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**NEW YORK STATE**

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**REGISTER**

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State agencies must specify in each notice which proposes a rule the last date on which they will accept public comment. Agencies must always accept public comment: for a minimum of 60 days following publication in the *Register* of a Notice of Proposed Rule Making, or a Notice of Emergency Adoption and Proposed Rule Making; and for 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 13, 2019
- the 45-day period expires on September 28, 2019
- the 30-day period expires on September 13, 2019

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# NEW YORK STATE REGISTER

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## Be a part of the rule making process!

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

To be considered, comments should reach the agency before expiration of the public comment period. The law provides for a minimum 60-day public comment period after publication in the *Register* of every Notice of Proposed Rule Making, and a 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](http://www.dos.ny.gov))

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

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

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## Department of Agriculture and Markets

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### EMERGENCY RULE MAKING

#### Control of the European Cherry Fruit Fly

**I.D. No.** AAM-21-19-00002-E

**Filing No.** 703

**Filing Date:** 2019-07-30

**Effective Date:** 2019-07-30

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

**Action taken:** Addition of Part 128 to 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 European Cherry Fruit Fly (*Rhagoletis cerasi*) (hereinafter “ECFF”), an insect nonindigenous to the United States, is native to Europe. It was first detected in Ontario, Canada in 2015 and subsequently found in Niagara County in 2017. While ECFF infests both sweet and tart cherries, sweet cherries are ECFF’s preferred host material. ECFF also infests honeysuckle (*Lonicera* sp.), an invasive plant found throughout New York. Honeysuckle may serve as a reservoir for the ECFF to assist in its development. Left unchecked, ECFF has the potential to infest 100% of a cherry crop, rendering the cherries unmarketable.

This regulation establishes regulated and quarantine areas consisting of Niagara and Erie Counties in their entirety and portions of Orleans County

to help control the spread of the ECFF and establishes parameters in the form of a systems approach for the movement of cherries out of the regulated and quarantine areas.

The regulated area extends from an ECFF detection by one-half mile. Fruit may only be moved from the regulated area if the cherry growers or handlers have a limited permit or have entered into a compliance agreement which requires a systems approach that minimizes the chance of ECFF spread. If the growers or handlers meet these requirements, they can move cherries anywhere within New York, except for the following cherry producing counties established as restricted areas: Counties of Columbia, Dutchess, Ulster and Wayne.

The quarantine area surrounds the regulated area and extends four miles from the regulated area. Cherries may only be moved from a quarantine area if the cherry grower or handler has a limited permit or has entered into a compliance agreement. Since there is a lower risk of exposure to the ECFF in the quarantine area, cherries in this area may be moved throughout the State, including the established restricted cherry producing areas.

These regulations are necessary to protect the general welfare. The effective control of ECFF in New York generally, and, specifically, in Erie, Niagara, and Orleans Counties is critical for the protection of New York’s \$4.5 million cherry industry, which includes growers with 450 acres of cherry production. The regulations help ensure that control measures are undertaken in the regulated and quarantine areas, and that the ECFF will not spread beyond those areas via the movement of infested cherries or other hosts.

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:** Control of the European Cherry Fruit Fly.

**Purpose:** To help control the spread of the European Cherry Fruit Fly (ECFF), which renders cherries unmarketable if they are infested.

**Substance of emergency rule (Full text is posted at the following State website: [www.agriculture.ny.gov/PI/European\\_Cherry\\_Fruit\\_Fly.pdf](http://www.agriculture.ny.gov/PI/European_Cherry_Fruit_Fly.pdf) or by visiting [www.agriculture.ny.gov/PI/](http://www.agriculture.ny.gov/PI/), and locating the link entitled “European Cherry Fruit Fly Quarantine Regulations” under the Plant Industry’s current quarantine section.):** This regulation adds a new Part 128 to 1 NYCRR, establishing controls to help prevent the spread in New York of the European Cherry Fruit Fly (ECFF), an insect nonindigenous to the United States, which infests cherries and renders them unmarketable.

A summary of each section of the rule follows.

Section 128.1: Definitions. This is the definition section.

Section 128.2: Establishment and amendment of regulated and quarantine areas map. This section establishes the quarantined areas by map and narrative description and, requires that any change to the map must be done by regulation.

Section 128.3: Movement of regulated articles within regulated and quarantine areas. This section sets forth the parameters for movement of cherries within the regulated and quarantine areas. The cherries may be moved at any time within the regulated or quarantine areas for processing, treatment, use, or disposal at any area within the regulated or quarantine areas.

Section 128.4: Restrictions on intrastate movement of regulated articles originating within or traveling through regulated or quarantine areas. This section prohibits any person from moving cherries from the regulated or quarantine areas to or through to any point outside the regulated or quarantine areas, unless accompanied by a valid limited permit or administrative instructions from the Commissioner of the Department authorizing such movement, or for experimental or scientific purposes. This section also provides that any cherries from outside the regulated or quarantine areas may be moved through the regulated or quarantine areas, provided the points of origin and destination are set forth on the waybill, or the cherries is being moved directly through the regulated area without stops, except for refueling and traffic conditions.

Section 128.5: Conditions governing compliance agreements for movement of regulated articles out of regulated or quarantine areas. This section addresses conditions governing compliance agreements for movement of the cherries out of the regulated or quarantine areas. It provides that persons moving the cherries intrastate may apply for a compliance agreement with the Department, which would eliminate the requirement of inspections prior to each movement of cherries. A person who enters into a compliance agreement with the Department must agree to comply with this Part and all conditions in the agreement. A compliance agreement is subject to the Department's acceptance in its sole discretion. A compliance agreement may be canceled if the Department determines that person is not complying with this regulation or the conditions of the agreement.

Section 128.6: Conditions governing limited permits for movement of regulated articles out of regulated or quarantine areas. This section sets forth conditions governing limited permits for the movement of cherries out of quarantine or regulated areas. With a limited permit, the cherries can be moved from the regulated or quarantine areas. In respect to a quarantine area, an inspector or an authorized holder of a compliance agreement may issue a limited permit if the cherries have been grown under a recognized systems approach for the control of ECFF; and the cherries are otherwise eligible for unrestricted movement under all other state plant quarantines and regulations applicable to the cherries.

In respect to a quarantine area, an inspector or an authorized holder of a compliance agreement may issue a limited permit if the cherries have been grown under a recognized systems approach for the control of ECFF; the cherries are not moved to counties prohibited under the Systems Approach and compliance agreement; and is otherwise eligible for unrestricted movement under all other state plant quarantines and regulations applicable to the cherries.

An inspector or authorized holder of a compliance agreement may provide additional limited permits pursuant to the terms of a compliance agreement or authorize, in writing, reproduction of the limited permits on shipping containers, or both, as requested by the person operating under the compliance agreement. These limited permits may then be completed and used, as needed, for the movement out of a regulated or quarantine area provided that the cherries have met all of the requirements of this Part. Any limited permit may be cancelled orally or in writing by an inspector whenever the inspector determines that the holder of the limited permit has not complied with this Part. The cancellation shall take effect upon the giving of the oral notice or the delivery of written notice. If the cancellation is oral, the cancellation and the reasons for the cancellation shall be confirmed in writing.

Section 128.7: Shipments of regulated articles for experimental and scientific purposes. This section authorizes the intrastate movement of cherries for experimental or scientific purposes, provided the Department's conditions and safeguards are met. Additionally, the container holding the cherries shall bear an identification tag issued by the Department, showing compliance with the conditions and safeguards.

Section 128.8: Marking Requirements. Every container of cherries intended for intrastate movement shall be plainly marked with the name and address of the consignor and the name and address of the consignee, when offered for shipment, and shall have securely attached to the outside thereof a valid certificate (or limited permit) issued in compliance with this Part.

Section 128.9 Inspection and disposition of shipments. Any vehicle or other conveyance, any package or other container, and any item to be moved, which is moving, or which has been moved intrastate from the regulated or quarantine areas, which may contain cherries, may be examined by an inspector.

Section 128.10: Other laws and regulations; interstate movement of regulated articles. Limits the applicability of this Part to the intrastate movement of cherries. The interstate movement of cherries must comply with applicable federal laws and regulations.

Section 128.11: Effective date. This regulation shall take effect immediately.

**This notice is intended** to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. AAM-21-19-00002-EP, Issue of May 22, 2019. The emergency rule will expire September 27, 2019.

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

#### **Regulatory Impact Statement**

##### 1. Statutory authority:

Section 18 of the Agriculture and Markets Law provides, in part, that the 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 as prescribed in the Agriculture and Markets Law and the laws of the State, and for the enforcement of their provisions and the provisions of the rules that have been adopted to implement these laws.

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

Section 167 of the Agriculture and Markets Law provides, in part, that the Commissioner is authorized to make, issue, promulgate and enforce such order, by way of quarantines or otherwise, as he may deem necessary or fitting to carry out the purposes of Article 14 of the same. 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 Article 14 of the Agriculture and Markets Law.

##### 2. Legislative objectives:

These proposed regulations are consistent with the public policy objectives the Legislature sought to advance when enacting the statutory authority, namely, preventing the spread within the State of an injurious insect, such as the European Cherry Fruit Fly (ECFF).

##### 3. Needs and benefits:

This proposed regulation would establish regulated and quarantine areas in Erie, Niagara, and Orleans Counties to help control the spread of the ECFF. Left unchecked, ECFF has the potential to infest 100% of a cherry crop, rendering the cherries unmarketable.

The ECFF (*Rhagoletis cerasi*), an insect nonindigenous to the United States, is native to Europe. It was first detected in Ontario, Canada in 2015 and subsequently found in Niagara County in 2017. While ECFF infests both sweet and tart cherries, sweet cherries are ECFF's preferred host material. ECFF also infests honeysuckle (*Lonicera* sp.), an invasive plant found throughout New York State. Honeysuckle may serve as a reservoir for the ECFF to assist in its unchecked development.

The life cycle of ECFF begins with the emergence of the fruit flies during May and June. They have an average lifespan of two to four weeks. Females usually lay one egg beneath the skin of each piece of fruit. Once the eggs hatch, the larvae develop inside the fruit and feed on it for up to six weeks. As the larvae develop, they damage the fruit pulp. Mature larvae exit the fruit, drop to the ground, and burrow into the soil. Once in the soil, they pupate within a few days and overwinter in the soil underneath or near the host plant. After winter, adult flies emerge from the soil, and the life cycle begins anew.

Evidence of ECFF infestation of cherries includes puncture holes in the cherries. As the larvae develop in the fruit, the puncture hole becomes brown and soft. When cutting or breaking open infested cherries, the larvae and internal fruit damage can be readily seen. Infested cherries may shrivel, display soft spots, and decay. Infested fruit may also exhibit small holes formed when larvae exit the fruit to drop to the ground to pupate. Growers cannot market infested cherries as fresh fruit. Infested cherries, generally sweet cherries, intended for processing also have a high likelihood of being rejected since processors desire primarily tart cherries. Fresh cherries command at least six times the price of processing cherries making it an economic hardship to move fresh cherries to processing even if processors would accept them.

Under the proposal, the regulated area would consist of areas where the ECFF has been found and would extend one-half mile in all directions from each such location. Thus far, ECFF has only been detected in State parks and public lands. Regulated articles would only be moved from the regulated area if a grower or handler has a limited permit issued by the Commissioner or has entered into a compliance agreement which would require a systems approach that minimizes the risk of ECFF spread. If the growers or handlers meet these requirements, they would be able to move regulated articles anywhere within New York, except for the following cherry producing counties established as restricted areas: Counties of Columbia, Dutchess, Ulster and Wayne.

Under the proposed rule, the quarantine area would surround the regulated area and would extend 4 miles from the regulated area. Regulated articles would only be able to be moved from a quarantine area if the grower or handler has a limited permit or has entered into a compliance agreement. Since there is a lower risk of exposure to ECFF in the quarantine area, regulated articles in this area would be able to be moved throughout the State, including the established restricted cherry producing areas.

To date, ECFF has not infested any cherry orchards in the regulated area in New York State. There are 16 growers in the regulated area, and an additional 36 growers in the quarantine area, which would be affected by this proposed regulation. There are also 110 registered nursery growers and 141 registered nursery dealers in the quarantine area. Those in possession of regulated articles would need a limited permit or compliance agreement in order to move regulated articles outside the regulated and

quarantine areas to ensure that no plants bear any host fruit at the time of sale or movement out of the regulated area.

These proposed regulations are necessary to protect the general welfare, since the effective control of ECFF in New York State, generally, and Niagara, Erie and Orleans Counties, specifically, is critical for the protection of New York State's \$4.5-million dollar cherry industry, which includes 450 acres of cherry production. The proposed regulations help ensure that as control measures are undertaken in the regulated and quarantine areas, ECFF will not spread beyond those areas via the movement of infested fruit or other host material.

#### 4. Costs:

(a) Costs to regulated parties for the implementation of and continuing compliance with the rule: Growers in the quarantine and regulated areas would be provided the required pesticides and pesticide applications by the United States Department of Agriculture (USDA). Accordingly, growers would not incur any costs for the application of pesticides. Department staff have visited the growers and held meetings in the counties forming part of the proposed regulated and quarantine areas to explain the proposed regulation and the compliance agreements. It is anticipated that each grower would have to spend a maximum of three hours to understand, sign, and comply with requirements of the compliance agreement. This would cost \$300.00, based on \$100.00 per hour. Growers would be able to self-issue limited permits upon complying with the requirements of the compliance agreement. This time is included in the \$300.00. For 52 impacted cherry growers (one grower has fields in both the regulated and quarantine areas), this is a total of \$5,200.00.

(b) Costs to the agency, the State and local governments for the implementation and continuation of the rule: Department horticultural Inspectors would be working with growers on the signing and enforcement of the compliance agreements and limited permits. This work would be shared among 2 to 7 people at a cost of approximated \$48,000 in staff time.

(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 Department records and practices and observations of the industry.

#### 5. Local government mandates:

There are no additional programs, services, duties or responsibilities imposed by this proposed rule upon any county, city, town, village, school district, fire district or any other special district.

#### 6. Paperwork:

Growers would be issued compliance agreements, which would authorize the grower to self-issue limited permits to move regulated articles.

#### 7. Duplication:

The USDA would issue a parallel quarantine that will mirror the State quarantine.

#### 8. Alternatives:

The only alternative considered was to continue with control efforts directed at similar fruit flies in areas where infestation was discovered without a quarantine. This option was rejected since, to do so, could result in the USDA establishing a quarantine throughout New York State, preventing fresh cherries from New York being sold outside the State.

#### 9. Federal standards:

The USDA would be establishing a parallel quarantine which will mirror this one.

#### 10. Compliance schedule:

This proposed rule would take effect immediately.

### **Regulatory Flexibility Analysis**

#### 1. Effect of rule:

This proposed regulation would establish regulated and quarantine areas in Erie, Niagara, and portions of Orleans Counties to help control the spread of the European Cherry Fruit Fly (ECFF) and would establish a systems approach set forth in a compliance agreement for the movement of regulated articles (i.e. cherries, and host material including soil beneath the dripline of the host material) out of the regulated and quarantine areas.

The regulated area would extend from an ECFF detection by one-half mile. To date, the only detection of ECFF has been found in State parks and public land. Regulated articles would only be moved from the regulated area if a grower or handler has a limited permit issued by the Commissioner or has entered into a compliance agreement which requires a systems approach that minimizes the chance of ECFF spread. If the growers or handlers meet these requirements, they would be able to move regulated articles anywhere within New York, except for the following cherry producing counties established as restricted areas: Counties of Columbia, Dutchess, Ulster and Wayne.

The quarantine area would surround the regulated area and would extend 4 miles from the regulated area. Cherries would only be able to be moved from a quarantine area if the grower or handler has a limited permit issued by the Commissioner or has entered into a compliance agreement. Since there is a lower risk of exposure to the ECFF in the quarantine area,

regulated articles in this area would be able to be moved throughout the State, including the established restricted cherry producing areas.

It is not anticipated that local governments would be involved in the shipment of cherries from the regulated and quarantine areas.

#### 2. Compliance requirements:

All regulated parties in the regulated and quarantine areas would be required to obtain limited permits issued by the Commissioner (or enter into compliance agreements) to ship regulated articles outside those areas. If growers enter into compliance agreements, they would have to use a systems approach to control the insects as set forth in the compliance agreement that minimizes the chance of ECFF spread.

It is not anticipated that local governments would be involved in the shipment of cherries from the regulated and quarantine areas.

#### 3. Professional services:

Those shipping regulated articles from the regulated and quarantine areas would need a limited permit issued by the Commissioner, or would have to enter into a compliance agreement which would require a systems approach to control the insects as set forth in the compliance agreement that minimizes the chance of ECFF spread.

It is not anticipated that local governments would be involved in the shipment of cherries from the regulated and quarantine areas.

#### 4. Compliance costs:

(a) Initial capital costs that will be incurred by a regulated business or industry or local government in order to comply with the rule: It is anticipated that there would be no such costs.

(b) Annual cost for continuing compliance with the rule: Costs to regulated parties for the implementation of and continuing compliance with the rule: Growers in the quarantine and regulated areas would be provided the required pesticides and application services by the United States Department of Agriculture (USDA). Accordingly, growers would not incur any costs arising from the application of pesticides. Department staff have discussed with growers the proposed regulation and the compliance agreements. It is anticipated that each grower would have to spend a maximum of three hours to understand, sign, and comply with requirements of the compliance agreement. This will cost \$300.00, based on \$100.00 per hour.

Growers would be able to self-issue limited permits upon complying with the requirements of the compliance agreement. This time is included in the \$300.00. For 52 impacted cherry growers (one grower has fields in both the regulated and quarantine area), this is a total of \$5,200.00.

It is not anticipated that local governments would be involved in the shipment of regulated articles from the regulated and quarantine areas.

#### 5. Economic and technological feasibility:

The economic and technological feasibility of compliance with the proposed rule by small businesses and local governments has been addressed and such compliance has been determined to be feasible. Growers shipping regulated articles outside the regulated and quarantine areas would require a limited permit or enter into a compliance agreement which would require a systems approach that minimizes the risk of ECFF spread.

It is not anticipated that local governments would be involved in the shipment of cherries from the regulated and quarantine areas and as such, would incur no costs.

#### 6. Minimizing adverse impact:

Approaches for minimizing adverse economic impact were considered. The Department has sought to minimize adverse impact of ECFF quarantine through the use of limited permits and compliance agreements between the Department and regulated parties, including small businesses. This would facilitate the movement of regulated articles by permitting the shipment of those articles without State or federal inspection, with the exception of regulated articles leaving the regulated area. Those cherries are banned from entry into cherry producing counties restricted by the USDA. There is no charge for a limited permit or compliance agreement. Given all facts and circumstances, the regulations minimize adverse economic impact as much as is currently possible.

It is not anticipated that local governments would be involved in the shipment of cherries from the regulated and quarantine areas.

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

In anticipation of the regulatory quarantine issued in 2018, which has since expired, the Department mailed an ECFF fact sheet to cherry growers in affected counties and held meetings to discuss ECFF in late 2017.

Most recently, on February 4, 2019 and February 5, 2019, the Department participated in meetings in Lockport and Newark, respectively, to present findings from the 2018 ECFF quarantine and inform growers of the anticipated increase of the regulated and quarantine areas. Approximately 130 fruit growers were in attendance at the meeting in Lockport and 120 fruit growers at the meeting in Newark. Margaret Kelly, Assistant Director of Plant Industry for the Department presented the findings.

On February 20, 2019 ECFF updates were provided by New York State Integrated Pest Management of Cornell University, at a meeting held in Albany, with 250 fruit growers in attendance.

In November, potentially impacted fruit growers participated in a stakeholder meeting with the USDA Animal and Plant Health Inspection Service (APHIS) attended by various Department officials. The Department officials present were Deputy Commissioner Jacqueline Moody-Czub, Director of Plant Industry Christopher Logue, Assistant Director of Plant Industry Margaret Kelly, and Horticultural Inspector William Ellsworth.

Further, the Department has conducted phone calls with various impacted growers by Commissioner Richard Ball, Deputy Commissioner Jacqueline Moody-Czub, Director Christopher Logue, and Assistant Director Margaret Kelly.

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

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

There are 16 growers in the regulated area and 36 growers in the quarantine area, all of whom are in rural areas as defined by section 481(7) of the Executive Law.

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

The proposed rule does not require any reporting or recordkeeping requirements. In terms of professional services, those shipping regulated articles from the regulated and quarantine areas would need a limited permit issued by the Commissioner or a compliance agreement.

##### 3. Costs:

Costs to regulated parties for the implementation of and continuing compliance with the rule: Growers in the quarantine and regulated areas would be provided the required pesticides and application services by the United States Department of Agriculture (USDA). Accordingly, growers would not incur any costs arising from the application of pesticides. Department staff have discussed with growers the proposed regulation and the compliance agreements. It is anticipated that each grower would have to spend a maximum of three hours to understand, sign, and comply with requirements of the compliance agreement. This will cost \$300.00, based on \$100.00 per hour.

Growers would be able to self-issue limited permits upon complying with the requirements of the compliance agreement. This time is included in the \$300.00. For 52 impacted cherry growers (one grower has fields in both the regulated and quarantine area), this is a total of \$5,200.00.

##### 4. Minimizing adverse impacts:

In conformance with State Administrative Procedure Act section 202-bb(2), the Department has designed the proposed rule to minimize adverse economic impact on regulated parties in rural areas. By limiting ECFE regulated and quarantine areas to regions where infestation exists, the rule minimizes economic impacts without compromising efforts to slow the spread of ECFE.

Approaches for minimizing adverse economic impact were considered. The Department has sought to minimize adverse impact of the ECFE quarantine by continuing the use of limited permits issued by the Commissioner and compliance agreements between the Department and regulated parties, including regulated parties in rural areas. This would facilitate the movement of regulated articles by permitting the shipment of cherries without state or federal inspection, with for the exception of cherries leaving the regulated area. Those cherries are banned from entry into cherry producing counties restricted by the USDA. There is no charge for a compliance agreement. Given all the facts and circumstances, the proposed regulations minimize adverse economic impact as much as is currently possible.

##### 5. Rural area participation:

In anticipation of the regulatory quarantine issued in 2018, which has since expired, the Department mailed an ECFE fact sheet to cherry growers in affected counties and held meetings to discuss ECFE in late 2017.

Most recently, on February 4, 2019 and February 5, 2019, the Department participated in meetings in Lockport and Newark, respectively, to present findings from the 2018 ECFE quarantine and inform growers of the anticipated increase of the regulated and quarantine areas. Approximately 130 fruit growers were in attendance at the meeting in Lockport and 120 fruit growers at the meeting in Newark. Margaret Kelly, Assistant Director of Plant Industry for the Department presented the findings.

