To consider a proposed increase in NYSEG's gas delivery revenues of approximately \$6.3 million (or 1.4% in total revenues).
PSC-34-19-00021-P	..... exempt	Customer Consent to Contact.	To include a new provision establishing customer consent for the utility to contact them electronically about utility service.
STATE, DEPARTMENT OF			
DOS-27-19-00014-P	..... 09/04/20	New York State Uniform Fire Prevention and Building Code (the Uniform Code)	To repeal the existing Uniform Code and adopt a new Uniform Code and to make conforming changes to 19 NYCRR Parts 1264 and 1265.
DOS-27-19-00015-P	..... 09/04/20	The State Energy Conservation Construction Code (the "Energy Code").	To repeal the existing Energy Code and to adopt a new, updated Energy Code.
DOS-29-19-00015-EP	..... 09/15/20	New York State Uniform Fire Prevention and Building Code (the Uniform Code)	Incorporating the 2019 Energy Storage System Supplement to add provisions to the New York State Uniform Fire Prevention and Building Code relating to the installation, use and maintenance of Energy Storage Systems.
STATE UNIVERSITY OF NEW YORK			
SUN-15-19-00007-P	..... 04/09/20	Proposed amendments to Appointment of Employees and Leave of Absences for Employees in the Professional Service.	Allow a temporary cessation of service credit during birth/adoption/foster care placement of child and update leave accruals.
SUN-30-19-00001-P	..... 07/23/20	State basic financial assistance for the operating expenses of community colleges under the program of SUNY and CUNY.	To modify limitations formula for basic State financial assistance and institute an operating support "floor".
SUN-30-19-00011-P	..... 07/23/20	State University of New York Tuition and Fees Schedule	To amend the Tuition and Fees Schedule to increase tuition for students in all programs of the State University of New York
TAXATION AND FINANCE, DEPARTMENT OF			
TAF-34-19-00013-P	..... exempt	To set the sales tax component and the composite rate per gallon for the period October 1, 2019 through September 31, 2019	To set the sales tax component and the composite rate per gallon for the period October 1, 2019 through September 31, 2019
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
TDA-14-19-00002-P	..... 04/02/20	Enforcement of support obligations and issuance of income withholding orders (IWOs)	To clarify the requirements for income withholding for persons served by the Title IV-D child support program (IV-D) to conform with changes to the federal IV-D IWO/Notice for Support form
TDA-14-19-00007-P	..... 04/02/20	Abandonment of requests for fair hearings	To require the issuance of letters to appellants who fail to appear at scheduled fair hearings involving Medical Assistance, also known as Medicaid, advising them how to request the rescheduling of such fair hearings
TDA-19-19-00007-P	..... 05/07/20	Adult-Care Facilities and Shelters for Adults	To update State regulations pertaining to general provisions, inspections and enforcement, and shelters for adults

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
TDA-19-19-00008-P	05/07/20	Shelters for Families	To update State regulations pertaining to shelters for families
TDA-19-19-00010-P	05/07/20	Elimination of finger imaging requirement for public assistance applicants and recipients	To update State regulations to align public assistance programs with other State benefit programs regarding identification verification requirements
URBAN DEVELOPMENT CORPORATION			
UDC-33-19-00006-EP	08/13/20	Life Sciences initiative Program	Create administrative procedures for all components of the Life Sciences Initiatives program
VICTIM SERVICES, OFFICE OF			
OVS-24-19-00001-EP	06/11/20	Conduct contributing related to burial awards	Adopt rules necessary as the result of chapter 494 of the Laws of 2018, when considering the victim's own conduct
WORKERS' COMPENSATION BOARD			
WCB-22-19-00009-P	05/28/20	Group self-insured trusts that are inactive but not insolvent	Provide assistance with inactive but not insolvent group self-insured trusts to purchase ALPs to wind down liabilities
WCB-25-19-00018-P	06/18/20	Prior authorization for medical treatment and variances form the Medical Treatment Guidelines	Add new authorized medical provider types to rules regarding prior authorizations and variances
WCB-25-19-00019-P	06/18/20	Medical Provider Authorization	Describe the process for providers to become authorized by the Board and maintain authorization
WCB-27-19-00005-P	07/02/20	Medical Fee Schedules	Add new providers to the fee schedule
WCB-31-19-00018-P	07/30/20	Medical Treatment Guidelines	Add guidelines for treatment of hip and groin, foot and ankle, elbow and occupational interstitial lung disease
WCB-32-19-00001-P	08/06/20	Updating the prescription drug formulary	To add drugs to the prescription drug formulary in response to continuous feedback

SECURITIES OFFERINGS

STATE NOTICES

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

DEALERS; BROKERS

ASL Electric Fund LP
41 W. Putnam Ave., 2nd Fl., Greenwich, CT 06830
State or country in which incorporated — Delaware

Arsenal IO Co-Invest 1 LP
100 Park Ave., 31st Fl., New York, NY 10017
Partnership — Arsenal Capital Investment IO LP

Arsenal IO Co-Invest 2 LP
100 Park Ave., 31st Fl., New York, NY 10017
Partnership — Arsenal Capital Investment IO LP

Canvas Greenville, LLC
211 King St., Suite 300, Charleston, SC 29401
State or country in which incorporated — Delaware limited liability company

Chicago Pacific Founders Fund II-B, L.P.
980 N. Michigan Ave., Suite 1998, Chicago, IL 60611
Partnership — Chicago Pacific Founders GP II, L.P.

Dabra Capital Partnership I, L.P.
125 Park Ave., Suite 2621, New York, NY 10017
Partnership — Dabra Capital, LLC

Edyoucore Sports & Entertainment, LLC
4157 Mountain Rd., Suite 299, Pasadena, MD 21122
State or country in which incorporated — Maryland limited liability company

Healthalytica, LLC
175 Varick St., New York, NY 10014
State or country in which incorporated — Delaware

Hornet Corporation
111 Imperial Blvd., Bldg. D400, Hendersonville, TN 37075
State or country in which incorporated — Tennessee

Kerney SPLS Fund, LP
10 Normandy Lane, Riverside, CT 06878

Lincolnshire Equity Fund V-A, L.P.
780 Third Ave., 40th Fl., New York, NY 10017
Partnership — Lincolnshire Equity Partners V, L.P.

Lincolnshire Equity Fund V-B, L.P.
780 Third Ave., 40th Fl., New York, NY 10017
Partnership — Lincolnshire Equity Partners V, L.P.

Lincolnshire Equity Fund V-FF, L.P.
780 Third Ave., 40th Fl., New York, NY 10017
Partnership — Lincolnshire Equity Partners V, L.P.

MiddleGround Management, LP
201 E. Main St., Suite 810, Lexington, KY 40507
Partnership — MGCP Holdings, LLC

Stanulis Films, Inc.
680 Annadale Rd., Staten Island, NY 10312
State or country in which incorporated — Wyoming

Sunstone Qualified Opportunity Zone Fund, LLC
2820 Townsgate Rd., Suite 207, Westlake Village, CA 91361
State or country in which incorporated — Delaware

TT Emerging Markets Opportunities Fund Ltd.
62 Threadneedle St., London EC2R 8HP
State or country in which incorporated — Cayman Islands

Viking Maccabee Investors III - Alpha Tau, LLC
150 Columbus Ave., Suite 19F, New York, NY 10023
State or country in which incorporated — Delaware

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

REHABILITATE FREIGHT ELEVATOR State Education Building Albany, Albany County

Sealed bids for Project Nos. 45770-C, 45770-H, 45770-P, 45770-E, 45770-U, comprising separate contracts for Construction Work, HVAC Work, Plumbing Work, and Electrical Work, Rehabilitate Freight Elevator, Annex Building, State Education Building, 89 Washington Avenue, Albany, (Albany County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the State Education Department, until 2:00 p.m. on Wednesday, August 28th, 2019, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of \$5,900 for C, \$1,100 for H, \$1,600 for P, \$3,600 for E and \$23,500 for U.

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 \$50,000 and \$100,000 for C, under \$25,000 for H, under \$25,000 for P, between \$25,000 and \$50,000 for E and between \$500,000 and \$1,000,000 for U.

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 350 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 August 15th, 2019 at State Education Building, Conference Rm 10, 89 Washington Avenue, Albany NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

Phone the office of Don Gailor (518) 486-9122, a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

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: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

For questions about purchase of bid documents, please send an e-mail to DCPlans@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

REPLACE BOILER

Rockland Psychiatric Center
Poughkeepsie, Dutchess County

Sealed bids for Project Nos. 45816-H, 45816-E, comprising separate contracts for HVAC Work and Electrical Work, Replace Boiler, Building 842, Rockland Psychiatric Center, 10 Ross Circle, Poughkeepsie (Dutchess County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of Mental Health, until 2:00 p.m. on Wednesday, August 21, 2019, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of \$30,200 for H and \$6,400 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 \$500,000 and \$1,000,000 for H, and between \$50,000 and \$100,000 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 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 203 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 August 9, 2019, at Rockland Psychiatric Center, 10 Ross Circle, Poughkeepsie, NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

Phone the office of Theresa Swehla, (845-395-3170) a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority- and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for HVAC 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: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

For questions about purchase of bid documents, please send an e-mail to DCPlans@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

PROVIDE
ADDITION TO SALT BUILDING
Department of Transportation Region 6
Kanona, Steuben County

Sealed bids for Project No. 45952-C, comprising a contract for Construction Work, Provide Addition to Salt Building, DOT Region 6, Route 53, Kanona (Steuben 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 Transportation, until 2:00 p.m. on Wednesday, August 21st, 2019, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of \$22,600 for C.

Further, Wicks Exempt Projects require a completed form BDC 59 (Wicks Exempt List of Contractors) be filled out and submitted (included in a separate, sealed envelope) in accordance with Document 002220, Supplemental Instructions to Bidders – Wicks Exempt. Failure to submit this form correctly will result in a disqualification of the bid.

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 \$250,000 and \$500,000 for C.

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

The substantial completion date for this project is 10/1/2020.

As a condition of award, within 48 hours of receipt of the proposed Contract Agreement from the State, the low bidder shall return the Contract Agreement to the State, properly executed, along with the Bonds if required by said Agreement. Low bidders who cannot meet these provisions may be subject to disqualification and forfeiture of the bid security.

The State intends to expedite award of this Contract and the Contractor shall be prepared to proceed with the Work accordingly. Bidders are warned that time is of the essence of the Contract and substantial completion of the Work must be within 253 days after the Agreement is approved by the Comptroller. Due to the tightness of the construction schedule, bidders should consider the necessity for an increased work force and shift operations.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on August 8, 2019, at 7909 State

Street, Route 53, Bath, 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 Caroline Tuttle, (585-986-4006) a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

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

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

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

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

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

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

MISCELLANEOUS NOTICES/HEARINGS

Notice of Abandoned Property Received by the State Comptroller

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

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

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

PUBLIC NOTICE

Department of State
F-2019-0709-DA

Date of Issuance – August 21, 2019

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 activities comply with and will be conducted in a manner consistent to the maximum extent practicable with the federally approved New York State Coastal Management Program (NYSCMP). The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2019-0709-DA, the U.S. Department of Commerce, National Oceanic and Atmospheric Administration (NOAA), National Marine Fisheries Service (NMFS) is proposing to adjust regulatory measures put in place to manage bluefin tuna bycatch in the pelagic longline fishery for Atlantic highly migratory species (HMS), specifically addressing the Northeastern United States Closed Area, the Cape Hatteras Gear Restricted Area, and the Spring Gulf of Mexico Gear Restricted Area, as well as the weak hook requirement in the Gulf of Mexico.

Several of the proposed measures would have an evaluation period component to determine whether the current area-based management measures remain necessary to reduce and/or maintain low numbers of bluefin tuna discards and interactions in the pelagic longline fishery. Other proposed measures would eliminate the Cape Hatteras Gear Restricted Area and would adjust the requirement to use weak hooks from a year-round requirement to a seasonal (January-June) requirement. The proposed measures would affect the HMS pelagic longline fishery in the Atlantic and the Gulf of Mexico.

A set of four (4) preferred management alternatives advanced by NMFS (in the context of the existing 2006 HMS Fishery Management Plan and its amendments and employing significant scientific and fisheries data and geographic information) encompass proposed regulatory changes affecting the Atlantic pelagic longline (PLL) fishery and may potentially impact or have implications affecting important coastal and ocean resources of New York State. In particular, the Northeastern United States Closed Area employs a seasonal closure to fishing efforts using longline gear within a designated offshore spatial boundary. This fishery management area overlaps in part with offshore management areas of interest to New York State – New York State's Ocean Planning Area (OPA) and the New York Coastal Management Program's Renewable Energy Geographic Location Description (GLD).