On February 20, 2019 ECFE updates were provided by New York State Integrated Pest Management of Cornell University, at a meeting held in Albany, with 250 fruit growers in attendance.

In November, potentially impacted fruit growers participated in a stakeholder meeting with the USDA Animal and Plant Health Inspection Service (APHIS) attended by various Department officials. The Department officials present were Deputy Commissioner Jacqueline Moody-Czub, Director of Plant Industry Christopher Logue, Assistant Director of Plant Industry Margaret Kelly, and Horticultural Inspector William Ellsworth.

Further, the Department has conducted phone calls with various impacted growers by Commissioner Richard Ball, Deputy Commissioner

Jacqueline Moody-Czub, Director Christopher Logue, and Assistant Director Margaret Kelly.

#### **Job Impact Statement**

##### 1. Nature of impact:

It is anticipated that the proposed rule will not have a negative impact on jobs and employment opportunities in New York, since regulated parties would incur no costs in complying with this proposal.

##### 2. Categories and numbers affected:

It is anticipated that the proposed rule will not affect any jobs or employment opportunities in New York.

##### 3. Regions of adverse impact:

There are no regions of adverse impact since the proposed rule will not affect any jobs or employment opportunities in New York.

##### 4. Minimizing adverse impact:

Approaches for minimizing adverse economic impact to jobs and employment opportunities were considered. The Department has sought to minimize adverse impact of the ECFE quarantine by proposing the use of limited permits issued by the Commissioner or compliance agreements between the Department and regulated parties. These permits and agreements would allow the shipment of regulated articles without State or federal inspection, with the exception of regulated articles leaving the regulated area which are banned from entry into cherry producing counties restricted by the USDA. There is no charge for a limited permit or compliance agreement. Given all of the facts and circumstances, the proposed regulations minimize adverse economic impact as much as is currently possible.

#### **Assessment of Public Comment**

The agency received no public comment.

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

#### **State Aid to Districts**

**I.D. No.** AAM-33-19-00003-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 Part 363 of Title 1 NYCRR.

**Statutory authority:** Soil and Water Conservation Districts Law, section 11-a

**Subject:** State aid to districts.

**Purpose:** To conform Part 363 to S&WCL section 11-a statutory amendments and to make technical amendments.

**Text of proposed rule:** Sections 363.2, and 363.3 of 1 NYCRR are amended to read as follows:

Section 363.2. Reimbursement applicability – *Part A*.

Districts shall be eligible for reimbursement by the State to the extent of 50 percent of the amount expended by the district, up to [\$30,000] \$60,000 per district in any fiscal year, for the employment of conservation field technicians or district managers and the purchase of supplies and equipment related to these positions, for the purpose of supervising or providing technical assistance for the establishment and implementation of soil and water conservation practices in accordance with programs undertaken by the district pursuant to the provisions of section 11-a(1)(a) of the New York State Soil and Water Conservation Districts Law. For the purposes of this section, the soil and water conservation district of New York City shall be considered the equivalent of five districts.

Section 363.3. Filing of reimbursement request.

(a) Each district, utilizing [its annual financial report,] *a form provided by the committee*, shall submit to the committee at the department's offices at 10B Airline Drive, Albany, NY 12235, detailed and verified claim for reimbursement by February 15th in any year for the calendar year immediately preceding.

(b) The district shall identify the expenditures in the [annual financial] *Eligible Expenditures* report [eligible] for reimbursement[.]. [total them and submit them on a voucher,] *The Eligible Expenditures report and voucher for reimbursement*, along with a copy of the annual financial report, *shall be submitted* to the committee for review and approval. The committee shall forward [the report and] the vouchers to the department for further processing.

(c) Eligible expenditures include [only the] items [indicated in this section] from the "Uniform System of Accounts for Soil and Water Conservation Districts" [as last] prepared by the [Department of Audit and Control, Division of Municipal Affairs,] *Office of the New York State Comptroller, Division of Local Government and School Accountability*,

Albany, NY 12225, [in 1970,] as last amended. [The expenditures and the EDP codes] to be used where applicable, are as follows:

- (1) 8730.13 District managers' personal service and fringe benefits.
- (2) 8730.14 Field technicians' personal service and fringe benefits.
- (3) 8730.23 Motor vehicle equipment.
- (4) 8730.24 Field equipment.
- (5) 8730.412 Purchase of maps.
- (6) 8730.413 Purchase of flags and stakes.
- (7) 8730.431 Travel expenses (district employees).
- (8) 8730.460 Total other eligible for reimbursement.
- (9) 8730.416 Miscellaneous supplies for use in conservation practices.
- (10) 8730.461 Repairs to equipment (field equipment).
- (11) 8730.463 Gas and oil for machinery.
- (12) 8730.464 Small tools.]

Section 363.5 section heading is amended to read as follows:

Section 363.5. Conservation project financial assistance [--baseline] – Part B.

Section 363.6 is amended to read as follows:

Section 363.6. Proration of conservation financial assistance[--baseline].

If the total eligible amounts claimed for [baseline] conservation project financial assistance, as approved by the committee and the department, exceed the appropriation *after reimbursements have been made* therefor, each district would be awarded a pro rata amount equivalent to the percentage arrived at by dividing the appropriation by the total eligible amount. For example, if the total eligible amount is \$120,000 and the appropriation is \$80,000, each district would receive two thirds of the amount it would be otherwise eligible for.

Section 363.7 section heading is amended to read as follows:

Section 363.7. Filing conservation project financial assistance [baseline] request.

Sections 363.8, 363.9, 363.10, 363.11, and 363.12 are renumbered to 363.9, 363.10, 363.11, 363.12, 363.13 and a new Section 363.8 is added to read as follows:

Section 363.8 Conservation project financial assistance final report.

Each district, utilizing a form provided by the committee, shall submit to the committee at the department's offices at 10B Airline Drive, Albany, NY 12235, a conservation project financial assistance final report pursuant to this section by February 15th in any year. The information to be submitted by the district shall include, but not be limited to, a description and a budget for which the funding was expended based on the preapproved project request.

Sections 363.9, 363.10, 363.11, and 363.12 (formerly Sections 363.8, 363.9, 363.10, and 363.11) are amended as follows:

Section 363.9. Performance based conservation financial assistance[.] – Part C.

The State shall provide financial assistance [to districts], within [available funding,] amounts available, to districts that qualify pursuant to performance standards to be established by the soil and water conservation committee and the commissioner of the department of agriculture and markets, [annually and on a competitive basis, for the purposes of carrying out projects for the conservation of the soil and water resources of the State, and for the improvement of water quality, and for the control and prevention of soil erosion and for the prevention of floodwater and sediment damages, and for furthering the conservation, development, utilization and disposal of water, and thereby to preserve natural resources, control and abate nonpoint sources of water pollution, assist in the control of floods, assist in the drainage and irrigation of agricultural lands, prevent impairment of dams and reservoirs, assist in maintaining the navigability of rivers and harbors, preserve wildlife, protect the tax base, protect public lands, and protect and promote the health, safety and general welfare of the people of the State,] pursuant to the provisions of section 11-a(1)(c) of the New York State Soil and Water Conservation Districts Law. For the purposes of this section the soil and water conservation district of New York City shall be considered the equivalent of one district.

Section 363.10. Qualifying for performance based conservation financial assistance --standards.

[(a)] The committee shall establish annually, within funds appropriated, the percentage of the total performance based conservation financial assistance funds available which shall be allocated to each of the performance standards, as described in this section. The funds allocated to each of the performance standards shall be distributed equally to the qualifying districts within each performance standard. In establishing the percentage of funds to be allocated to each performance standard for any year, the committee shall consider the performance of districts under this section, as a whole, in the previous year and the extent to which they have met or failed to meet the following performance standards[.] which shall include, but not be limited to:

(1) *Demonstrating the* [Extent] extent and sufficiency of district board activity, which shall include the number of district board meetings held

annually; training of board members and employees; annual audit; establishment and compliance with internal operational policies; and participation at State, regional and national meetings and functions.

(2) District reporting and outreach activities, which shall include presentations, reports, publications, public education and outreach and timely compliance with committee information requests, including an approved annual work plan and an annual report.

(3) Ability of the district to use the funding to leverage additional funds from local, Federal and private sources, which shall also include the district's demonstrated ability to foster partnerships with other entities to further natural resource conservation and provide assistance to governmental and non-governmental entities.

(4) Delivery of State natural resource conservation programs, which shall include the quality of service provided (e.g., staff implementing State programs seek and maintain appropriate certifications, job approval authorities and training as established by the committee), completion of projects, and compliance with reporting requirements for such programs.

(5) *Ability of the district to promote partnerships and assist local governments and non-governmental organizations (NGO).*

The committee will, upon the filing of a complete request by a district pursuant to section [363.10] 363.11 of this Part, evaluate the district's performance as described in this section. In order to be eligible for performance based conservation financial assistance pursuant to sections [363.8] 363.9 and [363.10] 363.11 of this Part, a district must certify that it is operating in accordance with all policies adopted by the committee pursuant to section 4(4)(a) of the New York State Soil and Water Conservation Districts Law and distributed to districts subsequent to the effective date of this rule.

Section 363.11. Filing performance based conservation financial assistance [request] report.

Each district, utilizing a [performance measure evaluation sheet] form provided by the committee, shall submit to the committee headquarters at 10B Airline Drive, Albany, NY 12235, a detailed and verified report pursuant to this section by February 15th in any year of the district's performance for the previous calendar year.

Section 363.12. Performance based conservation financial assistance final report.

Each district, utilizing a form provided by the committee, shall submit to the committee headquarters at 10B Airline Drive, Albany, NY 12235, [a] an annual report of the [eligible] activities, [described in section 363.8 of this Part,] for which the financial assistance was expended the previous calendar year. [The report must be submitted by February 15th of the year subsequent to the year in which the financial assistance is provided.]

**Text of proposed rule and any required statements and analyses may be obtained from:** Jennifer Clifford, Associate Environmental Analyst, NYS Department of Agriculture and Markets, 10B Airline Drive, Albany, NY 12235, (518) 457-3844, email: Jennifer.Clifford@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.**

**Consensus Rule Making Determination**

The proposed rule will amend Part 363 of 1 NYCRR to conform to non-discretionary statutory provisions. Soil and Water Conservation Law § 11-a provides for state aid to soil and water conservation districts. Chapter 316 of Laws of 2012 amended the statute to provide for reimbursement of districts for up to sixty thousand dollars per fiscal year. 1NYCRR Part 363 still contains the old language reflecting a not more than thirty-thousand-dollar reimbursement per district per fiscal year. Further, Chapter 58 of Laws of 2018 amended § 11-a(c), which addresses performance based financial assistance. The Part 363 amendments will conform the regulatory language to the statutory provisions.

The proposed amendments to Part 363 of 1 NYCRR are noncontroversial because they are conforming the regulations to statutory amendments and to reflect actual programmatic practices.

Accordingly, for the reasons set forth above, the Part 363 amendments are noncontroversial, and no person is likely to object. The amendments conform the regulations to non-discretionary statutory provisions or make minor technical changes that reflect actual programmatic practices. As such, the amendments of Part 363 are a consensus rule making within the meaning of SAPA § 102(11)(b) and (c).

**Job Impact Statement**

The proposed rule will not have an adverse impact on jobs or on employment opportunities.

The proposed rule will amend Part 363 of 1 NYCRR to conform to non-discretionary statutory provisions. Soil and Water Conservation Law (S&WCDL) § 11-a provides for state aid to soil and water conservation districts. The statute was amended in 2012 to provide for reimbursement

of districts for up to sixty thousand dollars per fiscal year. 1NYCRR Part 363 still contains the old language reflecting a not more than thirty-thousand-dollar reimbursement per district per fiscal year. The increased reimbursement amount for soil and water districts has a positive impact on jobs and employment opportunities.

The proposed amendments to Part 363.5 of 1NYCRR amends the regulation to reflect actual programmatic practices. The final report for the Part B conservation financial assistance is something that the soil and water conservation districts have already been doing.

Accordingly, for the reasons set forth above, the proposed rule will not have an adverse impact upon jobs or employment opportunities. Further, the increased aid and reimbursements to soil and water conservation districts by its very nature has a positive impact on jobs and employment opportunities.

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## Department of Financial Services

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### EMERGENCY RULE MAKING

#### Assessment of Entities Regulated by the Banking Division of the Department of Financial Services

**I.D. No.** DFS-33-19-00005-E

**Filing No.** 694

**Filing Date:** 2019-07-29

**Effective Date:** 2019-07-29

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

**Action taken:** Addition of Part 501 to Title 3 NYCRR.

**Statutory authority:** Banking Law, section 17; Financial Services Law, section 206

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

**Specific reasons underlying the finding of necessity:** Pursuant to the Financial Services Law ("FSL"), the New York State Banking Department ("Banking Department") and the New York State Insurance Department were consolidated, effective October 3, 2011, into the Department of Financial Services ("Department").

Prior to the consolidation, assessments of institutions subject to the Banking Law ("BL") were governed by Section 17 of the BL; effective on October 3, 2011, assessments are governed by Section 206 of the Financial Services Law, provided that Section 17 continues to apply to assessments for the fiscal year which commenced April 1, 2011.

Both Section 17 of the Banking Law and Section 206 of the Financial Services Law provide that all expenses (compensation, lease costs and other overhead) of the Department in connection with the regulation and supervision (including examination) of any person or entity licensed, registered, incorporated or otherwise formed pursuant to the BL are to be charged to, and paid by, the regulated institutions subject to the supervision of in the Banking Division of the Department (the "Banking Division"). Under both statutes, the Superintendent is authorized to assess regulated institutions in the Banking Division in such proportions as the Superintendent shall deem just and reasonable.

Litigation commenced in June, 2011 challenged the methodology used by the Banking Department to assess mortgage bankers. On May 3, 2012, the Appellate Division invalidated this methodology for the 2010 State Fiscal Year, finding that the former Banking Department had not followed the requirements of the State Administrative Procedures Act.

In response to this ruling, the Department has determined to adopt this new rule setting forth the assessment methodology applicable to all entities regulated by the Banking Division for fiscal years beginning with fiscal year 2011.

The emergency adoption of this regulation is necessary to implement the requirements of Section 17 of the Banking Law and Section 206 of the Financial Services Law in light of the determination of the Court and the ongoing need to fund the operations of the Department without interruption. Accordingly, it is imperative that Part 501 of the Superintendent's Regulations be promulgated on an emergency basis for the public's general welfare.

**Subject:** Assessment of entities regulated by the Banking Division of the Department of Financial Services.

**Purpose:** New Part 501 implements section 17 of the Banking Law and

section 206 of the Financial Services Law and sets forth the basis for allocating all costs and expenses attributable to the operation of the Banking Division of the Department of Financial Services among and between any person or entity licensed, registered, incorporated or otherwise formed pursuant to the Banking Law.

**Text of emergency rule: Part 501**

#### BANKING DIVISION ASSESSMENTS

##### § 501.1 Background.

Pursuant to the Financial Services Law ("FSL"), the New York State Banking Department ("Banking Department") and the New York State Insurance Department were consolidated on October 3, 2011 into the Department of Financial Services ("Department").

Prior to the consolidation, assessments of institutions subject to the Banking Law ("BL") were governed by Section 17 of the BL. Effective October 3, 2011, assessments are governed by Section 206 of the FSL, provided that Section 17 of the BL continues to apply to assessments for the fiscal year commencing on April 1, 2011.

Both Section 17 of the BL and Section 206 of the FSL provide that all expenses (including, but not limited to, compensation, lease costs and other overhead costs) of the Department attributable to institutions subject to the BL are to be charged to, and paid by, such regulated institutions. These institutions ("Regulated Entities") are now regulated by the Banking Division of the Department. Under both Section 17 of the BL and Section 206 of the FSL, the Superintendent is authorized to assess Regulated Entities for its total costs in such proportions as the Superintendent shall deem just and reasonable.

The Banking Department has historically funded itself entirely from industry assessments of Regulated Entities. These assessments have covered all direct and indirect expenses of the Banking Department, which are activities that relate to the conduct of banking business and the regulatory concerns of the Department, including all salary expenses, fringe benefits, rental and other office expenses and all miscellaneous and overhead costs such as human resource operations, legal and technology costs.

This regulation sets forth the basis for allocating such expenses among Regulated Entities and the process for making such assessments.

##### § 501.2 Definitions.

The following definitions apply in this Part:

(a) "Total Operating Cost" means for the fiscal year beginning on April 1, 2011, the total direct and indirect costs of operating the Banking Division. For fiscal years beginning on April 1, 2012, "Total Operating Cost" means (1) the sum of the total operating expenses of the Department that are solely attributable to regulated persons under the Banking Law and (2) the proportion deemed just and reasonable by the Superintendent of the other operating expenses of the Department which under Section 206(a) of the Financial Services Law may be assessed against persons regulated under the Banking Law and other persons regulated by the Department.

(b) "Industry Group" means the grouping to which a business entity regulated by the Banking Division is assigned. There are three Industry Groups in the Banking Division:

(1) The Depository Institutions Group, which consists of all banking organizations and foreign banking corporations licensed by the Department to maintain a branch, agency or representative office in this state;

(2) The Mortgage-Related Entities Group, which consists of all mortgage brokers, mortgage bankers and mortgage loan servicers; and

(3) The Licensed Financial Services Providers Group, which consists of all check cashers, budget planners, licensed lenders, sales finance companies, premium finance companies and money transmitters.

(c) "Industry Group Operating Cost" means the amount of the Total Operating Cost to be assessed to a particular Industry Group. The amount is derived from the percentage of the total expenses for salaries and fringe benefits for the examining, specialist and related personnel represented by such costs for the particular Industry Group.

(d) "Industry Group Supervisory Component" means the total of the Supervisory Components for all institutions in that Industry Group.

(e) "Supervisory Component" for an individual institution means the product of the average number of hours attributed to supervisory oversight by examiners and specialists of all institutions of a similar size and type, as determined by the Superintendent, in the applicable Industry Group or the applicable sub-group, and the average hourly cost of the examiners and specialists assigned to the applicable Industry Group or sub-group.

(f) "Industry Group Regulatory Component" means the Industry Group Operating Cost for that group minus the Industry Group Supervisory Component and certain miscellaneous fees such as application fees.

(g) "Industry Financial Basis" means the measurement tool used to distribute the Industry Group Regulatory Component among individual institutions in an Industry Group.

The Industry Financial Basis used for each Industry Group is as follows:

(1) For the Depository Institutions Group: total assets of all institutions in the group;

(2) For the Mortgage-Related Entities Group: total gross revenues from New York State operations, including servicing and secondary market revenues, for all institutions in the group; and

(3) For the Licensed Financial Services Providers Group: (i.) for budget planners, the number of New York customers; (ii.) for licensed lenders, the dollar amount of New York assets; (iii.) for check cashers, the dollar amount of checks cashed in New York; (iv.) for money transmitters, the dollar value of all New York transactions; (v.) for premium finance companies, the dollar value of loans originated in New York; and (vi.) for sales finance companies, the dollar value of credit extensions in New York.

(h) "Financial Basis" for an individual institution is that institution's portion of the measurement tool used in Section 501.2(g) to develop the Industry Financial Basis. (For example, in the case of the Depository Institutions Group, an entity's Financial Basis would be its total assets.)

(i) "Industry Group Regulatory Rate" means the result of dividing the Industry Group Regulatory Component by the Industry Financial Basis.

(j) "Regulatory Component" for an individual institution is the product of the Financial Basis for the individual institution multiplied by the Industry Group Regulatory Rate for that institution.

#### § 501.3 Billing and Assessment Process.

The New York State fiscal year begins April 1 and ends March 31 of the following calendar year. Each institution subject to assessment pursuant to this Part is billed five times for a fiscal year: four quarterly assessments (each approximately 25% of the anticipated annual amount) based on the Banking Division's estimated annual budget at the time of the billing, and a final assessment (or "true-up"), based on the Banking Division's actual expenses for the fiscal year. Any institution that is a Regulated Entity for any part of a quarter shall be assessed for the full quarter.

#### § 501.4 Computation of Assessment.

The total annual assessment for an institution shall be the sum of its Supervisory Component and its Regulatory Component.

#### § 501.5 Penalties/Enforcement Actions.

All Regulated Entities shall be subject to all applicable penalties, including late fees and interest, provided for by the BL, the FSL, the State Finance law or other applicable laws. Enforcement actions for nonpayment could include suspension, revocation, termination or other actions.

#### § 501.6 Effective Date.

This Part shall be effective immediately. It shall apply to all State Fiscal Years beginning with the Fiscal Year starting on April 1, 2011.

**This notice is intended** to serve only as a notice of emergency adoption. This agency intends to adopt this emergency rule as a permanent rule and will publish a notice of proposed rule making in the *State Register* at some future date. The emergency rule will expire October 26, 2019.

**Text of rule and any required statements and analyses may be obtained from:** George Bogdan, Esq., Department of Financial Services, One State Street, New York, New York 10004, (212) 480-4758, email: george.bogdan@dfs.ny.gov

#### Regulatory Impact Statement

##### 1. Statutory authority

Pursuant to the Financial Services Law ("FSL"), the New York State Banking Department (the "Banking Department") and the New York State Insurance Department were consolidated, effective October 3, 2011, into the Department of Financial Services (the "Department").

Prior to the consolidation, assessments of institutions subject to the Banking Law ("BL") were governed by Section 17 of the BL; effective on October 3, 2011, assessments are governed by Section 206 of the Financial Services Law, provided that Section 17 continues to apply to assessments for the fiscal year which commenced April 1, 2011.

Both Section 17 of the BL and Section 206 of the FSL provide that all expenses (compensation, lease costs and other overhead) of the Department in connection with the regulation and supervision of any person or entity licensed, registered, incorporated or otherwise formed pursuant to the BL are to be charged to, and paid by, the regulated institutions subject to the supervision of the Banking Division of the Department (the "Banking Division"). Under both statutes, the Superintendent is authorized to assess regulated institutions in the Banking Division in such proportions as the Superintendent shall deem just and reasonable.

In response to a court ruling, In the Matter of Homestead Funding Corporation v. State of New York Banking Department et al., 944 N.Y.S.2d 649 (2012) ("Homestead"), that held that the Department should adopt changes to its assessment methodology for mortgage bankers through a formal assessment rule pursuant to the requirements of the State Administrative Procedures Act ("SAPA"), the Department has determined to adopt this new regulation setting forth the assessment methodology applicable to all entities regulated by the Banking Division for fiscal years beginning with fiscal year 2011.