Additionally, proposed changes affecting a large gear restricted area offshore of North Carolina and two spatially managed areas within the Gulf of Mexico, as well as a proposed rule change effectively limiting implementation of weak hook requirements for pelagic longline fishers throughout the Gulf of Mexico to a six-month season, may impact the highly migratory stock of bluefin tuna over the near and long-term. Western Atlantic Bluefin Tuna (BFT) - (*Thunnus thynnus*) - are targeted by both commercial and recreational fishers of New York State. Maintaining healthy stocks, viable fisheries, and reducing BFT bycatch and mortality are in the interests of protecting New York State's coastal and offshore resources.

The NMFS draft regulatory amendment – RIN-0648-BI51 (May 2019), Regulatory Flexibility Analysis (IRFA), and the 2006 Consolidated Atlantic HMS Fishery Management Plan (FMP) and its subsequent amendments are available from the HMS Division of NMFS at <https://www.fisheries.noaa.gov/topic/atlantic-highly-migratory-species>.

The federal agency's consistency determination and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York. Or at the following hyperlink [https://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2019-0709\(DA\)_NOAA.pdf](https://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2019-0709(DA)_NOAA.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 September 21, 2019.

Comments should be addressed to: Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Comments can also be submitted electronically via e-mail to: CR@dos.ny.gov

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

PUBLIC NOTICE

Department of State
Notice of Review for the
Town of Marlborough

Draft Local Waterfront Revitalization Program

In accordance with the New York State Waterfront Revitalization of Coastal Areas and Inland Waterways Act and the New York State

Coastal Management Program, the Town of Marlborough, located within Ulster County and the Hudson Valley region, has prepared a Draft Local Waterfront Revitalization Program (LWRP). The LWRP is a comprehensive management program for the Town's waterfront resources along the Hudson River and Lattintown Creek.

To approve the Town of Marlborough LWRP, pursuant to Article 42 of the NYS Executive Law, it is required that potentially affected State, federal, and local agencies be consulted to assure that the program does not conflict with existing policies and programs. For this purpose, the Draft LWRP is available online at http://www.dos.ny.gov/opd/programs/WFRevitalization/LWRP_draft.html

The Draft LWRP was accepted by the New York State Department of State (DOS) as complete and is now available for review by potentially affected State, federal and local agencies, and the public. Comments on the Draft LWRP are due by October 21, 2019. At the close of this required review period, DOS will coordinate responses to comments received with the Town, and modifications to the LWRP will be made as necessary to address all comments. Following adoption of the LWRP by the Town, and its subsequent approval by the Secretary of State, pursuant to 15 CFR 923.84(b), DOS will request incorporation of the LWRP into the State's Coastal Management Program by the federal Office for Coastal Management (OCM), as a Routine Program Change.

Comments on the Town of Marlborough Draft LWRP should be submitted by October 21, 2019, to: Barbara Kendall, Department of State, Office of Planning and Development, 99 Washington Ave., Suite 1010, Albany, NY 12231-0001, (518) 473-8928

PUBLIC NOTICE

Department of State
Uniform Code Variance / Appeal Petitions

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

2019-0447 Matter of Kamlesh Walia, 62 Commercial Blvd., Central Islip, NY 11722, for a variance concerning safety requirements, including required height under a girder/soffit. Involved is an existing one family dwelling located at 62 Commercial Blvd., Town of Islip, NY 11722 County of Suffolk, State of New York.

2019-0463 Matter of Permits R Us, Salvatore Coscia, 338 Jericho Turnpike #396, Syosset, NY 11791, for a variance concerning safety requirements, including required height under a girder/soffit. Involved is an existing one family dwelling located at 100 Krispin Lane, Town of Brookhaven, NY 11733 County of Suffolk, State of New York.

PUBLIC NOTICE

Department of State
Uniform Code Variance / Appeal Petitions

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

2019-0458 Matter of Nick's Chophouse, located at 195 South Main Street, City of Canandaigua (County of Ontario), NY, for a variance concerning stair width requirements. (Routine Variance).

PUBLIC NOTICE

Department of State
Uniform Code Variance / Appeal Petitions

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

2019-0459 Matter of Randy Van Sickle Residence, located at 19 Thornfield Way, Town of Perinton (County of Monroe), NY, for a variance concerning ceiling height requirements. (Routine Variance).

PUBLIC NOTICE

Department of State
Uniform Code Variance / Appeal Petitions

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

2019-0460 In the matter of Jeffrey Sauer, 107 Overlook Road, Ithaca, NY 14850, concerning safety requirements including a variance for reduction in required height of existing interior handrails and guardrails.

Involved is the certificate of compliance inspection of an existing residential occupancy, two stories in height, located at 201 Thurston Avenue, City of Ithaca, County of Tompkins, New York.

PUBLIC NOTICE

Department of State
Uniform Code Variance / Appeal Petitions

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

2019-0462 In the matter of Stumpe Properties, Gerd Stumpe, 3881 Halls Corner Road, Interlaken, NY 14847, concerning safety requirements including a variance for reduction in required height of existing interior handrails and guardrails.

Involved is the certificate of compliance inspection of an existing residential occupancy, three stories in height, located at 706 East Buffalo Street, City of Ithaca, County of Tompkins, New York.

PUBLIC NOTICE

Department of State
Uniform Code Variance / Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One

Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2019-0464 Matter of Indian Landing Elementary School, located at 702 North Landing, City of Rochester (County of Monroe), NY, for a variance concerning area limitations and firewall requirements. (Routine Variance).

PUBLIC NOTICE

Department of State
Uniform Code Variance / Appeal Petitions

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

2019-0467 Matter of Gorham-Middlesex Central School District, located at 4100 Baldwin Road, Village of Rushville (County of Ontario), NY, for a variance concerning area limitations and firewall requirements. (Routine Variance).

PUBLIC NOTICE

Department of State
Uniform Code Variance / Appeal Petitions

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

2019-0469 In the matter of Douglas Makie, P.O. Box 638, Ithaca, NY 14851, concerning safety requirements including a variance for reduction in required height of existing exterior porch handrails and interior stair handrails and guards.

Involved is the certificate of compliance inspection of an existing residential occupancy, three stories in height, located at 412 South Albany Street, City of Ithaca, County of Tompkins, New York.

PUBLIC NOTICE

Susquehanna River Basin Commission

Commission Meeting

SUMMARY: The Susquehanna River Basin Commission will hold its regular business meeting on September 6, 2019, in Big Flats, New York. Details concerning the matters to be addressed at the business meeting are contained in the Supplementary Information section of this notice. Also the Commission published a document in the Federal Register on July 3, 2019, concerning its public hearing on August 1, 2019, in Harrisburg, Pennsylvania.

DATES: The meeting will be held on Friday, September 6, 2019, at 9 a.m.

ADDRESSES: The meeting will be held at the Big Flats Community Center, 476 Maple Street, Big Flats, NY 14814.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: 717-238-0423; fax: 717-238-2436.

SUPPLEMENTARY INFORMATION: The business meeting will include actions or presentations on the following items: (1) informational presentation of interest to the upper Susquehanna River region; (2) proposed rulemaking on consumptive use regulation; (3) ratification/approval of contracts/grants; (4) a report on delegated

settlements; (5) Regulatory Program projects; and (6) approval of a settlement with Sunoco Pipeline, L.P.

This agenda is complete at the time of issuance, but other items may be added, and some stricken without further notice. The list of an item on the agenda does not necessarily mean that the Commission will take final action on it at this meeting. When the Commission does take final action, notice of these actions will be published in the Federal Register after the meeting. Any actions specific to projects will also be provided in writing directly to project sponsors.

Regulatory Program projects listed for Commission action were those that were the subject of public hearings conducted by the Commission on August 1, 2019, and identified in the notices for such hearings, which was published in 84 FR 31976, July 3, 2019.

The public is invited to attend the Commission's business meeting. Comments on the Regulatory Program projects are subject to a deadline of August 12, 2019. Written comments pertaining to other items on the agenda at the business meeting may be mailed to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, Pennsylvania 17110-1788, or submitted electronically through www.srbcc.net/about/meetings-events/business-meeting.html. Such comments are due to the Commission on or before September 2, 2019. Comments will not be accepted at the business meeting noticed herein.

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

Dated: August 1, 2019

Jason E. Oyler,

General Counsel and Secretary to the Commission

PUBLIC NOTICE

Susquehanna River Basin Commission

Grandfathering (GF) Registration Notice

SUMMARY: This notice lists Grandfathering Registration for projects by the Susquehanna River Basin Commission during the period set forth in DATES.

DATES: June 1-30, 2019.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436; e-mail: joyler@srbcc.net. Regular mail inquiries May be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists GF Registration for projects, described below, pursuant to 18 CFR 806, Subpart E for the time period specified above:

Grandfathering Registration Under 18 CFR part 806, Subpart E

1. Borough of Akron, GF Certificate No. GF-201906033, Borough of Akron, Lancaster County, Pa.; Well 1, Well 2, and the Spring; Issue Date: June 14, 2019.

2. Leola Sewer Authority, GF Certificate No. GF-201906034, Upper Leacock Township, Lancaster County, Pa.; Wells 6, 9, and 12; Issue Date: June 14, 2019.

3. Martinsburg Municipal Authority, GF Certificate No. GF-201906035, Martinsburg Borough, Blair County, Pa.; Hershberger Well; Issue Date: June 17, 2019.

Authority: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR parts 806 and 808.

Dated: August 1, 2019.

Jason E. Oyler,

General Counsel and Secretary to the Commission.

PUBLIC NOTICE

Susquehanna River Basin Commission

Projects Approved for Consumptive Uses of Water

SUMMARY: This notice lists the projects approved by rule by the Susquehanna River Basin Commission during the period set forth in "DATES."

DATES: May 1-June 30, 2019.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436; e-mail: joyler@srbc.net. Regular mail inquiries May be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR § 806.22(e) and § 806.22 (f) for the time period specified above:

Water Source Approvals Issued Under 18 CFR 806.22(f)(13):

1. Repsol Oil & Gas USA, LLC.; Pad ID: ALEXANDER (01 124); ABR-201905003; Armenia Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: May 9, 2019.

2. Chesapeake Appalachia, L.L.C.; Pad ID: Bencoter; ABR-20090601.R2; Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 3, 2019.

3. Chesapeake Appalachia, L.L.C.; Pad ID: Strom; ABR-20090602.R2; Monroe Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 3, 2019.

4. Chesapeake Appalachia, L.L.C.; Pad ID: Evanchick; ABR-20090604.R2; Asylum Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 3, 2019.

5. Chesapeake Appalachia, L.L.C.; Pad ID: Vargson; ABR-20090605.R2; Granville Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 3, 2019.

6. Chief Oil & Gas, LLC.; Pad ID: Baumunk North B Drilling Pad; ABR-201406004.R1; Fox Township, Sullivan County, Pa.; Consumptive Use of Up to 2.5000 mgd; Approval Date: June 4, 2019.

7. Chief Oil & Gas, LLC.; Pad ID: Wissler Drilling Pad; ABR-201406005.R1; McNett Township, Lycoming County, Pa.; Consumptive Use of Up to 2.5000 mgd; Approval Date: June 4, 2019.

8. Chief Oil & Gas, LLC.; Pad ID: IDC-INNES UNIT PAD; ABR-201906004; Fox Township, Sullivan County, Pa.; Consumptive Use of Up to 2.5000 mgd; Approval Date: June 7, 2019.

9. Seneca Resources Company, LLC; Pad ID: Gamble Pad G; ABR-201906005; Gamble Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 7, 2019.

10. Repsol Oil & Gas USA, LLC; Pad ID: SHEDDEN (01 013/043) D; ABR-20090603.R2; Troy Township, Bradford County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: June 10, 2019.

11. Chief Oil & Gas, LLC.; Pad ID: SGL 12 O Pad; ABR-201906002; Franklin Township, Bradford County, Pa.; Consumptive Use of Up to 2.5000 mgd; Approval Date: June 11, 2019.

12. Seneca Resources Company, LLC; Pad ID: CRV D08-Pad G; ABR-201406007.R1; Norwich Township, McKean County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 13, 2019.

13. Chief Oil & Gas, LLC.; Pad ID: Clark Drilling Pad; ABR-201406008.R1; Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 2.5000 mgd; Approval Date: June 13, 2019.