##### 2. Legislative objectives

The BL and the FSL make the industries regulated by the former Banking Department (and now by the Banking Division of the new Depart-

ment) responsible for all the costs and expenses of their regulation by the State. The assessments have covered all direct and indirect expenses of the Banking Department, which are activities that relate to the conduct of banking business and the regulatory concerns of the Department, including all salary expenses, fringe benefits, rental and other office expenses and all miscellaneous and overhead costs such as human resource operations, legal and technology costs.

This reflects a long-standing State policy that the regulated industries are the appropriate parties to pay for their supervision in light of the financial benefits it provides to them to engage in banking and other regulated businesses in New York. The statute specifically provides that these costs are to be allocated among such institutions in the proportions deemed just and reasonable by the Superintendent.

While this type of allocation had been the practice of the former Banking Department for many decades, Homestead found that a change to the methodology for mortgage bankers to include secondary market and servicing income should be accomplished through formal regulations subject to the SAPA process. Given the nature of the Banking Division's assessment methodology - - the calculation and payment of the assessment is ongoing throughout the year and any period of uncertainty as to the applicable rule would be extremely disruptive - - the Department has determined that it is necessary to adopt the rule on an emergency basis so as to avoid any possibility of disrupting the funding of its operations.

##### 3. Needs and benefits

The Banking Division regulates more than 250 state chartered banks and licensed foreign bank branches and agencies in New York with total assets of over \$2 trillion. In addition, it regulates a variety of other entities engaged in delivering financial services to the residents of New York State. These entities include: licensed check cashers; licensed money transmitters; sales finance companies; licensed lenders; premium finance companies; budget planners; mortgage bankers and brokers; mortgage loan servicers; and mortgage loan originators.

Collectively, the regulated entities represent a spectrum, from some of the largest financial institutions in the country to the smallest, neighborhood-based financial services providers. Their services are vital to the economic health of New York, and their supervision is critical to ensuring that these services are provided in a fair, economical and safe manner.

This supervision requires that the Banking Division maintain a core of trained examiners, plus facilities and systems. As noted above, these costs are by statute to be paid by all regulated entities in the proportions deemed just and reasonable by the Superintendent. The new regulation is intended to formally set forth the methodology utilized by the Banking Division for allocating these costs.

##### 4. Costs

The new regulation does not increase the total costs assessed to the regulated industries or alter the allocation of regulatory costs between the various industries regulated by the Banking Division. Indeed, the only change from the allocation methodology used by the Banking Department in the previous state fiscal years is that the regulatory costs assessed to the mortgage banking industry will be divided among the entities in that group on a basis which includes income derived from secondary market and servicing activities. The Department believes that this is a more appropriate basis for allocating the costs associated with supervising mortgage banking entities.

##### 5. Local government mandates

None.

##### 6. Paperwork

The regulation does not change the process utilized by the Banking Division to determine and collect assessments.

##### 7. Duplication

The regulation does not duplicate, overlap or conflict with any other regulations.

##### 8. Alternatives

The purpose of the regulation is to formally set forth the process employed by the Department to carry out the statutory mandate to assess and collect the operating costs of the Banking Division from regulated entities. In light of Homestead, the Department believes that promulgating this formal regulation is necessary in order to allow it to continue to assess all of its regulated institutions in the manner deemed most appropriate by the Superintendent. Failing to formalize the Banking Division's allocation methodology would potentially leave the assessment process open to further judicial challenges.

##### 9. Federal standards

Not applicable.

##### 10. Compliance schedule

The emergency regulations are effective immediately. Regulated institutions will be expected to comply with the regulation for the fiscal year beginning on April 1, 2011 and thereafter.

#### Regulatory Flexibility Analysis

##### 1. Effect of Rule:

The regulation does not have any impact on local governments.

The regulation simply codifies the methodology used by the Banking Division of the Department of Financial Services (the "Department") to assess all entities regulated by it, including those which are small businesses. The regulation does not increase the total costs assessed to the regulated industries or alter the allocation of regulatory costs between the various industries regulated by the Banking Division.

Indeed, the only change from the allocation methodology used by the Banking Department in the previous state fiscal years is that the regulatory costs assessed to the mortgage banking industry will be divided among the entities in that group on a basis which includes income derived from secondary market and servicing activities. The Department believes that this is a more appropriate basis for allocating the costs associated with supervising mortgage banking entities. It is expected that the effect of this change will be that larger members of the mortgage banking industry will pay an increased proportion of the total cost of regulating that industry, while the relative assessments paid by smaller industry members will be reduced.

#### 2. Compliance Requirements:

The regulation does not change existing compliance requirements. Both Section 17 of the Banking Law and Section 206 of the Financial Services Law provide that all expenses (compensation, lease costs and other overhead) of the Department in connection with the regulation and supervision of any person or entity licensed, registered, incorporated or otherwise formed pursuant to the Banking Law are to be charged to, and paid by, the regulated institutions subject to the supervision of the Banking Division. Under both statutes, the Superintendent is authorized to assess regulated institutions in the Banking Division in such proportions as the Superintendent shall deem just and reasonable.

#### 3. Professional Services:

None.

#### 4. Compliance Costs:

All regulated institutions are currently subject to assessment by the Banking Division. The regulation simply formalizes the Banking Division's assessment methodology. It makes only one change from the allocation methodology used by the Banking Department in the previous state fiscal years. That change affects only one of the industry groups regulated by the Banking Division. Regulatory costs assessed to the mortgage banking industry are now divided among the entities in that group on a basis which includes income derived from secondary market and servicing activities. Even within the one industry group affected by the change, additional compliance costs, if any, are expected to be minimal.

#### 5. Economic and Technological Feasibility:

All regulated institutions are currently subject to the Banking Division's assessment requirements. The formalization of the Banking Division's assessment methodology in a regulation will not impose any additional economic or technological burden on regulated entities which are small businesses.

#### 6. Minimizing Adverse Impacts:

Even within the mortgage banking industry, which is the one industry group affected by the change in assessment methodology, the change will not affect the total amount of the assessment. Indeed, it is anticipated that this change may slightly reduce the proportion of mortgage banking industry assessments that is paid by entities that are small businesses.

#### 7. Small Business and Local Government Participation:

This regulation does not impact local governments.

The regulation simply codifies the methodology which the Banking Division uses for determining the just and reasonable proportion of the Banking Division's costs to be charged to and paid by each regulated institution, including regulated institutions which are small businesses. The overall methodology was adopted in 2005 after extensive discussion with regulated entities and industry associations representing groups of regulated institutions, including those that are small businesses.

Thereafter, the Banking Department applied assessments against all entities subject to its regulation. In addition, for fiscal 2010, the Banking Department changed its overall methodology slightly with respect to assessments against the mortgage banking industry to include income derived from secondary market and servicing activities. Litigation was commenced challenging this latter change, and in a recent decision, *In the Matter of Homestead Funding Corporation v. State of New York Banking Department et al.*, 944 N.Y.S. 2d 649 (2012), the court determined that the Department should adopt a change to its assessment methodology for mortgage bankers through a formal assessment rule promulgated pursuant to the requirements of the State Administrative Procedures Act. The challenged change in methodology had the effect of increasing the proportion of assessments against the mortgage banking industry paid by its larger members, while reducing the assessments paid by smaller participants, including those which are small businesses.

#### Rural Area Flexibility Analysis

Types and Estimated Numbers of Rural Areas: There are entities regulated by the New York State Department of Financial Services

(formerly the Banking Department) located in all areas of the State, including rural areas. However, this rule simply codifies the methodology currently used by the Department to assess all entities regulated by it. The regulation does not alter that methodology, and thus it does not change the cost of assessments on regulated entities, including regulated entities located in rural areas.

**Compliance Requirements:** The regulation would not change the current compliance requirements associated with the assessment process.

**Costs:** While the regulation formalizes the assessment process, it does not change the amounts assessed to regulated entities, including those located in rural areas.

**Minimizing Adverse Impact:** The regulation does not increase the total amount assessed to regulated entities by the Department. It simply codifies the methodology which the Superintendent has chosen for determining the just and reasonable proportion of the Department's costs to be charged to and paid by each regulated institution.

**Rural Area Participation:** This rule simply codifies the methodology which the Department currently uses for determining the just and reasonable proportion of the Department's costs to be charged to and paid by each regulated institution, including regulated institutions located in rural areas. The overall methodology was adopted in 2005 after extensive discussion with regulated entities and industry associations representing groups of regulated institutions, including those located in rural areas. It followed the loss of several major banking institutions that had paid significant portions of the former Banking Department's assessments.

Thereafter, the Department applied assessments against all entities subject to its regulation. In addition, for fiscal 2010, the Department changed this overall methodology slightly with respect to assessments against the mortgage banking industry to include income derived from secondary market income and servicing income. This latter change was challenged by a mortgage banker, and in early May, the Appellate Division determined that the latter change should have been made in conformity with the State Administrative Procedures Act. The challenged part of the methodology had the effect of increasing the proportion of assessments against the mortgage banking industry paid by its larger members, while reducing the assessments paid by smaller participants.

#### Job Impact Statement

The regulation is not expected to have an adverse effect on employment.

All institutions regulated by the Banking Division (the "Banking Division") of the Department of Financial Services are currently subject to assessment by the Department. The regulation simply formalizes the assessment methodology used by the Banking Division. It makes only one change from the allocation methodology used by the former Banking Department in the previous state fiscal years.

That change affects only one of the industry groups regulated by the Banking Division. It somewhat alters the way in which the Banking Division's costs of regulating mortgage banking industry are allocated among entities within that industry. In any case, the total amount assessed against regulated entities within that industry will remain the same.

## PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

### Minimum Standards for Form, Content, and Sale of Health Insurance, Including Standards for Full and Fair Disclosure

I.D. No. DFS-33-19-00004-P

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

**Proposed Action:** Addition of section 52.69 to Title 11 NYCRR.

**Statutory authority:** Financial Services Law, sections 202, 302; Insurance Law, sections 301 and 3217

**Subject:** Minimum Standards for Form, Content, and Sale of Health Insurance, Including Standards for Full and Fair Disclosure.

**Purpose:** To set forth minimum standards for the content of health insurance identification cards.

**Text of proposed rule:** A new section 52.69 is added as follows:

§ 52.69 *Rules relating to the content of health insurance identification cards.*

(a) *Every issuer shall provide a health insurance identification card to the primary insured and to each dependent of the primary insured who is 18 years of age or older within 30 days of the effective date of the insured's or dependent's coverage under an accident and health insurance policy that provides coverage for comprehensive hospital, surgical and medical care except governmental programs approved by the Commissioner of Health, including Medicaid, Children's Health Insurance Program, and Essential Plan. The health insurance identification card shall, at a minimum, contain the following information:*

(1) the primary insured's name and identification number;  
 (2) each insured dependent's name and, if applicable, identification number, which shall appear either on the primary insured's identification card or on a separate card issued to the dependent;  
 (3) the full legal name of the issuer providing the coverage or the name under which the issuer is authorized to do business;  
 (4) a statement that the coverage is provided and insured by the issuer;

(5) the product or plan name;  
 (6) a statement of whether the coverage has out-of-network benefits;  
 (7) the name of the issuer's health care provider network or networks for the product or plan, if applicable;  
 (8) the name of the product or plan's formulary, if applicable;  
 (9) the phone number or numbers at which the insured or health care provider may readily obtain the following:

(i) member services assistance;  
 (ii) confirmation of eligibility or verification of benefits; and  
 (iii) prior authorization for health care services, if applicable;  
 (10) the internet website address of the issuer;  
 (11) the annual or plan year deductible amount for participating providers, if applicable; and  
 (12) copayment information applicable to participating providers for the following services:

(i) primary care office visits;  
 (ii) specialist office visits;  
 (iii) urgent care; and  
 (iv) emergency room visits.

(b) An issuer shall post conspicuously on its website the name of the issuer's health care provider network or networks for the product or plan and the name of the product or plan's formulary, as applicable. The names posted on the issuer's website shall match the names listed on the health insurance identification card.

(c) When any information required to be on the card is changed, each issuer shall provide the primary insured and each dependent of the primary insured who is 18 years of age or older and covered under the accident and health insurance policy with a new health insurance identification card upon renewal of the policy.

(d) A health insurance identification card shall be mailed to the primary insured and to each dependent of the primary insured who is 18 years of age or older. If a dependent who is 18 years of age or older resides with the primary insured, the issuer may include the dependent's card in the mailing to the primary insured with the primary insured's card. A health insurance identification card may be provided electronically, and not by mail, if the insured or dependent 18 years of age or older consents to electronic delivery for his or her card.

(e) Every issuer, when acting as an administrator on behalf of a group that provides coverage for comprehensive hospital, surgical and medical care shall, if the issuer's name appears on any health insurance identification card, include a statement on the identification card that the coverage is self-funded and is not provided or insured by the issuer.

(f) For purposes of this section, "issuer" means an insurer licensed to write accident and health insurance in this State, a corporation organized pursuant to Insurance Law Article 43, a municipal cooperative health benefit plan certified pursuant to Insurance Law Article 47, a health maintenance organization certified pursuant to Public Health Law Article 44, or a student health plan certified pursuant to Insurance Law section 1124.

**Text of proposed rule and any required statements and analyses may be obtained from:** Robin Wheeler Feane, Department of Financial Services, One Commerce Plaza, Albany, NY 12257, (518) 474-8975, email: Robin.WheelerFeane@dfs.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: Financial Services Law ("FSL") sections 202 and 302 and Insurance Law ("IL") sections 301 and 3217.

FSL section 202 establishes the office of the Superintendent of Financial Services ("Superintendent").

FSL section 302 and IL section 301, in pertinent part, authorize the Superintendent to prescribe regulations interpreting the IL and to effectuate any power granted to the Superintendent in the IL, FSL, or any other law.

IL section 3217 authorizes the Superintendent to issue regulations to establish minimum standards, including standards for full and fair disclosure, for the form, content and sale of accident and health insurance policies and subscriber contracts of insurers or corporations organized under IL Articles 32 and 43 and Public Health Law Article 44.

2. Legislative objectives: IL section 3217 authorizes the Superintendent

to issue regulations to establish minimum standards, including standards for full and fair disclosure, for the form, content and sale of accident and health insurance policies and subscriber contracts of insurers or corporations organized under IL Articles 32 and 43 and Public Health Law Article 44.

This proposed amendment to 11 NYCRR 52 (Insurance Regulation 62) accords with the public policy objectives that the Legislature sought to advance in IL section 3217 by setting forth minimum standards for the content of health insurance identification cards. The amendment requires every insurer to provide a health insurance identification card to the primary insured and to each dependent of the primary insured who is 18 years of age or older within 30 days of the effective date of the insured's or dependent's coverage under an accident and health insurance policy that provides coverage for comprehensive hospital, surgical and medical care, except governmental programs approved by the Commissioner of Health, including Medicaid, Children's Health Insurance Program and Essential Plan. When any information required to be on the card is changed, insurers must provide the primary insured and each dependent of the primary insured who is 18 years of age or older and covered under the accident and health insurance policy with a new health insurance identification card upon renewal of the policy. The health insurance identification cards must be mailed to the primary insured and to each dependent of the primary insured who is 18 years of age or older; however, if a dependent who is 18 years of age or older resides with the primary insured, the dependent's card may be included in the mailing to the primary insured with the primary insured's card. Health insurance identification cards may be provided electronically, and not by mail, if the insured consents to the electronic delivery.

3. Needs and benefits: Currently, the IL provides for the minimum standards in the form, content and sale of accident and health insurance. The purpose of such minimum standards is to provide reasonable standardization and simplification of coverages to facilitate understanding and comparisons; eliminate provisions that may be misleading or unreasonably confusing; eliminate deceptive practices; eliminate provisions that may be contrary to the health care needs of the public; and eliminate coverages that are of no substantial economic value to the holders. This proposed amendment aligns with the public policy of New York by providing minimum standards for the content of health insurance identification cards, which will ensure greater disclosure of information relating to an insured's health plan, as well as easier access to such information, by standardizing the content of health insurance identification cards.

It was brought to the attention of the Department of Financial Services ("Department") that health insurance identification cards were not adequately disclosing important information related to an insured's health plan, which was causing confusion among insureds and health care providers. With input from providers, insurers and consumer groups, the Department drafted this amendment to eliminate inadequate disclosure and confusion by requiring health insurance identification cards to include certain information relating to an insured's health plan. This amendment will require health insurance identification cards to include information such as the names and identification numbers of the insured and dependents; the name of the insurer providing the coverage; the product or plan name; important telephone numbers; the insurer's website address; and cost-sharing information. Additionally, to eliminate confusion regarding self-funded plans, this amendment will require health insurance identification cards to include a statement identifying whether the coverage is insured by the insurer or administered by the insurer through a self-funded arrangement.

The Department consulted with the Department of Health and determined that governmental programs, including Medicaid, Children's Health Insurance Program, and Essential Plan, should be exempted from the requirements of this regulation, as the Department of Health already imposes requirements on identification cards for governmental programs.

4. Costs: Insurers may incur costs because they will need to mail new health insurance identification cards to the primary insured and each dependent of the primary insured who is 18 years of age or older and covered under the accident and health insurance policy when any information required to be on the card is changed. However, to mitigate costs to insurers, new cards only need to be provided upon renewal of the policy. Additionally, if a dependent who is 18 years of age or older resides with the primary insured, the dependent's card may be included in the mailing to the primary insured with the primary insured's card. Also, health insurance identification cards may be provided electronically, and not by mail, if the insured consents to electronic delivery.

This amendment will not impose compliance costs on the Department.

This amendment will not impose compliance costs on state or local governments.

5. Local government mandates: This amendment does not impose a new mandate on any county, city, town, village, school district, fire district or other special district.

6. Paperwork: This amendment does not impose any new paperwork or filing requirements on insurers.

7. Duplication: This amendment does not duplicate or conflict with any existing state or federal rules or other legal requirements.

8. Alternatives: The Department considered several alternatives when drafting this amendment. For example, the effective date of the amendment was originally 60 days after publication of the Notice of Adoption in the State Register, but was changed to 90 days based on stakeholder input. Additionally, the amendment initially required health insurance identification cards to be mailed within 60 days of any change of information, but the final version requires cards to be mailed upon renewal of the policy based upon stakeholder input. Also, an earlier version of the amendment required a card to be mailed within 15 days of the effective date of the coverage, but that was changed to within 30 days of the effective date based on stakeholder input. These changes were made to reduce the compliance burden on insurers while ensuring that updated information is sent to insureds in a timely manner.

The Department also considered requiring health insurance identification cards to include the coverage type (e.g., exclusive provider organization, preferred provider organization, health maintenance organization) in order to help insureds more easily ascertain whether their health plan provides out-of-network benefits. Instead, based upon stakeholder input, the Department decided to require a more-direct statement of whether the insured's coverage has out-of-network benefits. This will allow insureds to easily identify whether their plan provides out-of-network benefits.

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

10. Compliance schedule: The amendment will take effect 90 days after publication of the Notice of Adoption in the State Register.

#### **Regulatory Flexibility Analysis**

1. Effect of rule: This amendment to the regulation applies to insurers, including health maintenance organizations, in New York State that provide hospital, surgical, or medical care coverage. Although most insurers are not small businesses, industry has asserted previously that certain insurers, in particular mutual insurers, subject to the regulation are small businesses but has not provided the Department of Financial Services ("Department") with specific insurers or the number of such entities. The amendment does not apply to local governments.

2. Compliance requirements: Any insurer that is a small business affected by this amendment will be required to provide a health insurance identification card to the primary insured and to each dependent of the primary insured who is 18 years of age or older within 30 days of the effective date of the insured's or dependent's coverage under an accident and health insurance policy that provides coverage for comprehensive hospital, surgical and medical care, except governmental programs approved by the Commissioner of Health, including Medicaid, Children's Health Insurance Program, and Essential Plan. When any information required to be on the card is changed, insurers must provide the primary insured and each dependent of the primary insured who is 18 years of age or older and covered under the accident and health insurance policy with a new health insurance identification card upon renewal of the policy. The health insurance identification cards must be mailed to the primary insured and to each dependent of the primary insured who is 18 years of age or older; however, if a dependent who is 18 years of age or older resides with the primary insured, the dependent's card may be included in the mailing to the primary insured with the primary insured's card. Health insurance identification cards may be provided electronically, and not by mail, if the insured consents to the electronic delivery.

No local government will have to undertake any reporting, recordkeeping, or other affirmative acts to comply with the amendment.

3. Professional services: It is not anticipated that any insurer that is a small business affected by this amendment will need to retain professional services, such as lawyers or auditors, to comply with this amendment.

4. Compliance costs: This amendment may impose compliance costs on insurers that are small businesses because they will be required to mail new health insurance identification cards to the primary insured and each dependent of the primary insured who is 18 years of age or older and covered under the accident and health insurance policy when any information required to be on the card is changed, upon renewal of the policy. However, if a dependent who is 18 years of age or older resides with the primary insured, the dependent's card may be included in the mailing to the primary insured with the primary insured's card. Also, health insurance identification cards may be provided electronically, and not by mail, if the insured consents to electronic delivery.

5. Economic and technological feasibility: No insurer that is a small business affected by this amendment should experience any economic or technological impact as a result of the amendment.

6. Minimizing adverse impact: The Department designed the amendment to minimize any adverse impact on insurers that are small businesses by allowing new health identification cards to be sent to insureds upon re-

newal of the policy, rather than during the policy period, when any information required to be on the card is changed. The amendment also permits electronic delivery of health insurance identification cards, rather than delivery by mail, if the insured consents to electronic delivery.

7. Small business and local government participation: The Department will comply with State Administrative Procedure Act section 202-b(6) by publishing the proposed amendment in the State Register and posting the proposed amendment on the Department's website.

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

The Department of Financial Services finds that this amendment to Part 52, which sets minimum standards for the content of health insurance identification cards, does not impose any additional burden on persons located in rural areas, and will not have an adverse impact on rural areas. This amendment applies uniformly to regulated parties that do business in both rural and non-rural areas of New York State. This amendment will not impose any additional costs on rural areas.

#### **Job Impact Statement**

The Department of Financial Services finds that this amendment to Part 52 should have no negative impact on jobs or employment opportunities in this state. The amendment sets forth minimum standards for the content of health insurance identification cards.

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

### **Minimum Standards for Form, Content and Sale of Health Insurance, Including Standards of Full and Fair Disclosure**

**I.D. No.** DFS-30-18-00007-RP

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

**Proposed Action:** Repeal of sections 52.17(a)(36), (37), 52.18(a)(11), (12); addition of section 52.1(s) and 52.74 to Title 11 NYCRR.