14. Repsol Oil & Gas USA, LLC; Pad ID: WARNER (05 121) W; ABR-201906001; Rush Township, Susquehanna County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: June 17, 2019.

15. Chesapeake Appalachia, L.L.C.; Pad ID: MTL; ABR-201906003; Wyalusing Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 17, 2019.

16. ARD Operating, LLC; Pad ID: C.O.P. Tract 285 (1000); ABR-20190406.R2; Grugan Township, Clinton County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: June 17, 2019.

17. Repsol Oil & Gas USA, LLC; DCNR 587 (02 001); ABR-20090609.R2; Ward Township, Tioga County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: June 17, 2019.

18. ARD Operating, LLC; Pad ID: COP Tract 285 (1001H, 1002H); ABR-20190413.R2; Grugan Township, Clinton County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: June 17, 2019.

19. ARD Operating, LLC; Pad ID: COP Tr 252 #1000H; ABR-20190444.R2; Grugan Township, Clinton County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: June 17, 2019.

20. Chesapeake Appalachia, L.L.C.; Pad ID: Welles 1; ABR-20090610.R2; Terry Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 18, 2019.

21. Chief Oil & Gas, LLC; Pad ID: Czop Drilling Pad; ABR-201406009.R1; Fox Township, Sullivan County, Pa.; Consumptive Use of Up to 2.5000 mgd; Approval Date: June 19, 2019.

22. Repsol Oil & Gas USA, LLC; Pad ID: WILLIAMS (01 041/042) R; ABR-20090611.R2; Rush Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: June 24, 2019.

23. Seneca Resources Company, LLC; Pad ID: CRV Pad C08-X; ABR-201406010.R1; Shippen Township, Cameron County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 26, 2019.

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

Dated: August 1, 2019.

Jason E. Oyler,

General Counsel and Secretary to the Commission.

PUBLIC NOTICE

Susquehanna River Basin Commission

Projects Rescinded for Consumptive Uses of Water

SUMMARY: This notice lists the approved by rule projects rescinded by the Susquehanna River Basin Commission during the period set forth in "DATES."

DATES: June 1-30, 2019.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436; e-mail: joyler@srbc.net. Regular mail inquiries may be sent to the above address. See also Commission website at www.srbc.net

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, being rescinded for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR § 806.22(f) for the time period specified above:

Rescinded ABRs Issued:

1. SWEPI LP; Pad ID: Allen 620; ABR-20100623.R1; Charleston Township, Tioga County, Pa.; Rescinded Date: June 10, 2019.

2. SWEPI LP; Pad ID: Baker 1105; ABR-201101011.R1; Deerfield Township, Tioga County, Pa.; Rescinded Date: June 14, 2019.

3. SWEPI LP; Pad ID: Davis 841; ABR-201505002; Chatham Township, Tioga County, Pa.; Rescinded Date: June 19, 2019.

4. SWEPI LP; Pad ID: Dietz 490; ABR-201010030.R1; Richmond Township, Tioga County, Pa.; Rescinded Date: June 18, 2019.

5. SWEPI LP; Pad ID: Harman 565; ABR-201010028.R1; Charleston Township, Tioga County, Pa.; Rescinded Date: June 18, 2019.

6. SWEPI LP; Pad ID: Williams 889; ABR-201009051.R1; Deerfield Township, Tioga County, Pa.; Rescinded Date: June 10, 2019.

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

Dated: August 1, 2019.

Jason E. Oyler,

General Counsel and Secretary to the Commission.

PUBLIC NOTICE

Department of Taxation and Finance

Interest Rates

The Commissioner of Taxation and Finance hereby sets the interest rates for the months of October, November, December 2019 pursuant to sections 697(j) and 1096(e) of the Tax Law, as follows:

For purposes of section 697(j) the overpayment rate of interest is set at 4 percent per annum, and the underpayment rate of interest is set at 7.5 percent per annum. For purposes of section 1096(e), the overpayment rate of interest is set at 4 percent per annum, and the underpayment rate of interest is set at 9 percent per annum. (The underpayment rates set pursuant to sections 697(j) and 1096(e) may not be less than 7.5 percent per annum.) Pursuant to section 1145(a)(1) of the Tax Law, the underpayment rate for State and local sales and use taxes administered by the Commissioner of Taxation and Finance is 14.5 percent per annum. The underpayment rate for the special assessments on hazardous waste imposed by section 27-0923 of the Environmental Conservation Law is 15 percent.

For the interest rates applicable to overpayments (refunds) and underpayments (late payments and assessments) of the following taxes administered by the Commissioner of Taxation and Finance for the period October 1, 2019 through December 31, 2019, see the table below:

10/1/19 - 12/31/19
Interest Rate Per Annum
Compounded Daily

Commonly viewed tax types	Refunds	Late Payments & Assessments
Income **	4%	7.5%
Sales and use	4%	14.5% *
Withholding	4%	9%
Corporation **	4%	9%
All other tax types	Refunds	Late Payments & Assessments
Alcoholic Beverage	4%	9%
Authorized Combative Sports	4%	9%
Beverage Container Deposits	4%	9%
Cigarette	NA	9%
Congestion Surcharge	4%	9%
Diesel Motor Fuel	4%	9%
Estate	4%	7.5%
Fuel Use Tax	***	***
Generation-Skipping Transfer	4%	7.5%
Hazardous Waste	4%	15%
Highway Use	4%	9%
Medical Marihuana	4%	9%
New York City Taxicab and Hail Vehicle Trip Tax	4%	9%
Metropolitan Commuter Transportation Mobility Tax	4%	7.5%
Mortgage Recording	4%	9%
Motor Fuel	4%	9%
Petroleum Business	4%	9%
Real Estate Transfer	4%	9%
Tobacco Products	NA	9%
Transportation Network Company Assessment	4%	9%
Waste Tire Fee	4%	9%
Wireless Communications Surcharge	4%	14.5%

* The Tax Law requires the interest rate on sales tax assessments or late payments to be set at 14-1/2% for this quarter. However, if the Commissioner determines that the failure to pay or the delay in payment is due to reasonable cause and not willful neglect, the Commissioner may impose interest at the corporation tax late payment and assessment rate. That rate is 9% for this quarter.

** There are a number of state and local governmental bodies that have interest rates tied to the overpayment and underpayment rates contained in either section 697(j) (Income Tax) or section 1096(e)

(Corporation Tax) of the Tax Law. For purposes of section 697(j) and section 1096(e) of the Tax Law, the overpayment rate for this period is 4%. For purposes of section 697(j) of the Tax Law, the underpayment rate for this period is 7.5%. For purposes of section 1096(e) of the Tax Law, the underpayment rate for this period is 9%.

*** Under section 527(f) of the Tax Law, the interest rates relating to the Fuel Use tax are set pursuant to the International Fuel Tax Agreement (IFTA). For more information regarding IFTA interest rates, see www.iftach.org.

For further information contact: Kathleen Chase, Office of Counsel, Department of Taxation and Finance, W. A. Harriman Campus, Albany, NY 12227, (518) 530-4153. For rates for previous periods, visit the Department of Taxation and Finance website: www.tax.ny.gov/taxnews/int_curr.htm

COURT NOTICES

AMENDMENT OF RULE

Amendment of Rule

Uniform Rules of the Supreme Court and the County Court

Pursuant to the authority vested in me, and with the advice and consent of the Administrative Board of the Courts, I hereby amend, effective immediately Rule 202.6(b) of the Uniform Rules of the Supreme Court and the County Court (22 NYCRR § 202.6[b]), addressing the filing of the request for judicial intervention without fee, as follows (new material underlined):

(b) A request for judicial intervention shall be filed, without fee, for any application to a court not filed in an action or proceeding, as well as for a petition for the sale or finance of religious/not-for profit property, an application for change of name, a habeas corpus proceeding where the movant is institutionalized, an application under CPLR 3102(e) for court assistance in obtaining disclosure in an action pending in another state, a retention proceeding authorized by article 9 of

the Mental Hygiene Law, a proceeding authorized by article 10 of the Mental Hygiene Law, an appeal to a county court of a civil case brought in a court of limited jurisdiction, an application to vacate a judgement on account of bankruptcy, a motion for an order authorizing emergency surgery, or within the City of New York, an uncontested action for a judgment for annulment, divorce or separation commenced pursuant to article 9, 10 or 11 of the Domestic Relations Law, *and an application for an extreme risk protection order.*

* * *

Further pursuant to the authority vested in me, I hereby prescribe the following revised form (Exh. A) for use in civil practice in the Supreme and County Courts, effective August 12, 2019. The former version of the below form may still be used until October 31, 2019 in cases not involving Child Victims Act claims and extreme risk protection order applications.

- Main Request for Judicial Intervention Form (UCS-840)

EXHIBIT A



REQUEST FOR JUDICIAL INTERVENTION

UCS-840 (rev. 07/29/2019)

COURT, COUNTY OF

Index No: Date Index Issued:

For Court Use Only:

CAPTION Enter the complete case caption. Do not use et al or et ano. If more space is needed, attach a caption rider sheet.

-against- Plaintiff(s)/Petitioner(s) Defendant(s)/Respondent(s)

IAS Entry Date

Judge Assigned

RJI Filed Date

NATURE OF ACTION OR PROCEEDING Check only one box and specify where indicated.

COMMERCIAL Business Entity, Contract, Insurance, UCC, Other Commercial

MATRIMONIAL Contested, NOTE: If there are children under the age of 18, complete and attach the MATRIMONIAL RJI ADDENDUM (UCS-840M).

REAL PROPERTY Specify how many properties the application includes: Condemnation, Mortgage Foreclosure, Tax Certiorari, Tax Foreclosure, Other Real Property

TORTS Asbestos, Child Victims Act, Environmental, Medical, Dental or Podiatric Malpractice, Motor Vehicle, Products Liability, Other Negligence, Other Professional Malpractice, Other Tort

OTHER MATTERS Certificate of Incorporation/Dissolution, Emergency Medical Treatment, Habeas Corpus, Local Court Appeal, Mechanic's Lien, Name Change, Pistol Permit Revocation Hearing, Sale or Finance of Religious/Not-for-Profit Property, Other

SPECIAL PROCEEDINGS CPLR Article 75 (Arbitration), CPLR Article 78 (Body or Officer), Election Law, Extreme Risk Protective Order, MHL Article 9.60 (Kendra's Law), MHL Article 10 (Sex Offender Confinement-Initial), MHL Article 10 (Sex Offender Confinement-Review), MHL Article 81 (Guardianship), Other Mental Hygiene, Other Special Proceeding

STATUS OF ACTION OR PROCEEDING Answer YES or NO for every question and enter additional information where indicated.

Has a summons and complaint or summons with notice been filed? YES NO If yes, date filed: Has a summons and complaint or summons with notice been served? YES NO If yes, date served: Is this action/proceeding being filed post-judgment? YES NO If yes, judgment date:

NATURE OF JUDICIAL INTERVENTION Check one box only and enter additional information where indicated.

Infant's Compromise, Extreme Risk Protective Order Application, Note of Issue/Certificate of Readiness, Notice of Medical, Dental or Podiatric Malpractice, Notice of Motion, Notice of Petition, Order to Show Cause, Other Ex Parte Application, Poor Person Application, Request for Preliminary Conference, Residential Mortgage Foreclosure Settlement Conference, Writ of Habeas Corpus, Other

RELATED CASES List any related actions. For Matrimonial cases, list any related criminal or Family Court cases. If none, leave blank. If additional space is required, complete and attach the **RJI ADDENDUM (UCS-840A)**.

Case Title	Index/Case Number	Court	Judge (if assigned)	Relationship to instant case

PARTIES For parties without an attorney, check the "Un-Rep" box and enter the party's address, phone number and email in the space provided. If additional space is required, complete and attach the **RJI ADDENDUM (UCS-840A)**.

Un-Rep	Parties List parties in same order as listed in the caption and indicate roles (e.g., plaintiff, defendant, 3 rd party plaintiff, etc.)	Attorneys and Unrepresented Litigants For represented parties, provide attorney's name, firm name, address, phone and email. For unrepresented parties, provide party's address, phone and email.	Issue Joined For each defendant, indicate if issue has been joined.	Insurance Carriers For each defendant, indicate insurance carrier, if applicable.
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	
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<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	

I AFFIRM UNDER THE PENALTY OF PERJURY THAT, UPON INFORMATION AND BELIEF, THERE ARE NO OTHER RELATED ACTIONS OR PROCEEDINGS, EXCEPT AS NOTED ABOVE, NOR HAS A REQUEST FOR JUDICIAL INTERVENTION BEEN PREVIOUSLY FILED IN THIS ACTION OR PROCEEDING.