**Statutory authority:** Financial Services Law, sections 202, 302; Insurance Law, sections 301, 3216, 3217, 3221, 4303; L. 2019, ch. 25; L. 2019, ch. 57, part M

**Subject:** Minimum Standards for Form, Content and Sale of Health Insurance, Including Standards of Full and Fair Disclosure.

**Purpose:** To conform with chapter 25 of the Laws of 2019 and part M of chapter 57 of the Laws of 2019.

**Text of revised rule:** Paragraphs (36) and (37) of Sections 52.17(a) and paragraphs (11) and (12) of Sections 52.18(a) are repealed.

Section 52.1(s) is added as follows:

*(s) It is the policy of the State of New York to protect women's access to comprehensive and affordable contraception. One of the greatest impediments to gender equality is the inability to make justified reproductive health decisions or decide when and whether to become a parent. Contraception has been a critical tool for women to gain economic and social independence. The use, accessibility, and availability of contraception also reduces the rate of unintended pregnancy and abortion. Irrespective of whether the federal government rolls back access to reproductive health care, the State of New York will protect women's unassailable right to their reproductive freedom. Chapter 25 of the Laws of 2019 and Part M of Chapter 57 of the Laws of 2019 amended Insurance Law sections 3216(i)(17)(E), 3221(l)(16), and 4303(cc) to require every policy that provides medical, major medical, or similar comprehensive type coverage to provide broad contraceptive coverage. Chapter 25 also requires the superintendent to promulgate regulations establishing a process, including time-frames, for an insured, an insured's designee, or an insured's health care provider to request coverage of a non-covered contraceptive drug, device, or product. Section 52.74 of this Part establishes such a process.*

Section 52.74 is added as follows:

*§ 52.74 Coverage of contraceptive drugs, devices, or products.*

*(a) Pursuant to Insurance Law sections 3216(i)(17)(E), 3221(l)(16), and 4303(cc), every policy that provides medical, major medical, or similar comprehensive type coverage shall provide coverage for all FDA-approved contraceptive drugs, devices, and other products. Where the FDA has approved one or more therapeutic and pharmaceutical equivalent, as defined by the FDA, versions of a contraceptive drug, device, or product, an insurer shall not be required to include all such therapeutic and pharmaceutical equivalent versions in its formulary, as long as at least one is included and covered without cost-sharing. If the covered therapeutic and pharmaceutical equivalent versions of a drug, device, or product are not available or are deemed medically inadvisable, an insurer shall provide coverage for an alternate therapeutic and pharmaceutical equivalent version of the contraceptive drug, device, or product without cost-sharing.*

(b)(1) Pursuant to Insurance Law sections 3216(i)(17)(E), 3221(l)(16), and 4303(cc), an insured, an insured's designee, or an insured's health care provider may submit a request to an insurer for coverage of a non-covered contraceptive drug, device, or product. Such request shall indicate whether the covered contraceptive drug, device, or product is not available or is medically inadvisable for the insured. An insurer may require that the request for coverage be in writing. The insurer shall use the exception form promulgated by the superintendent if the insurer requires a written request.

(2) If the attending health care provider, in his or her reasonable professional judgment, determines that the use of a non-covered therapeutic or pharmaceutical equivalent of a drug, device, or product is warranted, the health care provider's determination shall be final.

(3)(i) The insurer shall provide coverage of the non-covered contraceptive drug, device, or product within 72 hours of receipt of a standard request not based on exigent circumstances. The insurer shall provide coverage of the non-covered contraceptive drug, device, or product within 24 hours of receipt of an expedited request based on exigent circumstances. In both situations, the insurer shall provide such coverage without cost-sharing.

(ii) For purposes of this paragraph, "exigent circumstances" means a circumstance under which an insured is suffering from a health condition that may seriously jeopardize the insured's life, health, or ability to regain maximum function or is undergoing a current course of treatment using a non-covered contraceptive drug, device, or product.

**Revised rule compared with proposed rule:** Substantial revisions were made in sections 52.1(r), (s), 52.17(a)(36), (37), 52.18(a)(11), (12) and 52.74.

**Text of revised proposed rule and any required statements and analyses may be obtained from** Colleen Rumsey, Department of Financial Services, One Commerce Plaza, Albany, NY 12257, (518) 486-7815, email: Colleen.Rumsey@dfs.ny.gov

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

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

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

1. Statutory authority: Financial Services Law sections 202 and 302; Insurance Law sections 301, 3216, 3217, 3221, and 4303; Chapter 25 of the Laws of 2019; and Part M of Chapter 57 of the Laws of 2019.

Financial Services Law section 202 establishes the office of the Superintendent of Financial Services ("Superintendent"). Financial Services Law section 302 and Insurance Law section 301, in pertinent part, authorize the Superintendent to prescribe regulations interpreting the Insurance Law and to effectuate any power granted to the Superintendent in the Insurance Law, Financial Services Law, or any other law.

Insurance Law section 3216 sets forth requirements for individual accident and health insurance policies.

Insurance Law section 3217 authorizes the Superintendent to issue regulations to establish minimum standards, including standards for full and fair disclosure, for the form, content and sale of accident and health insurance policies and subscriber contracts of corporations organized under Insurance Law Article 32 and Article 43 and Public Health Law Article 44.

Insurance Law section 3221 sets forth requirements for group or blanket accident and health insurance policies.

Insurance Law section 4303 sets forth the mandatory benefits in subscriber contracts issued by corporations organized under Insurance Law Article 43.

Chapter 25 of the Laws of 2019 and Part M of Chapter 57 of the Laws of 2019, which the Governor signed into law on April 12, 2019 and which take effect on January 1, 2020, amended Insurance Law sections 3216(i)(17)(E), 3221(l)(16), and 4303(cc) to require every policy or contract that provides medical, major medical, or similar comprehensive type coverage to provide broad contraceptive coverage, including coverage for all U.S. Food and Drug Administration ("FDA")-approved contraceptive drugs, devices, and other products. Chapter 25 also requires the Superintendent to promulgate regulations establishing a process, including time-frames, for an insured, an insured's designee, or an insured's health care provider to request coverage of a non-covered contraceptive drug, device, or product.

2. Legislative objectives: Chapter 25 of the Laws of 2019 and Part M of Chapter 57 of the Laws of 2019 amended Insurance Law sections 3216(i)(17)(E), 3221(l)(16), and 4303(cc) to require every policy or contract that provides medical, major medical, or similar comprehensive type coverage to provide broad contraceptive coverage and to require the Superintendent to promulgate regulations establishing a process for an insured, an insured's designee, or an insured's health care provider to request coverage of a non-covered contraceptive drug, device, or product.

This proposed amendment accords with the public policy objectives

that the Legislature sought to advance in Chapter 25 and Part M of Chapter 57 by establishing a process for an insured, an insured's designee, or an insured's health care provider to request coverage of a non-covered contraceptive drug, device, or product.

3. Needs and benefits: It is the policy of New York to protect women's access to comprehensive and affordable contraception. One of the greatest impediments to gender equality is the inability to make justified reproductive health decisions or to decide when and whether to become a parent. Contraception has been a critical tool for women to gain economic and social independence. The use, accessibility, and availability of contraception also reduces the rate of unintended pregnancy and abortion. Since the enactment of the federal Affordable Care Act, women in New York and across the country have enjoyed access to a wide range of contraceptives without cost-sharing. Irrespective of whether the federal government rolls back access to reproductive health care, the State of New York will protect women's unassailable right to their reproductive freedom.

Chapter 25 and Part M of Chapter 57 amended Insurance Law sections 3216(i)(17)(E), 3221(l)(16), and 4303(cc) to require every policy or contract that provides medical, major medical, or similar comprehensive type coverage to provide broad contraceptive coverage. Chapter 25 also requires the Superintendent to promulgate regulations establishing a process, including time-frames, for an insured, an insured's designee, or an insured's health care provider to request coverage of a non-covered contraceptive drug, device, or product. This amendment establishes such a process.

4. Costs: Insurers and health maintenance organizations ("HMOs") may incur costs because they may need to file new rates and policy and contract forms and amend their formularies to reflect the broad contraceptive coverage mandate and the process for a health care provider to request coverage of a non-covered contraceptive drug, device, or product. However, this is a consequence of Chapter 25 and Part M of Chapter 57 of the Laws of 2019, which require every policy or contract that provides medical, major medical, or similar comprehensive type coverage to provide broad contraceptive coverage and require the Superintendent to promulgate regulations establishing a process for an insured, an insured's designee, or an insured's health care provider to request coverage of a non-covered contraceptive drug, device, or product.

This amendment may impose compliance costs on the Department of Financial Services ("Department") because the Department will need to review amended policy and contract forms and rates. However, any additional costs incurred should be minimal and the Department should be able to absorb the costs in its ordinary budget.

This amendment will not impose compliance costs on any local governments.

5. Local government mandates: This amendment does not impose any program, service, duty, or responsibility upon a county, city, town, village, school district, fire district, or other special district.

6. Paperwork: Insurers and HMOs may need to file new policy and contract forms and rates with the Superintendent and amend their formularies to comply with this amendment. However, this is a consequence of Chapter 25 and Part M of Chapter 57 of the Laws of 2019.

7. Duplication: This amendment, in part, duplicates current federal guidance but does not conflict with any existing state or federal rules or other legal requirements. However, this is a consequence of Chapter 25 and Part M of Chapter 57 of the Laws of 2019.

8. Alternatives: There were no significant alternatives to consider.

9. Federal standards: The amendment exceeds minimum standards of the federal government for the same or similar subject areas. However, this is a consequence of Chapter 25 and Part M of Chapter 57 of the Laws of 2019.

10. Compliance schedule: The amendment will take effect on January 1, 2020 and will apply to all policies and contracts issued, renewed, or amended on or after that date.

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

1. Effect of rule: Chapter 25 of the Laws of 2019 and Part M of Chapter 57 of the Laws of 2019 amended Insurance Law sections 3216(i)(17)(E), 3221(l)(16), and 4303(cc) to require every policy or contract that provides medical, major medical, or similar comprehensive type coverage to provide broad contraceptive coverage, including coverage for all U.S. Food and Drug Administration ("FDA")-approved contraceptive drugs, devices, and other products. Chapter 25 also requires the Superintendent of Financial Services ("Superintendent") to promulgate regulations establishing a process, including time-frames, for an insured, an insured's designee, or an insured's health care provider to request coverage of a non-covered contraceptive drug, device, or product. This amendment establishes a process for an insured, an insured's designee, or an insured's health care provider to request coverage of a non-covered contraceptive drug, device, or product.

Industry asserts that certain insurers and health maintenance organizations ("HMOs") subject to the amendment are small businesses. However,

the law, rather than the amendment, requires that every policy or contract that provides medical, major medical, or similar comprehensive type coverage provide broad contraceptive coverage, including coverage for all FDA-approved contraceptive drugs, devices, and other products, and that the Superintendent promulgate regulations establishing a process, including time-frames, for an insured, an insured's designee, or an insured's health care provider to request coverage of a non-covered contraceptive drug, device, or product. The rule cannot vary a requirement imposed by law.

2. Compliance requirements: No local government will have to undertake any reporting, recordkeeping, or other affirmative acts to comply with this amendment because the amendment does not apply to any local government.

An insurer or HMO that is a small business affected by this amendment, if any, may be subject to reporting, recordkeeping, or other compliance requirements as the insurer or HMO may need to file new policy and contract forms and rates with the Superintendent and may need to amend its formularies to reflect the broad contraceptive coverage mandate and the process for a health care provider to request coverage of a non-covered contraceptive drug, device, or product. However, this is a consequence of Chapter 25 and Part M of Chapter 57 of the Laws of 2019, which require every policy or contract that provides medical, major medical, or similar comprehensive type coverage to provide broad contraceptive coverage and require the Superintendent to promulgate regulations establishing a process for an insured, an insured's designee, or an insured's health care provider to request coverage of a non-covered contraceptive drug, device, or product.

3. Professional services: No local government will need professional services to comply with this amendment because the amendment does not apply to any local government. No insurer or HMO that is a small business affected by this amendment, if any, should need to retain professional services, such as lawyers or auditors, to comply with this amendment.

4. Compliance costs: No local government will incur any costs to comply with this amendment because the amendment does not apply to any local government. Insurers and HMOs may incur costs because they may need to file new rates and policy and contract forms and amend their formularies to reflect the broad contraceptive coverage mandate and the process for a health care provider to request coverage of a non-covered contraceptive drug, device, or product. However, this is a consequence of Chapter 25 and Part M of Chapter 57 of the Laws of 2019, which require every policy or contract that provides medical, major medical, or similar comprehensive type coverage to provide broad contraceptive coverage and require the Superintendent to promulgate regulations establishing a process for an insured, an insured's designee, or an insured's health care provider to request coverage of a non-covered contraceptive drug, device, or product.

This amendment may impose compliance costs on the Department of Financial Services ("Department") because the Department will need to review amended policy and contract forms and rates. However, any additional costs incurred should be minimal and the Department should be able to absorb the costs in its ordinary budget.

5. Economic and technological feasibility: This amendment does not apply to any local government; therefore, no local government should experience any economic or technological impact as a result of the amendment. No insurer or HMO that is a small business affected by this amendment, if any, should experience any economic or technological impact as a result of the amendment. Furthermore, this amendment merely implements Chapter 25 and Part M of Chapter 57 of the Laws of 2019, which require every policy or contract that provides medical, major medical, or similar comprehensive type coverage to provide broad contraceptive coverage and the Superintendent to promulgate regulations establishing a process for an insured, an insured's designee, or an insured's health care provider to request coverage of a non-covered contraceptive drug, device, or product.

6. Minimizing adverse impact: There will not be an adverse impact on any local government because the amendment does not apply to any local government. This amendment should not have an adverse impact on an insurer or HMO that is a small business affected by the amendment, if any, because the amendment uniformly affects all insurers and HMOs that are subject to it and merely implements Chapters 25 and Part M of Chapter 57 of the Laws of 2019, which require every policy or contract that provides medical, major medical, or similar comprehensive type coverage to provide broad contraceptive coverage and the Superintendent to promulgate regulations establishing a process for an insured, an insured's designee, or an insured's health care provider to request coverage of a non-covered contraceptive drug, device, or product.

7. Small business and local government participation: The Department will comply with SAPA § 202-b(6) by publishing the revised proposed amendment in the State Register and posting the revised proposed amendment on its website.

#### *Revised Rural Area Flexibility Analysis*

1. Types and estimated numbers of rural areas: Insurers and health maintenance organizations ("HMOs") affected by this amendment operate in every county in this state, including rural areas as defined by State Administrative Procedure Act § 102(10).

2. Reporting, recordkeeping and other compliance requirements; and professional services: An insurer or HMO, including an insurer or HMO in a rural area, may be subject to additional reporting, recordkeeping, or other compliance requirements because the insurer or HMO may need to file new policy and contract forms and rates with the Superintendent of Financial Services ("Superintendent") and may need to amend its formularies to reflect the broad contraceptive coverage mandate and the process for a health care provider to request coverage of a non-covered contraceptive drug, device, or product. However, this is a consequence of Chapter 25 and Part M of Chapter 57 of the Laws of 2019, which require every policy or contract that provides medical, major medical, or similar comprehensive type coverage to provide broad contraceptive coverage and require the Superintendent to promulgate regulations establishing a process for an insured, an insured's designee, or an insured's health care provider to request coverage of a non-covered contraceptive drug, device, or product.

An insurer or HMO, including an insurer or HMO in a rural area, should not need to retain professional services, such as lawyers or auditors, to comply with this amendment.

3. Costs: An insurer or HMO, including an insurer or HMO in a rural area, may incur additional compliance costs as it may need to file new policy and contract forms and rates with the Superintendent and may need to amend its formularies. However, this is a consequence of Chapter 25 and Part M of Chapter 57 of the Laws of 2019, which require every policy or contract that provides medical, major medical, or similar comprehensive type coverage to provide broad contraceptive coverage and require the Superintendent to promulgate regulations establishing a process for an insured, an insured's designee, or an insured's health care provider to request coverage of a non-covered contraceptive drug, device, or product.

4. Minimizing adverse impact: This amendment uniformly affects insurers and HMOs that are located in both rural and non-rural areas of New York State. The amendment should not have an adverse impact on rural areas.

5. Rural area participation: Insurers and HMOs, including insurers and HMOs in rural areas, will have an opportunity to participate in the rule-making process when the revised proposed amendment is published in the State Register and on the Department of Financial Services' website.

#### *Revised Job Impact Statement*

This amendment should not adversely impact jobs or employment opportunities in New York State. The amendment merely implements Chapter 25 of the Laws of 2019 and Part M of Chapter 57 of the Laws of 2019, which amended Insurance Law sections 3216(i)(17)(E), 3221(i)(16), and 4303(cc) to require every policy or contract that provides medical, major medical, or similar comprehensive type coverage to provide broad contraceptive coverage, including coverage for all U.S. Food and Drug Administration-approved contraceptive drugs, devices, and other products. Chapter 25 also requires the Superintendent to promulgate regulations establishing a process, including time-frames, for an insured, an insured's designee, or an insured's health care provider to request coverage of a non-covered contraceptive drug, device, or product. This amendment establishes such a process.

#### *Assessment of Public Comment*

The New York State Department of Financial Services ("Department") received comments from health service providers and advocacy organizations (the "commenters"). The comments were supportive of the proposed amendment. However, the commenters made a request of the Department when implementing the amendment.

Comment: The proposed amendment permits the Superintendent of Financial Services ("Superintendent") to develop a standard exception form that an attending health care provider may use to prescribe a particular U.S. Food and Drug Administration-approved contraceptive drug, device or product based on a determination of medical necessity for an insured, and requires the insurer to accept the standard exception form submitted by the insured's attending health care provider. The commenters requested that DFS clearly identify a narrow time frame, not to surpass 72 hours, by which insurers must act upon a health service provider's exception request.

Response: The Department made the requested change in the amendment. Under the revised amendment, insurers must act upon a standard exception request within 72 hours, or 24 hours for an expedited exception request involving exigent circumstances.

## Department of Health

### ERRATUM

A Notice of Proposed Rule Making, I.D. No. HLT-30-19-00006-P, pertaining to Maximum Contaminant Levels (MCLs), published in the July 24, 2019 issue of the *State Register* contained unclear tables in the text. The tables are being republished in the Appendix in this issue.

## Higher Education Services Corporation

### EMERGENCY RULE MAKING

#### New York State Teacher Loan Forgiveness Program

**I.D. No.** ESC-22-19-00004-E

**Filing No.** 702

**Filing Date:** 2019-07-30

**Effective Date:** 2019-07-30

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

**Action taken:** Addition of section 2201.21 to Title 8 NYCRR.

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

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

**Specific reasons underlying the finding of necessity:** This statement is being submitted pursuant to subdivision (6) of section 202 of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's (HESC) Notice of Emergency Adoption seeking to add a new section 2201.21 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

This regulation implements a statutory student financial aid program providing for loan forgiveness awards to be made to teachers serving in high need school districts or subject areas for which a shortage of teachers exists. Eligible applicants will receive up to \$5,000 per year for up to four years in loan forgiveness payments. Emergency adoption is necessary to avoid an adverse impact on the processing of awards to eligible applicants and award payments to eligible recipients. To accomplish this mandate, the statute further provides for HESC to promulgate emergency regulations to implement the program. For these reasons, compliance with section 202(1) of the State Administrative Procedure Act would be contrary to the public interest.

**Subject:** New York State Teacher Loan Forgiveness Program.

**Purpose:** To implement the New York State Teacher Loan Forgiveness Program.

**Text of emergency rule:** New section 2201.21 is added to Title 8 of the New York Code, Rules and Regulations to read as follows:

*Section 2201.21 The New York State Teacher Loan Forgiveness Program.*

(a) Definitions. For purposes of this section and Education Law, section 679-j, the following definitions shall apply:

(1) "Award" shall mean a New York State Teacher Loan Forgiveness Program award pursuant to section 679-j of the New York State Education Law.

(2) "Corporation" shall mean the New York State Higher Education Services Corporation.

(3) "Department" shall mean the New York State Education Department.

(4) "Economically disadvantaged" shall mean applicants whose household adjusted gross income is at or below 250 percent of the federal poverty level for the most recent calendar year available.

(5) "Elementary and secondary school" shall mean pre-kindergarten through grade 12 in a public or private school recognized by the board of regents of the university of the state of New York, including charter schools authorized pursuant to article 56 of the Education Law and programs provided by Boards of Cooperative Educational Services (BOCES) on behalf of such schools.

(6) "Full time" shall mean employment as a teacher in an elementary or secondary school in New York State for at least 10 continuous months, each school year, for a number of hours to be determined by either the school district, school board or school, the by-laws thereof, the labor contract between the teacher and employer, or if none of the above apply, the chief administrator of the school, except for an allowable interruption of full time employment.

(7) "Interruption of full time employment" shall mean an allowable temporary leave for a definitive length of time due to circumstances approved by the corporation, including, but not limited to, parental leave, medical leave, death of a family member, or military duty that exceeds forty-two calendar days, excluding legal holidays, regardless of whether such absence or leave is paid or unpaid.

(8) "Household adjusted gross income" shall mean the federal Adjusted Gross Income (AGI) for individuals or married couples filing jointly, or the aggregate AGI of married couples filing separately, reduced by a cost of living allowance, which shall be equal to the applicant's eligible New York State standard deductions plus their eligible New York State dependent exemptions for personal income tax purposes.

(9) "Outstanding student loan debt" shall mean the total cumulative student loan balance required to be paid by the applicant at the time of selection for an award under this program, including the outstanding principal and any accrued interest covering the cost of attendance to obtain an undergraduate or graduate degree from a college or university. Such outstanding student loan debt may be reduced as provided in subparagraph (iii) of paragraph (3) of subdivision (c) of this section.

(10) "Program" shall mean the New York State Teacher Loan Forgiveness Program.

(11) "School year" shall mean the period commencing on the first day of July in each year and ending on the 30th day of June next following.

(12) "Teacher" shall mean a New York State certified teacher providing instruction in an elementary or secondary school including enrichment and supplemental instruction that may be offered to a subset of students as well as support services such as counseling, speech and occupational therapy services.

(b) Eligibility. Applicants and recipients must:

(1) satisfy the requirements provided in section 679-j(2) of the Education Law. Recipients who continue to teach the same subject or in the same district, as the case may be, which qualified them for the award when they originally applied for this program remain eligible for subsequent award payments if the originally qualifying subject or district ceases to be designated as a subject shortage area or hard to staff district;

(2) be in a non-default status on a student loan made under any statutory New York State or federal education loan program or repayment of any award made pursuant to Article 14 of the Education Law; and

(3) be in compliance with the terms of any service condition imposed by an award made pursuant to article 14 of the Education Law.

(c) Administration.

(1) An applicant for an award shall:

(i) apply for program eligibility on forms and in a manner prescribed by the corporation on or before the date prescribed by the corporation; and

(ii) submit additional documentation evidencing eligibility, as requested by the corporation.

(2) A recipient of an award shall:

(i) confirm employment as a certified teacher each year on forms or in a manner prescribed by the corporation;

(ii) apply for payment annually on forms prescribed by the corporation; and

(iii) receive no more than five thousand dollars per year for not more than four years in duration, and not to exceed the total amount of such recipient's outstanding student loan debt as defined in paragraph (9) of subdivision (a) of this section.

(3) The outstanding student loan debt shall:

(i) include New York State student loans, federal government student loans, and private student loans for the purpose of financing undergraduate or graduate studies made by commercial entities subject to governmental examination.

(ii) exclude federal parent PLUS loans; loans cancelled under any program; private loans given by family or personal acquaintances; student loan debt paid by credit card; loans paid in full, or in part, before, on, or after the first successful application for program eligibility under this program; loans for which documentation is not available; loans without a promissory note; or any other loan debt that cannot be verified by the corporation.

(iii) be reduced by any reductions to student loan debt that an applicant has received or shall receive including voluntary payments made which reduces the balance owed.

(d) Award selection. All awards are contingent upon annual appropriations. Awards shall be distributed in accordance with Education

*Law, section 679-j(4). In the event there is insufficient funding to make awards within any given priority, recipients shall be chosen by lottery. In the event that a lottery is necessary, economically disadvantaged applicants and recipients who taught in a subject shortage area or hard to staff district during the prior school year but are not currently teaching in either a subject shortage area or a hard to staff district, will be given third priority.*

(e) *Revocation. Upon prior notice to a recipient, an award may be revoked by the corporation if the corporation determines that the recipient has failed to comply with the requirements to maintain their award, as evidenced by:*

- (1) *a failure to apply for payment or reimbursement;*
- (2) *a failure to respond to requests to contact or communication with the corporation;*
- (3) *a failure to respond to a request for information; or*
- (4) *any other information known to the corporation reasonably evidencing an indication of failure to comply with program requirements by a program participant.*

**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. ESC-22-19-00004-EP, Issue of May 29, 2019. The emergency rule will expire September 27, 2019.

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

#### **Regulatory Impact Statement**

Statutory authority:

The New York State Higher Education Services Corporation's (HESC) statutory authority to promulgate regulations and administer The New York State Teacher Loan Forgiveness Program (Program) is codified within Article 14 of the Education Law. Specifically, Part AA of Chapter 56 of the Laws of 2018 created the Program by adding a new section 679-j to the Education Law. Pursuant to subdivision 6 of section 679-j of the Education Law, HESC is required to promulgate rules and regulations for the administration of this Program.

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

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

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

Legislative objectives:

This Program was created to retain and/or increase the number elementary and secondary school teachers serving in New York State.

Needs and benefits:

Data from New York State United Teachers (NYSUT) suggests a teacher shortage is on the horizon for New York State, as well as nationally, due in part to many educators being on the verge of retirement (32 percent within the next 5 years) and a significant drop in recent years of students enrolling in teacher training programs (49 percent decrease since 2009). Further, approximately 10 percent of New York's teacher education graduates are leaving the state for employment elsewhere and 11 percent of New York teachers leave their school or profession annually; this number increases for early career teachers and those working in high-poverty areas. Former State University of New York (SUNY) Chancellor, Nancy Zimpher, predicts New York will need more than 180,000 new teachers in the next decade and the U.S. Department of Education projects New York's student enrollment will grow by 2 percent by 2024, with high-need school districts experiencing the largest increases.

In November 2013, the State Education Department (SED) reported the following statewide teacher shortage areas between 2010 and 2014: bilingual education, chemistry, career and technical education (CTE), earth sci-

ence, English language learners, languages other than English, library and school media specialist, physics, special education, special education – bilingual, special education – science certification, and technology education. In New York City, SED identified shortage areas that include the arts, biology, chemistry, CTE, English, health education, library media specialist and mathematics. Evidence shows that New York's current teacher shortages are hitting urban and rural districts the hardest. At a meeting with NYSUT leaders, SED Commissioner MaryEllen Elia said finding ways to recruit and retain teachers must be front and center.

According to a report issued in August 2016 by the U.S. Department of Education and a report issued in May 2017 by the New York State School Board Association (NYSSBA), teacher shortages in New York are not widespread for all subject areas and geographical areas, but rather are concentrated in a handful of subjects and regions of the state, most notably science, special education, foreign languages, mathematics, and English instruction for students whose primary language is not English. In response, the Program is aimed at retaining and/or increasing the number of elementary and secondary teachers serving in hard to staff districts or subject shortage areas across the State by alleviating their student loan burden. Eligible recipients will receive up to \$5,000 annually over four years.

Costs:

a. There are no application fees, processing fees, or other costs to the applicants of this Program.

b. The estimated cost to the agency for the implementation of, or continuing compliance with, this rule is \$341,850.

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

d. Costs to the State shall not exceed available New York State budget appropriations for the Program. The 2018-19 State Budget contained an appropriation for this Program in the sum of \$250,000.

Local government mandates:

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

Paperwork:

This proposal will require applicants to file an electronic web application to determine eligibility and an electronic application for each year they wish to receive an award payment for up to four years.

Duplication:

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

Alternatives:

Given the statutory language as set forth in section 679-j(6) of the Education Law, a "no action" alternative was not an option.

Federal standards:

This proposal does not exceed any minimum standards of the Federal government.

Compliance schedule:

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

#### **Regulatory Flexibility Analysis**

This statement is being submitted pursuant to subdivision (3) of section 202-b of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's (HESC) Notice of Emergency Adoption seeking to add a new section 2201.21 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

It is apparent from the nature and purpose of this rule that it will not have a negative impact on small businesses or local governments. HESC finds that this rule will not impose any compliance requirement or adverse economic impact on small businesses or local governments. Rather, it has potential positive impacts by providing loan forgiveness benefits to teachers serving in high need school districts or subject areas for which a shortage of teachers exists. Providing these benefits will encourage individuals to pursue and/or maintain careers as elementary and secondary school teachers throughout New York State, which will provide an economic benefit to the State's small businesses and local governments as well.

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

This statement is being submitted pursuant to subdivision (4) of section 202-bb of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's Notice of Emergency Adoption seeking to add new section 2201.21 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

HESC finds that this rule will not impose any reporting, record keeping or other compliance requirements on public or private entities in rural areas. Rather, it has potential positive impacts by providing loan forgiveness benefits to teachers serving in high need school districts or subject ar-

areas for which a shortage of teachers exists. Providing these benefits will encourage individuals to pursue and/or remain in careers as elementary and secondary school teachers benefitting rural communities throughout New York State.

#### **Job Impact Statement**

This statement is being submitted pursuant to subdivision (2) of section 201-a of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's Notice of Emergency Adoption seeking to add a new section 2201.21 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

It is apparent from the nature and purpose of this rule that it will not have a negative impact on jobs or employment opportunities. Rather, it has potential positive impacts by providing loan forgiveness benefits to teachers serving in high need school districts or subject areas for which a shortage of teachers exists. Providing these benefits will encourage individuals to pursue and/or remain in careers as elementary and secondary school teachers throughout New York State.

### **EMERGENCY RULE MAKING**

#### **New York State Masters-In-Education Teacher Incentive Scholarship Program**

**I.D. No.** ESC-22-19-00005-E

**Filing No.** 699

**Filing Date:** 2019-07-30

**Effective Date:** 2019-07-30

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

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

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

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

**Specific reasons underlying the finding of necessity:** This statement is being submitted pursuant to subdivision (6) of section 202 of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's ("HESC") Notice of Emergency Adoption seeking to add a new section 2201.17 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

This regulation implements a statutory student financial aid program providing for awards to be made to students beginning with the fall 2016 term. The statute provides for tuition benefits to college-going students attending a New York State public institution of higher education who pursue a graduate program of study in an education program leading to a career as a teacher in public elementary or secondary education. Decisions on applications for this Program are made prior to the beginning of the term, which generally begins in August. Therefore, emergency adoption is necessary to avoid an adverse impact on the processing of awards to eligible scholarship applicants and award payments to eligible recipients. To accomplish this mandate, the statute further provides for HESC to promulgate emergency regulations to implement the program. For these reasons, compliance with section 202(1) of the State Administrative Procedure Act would be contrary to the public interest.

**Subject:** New York State Masters-In-Education Teacher Incentive Scholarship Program.

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

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

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

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

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

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

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

(4) *"Classroom instruction" shall mean elementary and secondary*

*education instruction, as required by the New York State Education Department, including enrichment and supplemental instruction that may be offered to a subset of students. Classroom instruction shall not include support services, such as counseling, speech therapy or occupational therapy services.*

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

(6) *"Full-time study" shall mean the number of credits required by the institution in each term of the approved master's degree in education program. A recipient may complete fewer credits than required for full-time study if he or she is in their last term and fewer credit hours are necessary to complete their degree program. In this case, the award amount shall be based on the tuition reported by the institution.*

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

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

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

(10) *"Public institution of higher education" shall mean the state university of New York, as defined in subdivision 3 of section 352 of the education law, or the city university of New York as defined in subdivision 2 of section 6202 of the education law.*

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

(12) *"School year" shall mean the period commencing on the first day of July in each year and ending on the thirtieth day of June next following.*

(13) *"Successful completion of a term" shall mean that at the end of any academic term, the recipient: (i) met the eligibility requirements for the award pursuant to sections 661 and 669-f of the Education Law; (ii) maintained full-time status as defined in this section; and (iii) possessed a cumulative grade point average of 3.5 or higher as of the date of the certification by the institution.*

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

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

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

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

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

(d) *Administration.*

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

(2) *Recipients of an award shall:*

(i) *execute a service contract prescribed by the corporation;*

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

(iii) receive such awards for not more than four academic terms, or its equivalent, of full-time graduate study leading to certification as a public elementary or secondary classroom teacher, including charter schools, excluding any allowable interruption of study;

(iv) facilitate the submission of information from their employer attesting to the recipient's job title, the full-time work status of the recipient, and any other information necessary for the corporation to determine compliance with the program's employment requirements on forms and in a manner prescribed by the corporation; and

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

(e) Amounts.

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

(2) Disbursements shall be made each term to institutions, on behalf of recipients, within a reasonable time upon successful completion of the term subject to the verification and certification by the institution of the recipient's grade point average and other eligibility requirements.

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

(f) Failure to comply.

(1) All award monies received shall be converted to a 10-year student loan plus interest for recipients who fail to meet the statutory, regulatory, contractual, administrative or other requirement of this program.

(2) The interest rate for the life of the loan shall be fixed and equal to that published annually by the U.S. Department of Education for undergraduate unsubsidized Stafford loans at the time the recipient signed the service contract with the corporation.

(3) Interest shall begin to accrue on the day each award payment is disbursed to the institution.

(4) Interest shall be capitalized on the day the award recipient violates any term of the service contract or the date the corporation deems the recipient was no longer able or willing to perform the terms of the service contract. Interest on this capitalized amount shall continue to accrue and be calculated using simple interest until the amount is paid in full.

(5) Where a recipient has demonstrated extreme hardship as a result of a disability, labor market conditions, or other such circumstances, the corporation may, in its discretion, postpone converting the award to a student loan, temporarily suspend repayment of the amount owed, prorate the amount owed commensurate with service completed, discharge the amount owed, or take such other appropriate action.

**This notice is intended** to serve only as a notice of emergency adoption. This agency intends to adopt 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. ESC-22-19-00005-EP, Issue of May 29, 2019. The emergency rule will expire September 27, 2019.

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

#### **Regulatory Impact Statement**

Statutory authority:

The New York State Higher Education Services Corporation's ("HESC") statutory authority to promulgate regulations and administer the New York State Masters-in-Education Teacher Incentive Scholarship Program ("Program") is codified within Article 14 of the Education Law. In particular, Subpart A of Chapter 56 of the Laws of 2015 created the Program by adding a new section 669-f to the Education Law. Subdivision 6 of section 669-f of the Education Law authorizes HESC to promulgate emergency regulations for the purpose of administering this Program.

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

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

HESC's President is authorized, under Education Law § 655(4), to propose rules and regulations, subject to approval by the Board of Trustees, governing, among other things, the application for and the granting and administration of student aid and loan programs, the repayment of loans or the guarantee of loans made by HESC; and administrative functions in support of state student aid programs. Also, consistent with Education Law § 655(9), HESC's President is authorized to receive assistance

from any Division, Department or Agency of the State in order to properly carry out his or her powers, duties and functions. Finally, Education Law § 655(12) provides HESC's President with the authority to perform such other acts as may be necessary or appropriate to carry out effectively the general objects and purposes of HESC.

Legislative objectives:

The Education Law was amended to add a new section 669-f to create the "New York State Masters-in-Education Teacher Incentive Scholarship Program" (Program). The objective of this Program is to incent New York's highest-achieving undergraduate students to pursue teaching as a profession.

Needs and benefits:

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

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

Students receiving a New York State Masters-in-Education Teacher Incentive Scholarship Program award must sign a service agreement and agree to teach in the classroom at a New York State public elementary or secondary school, which includes charter schools, for five years following completion of their master's degree. Recipients who do not fulfill their service obligation will have the value of their awards converted to a student loan and be responsible for interest.

Costs:

a. There are no application fees, processing fees, or other costs to the applicants of this Program.

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

c. The maximum cost of the Program to the State is \$1.5 million in the first year, based upon budget estimates.

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

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

Local government mandates:

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

Paperwork:

This proposal will require applicants to file an electronic application, together with supporting documentation, for eligibility. Each year recipients will file an electronic request for payment together with supporting documentation for up to two years of award payments. Recipients are required to sign a contract for services in exchange for an award. Recipients must submit annual status reports until a final disposition is reached in accordance with the written contract.

Duplication:

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

Alternatives:

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

Federal standards:

This proposal does not exceed any minimum standards of the Federal Government and efforts were made to align it with similar federal subject areas as evidenced by the adoption of the federal undergraduate unsubsidized Stafford loan rate in the event that the award is converted to a student loan.

Compliance schedule:

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

#### **Regulatory Flexibility Analysis**

This statement is being submitted pursuant to subdivision (3) of section 202-b of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's ("HESC") Notice of Emergency Adoption seeking to add a new section 2201.17 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

It is apparent from the nature and purpose of this rule that it will not impose an adverse economic impact on small businesses or local governments. HESC finds that this rule will not impose any compliance requirement or adverse economic impact on small businesses or local governments. Rather, it has potential positive economic impacts inasmuch as it implements a statutory student financial aid program that provides tuition benefits to students attending a New York State public institution of higher education who pursue their master's degree in an education program leading to a career as a teacher in public elementary or secondary education. Students will be rewarded for remaining and working in New York, which will provide an economic benefit to the State's small businesses and local governments as well.

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

This statement is being submitted pursuant to subdivision (4) of section 202-bb of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's Notice of Emergency Adoption seeking to add a new section 2201.17 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

It is apparent from the nature and purpose of this rule that it will not impose an adverse impact on rural areas. Rather, it has potential positive impacts inasmuch as it implements a statutory student financial aid program that provides tuition benefits to students attending a New York State public institution of higher education who pursue their master's degree in an education program leading to a career as a teacher in public elementary or secondary education. Students will be rewarded for remaining and working in New York, which benefits rural areas around the State as well.

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

#### **Job Impact Statement**

This statement is being submitted pursuant to subdivision (2) of section 201-a of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's Notice of Emergency Adoption seeking to add a new section 2201.17 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

It is apparent from the nature and purpose of this rule that it will not have any negative impact on jobs or employment opportunities. Rather, it has potential positive economic impacts inasmuch as it implements a statutory student financial aid program that provides tuition benefits to students attending a New York State public institution of higher education who pursue their master's degree in an education program leading to a career as a teacher in public elementary or secondary education. Students will be rewarded for remaining and working in New York, which will benefit the State as well.

## **EMERGENCY RULE MAKING**

### **New York State Get on Your Feet Loan Forgiveness Program**

**I.D. No.** ESC-22-19-00006-E

**Filing No.** 701

**Filing Date:** 2019-07-30

**Effective Date:** 2019-07-30

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(8) *work in the State, if employed. A member of the military who is on active duty and for whom New York is his or her legal state of residence shall be deemed to be employed in NYS;*

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

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

(c) *Administration.*

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

(2) A recipient of an award shall:

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

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

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

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

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

(d) Amounts and duration.

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

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

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

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

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

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

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

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

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

(3) Repayment must be made within five years.

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

**This notice is intended** to serve only as a notice of emergency adoption. This agency intends to adopt 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. ESC-22-19-00006-EP, Issue of May 29, 2019. The emergency rule will expire September 27, 2019.

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

#### Regulatory Impact Statement

Statutory authority:

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

Pursuant to Education Law § 652(2), HESC was established for the

purpose of improving the post-secondary educational opportunities of eligible students through the centralized administration of New York State financial aid programs and coordinating the State's administrative effort in student financial aid programs with those of other levels of government.

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

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

Legislative objectives:

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

Needs and benefits:

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

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

Costs:

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

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

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

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

Local government mandates:

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

Paperwork:

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

Duplication:

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

Alternatives:

The proposed regulation is the result of HESC's outreach efforts to the U.S. Department of Education with regard to this Program. Several alternatives were considered in the drafting of this regulation. For

example, several alternatives were considered in defining terms used in the regulation as well as the administration of the Program. Given the statutory language as set forth in section 679-g of the Education Law, a “no action” alternative was not an option.

Federal standards:

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

Compliance schedule:

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

#### **Regulatory Flexibility Analysis**

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

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

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

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

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

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

#### **Job Impact Statement**

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

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

## **EMERGENCY RULE MAKING**

### **NYS Part-time Scholarship (PTS) Award Program**

**I.D. No.** ESC-22-19-00007-E

**Filing No.** 700

**Filing Date:** 2019-07-30

**Effective Date:** 2019-07-30

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

**Action taken:** Addition of section 2201.20 to Title 8 NYCRR.

**Statutory authority:** Education Law, sections 653, 655 and 667-c-1

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

**Specific reasons underlying the finding of necessity:** This statement is being submitted pursuant to subdivision (6) of section 202 of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation’s (HESC) Notice of Emergency Adoption seeking to add a new section 2201.20 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

This regulation implements a statutory student financial aid program providing for awards to be made to students beginning with the 2017-18 academic year. The statute provides for tuition benefits to college-going students pursuing their undergraduate studies at a community college at the State University of New York or the City University of New York. Decisions on applications for student financial aid programs are customarily made prior to the beginning of the term, which generally starts in August. Therefore, emergency adoption is necessary to avoid an adverse impact on the processing of awards to eligible scholarship applicants and award payments to eligible recipients. To accomplish this mandate, the statute further provides for HESC to promulgate emergency regulations to implement the Program. For these reasons, compliance with section 202(1) of the State Administrative Procedure Act would be contrary to the public interest.

**Subject:** NYS Part-time Scholarship (PTS) Award Program.

**Purpose:** To implement the NYS Part-time Scholarship (PTS) Award Program.

**Text of emergency rule:** New section 2201.20 is added to Title 8 of the New York Code, Rules and Regulations to read as follows:

*Section 2201.20 New York State Part-time Scholarship (PTS) Award Program.*

(a) *Definitions. As used in Education Law, section 667-c-1 and this section, the following terms shall have the following meanings:*

(1) *“Good academic standing” shall mean having a minimum cumulative grade point average of 2.0.*

(2) *“Interruption of study” shall mean a temporary period of leave for a definitive length of time due to circumstances as determined by the corporation, including, but not limited to, death of a family member; medical leave, military service, service in the Peace Corps or parental leave.*

(3) *“Program” shall mean the New York State Part-time Scholarship (PTS) Award Program codified in Education Law, section 667-c-1.*

(b) *Eligibility. An applicant must satisfy the requirements of Education Law, section 667-c-1 and the general eligibility requirements provided in Education Law, section 661.*

(c) *Administration.*

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

(2) *For purposes of determining priority, financial need shall be established based on the federal expected family contribution reflected on the applicant’s federal student aid report, with the lowest expected family contribution evidencing the greatest financial need.*

(3) *Recipients of an award shall:*

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

(ii) *provide any information necessary for the corporation to determine compliance with the program’s requirements.*

(4) *The corporation shall maintain data relating to the performance of award recipients including, but not limited to, degree completion rates. All such data shall be deemed confidential and the corporation shall only disclose aggregate data unless otherwise required by law.*

(d) *Awards.*

(1) *The amount of the award shall be determined in accordance with section 667-c-1 of the education law.*

(2) *A recipient of an award must remain in good academic standing, as defined in this section, and remain continuously enrolled (excluding summer and winter terms) to be eligible for payment of future awards, excluding any allowable interruption of study.*

(3) *Disbursements shall be made each term to institutions, on behalf of recipients, within a reasonable time after verification and certification by the institution of the recipient’s grade point average and other eligibility requirements.*

**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. ESC-22-19-00007-EP, Issue of May 29, 2019. The emergency rule will expire September 27, 2019.

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

**Regulatory Impact Statement****Statutory authority:**

The New York State Higher Education Services Corporation's (HESC) statutory authority to promulgate regulations and administer the NYS Part-time Scholarship (PTS) Award Program (Program) is codified within Article 14 of the Education Law. In particular, Part KKK of Chapter 59 of the Laws of 2017 created the Program by adding a new section 667-c-1 to the Education Law. Subdivision 6 of section 667-c-1 of the Education Law authorizes HESC to promulgate emergency regulations for the purpose of administering this Program.

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

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

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

**Legislative objectives:**

The Education Law was amended to add a new section 667-c-1 to create the Program, which is aimed at reducing tuition expenses for students who attend a State University of New York (SUNY) or City University of New York (CUNY) community college.

**Needs and benefits:**

Many studies have underscored the necessity of a college degree in today's global economy. The Center on Education and the Workforce (CEW) at Georgetown University found that by 2020, 65 percent of all jobs will require some form of postsecondary education or training, compared to 59 percent of jobs in 2010. The CEW report finds that having a skilled workforce is critical if the United States is to "remain competitive, attract the right type of industry, and engage the right type of talent in a knowledge-based and innovative economy." At the current pace, the United States will fall short of its skilled workforce needs by 5 million workers. Furthermore, the disparity in earning potential between high school graduates and college graduates has never been greater, nor has the student loan debt – which stands at \$1.3 trillion – being carried by those who have pursued a postsecondary education.