Dated: ____/____/____

Signature _____

Attorney Registration Number _____

Print Name _____

APPENDIX

The following text was filed with a Notice of Revised Rule Making pertaining to set nitrogen oxide (NO_x) emission rate limits for simple cycle and regenerative combustion turbines

during the ozone season, I.D. ENV-09-19-00015-RP, which is published in this issue of the State Register.

6 NYCRR Subpart 227-3, OZONE SEASON OXIDES OF NITROGEN (NO_x) EMISSION LIMITS FOR SIMPLE CYCLE AND REGENERATIVE COMBUSTION TURBINES

Express Terms

227-3.1 Applicability.

- (a) The provisions of this Subpart apply to owners or operators of simple cycle and regenerative combustion turbines (SCCTs) that are electric generating units with a nameplate capacity of 15 megawatts (MW) or greater and that inject power into the transmission or distribution systems.
- (b) The provisions of this Subpart only apply during the ozone season.
- (c) The provisions of this Subpart do not apply to ‘black start resources.’

227-3.2 Definitions.

- (a) To the extent that they are not inconsistent with the specific definitions in subdivision (b) of this section, the general definitions of Part 200, Part 201, and Subpart 227-2 of this Title apply.
- (b) For the purposes of this Subpart, the following specific definitions apply:
 - (1) ‘Black start resource.’ An electric generating unit used to bring a facility from shutdown to operational without reliance on external supplies or the electrical system.
 - (2) ‘Common control.’ Refers to two or more emission sources and/or electric storage and/or renewable generation resources that are under the control of a single corporate entity. The corporate entity must:
 - (i) have the right to decide when to operate the plant; or

- (ii) have the right to enter into a power purchase agreement or other agreement with the entity that owns the emission source and/or electric storage and/or renewable generation resources and provides the necessary paperwork required under subdivision 227-3.3(b) of this Subpart.
- (3) ‘Electric storage resource.’ A resource capable of receiving electric energy from the grid and storing it for later injection of electric energy back to the grid.
- (4) ‘Hydroelectric energy.’ The conversion of potential and kinetic energy in the form of falling or fast-flowing water into mechanical energy which drives turbines producing electricity.
- (5) ‘MWh.’ Megawatt hour of electricity.
- (6) ‘NYISO.’ New York Independent System Operator.
- (7) ‘ORISPL.’ Office of Regulatory Information Systems Plant Code assigned by the Energy Information Administration to electric generating units.
- (8) ‘Ozone season.’ May 1 through September 30 of each calendar year.
- (9) ‘Power purchase agreement.’ A contract between two entities pursuant to which one entity agrees to produce electricity, or some other power source, for the other entity over a defined period of time.
- (10) ‘Renewable generation resources.’ Solar photovoltaic energy, wind energy, tidal energy or hydroelectric energy electricity generating systems.
- (11) ‘Solar photovoltaic energy.’ Technology that directly converts the energy radiated by the sun as electromagnetic waves into electricity by means of solar panels.
- (12) ‘Substation.’ An area or group of equipment to transform power from one voltage to another or from one system to another.

(13) ‘Tidal energy.’ The conversion of kinetic energy in the form of tide movement into mechanical energy which drives turbines connected to a generator to produce electricity.

(14) ‘Wind energy.’ The conversion of kinetic energy in the form of wind or air flows into mechanical energy which drives turbines connected to a generator to produce electricity.

227-3.3 Permitting requirements and compliance plan submittal.

(a) Each facility containing an SCCT subject to this Subpart must have or obtain a permit pursuant to Parts 201 and 621 of this Title that reflects the implementation of the compliance plan required in subdivision 227-3.3(b) of this Subpart prior to the May 1, 2023 compliance date of this Subpart in order to operate on and after the applicable compliance date.

(b) Each facility containing an SCCT subject to this Subpart must submit a compliance plan to the Department by March 2, 2020. Each compliance plan must, at minimum, contain:

(1) a list of each SCCT subject to the requirements of this Subpart that includes any identifying numbers such as ORISPL number, emission source number and nameplate capacity.

(2) a schedule outlining how the owner or operator will comply with the requirements set forth in this Subpart including which SCCTs will install controls, controls to be installed, the expected NOx emission rates, SCCTs to be replaced or repowered, and/or SCCTs to be shut down.

(3) a list of renewable resources to be installed under common control of the permittee to be used in the compliance option described in subdivision 227-3.5 (b) of this Subpart. This list shall include, for each renewable resource:

(i) location;

(ii) nameplate capacity or equivalent; and

(iii) documentation demonstrating common control.

(4) A list of electric storage resources to be installed under common control of the permittee to be used in the compliance option described in subdivision 227-3.5 (b) of this Subpart. This list shall include, for each electric storage resource:

- (i) location;
- (ii) nameplate capacity or equivalent;
- (iii) duration of discharge; and
- (iv) documentation demonstrating common control.

(5) Pursuant to subparagraph 227-3.2(b)(2)(ii) the entity that owns the emission source asserting control over an electric storage and/or renewable generation resource must provide a letter, as part of a compliance plan or permit modification application, that the bidding and/or dispatch rights have been provided to the entity asserting common control.

227-3.4 Control Requirements.

(a) The following NO_x emission limits on a parts per million dry volume basis (ppmvd), corrected to fifteen percent oxygen must be met as a facility-level weighted average of all applicable SCCTs at a facility:

- (1) By May 1, 2023

	NO _x Emission Limit (ppmvd)
All SCCTs	100

(2) By May 1, 2025

Fuel Type	NO _x Emission Limit (ppmvd)
Gaseous fuels	25
Distillate oil or other liquid fuel	42

(3) Compliance with these emission limits must be determined by conducting stack tests, as set forth in subdivision 227-2.6(c) of Subpart 227-2 of this Title, at a minimum of once per permit term. Alternatively, the owner or operator may choose to use a Continuous Emissions Monitoring System (CEMS) consistent with the provisions of subdivision 227-2.6(b) of Subpart 227-2 of this Title.

227-3.5 Compliance options.

(a) ‘Ozone season stop.’ An owner or operator of an existing SCCT may opt to comply with this Subpart by not operating the SCCT during the ozone season. The ozone season stop provision must be included as an enforceable permit condition in a final permit or permit modification issued prior to the applicable compliance deadline of this Subpart.