Recognizing the growing need for workers with postsecondary education and training, the wage earnings benefits for those with training beyond a high school diploma, the rapidly rising college costs and mounting student loan debt, this Program awards students attending a public community college up to \$1,500 per semester to offset their tuition costs. To be eligible for a Program award, students must be enrolled in at least six but less than 12 credits per semester at a SUNY or CUNY community college and maintain a grade point average of 2.0. Payments will be made directly to colleges on behalf of students upon certification of their eligibility at the end of the academic term.

**Costs:**

a. The estimated cost to the agency for the implementation of, or continuing compliance with this rule is \$719,344.

b. The maximum cost of the program to the State is \$3,129,000 in the first year based upon budget estimates.

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

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

**Local government mandates:**

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

**Paperwork:**

This proposal will require applicants to file an electronic application together with supporting documentation for each year they wish to receive an award up to and including two consecutive years of eligibility.

**Duplication:**

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

**Alternatives:**

The proposed regulation is the result of HESC's outreach efforts to financial aid professionals at SUNY and CUNY with regard to this Program. Several alternatives were considered in the drafting of this regulation, such as the definition of financial need. Given the statutory language as set forth in section 667-c-1 of the Education Law, a "no action" alternative was not an option.

**Federal standards:**

This proposal does not exceed any minimum standards of the Federal Government.

**Compliance schedule:**

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

**Regulatory Flexibility Analysis**

This statement is being submitted pursuant to subdivision (3) of section 202-b of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's (HESC) Notice of Emergency Adoption, seeking to add a new section 2201.20 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

This rule implements a statutory student financial aid program that provides tuition benefits to college students who pursue their undergraduate studies at a community college at the State University of New York or City University of the State of New York. HESC finds that this rule will not impose any compliance requirement or adverse economic impact on small businesses or local governments. Rather, it has potential positive impacts by providing community college students with additional tuition award benefits. Providing students with direct financial assistance will encourage them to attend college in New York State, which will provide an economic benefit to the State's small businesses and local governments as well.

**Rural Area Flexibility Analysis**

This statement is being submitted pursuant to subdivision (4) of section 202-bb of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's Notice of Emergency Adoption, seeking to add a new section 2201.20 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

It is apparent from the nature and purpose of this rule that it will not impose an adverse impact on rural areas. Rather, it has potential positive impacts by providing community college students with additional tuition award benefits. Providing students with direct financial assistance will encourage them to attend college in New York State, which benefits rural areas around the State as well.

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

**Job Impact Statement**

This statement is being submitted pursuant to subdivision (2) of section 201-a of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's Notice of Emergency Adoption seeking to add a new section 2201.20 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

It is apparent from the nature and purpose of this rule that it will not have any negative impact on jobs or employment opportunities. Rather, it has potential positive impacts by providing community college students with additional tuition award benefits. Providing students with direct financial assistance will encourage them to attend college in New York State and possibly seek employment opportunities in the State as well, which will benefit the State.

## EMERGENCY RULE MAKING

### New York State Achievement and Investment in Merit Scholarship (NY-AIMS)

**I.D. No.** ESC-22-19-00008-E

**Filing No.** 698

**Filing Date:** 2019-07-30

**Effective Date:** 2019-07-30

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

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

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

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

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

This regulation implements a statutory student financial aid program providing for awards to be made to students beginning with the fall 2015 term. The statute provides New York high school graduates who excel academically with merit-based scholarships to support their cost of attendance at any college or university located in New York State. Five thousand awards, of \$500 each, will be granted annually in 2015-16 and 2016-17. Therefore, emergency adoption is necessary to avoid adverse impact on the processing of award payments to eligible recipients. To accomplish this mandate, the statute further provides for HESC to promulgate emergency regulations to implement the program. For these reasons, compliance with section 202(1) of the State Administrative Procedure Act would be contrary to the public interest.

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

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

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

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

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

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

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

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

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

(b) *Eligibility. An applicant must:*

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

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

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

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

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

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

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

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

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

(d) *Administration.*

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

(2) *Recipients of an award shall:*

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

(ii) *receive such awards for not more than four academic years of undergraduate study, or five academic years if the program of study*

*normally requires five years as defined by the commissioner pursuant to Article 13 of the education law; and*

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

(e) *Awards.*

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

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

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

**This notice is intended** to serve only as a notice of emergency adoption. This agency intends to adopt 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. ESC-22-19-00008-EP, Issue of May 29, 2019. The emergency rule will expire September 27, 2019.

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

**Regulatory Impact Statement**

Statutory authority:

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

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

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

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

Legislative objectives:

The Education Law was amended to add a new section 669-g to create The New York State Achievement and Investment in Merit Scholarship (NY-AIMS). The objective of this Program is to grant merit-based scholarship awards to New York State high school graduates who achieve academic excellence.

Needs and benefits:

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

This Program cushions the disparate growth in the cost of a postsecondary education by providing New York State high school graduates who

excel academically with merit-based scholarships to support their cost of attendance at any college or university located in the State for up to four years of undergraduate study (or five years if enrolled in a five-year program). Five thousand awards, of \$500 each, will be granted annually in 2015-16 and 2016-17.

**Costs:**

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

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

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

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

**Local government mandates:**

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

**Paperwork:**

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

**Duplication:**

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

**Alternatives:**

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

**Federal standards:**

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

**Compliance schedule:**

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

**Regulatory Flexibility Analysis**

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

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

**Rural Area Flexibility Analysis**

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

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

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

**Job Impact Statement**

This statement is being submitted pursuant to subdivision (2) of section 201-a of the State Administrative Procedure Act and in support of the New

York State Higher Education Services Corporation's Notice of Emergency Adoption seeking to add a new section 2201.16 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

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

**NOTICE OF ADOPTION**

**New York State Teacher Loan Forgiveness Program**

**I.D. No.** ESC-22-19-00004-A

**Filing No.** 708

**Filing Date:** 2019-07-30

**Effective Date:** 2019-08-14

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

**Action taken:** Addition of section 2201.21 to Title 8 NYCRR.

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

**Subject:** New York State Teacher Loan Forgiveness Program.

**Purpose:** To implement the New York State Teacher Loan Forgiveness Program.

**Text or summary was published** in the May 29, 2019 issue of the Register, I.D. No. ESC-22-19-00004-EP.

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

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

**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**

**New York State Masters-In-Education Teacher Incentive Scholarship Program**

**I.D. No.** ESC-22-19-00005-A

**Filing No.** 707

**Filing Date:** 2019-07-30

**Effective Date:** 2019-08-14

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

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

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

**Subject:** New York State Masters-In-Education Teacher Incentive Scholarship Program.

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

**Text or summary was published** in the May 29, 2019 issue of the Register, I.D. No. ESC-22-19-00005-EP.

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

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

**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**

**New York State Get on Your Feet Loan Forgiveness Program**

**I.D. No.** ESC-22-19-00006-A  
**Filing No.** 705  
**Filing Date:** 2019-07-30  
**Effective Date:** 2019-08-14

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

**Action taken:** Addition of section 2201.15 to Title 8 NYCRR.  
**Statutory authority:** Education Law, sections 653, 655 and 679-g  
**Subject:** New York State Get on Your Feet Loan Forgiveness Program.  
**Purpose:** To implement the New York State Get on Your Feet Loan Forgiveness Program.  
**Text or summary was published** in the May 29, 2019 issue of the Register, I.D. No. ESC-22-19-00006-EP.

**Final rule as compared with last published rule:** No changes.  
**Text of rule and any required statements and analyses may be obtained from:** Cheryl B. Fisher, NYS Higher Education Services Corporation, 99 Washington Avenue, Room 1325, Albany, New York 12255, (518) 474-5592, email: regcomments@hesc.ny.gov

**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**

**New York State Part-Time Scholarship (PTS) Award Program**

**I.D. No.** ESC-22-19-00007-A  
**Filing No.** 704  
**Filing Date:** 2019-07-30  
**Effective Date:** 2019-08-14

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

**Action taken:** Addition of section 2201.20 to Title 8 NYCRR.  
**Statutory authority:** Education Law, sections 653, 655 and 667-c-1  
**Subject:** New York State Part-Time Scholarship (PTS) Award Program.  
**Purpose:** To implement the New York State Part-Time Scholarship (PTS) Award Program.  
**Text or summary was published** in the May 29, 2019 issue of the Register, I.D. No. ESC-22-19-00007-EP.

**Final rule as compared with last published rule:** No changes.  
**Text of rule and any required statements and analyses may be obtained from:** Cheryl B. Fisher, NYS Higher Education Services Corporation, 99 Washington Avenue, Room 1325, Albany, New York 12255, (518) 474-5592, email: regcomments@hesc.ny.gov

**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**

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

**I.D. No.** ESC-22-19-00008-A  
**Filing No.** 706  
**Filing Date:** 2019-07-30  
**Effective Date:** 2019-08-14

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

**Action taken:** Addition of section 2201.16 to Title 8 NYCRR.  
**Statutory authority:** Education Law, sections 653, 655 and 669-g  
**Subject:** New York State Achievement and Investment in Merit Scholarship (NY-AIMS).

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

**Text or summary was published** in the May 29, 2019 issue of the Register, I.D. No. ESC-22-19-00008-EP.

**Final rule as compared with last published rule:** No changes.  
**Text of rule and any required statements and analyses may be obtained from:** Cheryl B. Fisher, NYS Higher Education Services Corporation, 99 Washington Avenue, Room 1325, Albany, New York 12255, (518) 474-5592, email: regcomments@hesc.ny.gov

**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.

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**State Liquor Authority**

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**NOTICE OF ADOPTION**

**Delinquent (C.O.D.) List Procedures**

**I.D. No.** LQR-02-19-00006-A  
**Filing No.** 692  
**Filing Date:** 2019-07-26  
**Effective Date:** 2019-08-14

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

**Action taken:** Amendment of Part 68; repeal of sections 68.3, 68.8 and 68.10 of Title 9 NYCRR.

**Statutory authority:** Alcoholic Beverage Control Law, sections 101-aa and 101-aaa; State Administrative Procedure Act, section 201

**Subject:** Delinquent (C.O.D.) list procedures.  
**Purpose:** To modernize outdated delinquent (C.O.D.) list procedures and provide for electronic notification for same.

**Text or summary was published** in the January 9, 2019 issue of the Register, I.D. No. LQR-02-19-00006-P.

**Final rule as compared with last published rule:** No changes.  
**Text of rule and any required statements and analyses may be obtained from:** Paul Karamanol, Senior Attorney, State Liquor Authority, 80 South Swan Street, Suite 900, Albany, NY 12210, (518) 474-3114, email: paul.karamanol@sla.ny.gov

**Initial Review of Rule**  
 As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 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.

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**Long Island Power Authority**

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**NOTICE OF ADOPTION**

**Value of Distributed Resources (“VDER”) in the Authority’s Tariff for Electric Service**

**I.D. No.** LPA-33-18-00018-A  
**Filing Date:** 2019-07-30  
**Effective Date:** 2019-08-01

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

**Action taken:** The Long Island Power Authority adopted modifications to its Tariff for Electric Service to modify the compensation under the Authority's Value of Distributed Resources ("VDER") tariff in accordance with the New York Public Service Commission orders.

**Statutory authority:** Public Authorities Law, section 1020-f(u) and (z)

**Subject:** Value of Distributed Resources ("VDER") in the Authority's Tariff for Electric Service.

**Purpose:** To modify the Tariff in accordance with recent New York State Public Service Commission VDER orders.

**Text of final rule:** The Trustees of the Long Island Power Authority approved changes to the Authority's Tariff for Electric Service (the "Tariff"), effective August 1, 2019, to modify the Authority's Value of Distributed Resources ("VDER") tariff in accordance with the New York Public Service Commission (the "Commission's") Order Regarding Value Stack Compensation (the "Value Stack Compensation Order") issued and effective on April 18, 2019.

The updates include changes to the Demand Reduction Value ("DRV"), Locational System Relief Value ("LSRV"), and Capacity Value calculation and compensation, and increasing the eligibility of Phase One Net Metering to additional qualifying projects.

Additionally, the Authority updated the Tariff to expand eligibility for Value Stack crediting under the VDER tariff to additional technologies in order to further align the Tariff with the September 12, 2018 Commission Order, In the Matter of the Value of Distributed Energy Resources, Order on Value Stack Eligibility Expansion and other Matters (the "Value Stack Eligibility Expansion Order") 2 and the December 13, 2018 Commission Order, In the Matter of the Value of Distributed Energy Resources, Order Implementing Hybrid Energy Storage System Relief (the "Hybrid Energy Storage System Order").

A further summary of the changes is available at the Authority's approved rulemaking website: <https://www.lipower.org/about-us/tariff/approved-rulemaking/>

**Final rule as compared with last published rule:** Nonsubstantive changes were made in sections I.C.17 and I.C.18.

**Text of rule and any required statements and analyses may be obtained from:** Justin Bell, Long Island Power Authority, 333 Earle Ovington Blvd., Suite 403, Uniondale, NY 11553, (516) 719-9886, email: [tariffchanges@lipower.org](mailto:tariffchanges@lipower.org)

#### Revised Regulatory Impact Statement

A revised regulatory impact statement is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

#### Revised Regulatory Flexibility Analysis

A revised regulatory flexibility analysis is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

#### Revised Rural Area Flexibility Analysis

A revised rural area flexibility analysis is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

#### Revised Job Impact Statement

A revised job impact statement is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

#### Assessment of Public Comment

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

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## Office for People with Developmental Disabilities

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

#### Limits on Administrative Expenses and Executive Compensation

I.D. No. PDD-33-19-00015-P

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

**Proposed Action:** Amendment of Part 645 of Title 14 NYCRR.

**Statutory authority:** Mental Hygiene Law, sections 13.07, 13.09(b) and 16

**Subject:** Limits on Administrative Expenses and Executive Compensation.

**Purpose:** To conform with recent court decisions.

**Text of proposed rule:** • Existing subdivision 645.3(a) and (b) are amended accordingly.

(a) Limits on executive compensation.

Except if a covered provider has obtained a waiver pursuant to section 64(5.4) of this Part, a covered provider as defined in this Part 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 645.4 of this Part, where a covered provider's executive compensation 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] *Violations of this subdivision shall subject the covered provider [shall be subject] to the penalties set forth in section 645.6 of this Part.* To determine whether a covered provider may be subject to penalties, such provider shall provide, upon request by OPWDD or its designee, contemporaneous documentation in a form and level of detail sufficient to allow such determination to be made.

- Reserve subdivision (b) of 14 NYCRR § 645.3.
- Subdivision 645.3(e) is amended to read as follows:

(e) Subcontractors and agents of covered providers.

The [limits] *limit* on executive compensation in [subdivisions] *subdivision* (a) [and (b)] of this section and the reporting requirements in section 645.5 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 OPWDD or its designee. A covered provider shall not be held responsible for a subcontractor's or agent's failure to comply with these regulations.

- Subdivision 645.4(a) is amended to read as follows:

(a) Waivers for Limit on Executive Compensation. OPWDD or its designee and the Director of the Division of the Budget may grant a waiver to the [limits] *limit* on executive compensation in section 645.3 of this Part for executive compensation for one or more covered executives, or for one or more positions, during the reporting period and, where appropriate, for a longer period upon a showing of good cause. To be considered, an application for such a waiver must comply with this subsection in its entirety.

- Section 645.4(a)(2)(ii) is amended to read as follows:

(ii) the extent to which the covered provider would be unable to provide the program services reimbursed with State funds or State-authorized payments at the same levels of quality and availability without obtaining reimbursement for executive compensation given to a covered executive in excess of the [limits] *limit* in section 645.3 of this Part;

- Section 645.4(a)(3) is amended to read as follows:

(3) A waiver to the [limits] *limit* set forth in section 645.3 of this Part shall be granted only where a covered provider has demonstrated good

cause supporting such a waiver, and has provided any documentation requested by OPWDD or its designee or the Director of the Division of the Budget to support such a waiver. Unless additional information has been requested but not received from the covered provider, a decision on a timely submitted waiver application shall be provided no later than 60 calendar days after submission of the application.

- Section 645.4(a)(5) is amended to read as follows:

(5) Unless already publicly disclosed, information provided by a covered provider to OPWDD in connection with a waiver application regarding the [limits] *limit* on executive compensation shall not be subject to public disclosure under the State's Freedom of Information Law.

**Text of proposed 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, Albany, NY 12229, (518) 474-7700, email: rau.unit@opwdd.ny.gov

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

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

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

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

#### Regulatory Impact Statement

##### 1. Statutory Authority:

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

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

c. OPWDD has the statutory authority to adopt regulations concerned with the operation of programs and the provision of services, as stated in the NYS Mental Hygiene Law Section 16.00. The regulation also ensures compliance by OPWDD certified and operated residences with the proper provision of services.

2. Legislative Objectives: The proposed regulations further legislative objectives embodied in sections 13.07, 13.09(b), and 16.00 of the Mental Hygiene Law. The regulation amends Part 645 regarding Limits on Administrative Expenses and Executive Compensation.

3. Needs and Benefits: The proposed regulation amends Part 645 to comply with a recent court decision regarding the elimination of "soft cap" limits on executive compensation. These amended regulations will conform to and comply with this court decision.

4. Costs: The proposed regulation will not have any fiscal impact on State and local governments. Furthermore, OPWDD expects that there will be no cost to private regulated parties as a result of this regulation.

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

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

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

8. Alternatives: OPWDD did not consider any other alternatives to the proposed regulations. The regulations are necessary due to a recent court decision.

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

10. Compliance Schedule: OPWDD estimates that no compliance schedule is necessary given that this proposed regulation removes rather than creates restrictions.

#### Regulatory Flexibility Analysis

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

The proposed regulation is designed to amend Part 645 to comply with a recent court decision to remove the "soft cap" on executive compensation. The regulation proposed will not result in costs or new compliance requirements for regulated parties. Thus, the regulation will not have any adverse effects on providers of small business and local governments.

#### Rural Area Flexibility Analysis

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

The proposed regulation amends Title 14 NYCRR Part 645 to comply with a recent court decision removing the "soft cap" limitation on executive compensation. The regulation will not result in an adverse impact on rural communities. The regulation will not have a substantial impact on jobs or employment opportunities in New York State. The proposed regulation will not result in costs or new compliance requirements for regulated parties and consequently, the amendments will not have any adverse effects on providers in rural areas and local governments.

#### Job Impact Statement

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

The proposed amendments to Title 14 NYCRR Section 645 are intended to address a recent court decision which eliminated the "soft cap" limit on executive compensation. The regulation will not result in new compliance requirements for providers. Additionally, the scope of the amended regulation is limited to executive compensation. Thus, the regulation will not have a substantial impact on jobs or employment opportunities in New York State.

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## Public Service Commission

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

#### Transfer of Street Lighting Facilities

I.D. No. PSC-33-19-00007-P

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

**Proposed Action:** The Commission is considering whether to provide its written consent for a proposed transfer of certain street lighting facilities from Orange and Rockland Utilities, Inc. to the Village of Florida.

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

**Subject:** Transfer of street lighting facilities.

**Purpose:** To determine whether to provide written consent for the proposed transfer of certain street lighting facilities.

**Substance of proposed rule:** The Commission is considering whether to provide its written consent for a proposed transfer of certain street lighting facilities from Orange and Rockland Utilities, Inc. (O&R) to the Village of Florida (Village).

On May 10, 2019, O&R filed a petition, pursuant to Public Service Law § 70, notifying the Commission of a proposed transfer to the Village certain street lighting facilities located throughout the Village. The facilities consist of luminaries, lamps, mast arms, their associated wiring, electrical connections, and appurtenances.

Pursuant to PSL Section 70(1), considering the proposed transfer that has an original cost of less than \$100,000, O&R may proceed with the transaction 90 days after providing notification to the Commission, unless the Commission determines within that 90 days that the public interest requires the Commission's review and written consent before the transfer can occur. The Commission has determined that further review is necessary and has instituted a proceeding to decide whether to provide written consent of the transfer specified in O&R's filing, or predicated on different terms, or to withhold its written consent.

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

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

**Data, views or arguments may be submitted to:** Kathleen H. Burgess,

Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

**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-0505SP1)

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

**Pole Attachment Rates**

**I.D. No.** PSC-33-19-00008-P

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

**Proposed Action:** The Commission is considering compliance filings by major electric utilities to modify the wireline pole attachment rates to ensure a standard and non-discriminatory approach between wireline and wireless pole attachments rates.

**Statutory authority:** Public Service Law, section 119-a

**Subject:** Pole attachment rates.

**Purpose:** To ensure safe and adequate service at just and reasonable rates charged to customers without preferences.

**Substance of proposed rule:** The Public Service Commission (Commission) is considering compliance filings made by Consolidated Edison Company of New York, Inc., New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation d/b/a National Grid, Orange and Rockland Utilities, Inc., Rochester Gas and Electric Corporation, and members of the New York Municipal Power Agency (NYMPA) to modify the wireline pole attachment rates to ensure a standard and non-discriminatory approach between wireline and wireless pole attachments rates.

Tariff amendments were filed in compliance with the Order Approving Petition in Part and Continuing Proceeding, issued March 14, 2019 in Case 16-M-0330 (March 2019 Order). The March 2019 Order requires that a per-foot wireless attachment rental rate, based on a 7.4% space factor applied to pole costs be established using a method that is consistent with the established wireline attachment rate. The wireline attachment rate is calculated using the Federal Communication Commission cable formula for horizontal cable attachments. As indicated in the March 2019 Order, the interim wireless attachment rates are intended to establish a standard and non-discriminatory approach for calculating wireless attachment rates in New York. In addition to filing wireless rates, the Companies proposed updating their wireline attachment rates in their respective filings.

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

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

**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.

(16-M-0330SP2)

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

**Transfer of Street Lighting Facilities**

**I.D. No.** PSC-33-19-00009-P

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

**Proposed Action:** The Commission is considering whether to provide its written consent for a proposed transfer of certain street lighting facilities from Orange and Rockland Utilities, Inc. to the Village of South Nyack.

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

**Subject:** Transfer of street lighting facilities.

**Purpose:** To determine whether to provide written consent for the proposed transfer of certain street lighting facilities.

**Substance of proposed rule:** The Commission is considering whether to provide its written consent for a proposed transfer of certain street lighting facilities from Orange and Rockland Utilities, Inc. (O&R) to the Village of South Nyack (Village).

On May 10, 2019, O&R filed a petition, pursuant to Public Service Law § 70, notifying the Commission of a proposed transfer of certain street lighting facilities to the Village of South Nyack. The facilities consist of luminaries, lamps, mast arms, their associated wiring, electrical connections, and appurtenances.

Pursuant to PSL Section 70(1), considering the proposed transfer that has an original cost of less than \$100,000, O&R may proceed with the transaction 90 days after providing notification to the Commission, unless the Commission determines within that 90 days that the public interest requires the Commission's further review and written consent before the transfer can occur. The Commission has determined that further review is necessary and has instituted a proceeding to determine whether to provide written consent of the transfer on the terms specified in O&R's filing, or predicated on different terms, or to withhold its written consent.

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

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

**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-0506SP1)

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

**Purchase of Renewable Energy from New Distributed Generators and Energy Storage Systems 15 Kilowatts or Less**

**I.D. No.** PSC-33-19-00010-P

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

**Proposed Action:** The Commission is considering a proposal filed by Plattsburgh Municipal Lighting Department to amend P.S.C. No. 1—Electricity, to establish rules and regulations governing the purchase of renewable energy from distributed generators and energy storage.

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

**Subject:** Purchase of renewable energy from new distributed generators and energy storage systems 15 kilowatts or less.

**Purpose:** To establish provisions to ensure safe and reliable service for all customers.

**Substance of proposed rule:** The Public Service Commission (Commis-

sion) is considering a proposal filed by Plattsburgh Municipal Lighting Department (PMLD) on July 22, 2019, to amend its electric tariff schedule, P.S.C. No. 1, to establish rules and regulations governing the purchase of renewable energy from distributed generators.

PMLD is proposing to include an Addendum – Standardized Interconnection Requirements and Application Process for New Distributed Generators and Energy Storage Systems 15 kW or Less Connected in Parallel with Utility Distributed Systems (SIR) in their tariff revisions, which provides the framework for processing applications from distributed generators or energy storage systems. The proposed amendments and SIR have an effective of December 1, 2019.

PMLD proposes eligibility for residential or non-residential customers who receive service under Service Classification (SC) No. 1 - Residential, SC No. 2 – Non-Residential, and own or operate solar, wind, and/or energy storage electric generating equipment with a rated capacity of no more than 15 kW located and used at their premise, in compliance with the SIR. The program will be available on a first-come, first-service basis, until the total rated generating capacity is equivalent to 1,200 kW (or 1 percent of PMLD's average system load). Customers will be responsible for 100 percent of any necessary interconnection costs. PMLD proposes to provide one bidirectional energy flow revenue meter for billing; the meter charge will be included in the applicable monthly service charge. Customers will pay the rates and charges of the applicable SC for energy delivered to the customer by PMLD.

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](http://www.dps.ny.gov). The Commission may adopt, reject or modify, in whole or in part, the action proposed and may resolve related matters.

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

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

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

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

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

(19-E-0514SP1)

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

#### Update Revenue Targets and Pass Back Regulatory Liability/ Asset Resulting from Tax Law Changes

**I.D. No.** PSC-33-19-00011-P

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

**Proposed Action:** The Commission is considering updates to the revenue targets, pass back the regulatory liability and asset resulting from TCJA and NYS tax law change, and other related items in the revenue production cost and property tax reconciliation mechanism.

**Statutory authority:** Public Service Law, section 89-c

**Subject:** Update revenue targets and pass back regulatory liability/asset resulting from tax law changes.

**Purpose:** To ensure New York American Water's rates are just and reasonable and accurately reflect the needed revenues.

**Substance of proposed rule:** The Public Service Commission (Commission) is considering updating the revenue targets of New York American Water, Inc. (NYAW or the Company) in the Company's revenue reconciliation mechanism, which was approved in the Order Establishing Rates for Water Service and issued on May 18, 2017, for Rate Year 2 and subsequent Rate Years.

On August 9, 2018 the Commission issued an Order Determining the Amount and Method for Reparations, revising the property tax targets, among other things (August 9th Order). The Company's revenue targets need to be adjusted accordingly to ensure that it collects the correct property tax target amounts established by the Commission in the August 9th Order.

Additionally, the Commission is considering whether to pass back the regulatory liability and asset resulting from the Tax Cuts and Jobs Act (TCJA) and the New York State Tax Law change. The Commission may also consider other related items that affect the Company's surcharges or surcredits.

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

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

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

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

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

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

(16-W-0259SP12)

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

#### Limited Waiver of Tariff Provisions for Customers With PEVs Under Special Provision L of the SC-1 VTOU Rate

**I.D. No.** PSC-33-19-00012-P

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

**Proposed Action:** The Commission is considering a petition filed by Niagara Mohawk Power Corporation d/b/a National Grid seeking a limited waiver of Special Provision L of Service Classification No. 1 VTOU rate in the PSC No. 220 Electricity Tariff.

**Statutory authority:** Public Service Law, sections 65 and 66-o

**Subject:** Limited waiver of tariff provisions for customers with PEVs under Special Provision L of the SC-1 VTOU rate.

**Purpose:** To ensure just and reasonable rates charged to customers without undue preferences.

**Substance of proposed rule:** The Public Service Commission (Commission) is considering a petition filed on July 16, 2019 by Niagara Mohawk Power Corporation, d/b/a National Grid (National Grid) for a limited waiver of the Bill Guarantee of special provision L of the Service Classification No. 1 Tariff regarding residential optional time of use delivery and commodity rate. This waiver would extend the Bill Guarantee program for an additional twelve months.

The proposed changes address an inadvertent programming error by National Grid regarding their meters resulting in customers with Electric Vehicles being charged off-peak rates for weekend electric usage regardless of the time of day, undercharging customers for their electric use.

The original Bill Guarantee provision, of Service Classification No. 1, Special Provision L, Residential Optional Time of Use Delivery and Commodity Rate (SC1VTOU) allowed customers who opted in to the VTOU program to receive a credit if their standard bill would have been cheaper than the VTOU rate after the twelve-month period. Due to an inadvertent programming error, the SC1VTOU rates for EV owners charging their vehicles on weekends was based on off-peak prices regardless of time of charge. This resulted in customers being underbilled for the year. National Grid does not have the ability to correct past bills to determine the magnitude of underpayment for weekend on-peak usage as the metered data does not exist for the Time of Use periods in question. Thus National Grid cannot retroactively collect from underbilled customers. National Grid states that failure to grant the waiver would result in customers making ill informed decisions about their energy consumption based upon inaccurate data acquired during the initial, underbilled, twelve-month period.

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

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

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

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

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

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

(18-E-0206SP7)

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

**Notice of Intent to Submeter Electricity**

**I.D. No.** PSC-33-19-00013-P

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

*Proposed Action:* The Commission is considering the notice of intent of One Beekman Owner, LLC to submeter electricity at 33 Park Row, New York, New York.

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

*Subject:* Notice of intent to submeter electricity.

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

*Substance of proposed rule:* The Commission is considering the notice of intent, filed by One Beekman Owner, LLC on July 16, 2019, to submeter electricity at 33 Park Row, 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, One Beekman Owner, LLC requests authorization to take electric service from Con Edison and then distribute and meter that electricity to its tenants. Submetering of electricity to residential tenants is allowed so long as it complies with the protections and requirements of the Commission's regulations in 16 NYCRR Part 96.

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

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

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

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

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

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

(19-E-0507SP1)

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

**Electric Metering Equipment**

**I.D. No.** PSC-33-19-00014-P

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

*Proposed Action:* The Commission is considering a petition filed by Consolidated Edison Company of New York, Inc. and Orange and Rockland Utilities, Inc. for the use of the Aclara I210 electric meters with Firmware release 6.0.

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

*Subject:* Electric metering equipment.

*Purpose:* To ensure that consumer bills are based on accurate measurements of electric usage.

*Substance of proposed rule:* The Public Service Commission is considering a petition filed by Consolidated Edison Company of New York, Inc. and Orange and Rockland Utilities, Inc. on July 17, 2019, requesting approval to use the Aclara I210 electric meter with Firmware release 6.0 in commercial and residential electric metering applications.

The Commission's regulations require new types of electric meters, transformers, and auxiliary devices used to measure electric service furnished to customers to be tested and also approved by the Commission before they may be used for the purpose of customer billing.

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

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

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

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

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

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

(19-E-0508SP1)

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## State University of New York

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**EMERGENCY  
RULE MAKING**

**State Basic Financial Assistance for Operating Expenses of Community Colleges Under the Program of SUNY and CUNY**

**I.D. No.** SUN-33-19-00001-E

**Filing No.** 689

**Filing Date:** 2019-07-24

**Effective Date:** 2019-07-24

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

*Action taken:* Amendment of sections 602.8(c) and 602.13 of Title 8 NYCRR.

*Statutory authority:* Education Law, sections 355(1)(c), 6304(1)(b); L. 2018, ch. 53

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

*Specific reasons underlying the finding of necessity:* The State University of New York finds that immediate adoption of amendments to the Code of Standards and Procedures for the Administration and Operation of Community Colleges (the Code) is necessary for the preservation of the general welfare and that compliance with the requirements of subdivision 1 Section 202 of the State Administrative Procedures Act ("SAPA") would be contrary to the public interest.

Chapter 53 of the Laws of 2019 (the "Aid to Localities Budget Bill") requires amendments to the existing funding formula for State financial assistance for operating expenses of community colleges of the State and City Universities of New York. The amended funding formula is to be developed jointly with the City University of New York, subject to the approval of the Director of the Budget. The Aid to Localities Budget Bill

also establishes a new “floor” for Direct State Tax support of 98 percent of the amount budgeted by each college in their approved 2018/19 operating budgets, while still recognizing enrollment growth by increasing the per full-time equivalent funding by \$100, from \$2,847 to \$2,947.

Amendments to the Code on an emergency basis for the 2019-2020 fiscal year are necessary to:

1. provide timely State operating assistance to public community colleges of the State and City Universities of New York; and to
2. obtain the necessary revenue to maintain essential staffing levels, program quality, and accessibility.

Compliance with the provision of subdivision 1 of Section 202(6) of SAPA would be contrary to the public interest. The requirements of subdivision (1) of Section 202(6) of SAPA would not allow implementation of the State fiscal assistance provided in the Aid to Localities Budget Bill in time for the 2019-2020 community college fiscal year.

**Subject:** State basic financial assistance for operating expenses of community colleges under the program of SUNY and CUNY.

**Purpose:** Modify limitations formula for basic State financial assistance for operating expenses and institute an operating support “floor”.

**Text of emergency rule:** Section 602.8(c)

(c) Basic State financial assistance.

(1) Full opportunity colleges. The basic State financial assistance for community colleges, implementing approved full opportunity programs, shall be the lowest of the following:

(i) two-fifths (40%) of the net operating budget of the college, or campus of a multiple campus college, as approved by the State University trustees;

(ii) two-fifths (40%) of the net operating costs of the college, or campus of a multiple campus college; or

(iii) for the current college fiscal year the total of the following:

(a) the greater of (1) the budgeted or actual number (whichever is less) of full-time equivalent students enrolled in programs eligible for State financial assistance multiplied by [\$2,847] \$2,947, or (2) 98 percent of the amount of basic State financial assistance for community colleges approved by the State University of New York Trustees for the 2018/19 academic year; and

(b) up to one-half (50%) of rental costs for physical space.

(2) Non-full opportunity colleges. The basic State financial assistance for community colleges not implementing approved full opportunity programs shall be the lowest of the following:

(i) one-third (33%) of the net operating budget of the college, or campus of a multiple campus college, as approved by the State University trustees;

(ii) one-third (33%) of the net operating costs of the college, or campus of a multiple campus college; or

(iii) for the college fiscal year current, the total of the following:

(a) the greater of (1) the budgeted or actual number (whichever is less) of full-time equivalent students enrolled in programs eligible for State financial assistance multiplied by [\$2,373] \$2,457, or (2) 98 percent of the amount of basic State financial assistance for community colleges approved by the State University of New York Trustees for the 2018/19 academic year; and

(b) up to one-half (50%) of rental cost for physical space.

(3) Notwithstanding the provisions of paragraphs (1) and (2) of this subdivision, a community college or a new campus of a multiple campus community college in the process of formation shall be eligible for basic State financial assistance in the amount of one-third of the net operating budget or one-third of the net operating costs, whichever is the lesser, for those colleges not implementing an approved full opportunity program plan, or two-fifths of the net operating budget or two-fifths of the net operating costs, whichever is the lesser, for those colleges implementing an approved full opportunity program, during the organization year and the first two fiscal years in which students are enrolled.

Section 602.13

(a) Pursuant to section 30 of the General Municipal Law, the annual financial report shall be certified by the chief fiscal officer of the college and shall be filed with the State Comptroller within 60 days after the close of the college fiscal year. The chief fiscal officer is the college treasurer for purposes of this certification.

(b) The annual financial report shall be in compliance with article 126 of the Education Law, this Subchapter, and the manual for community college business offices, and on the forms and in accordance with instructions promulgated by the State Comptroller.

(c) The State University of New York, which shall also receive copies of the annual financial report, shall review the annual financial report for the purpose of the initial determination of the State liability.

(d) Any overpayment in State financial assistance for operating costs, as determined in the review of the annual financial report, shall be deducted from the second quarterly advance payment of State aid for the succeeding

college fiscal year provided, however, that in no case shall the amount of basic state financial assistance for operating costs received in the 2019/20 academic year be less than 98 percent of the amount of basic state financial assistance for operating costs approved by the State University Board of Trustees for the 2018/19 academic year.

(e) Any underpayment in State financial assistance for operating costs, as determined in the review of the annual financial report, shall be processed in accordance with sections 602.3 and 602.9 of this Part.

(f) The college shall be subject to audit by the Office of the State Comptroller for the purpose of the final determination of the State liability.

**This notice is intended** to serve only as a notice of emergency adoption. This agency intends to adopt this emergency rule as a permanent rule and will publish a notice of proposed rule making in the *State Register* at some future date. The emergency rule will expire October 21, 2019.

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

#### **Regulatory Impact Statement**

This is a technical amendment to implement the provisions of the Chapter 53 of the Laws of 2019 (the “Aid to Localities Budget Bill”). The amendment provides for the provision of State financial assistance for operating expenses of community colleges operating under the program of the State University of New York and the City University of New York. It also establishes a new “floor” for Direct State Tax support.

#### **Regulatory Flexibility Analysis**

This is a technical amendment to implement the provisions of the 2019-2020 Budget Bill. The amendment provides for the provision of State financial assistance for operating expenses of community colleges operating under the program of the State University of New York and the City University of New York. It will have no impact on small businesses and local governments.

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

This is a technical amendment to implement the provisions of the 2019-2020 Budget Bill. The amendment provides for the provision of State financial assistance for operating expenses of community colleges operating under the program of the State University of New York and the City University of New York. This rule making will have no impact on rural areas or the recordkeeping or other compliance requirements on public or private entities in rural areas.

#### **Job Impact Statement**

No job impact statement is submitted with this notice because the adoption of this rule does not impose any adverse economic impact on existing jobs, employment opportunities, or self-employment. This rule making governs the financing of community colleges operating under the program of the State University and will not have any adverse impact on the number of jobs or employment opportunities in the state.

## **EMERGENCY RULE MAKING**

### **State University of New York Tuition and Fees Schedule**

**I.D. No.** SUN-33-19-00002-E

**Filing No.** 690

**Filing Date:** 2019-07-24

**Effective Date:** 2019-07-24

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

**Action taken:** Amendment of section 302.1(b) of Title 8 NYCRR.

**Statutory authority:** Education Law, section 355(2)(b) and (h)

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

**Specific reasons underlying the finding of necessity:** Amendment of these regulations needs to proceed on an emergency basis because tuition increases are intended to be effective for the Fall 2019 semester. Billing for these new tuition rates occurs during the summer of 2019; therefore, notice of the new rates needs to occur as soon as possible.

**Subject:** State University of New York Tuition and Fees Schedule.

**Purpose:** To amend the Tuition and Fees Schedule to increase tuition for students in all programs in the State University of New York.

**Text of emergency rule:** Section 302.1. Tuition and fees at State-operated units of State University.

(b) Tuition charges as listed in the following table for categories of students, terms and programs, and as modified, amplified or explained in footnotes 1 through 12 are effective with the 201[8]9 fall term and thereafter.

	Charge per Semester		Charge per Semester credit hour <sup>1</sup> Special Students	
	New York State residents	Out-of-State residents	New York State residents	Out-of-State residents
(1) Students enrolled in degree-granting undergraduate programs leading to an associate degree and non-degree granting programs of at least one regular academic term in duration which have been approved as eligible for Tuition Assistance Program Awards	[\$3,435] \$3,535 \$3,235 <sup>2</sup>	[\$8,325] \$8,490 [\$5,370 <sup>3</sup> ] \$5,520 <sup>3</sup> \$5,420 <sup>4</sup> [\$5,430 <sup>5</sup> ] \$5,500 <sup>5</sup> [\$5,660 <sup>6</sup> ] \$5,775 <sup>6</sup> [\$8,325 <sup>7</sup> ] \$8,490 <sup>7</sup> [\$4,120 <sup>8</sup> ] \$4,240 <sup>8</sup>	[\$286] \$295	[\$694] \$708 [\$448 <sup>3</sup> ] \$460 <sup>3</sup> \$452 <sup>4</sup> [\$453 <sup>5</sup> ] \$458 <sup>5</sup> [\$472 <sup>6</sup> ] \$481 <sup>6</sup> [\$694 <sup>7</sup> ] \$708 <sup>7</sup> [\$343 <sup>8</sup> ] \$353 <sup>8</sup> [\$286 <sup>9</sup> ] \$295 <sup>9</sup>
(2) Students enrolled in degree-granting undergraduate programs leading to a baccalaureate degree and non-degree granting programs of at least one regular academic term in duration which have been approved as eligible for Tuition Assistance Program Awards	[\$3,435] \$3,535 \$3,235 <sup>2</sup>	[\$8,325] \$8,490 [\$4,120 <sup>8</sup> ] \$4,240 <sup>8</sup> [\$12,270 <sup>10</sup> ] \$12,370 <sup>10</sup> [\$11,855 <sup>11</sup> ] \$12,330 <sup>11</sup> [\$5,155 <sup>12</sup> ] \$5,305 <sup>12</sup>	[\$286] \$295	[\$694] \$708 [\$343 <sup>8</sup> ] \$353 <sup>8</sup> [\$1,023 <sup>10</sup> ] \$1,031 <sup>10</sup> [\$988 <sup>11</sup> ] \$1,028 <sup>11</sup> [\$430 <sup>12</sup> ] \$442 <sup>12</sup>
(3) Students enrolled in graduate programs (other than Masters of Business Administration, Architecture, Social Work or Physician's Assistant) leading to a Master's, Doctor's or equivalent degree	[\$5,545] \$5,655	[\$11,325] \$11,550 [\$6,655 <sup>8</sup> ] \$6,785 <sup>8</sup> [\$8,320 <sup>12</sup> ] \$8,485 <sup>12</sup>	[\$462] \$471	[\$944] \$963 [\$555 <sup>8</sup> ] \$565 <sup>8</sup> [\$693 <sup>12</sup> ] \$707 <sup>12</sup>
(4) Students enrolled in a graduate program leading to a Doctorate of Audiology	[\$5,600] \$5,170	[\$11,440] \$11,670	[\$467] \$476	[\$953] \$973
(5) Students enrolled in a graduate program leading to a Masters of Business Administration (MBA)	[\$7,425] \$7,500	\$12,195 [\$8,910 <sup>8</sup> ] \$9,000 <sup>8</sup>	[\$619] \$625	\$1,016 [\$743 <sup>8</sup> ] \$750 <sup>8</sup>
(6) Students enrolled in a graduate program leading to a Masters of Architecture	[\$7,095] \$7,310	[\$12,250] \$12,620	[\$591] \$609	[\$1,021] \$1,052
(7) Students enrolled in a graduate program leading to a Masters of Social Work	\$6,540	\$11,105 \$7,850 <sup>8</sup>	\$545	\$925 \$654 <sup>8</sup>
(8) Students enrolled in a graduate program leading to a Doctorate of Social Work	\$9,600	\$12,600	\$800	\$1,050
(9) Students enrolled in a graduate program leading to a Masters of Health Administration	\$6,985	\$11,550	\$582	\$963
[(8)] Students enrolled in the professional program of pharmacy	\$13,225	\$18,570	\$1,105	\$1,548
[(10)] Students enrolled in the professional program of law	\$12,705	\$14,750	\$1,059	\$1,229
[(11)] Students enrolled in the professional program of medicine	[\$21,510] \$21,835	\$32,580	[\$1,793] \$1,820	\$2,715
[(12)] Students enrolled in the professional program of dentistry	[\$17,915] \$18,450	\$31,475	[\$1,493] \$1,538	\$2,623
[(13)] Students enrolled in the professional program of physical therapy	\$12,195	\$15,350	\$1,016	\$1,279
[(14)] Students enrolled in the professional program of optometry	[\$14,620] \$14,910	[\$25,075] \$25,575	[\$1,218] \$1,243	[\$2,090] \$2,131

[(14)] Students enrolled in the professional program of physician assistant	[\$7,725] \$8,110	[\$14,695] \$14,990	[\$644] \$676	[\$1,225] \$1,249
[(15)] Students enrolled in the professional programs of doctor of nursing practice	\$12,560	\$16,080 [\$15,070 <sup>8</sup> ] \$15,370 <sup>8</sup>	\$1,047	\$1,340 [\$1,256 <sup>8</sup> ] \$1,281 <sup>8</sup>

<sup>1</sup> The Chancellor shall determine the equivalent of a credit hour.

<sup>2</sup> In accordance with Part HHH of Chapter 59 of the Laws of 2017, students who are both eligible for, and recipients of, an Excelsior Scholarship from the State of New York are to be charged the resident undergraduate rate of tuition approved by the Board of Trustees in the 2016/17 academic year.

<sup>3</sup> In accordance with chapter 309 of the Laws of 1996, and enabling action by the Board of Trustees, the Colleges of Technology at Alfred, Canton, Cobleskill, Delhi, and Morrisville are authorized to charge a lower rate for non-resident students enrolled in degree-granting programs leading to an associate degree or in non-degree granting programs. This reduced rate does not apply to those students enrolled in degree-granting programs leading to a baccalaureate degree. Alfred is authorized to charge the rate noted effective with the fall 201[8]9 term.

<sup>4</sup> In accordance with chapter 309 of the Laws of 1996, and enabling action by the Board of Trustees, the Colleges of Technology at Alfred, Canton, Cobleskill, Delhi, and Morrisville are authorized to charge a lower rate for non-resident students enrolled in degree-granting programs leading to an associate degree or in non-degree granting programs. This reduced rate does not apply to those students enrolled in degree-granting programs leading to a baccalaureate degree. Delhi is authorized to charge the rate noted effective with the fall 201[8]9 term.