(b) ‘Electric storage and renewable energy resources.’ An owner or operator of an SCCT may opt to comply with this Subpart by meeting the following weighted average output-based emission limits on a daily basis pursuant to the following:

(1) Owners and operators must meet the following facility-level daily weighted average emission limits on a pounds of NO_x per megawatt hour (lb/MWh) basis for all applicable SCCTs, electric storage resources and/or renewable generation resources at a facility.

(i) By May 1, 2023:

	Emission Limit (lb NO _x /MWh)
All SCCTs	3.0

(ii) By May 1, 2025:

Fuel Type	Effective Daily Emission Limit (lb NO _x /MWh)
Gaseous fuels	1.5
Distillate oil or other liquid fuel	2.0

(2) The owner or operator of an SCCT that uses electric storage or renewable energy resources to inject electricity to the transmission and distribution system may demonstrate compliance with the applicable effective daily NO_x emission limits by including the electrical energy, in MWh, injected to the transmission and distribution system from electric storage and/or renewable generation resources in the emission rate calculation provided that:

- (i) The renewable generation resource and/or the electric storage resource must be directly connected to the same physical substation as the SCCT with which it is being averaged; or
- (ii) within one-half mile radius of the SCCT with which it is being averaged.
- (iii) All sources that are averaged under this compliance option must be under common control.

(3) The effective emission rate may be calculated by:

$$(i) \text{ Effective Rate} = \frac{\text{MassNO}_x}{\text{MWh}_{CT} + \text{MWh}_{ST} + \text{MWh}_{RE}}, \text{ where:}$$

(‘a’) MassNO_x = NO_x emissions (pounds) each day from all applicable SCCTs at the permitted facility.

(‘b’) MWh_{CT} = electrical energy delivered to the transmission and distribution system (in MWh) from applicable SCCTs at the permitted facility each day.

(‘c’) MWh_{ST} = electrical energy delivered to the transmission and distribution system (in MWh) from storage resources over each day.

(‘d’) MWh_{RE} = electrical energy delivered to the transmission and distribution system (in MWh) from renewable generation each day.

(4) If the owner or operator burns both gaseous fuel and liquid fuel during the same day, a facility electrical energy (MWh) weighted average must be calculated to determine a resultant mix fuel emission rate. The mix fuel rate must first be calculated to determine the allowable emission rate and then calculated again to determine the actual mix fuel emission rate.

$$(i) \text{ Allowable Mix Fuel Rate} = \frac{\text{RateG} \times \text{GenG} + \text{RateO} \times \text{GenO}}{\text{GenG} + \text{GenO}} \text{ where:}$$

(‘a’) RateG = Effective daily emission limit (lb NO_x/MWh) burning gas as defined in 227-3.5(b) of this Subpart.

(‘b’) RateO = Effective daily emission limit (lb NO_x/MWh) burning oil as defined in 227-3.5(b) of this Subpart.

(‘c’) GenG = electrical energy (MWh) generated burning gas each day

(‘d’) GenO = electrical energy (MWh) generated burning oil each day

$$(ii) \text{ Actual Mix Fuel Rate} = \frac{\text{RateG} \times \text{GenG} + \text{RateO} \times \text{GenO}}{\text{GenG} + \text{GenO} + \text{GenR} + \text{GenS}} \text{ where:}$$

(‘a’) RateG = lb NO_x/MWh burning gas

(‘b’) RateO = lb NO_x/MWh burning oil

(‘c’) GenG = electrical energy (MWh) generated burning gas each day

(‘d’) GenO = electrical energy (MWh) generated burning oil each day

(‘e’) GenR = electrical energy (MWh) injected to the transmission and distribution system from renewable energy resources each day

(‘f’) GenS = electrical energy (MWh) injected to the transmission and distribution system from electric storage resources each day

227-3.6 Electric System Reliability

(a) An SCCT may be designated as a reliability source by the NYISO or by the local transmission/distribution owner to temporarily resolve a reliability need.

(b) A designated reliability source may continue to operate without complying with the applicable emissions limits of this Subpart until one of the following provisions are met:

- (1) a permanent solution is placed online as determined by the NYISO, the local transmission/distribution owner or the New York State Public Service Commission; or
- (2) two years after the designated compliance date under this Subpart has lapsed.

(c) A designated reliability source may operate an additional two years without complying with the applicable emissions limits of this Subpart if:

- (1) the NYISO or transmission/distribution owner determines that the reliability need still exists,
- (2) the source is designated by the NYISO or the transmission/distribution owner as a reliability source, and
- (3) a permanent solution has been selected by the NYISO, the transmission/distribution owner or the New York State Public Service Commission and that solution is in the process of permitting or construction but not yet online.

227-3.7 Testing, monitoring, and reporting requirements

(a) The owner or operator of each SCCT must measure or monitor daily NO_x emissions in accordance with paragraphs (1) or (2) below.

(1) Measure in accordance with the emission test requirements described in subdivision 227-2.6(c) of Subpart 227-2 of this Title, or

(2) Monitor with a CEMS as described in subdivision 227-2.6(b) of Subpart 227-2 of this Title or with an equivalent monitoring system acceptable to the Department.

(b) The owner or operator of each SCCT must report operational data to the Department as part of their annual compliance report. The report must be in a form prescribed by the Department. The operational data must include:

(1) NO_x emissions from each SCCT for each compliance period.

(2) If the electric storage and renewable resources compliance option is used:

(i) daily electrical generation in MWh injected into the transmission or distribution system from each SCCT, electric storage resource, renewable generation resource,

(ii) each hour of the 24-hour period which the electric storage resource is charged,

(iii) each hour of the 24-hour period which the electric storage resource injects power into the transmission or distribution system, and

(iv) each hour of the 24-hour period when a renewable generation resource injects power into the transmission or distribution system.

(3) In the event that emissions of air contaminants in excess of any emission standard in this Subpart occur, the facility owner or operator shall compile and maintain records of the exceedance and notify the Department as soon as possible during normal working hours, but not later than two working days after becoming aware that the exceedance occurred. When requested

by the Department, the facility owner or operator shall submit a written report to the Department describing the malfunction, the corrective action taken, and an estimate of the emission rates.

227-3.8 Severability

Each provision of this Subpart shall be deemed severable, and in the event that any provision of this Subpart is held to be invalid, the remainder of this Subpart shall continue in full force and effect.