<sup>5</sup> In accordance with chapter 309 of the Laws of 1996, and enabling action by the Board of Trustees, the Colleges of Technology at Alfred, Canton, Cobleskill, Delhi, and Morrisville are authorized to charge a lower rate for non-resident students enrolled in degree-granting programs leading to an associate degree or in non-degree granting programs. This reduced rate does not apply to those students enrolled in degree-granting programs leading to a baccalaureate degree. Canton is authorized to charge the rate noted effective with the fall 201[8]9 term.

<sup>6</sup> In accordance with chapter 309 of the Laws of 1996, and enabling action by the Board of Trustees, the Colleges of Technology at Alfred, Canton, Cobleskill, Delhi, and Morrisville are authorized to charge a lower rate for non-resident students enrolled in degree-granting programs leading to an associate degree or in non-degree granting programs. This reduced rate does not apply to those students enrolled in degree-granting programs leading to a baccalaureate degree. Morrisville is authorized to charge the rate noted effective with the fall 201[8]9 term.

<sup>7</sup> In accordance with chapter 309 of the Laws of 1996, and enabling action by the Board of Trustees, the Colleges of Technology at Alfred, Canton, Cobleskill, Delhi, and Morrisville are authorized to charge a lower rate for non-resident students enrolled in degree-granting programs leading to an associate degree or in non-degree granting programs. This reduced rate does not apply to those students enrolled in degree-granting programs leading to a baccalaureate degree. Cobleskill is authorized to charge the rate noted effective with the fall 201[8]9 term.

<sup>8</sup> In accordance with chapter 437 of the Laws of 2015, the Board of Trustees is authorized to establish a new category of tuition for non-resident students enrolled in distance learning courses at SUNY.

<sup>9</sup> In accordance with chapter 309 of the Laws of 1996, and enabling action by the Board of Trustees, the Colleges of Technology at Alfred, Canton, Cobleskill, Delhi, and Morrisville are authorized to charge this lower rate for special students (part-time) enrolled in degree-granting programs leading to an associate degree or in non-degree granting programs, and taking classes at off-campus locations or during the summer or winter intercessions. This reduced rate does not apply to those students enrolled in degree-granting programs leading to a baccalaureate degree.

<sup>10</sup> In accordance with chapter 54 of the Laws of 2016, the University Centers at Buffalo and Stony Brook are authorized to charge this rate for non-resident undergraduate students.

<sup>11</sup> In accordance with chapter 54 of the Laws of 2016, the University Centers at Binghamton and Albany are authorized to charge this rate for non-resident undergraduate students.

<sup>12</sup> As authorized by the Board of Trustees (2010-081), Maritime College is authorized to charge up to this rate for non-resident students from states

and commonwealths considered to be in-region (Alabama, Connecticut, Delaware, Florida, Georgia, Louisiana, Mississippi, Maryland, New Jersey, North Carolina, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Virginia, and Washington D.C.).

**This notice is intended** to serve only as a notice of emergency adoption. This agency intends to adopt this emergency rule as a permanent rule and will publish a notice of proposed rule making in the *State Register* at some future date. The emergency rule will expire October 21, 2019.

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

#### Regulatory Impact Statement

1. Statutory Authority: Education Law, Sections 355(2)(b) and 355(2)(h). Section 355(2)(b) authorizes the State University Trustees to make and amend rules and regulations for the overall governance of the State University and institutions therein. Section 355(2)(h) authorizes the State University Trustees to regulate the admission of students, tuition charges, other fees and charges, curricula, and all other matters pertaining to the operation and administration of each State-operated institution of the State University.

2. Legislative Objectives: The present measure will provide the State-operated campuses limited additional financial support for investment in programmatic offerings, faculty, and a tuition credit, in accordance with Part JJJ of Chapter 59 of the Laws of 2017.

3. Needs and Benefits: The present measure adjusts a series of tuition rates in the various degree programs at the State-operated campuses.

#### Undergraduate Programs

- Resident undergraduate tuition for students enrolled in an associate or baccalaureate degree, but not eligible for the program Excelsior Scholarship Award provided in Section 669-h(2)(b) of Education Law, would increase by \$200 (2.9%) to \$7,070. For resident undergraduate students who receive the Excelsior Scholarship and are enrolled in an associate or baccalaureate degree, tuition will remain at the 2016/17 rate of \$6,470 per Section 669-h(2)(b) of Education Law.

- Non-resident undergraduate tuition at the University Centers would increase by \$950 (4.0%) to \$24,660 for non-resident students at Albany and Binghamton and would increase by \$200 (0.8%) to \$24,740 for non-resident students at Buffalo and Stony Brook.

- The standard non-resident undergraduate tuition would increase by \$330 (2.0%) to \$16,980 for all undergraduate students at the Comprehensive Colleges, Environmental Science and Forestry, Downstate Health Science Center, Upstate Health Science Center, Farmingdale, SUNY Polytechnic, Maritime, and for students enrolled in baccalaureate programs at Alfred, Canton, Cobleskill, Delhi, and Morrisville.

- Non-resident undergraduate tuition would increase for students enrolled in an associates degree or non-degree granting program at Alfred by \$300 (2.8%) to \$11,040; Cobleskill by \$330 (2.0%) to \$16,980; Morrisville by \$230 (2.0%) to \$11,550; and Canton by \$140 (1.3%) to \$11,000.

- Non-resident undergraduate tuition would not increase for students enrolled in an associates degree or non-degree granting program at the College of Technology at Delhi, remaining at \$10,840.

- Non-resident undergraduate tuition for students taking exclusively distance learning courses leading to an associates, baccalaureate, or non-degree granting program, would increase by \$240 (2.9%) to \$8,480. In accordance with Chapter 37 of the Laws of 2015, the Board of Trustees was authorized to establish a new category of tuition for non-resident students enrolled in distance learning courses at SUNY.

- Maritime College tuition for non-resident students who are from a state or territory defined as "in-region" (Alabama, Connecticut, Delaware, Florida, Georgia, Louisiana, Mississippi, Maryland, New Jersey, North Carolina, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Virginia, or Washington D.C.) would increase by \$300 (2.9%) to \$10,610. Tuition for students not from one of the states identified above would increase by \$330 (2.0%) to the standard non-resident rate of \$16,980.

#### Graduate Programs

- For students enrolled in graduate programs not separately identified, the standard tuition would increase by \$220 (2.0%) to \$11,310 for residents and \$450 (2.0%) to \$23,100 for non-residents.

- Non-resident graduate tuition for students taking exclusively distance learning courses leading to a standard graduate degree would increase by \$260 (2.0%) to \$13,570. In accordance with Chapter 37 of the Laws of 2015, the Board of Trustees was authorized to establish a new category of tuition for non-resident students enrolled in distance learning courses at SUNY.

- For students enrolled in programs leading to a Masters in Business Administration degree, tuition would increase by \$150 (1.0%) to \$15,000 for resident students and would remain at \$24,390 for non-resident students.

- Non-resident graduate tuition for students taking exclusively distance learning courses leading to a Masters in Business Administration degree would increase by \$180 (1.0%) to \$18,000. In accordance with Chapter 37 of the Laws of 2015, the Board of Trustees was authorized to establish a new category of tuition for non-resident students enrolled in distance learning courses at SUNY.

- For students enrolled in programs leading to a Masters in Architecture degree, tuition would increase by \$430 (3.0%) to \$14,620 for resident students and by \$740 (3.0%) to \$25,240 for non-resident students.

- For students enrolled in programs leading to a Masters in Social Work degree, tuition would remain at \$13,080 for resident students and \$22,210 for non-resident students.

- Non-resident graduate tuition for students taking exclusively distance learning courses leading to a Masters in Social Work degree would remain flat at \$15,700. In accordance with Chapter 37 of the Laws of 2015, the Board of Trustees was authorized to establish a new category of tuition for non-resident students enrolled in distance learning courses at SUNY.

- For students enrolled in programs leading to a Master of Health Administration degree, tuition would increase by \$2,880 (26.0%) to \$13,970 for resident students and by \$450 (2.0%) \$23,100 for non-resident students. Students in this degree were previously charged the standard tuition rate for graduate programs.

- For students enrolled in programs leading to a Doctor of Social Work degree, tuition would be set at \$19,200 for resident students and \$25,200 for non-resident students. This is a new degree being offered starting in fall 2019.

- Tuition for the Physicians Assistant graduate masters program at Stony Brook, Downstate, and Upstate would increase by \$770 (5.0%) to \$16,220 for resident students, and would increase by \$590 (2.0%) to \$29,980 for non-resident students.

- Maritime College tuition for non-resident students who are from a state or territory defined as "in-region" (Alabama, Connecticut, Delaware, Florida, Georgia, Louisiana, Mississippi, Maryland, New Jersey, North Carolina, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Virginia, or Washington D.C.) would increase by \$330 (2.0%) to \$16,970. Tuition for students not from one of the states identified would increase by \$450 to the standard non-resident rate of \$23,100.

#### Professional Programs

- For students enrolled in the Medical Professional Program at the four health science centers, tuition would increase by \$650 (1.5%) to \$43,670 for residents and would remain at \$65,160 for non-residents.

- Tuition for the Dental Professional Program at the universities at Stony Brook and Buffalo would increase by \$1,070 (3.0%) to \$36,900 for residents and would remain at \$62,950 for non-residents.

- Tuition for the Optometry Program at the College of Optometry would increase by \$580 (2.0%) to \$29,820 for residents and by \$1,000 (2.0%) to \$51,150 for non-residents.

- Tuition at the Law School of the University at Buffalo would remain at \$25,410 for resident students and \$29,500 for non-residents.

- Tuition for the School of Pharmacy Professional Program at Binghamton and the University at Buffalo would remain at \$26,450 for residents and \$37,140 for non-residents.

- For students enrolled in programs leading to a Doctor of Audiology degree, tuition would decrease by \$860 (7.7%) to \$10,340 for resident students and increase by \$460 (2.0%) \$23,340 for non-resident students.

- Tuition for the Doctor of Physical Therapy Program would remain at \$24,390 for residents and \$30,700 for non-residents.

- Tuition for the Doctor of Nursing Practice Program would remain at \$25,120 for residents and \$32,160 for non-residents.

- Non-resident professional tuition for students taking exclusively distance learning courses leading to a Doctor of Nursing Practice Program degree would increase by \$600 (2.0%) to \$30,740. In accordance with Chapter 37 of the Laws of 2015, the Board of Trustees was authorized to establish a new category of tuition for non-resident students enrolled in distance learning courses at SUNY.

The recommended modifications do not detrimentally impact the competitiveness of State-operated rates compared to peer institutions in other public university systems.

The tuition rates were last increased in the fall 2018.

4. Costs: Students: Tuition rate modifications for students enrolled in these programs of SUNY will range from a decrease of \$860 for resident students enrolled in a Doctor of Audiology degree to an increase of \$2,880 for resident students enrolled in the Master of Health Administration degree. In setting the new tuition schedule, SUNY has examined its appropriation levels, the prevailing tuition rates charged by other public universities, and the status of various State and Federal student financial aid programs. SUNY: Changes to resident undergraduate rates, when combined with changes in the Tuition Assistance Program (TAP) population will increase the existing SUNY Tuition Assistance Program (SUNY TAP or SUNY Tuition Credit) costs by approximately \$6M to a total projected cost of nearly \$82M annually.

5. Local Government Mandates: There are no local government mandates. The amendment does not affect students enrolled in the community colleges operating under the program of the State University of New York.

6. Paperwork: No parties will experience any new reporting responsibilities. SUNY publications and documents containing notices regarding costs of attendance will need to be revised to reflect these changes.

7. Duplication: None.

8. Alternatives: Other modification levels were considered, however, there is no acceptable alternative to the proposed changes when considering competitiveness, programmatic needs, and anticipated costs.

9. Federal Standards: None.

10. Compliance Schedule: The amendment to the tuition schedule will go into effect for the fall 2019 semester.

#### **Regulatory Flexibility Analysis**

No regulatory flexibility analysis is submitted with this notice because the proposed rule does not impose any requirements on small businesses and local governments. This proposed rule making will not impose any adverse economic impact on small businesses and local governments or impose any reporting, recordkeeping or other compliance requirements on small businesses and local governments.

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

No rural area flexibility analysis is submitted with this notice because the proposed rule does not impose any requirements on rural areas. The rule will not impose any adverse economic impact on rural areas or impose any reporting, recordkeeping, professional services or other compliance requirements on rural areas.

#### **Job Impact Statement**

No job impact statement is submitted with this notice because the proposed rule does not impose any adverse economic impact on existing jobs, employment opportunities, or self-employment. This regulation governs tuition charges for State University of New York and will not have any adverse impact on the number of jobs or employment.

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## Urban Development Corporation

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

#### **Life Sciences Initiative Program**

**I.D. No.** UDC-33-19-00006-EP

**Filing No.** 709

**Filing Date:** 2019-07-30

**Effective Date:** 2019-07-30

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

**Proposed Action:** Addition of Part 4255 to Title 21 NYCRR.

**Statutory authority:** Urban Development Corporation Act, sections 5(4), 9-c, 16-aa; L. 2017, ch. 58, part TT

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

**Specific reasons underlying the finding of necessity:** Regulatory action is needed immediately to implement the statutory changes contained in Part TT of Chapter 58 of the Laws of 2017. The rule creates administrative procedures for both components of the Life Sciences Initiative program, the Capital Assistance component and the New York Fund for Innovation in Research and Scientific Talent ("NYFIRST") Program.

NYFIRST is intended to encourage the recruitment and retention of exceptional life science researchers and world-class talent at the state's medical schools to accelerate translational research. NYFIRST funds will be used to support the establishment or upgrading of laboratories for these researchers, purchases of capital equipment and specialized supplies needed for their research, and as working capital to cover costs of professional staff (including staff scientists, postdoctoral fellows, and technicians, but excluding the recruited researcher) critical to the proposed research.

It is critical to implement NYFIRST immediately because medical schools are eager to encourage translational research at their institutions, as such research often results in new intellectual property, start-up companies, and products with commercial promise. By waiting for the standard rulemaking process to unfold, the State risks losing important economic development opportunities to states with competing life sciences incentive programs.

**Subject:** Life Sciences initiative Program.

**Purpose:** Create administrative procedures for all components of the Life Sciences Initiatives Program.

**Substance of emergency/proposed rule (Full text is posted at the following State website: [www.esd.ny.gov](http://www.esd.ny.gov)):** 21 NYCRR Part 4255 is hereby created and summarized as follows:

21 NYCRR Part 4255 begins by summarizing the purpose of the Life Sciences Initiative, namely to nurture, grow and retain new life sciences companies in New York State, attract existing companies from outside New York State, promote critical public and private sector investment in emerging life sciences fields in the State, and create and expand life sciences-related businesses and employment.

Next, the regulation explains that the Initiative currently has two components – 1) the Capital Assistance component, which endeavors to attract new life sciences technologies to the State, promote critical public and private sector investment in emerging life sciences fields in New York and create and expand life sciences related businesses and employment throughout the State; and 2) the New York Fund for Innovation in Research and Scientific Talent ("NYFIRST"), which is intended to encourage the recruitment and retention of exceptional life science researchers and world-class talent at the State's medical schools to accelerate translational research.

The regulation then (in 21 NYCRR 4255.2) begins by establishing relevant definitions for the first component, the Capital Assistance program. Key definitions include "life science entity" and "life science economic development benefits."

The regulation next clarifies that the Capital Assistance component makes available financial assistance in the form of grants or loans, or a combination of such assistance, or contracts for services in the Corporation's discretion, for use by life sciences entities for eligible uses.

Next, the application process is described in detail. Importantly, applications may include a request for funding for single or multiple life sciences projects or activities.

Next, the Corporation's evaluation process for the Capital Assistance component of the Program is described in detail. It includes a review (1) of the financial condition of the entity undertaking the project, including its profitability or potential to generate profits; liquidity; ability to service debt and its leverage ratio; (2) of the management experience, ability and relevant knowledge and the relevant entity's general ability to carry out the project; (3) of satisfactory credit references; (4) of the absence of state or local tax judgments (5) of whether the applicant clearly demonstrates how the proposal will result in life sciences economic development benefits and the likelihood that the project will result in life sciences economic development benefits to the State; (6) of the availability of other sources of funding, including offers of assistance from locations outside of the State, including the federal government, and the amount of private financing leveraged by Program funds; and (7) whether there is any other economic development assistance available as an incentive for the location of the proposed project outside the State.

The regulation then covers eligible uses of the Capital Assistance Component which include: new construction, renovation or leasehold improvements; the acquisition or leasing of land, buildings, machinery and equipment; working capital, including, without limitation, workforce development; feasibility or planning studies related to the development of commercial life sciences in the State; and contracts for services to support New York life sciences' ecosystem.

In contrast, institutions that are exclusively health care providers and/or requests for the purchase of equipment associated with standard healthcare delivery are not eligible for Capital Assistance Program funding.

The first half of the regulation concludes by discussing the reporting requirements for applicants.

21 NYCRR 4255.3 covers the second component of the Initiative, the newly created New York Fund for Innovation in Research and Scientific Talent ("NYFIRST") Program. It begins by describing the purpose of this component. It is intended to encourage the recruitment and retention of prominent life science researchers and world-class talent at the state's medical schools to accelerate translational research. Further, the Program is intended to: (1) increase the number of patent applications and patentable discoveries at medical schools; (2) increase the number of patents licensed from these schools; and (3) increase the recruitment/retention rate of medical school faculty focused on translational research.

Next, the regulation lays out key definitions of this component.

The regulation then discusses eligibility criteria for the NYFIRST program. It clarifies that program grants are intended to encourage the recruitment and retention by the state's medical schools of exceptional life science researchers and world-class talent focused on accelerating Translational Research. NYFIRST grants may be used to support the establishment or upgrading of laboratories for these researchers, for purchases of capital equipment and specialized supplies needed for their research, and as working capital to cover costs of professional staff (including staff scientists, postdoctoral fellows, and technicians, but excluding the recruited researcher) critical to the proposed research.

The regulation then covers specifics of the application and the evaluation process for NYFIRST grants. The specific selection criteria are delineated in the regulation. Importantly, the Corporation intends to make Program grant awards through a competitive grant solicitation to qualifying Applicants, twice annually until the funds under this Program are fully committed.

Eligible uses for the funds are then discussed. Program grants cover specialized supply purchases, capital equipment purchases, laboratory renovation/construction costs and working capital.

The full text of the regulations is available at [www.esd.ny.gov](http://www.esd.ny.gov)

**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 27, 2019.

**Text of rule and any required statements and analyses may be obtained from:** Thomas Regan, Urban Development Corporation, 625 Broadway, Albany NY 12245, (518) 292-5120, email: [thomas.regan@esd.ny.gov](mailto:thomas.regan@esd.ny.gov)

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

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

#### **Regulatory Impact Statement**

##### **STATUTORY AUTHORITY:**

Part TT of Chapter 58 of the Laws of 2017 requires the New York State Urban Development Corporation ("UDC") to establish criteria for the Life Sciences Initiatives Program via rulemaking.

##### **LEGISLATIVE OBJECTIVES:**

The rulemaking accords with the public policy objectives the Legislature sought to advance since it implements both the Capital Assistance component of the Life Sciences Initiative Program as well as the second component of the Program, the New York Fund for Innovation in Research and Scientific Talent ("NYFIRST") Program.

##### **NEEDS AND BENEFITS:**

The Capital Assistance component is designed to attract new life sciences technologies to New York State, promote critical public and private sector investment in emerging life sciences fields in New York State and create and expand life sciences-related businesses and employment. It includes a diverse range of programs designed to attract, grow and retain life science companies in regions of the State with existing life science activity. These programs include establishment of the Empire Discovery Institute (EDI), a collaboration among three upstate research institutions to accelerate the pathway from discovery research to commercialization; supporting the launch of JLABS@NYC, an incubator for life-science startups; creation of public-private partnerships with private sector biopharmaceutical companies; and establishment of the New York Fund for Innovation in Research and Scientific Talent (NYFIRST), a medical school grant program.

NYFIRST is intended to encourage the recruitment and retention of exceptional life science researchers and world-class talent at the state's medical schools to accelerate translational research. NYFIRST funds will be used to support the establishment or upgrading of laboratories for these researchers, purchases of capital equipment and specialized supplies needed for their research, and working capital to cover costs of professional staff (including staff scientists, postdoctoral fellows, and technicians, but excluding the recruited researcher) critical to the proposed research.

The rule creates the administrative procedures for both the Capital Assistance and NYFIRST components of the Life Sciences Initiative program.

##### **COSTS:**

A. Costs to private regulated parties: None. There are no regulated parties in the Life Sciences Initiative Program, only voluntary participants.

B. Costs to the agency, the State, and local governments: UDC does not anticipate substantial extra costs associated with running the program outlined in this rulemaking. The program appropriation makes funding available for the Corporation's administrative costs. There is no additional cost to local governments.

C. Costs to the State government: The money to fund this grant program is part of the Governor's \$620 million Life Sciences Initiative passed in FY 2018 budget. The Corporation believes the costs of this program will be offset by the positive economic impact of the program.

#### **LOCAL GOVERNMENT MANDATES:**

None. Local governments are not eligible to participate in the Life Sciences Initiatives Program.

#### **PAPERWORK:**

The proposed rule will require applicants to fill out an application to participate in the Life Sciences Capital Assistance program and the NYFIRST program. These applications will require applicants to provide certain business financial information to the Corporation. In addition, the Capital Assistance component requires applicant to submit an annual report to the Corporation while the NYFIRST program requires periodic reporting as well. Under NYFIRST, twice yearly invoices are required to be submitted prior to the Corporation disbursing grant payments on a semiannual basis.

#### **DUPLICATION:**

The proposed rule conforms to provisions of section 16-aa of the New York State Urban Development Corporation Act and does not otherwise duplicate any state or federal statutes or regulations.

#### **ALTERNATIVES:**

No alternatives were considered with regard to implementing this rulemaking.

#### **FEDERAL STANDARDS:**

There are no federal standards with regard to the Life Sciences Initiatives Program. Therefore, the proposed rule does not exceed any Federal standard.

#### **COMPLIANCE SCHEDULE:**

The period of time the state needs to assure compliance is negligible.

#### **Regulatory Flexibility Analysis**

The Life Sciences Initiative is composed of the Capital Assistance Program and the New York Fund for Innovation in Research and Scientific Talent ("NYFIRST") Program which are both statewide grant programs. Although there are small businesses in New York State that are eligible to participate in the program, participation by the businesses is entirely at their discretion. The proposed rule will not have a substantial adverse economic impact on small businesses and local governments. On the contrary, because the rule creates a grant program designed to attract business and jobs to New York State, it will have a positive economic impact on the State. Accordingly, a regulatory flexibility analysis for small business and local governments is not required and one has not been prepared.

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

The Life Sciences Initiative is composed of the Capital Assistance Program and the New York Fund for Innovation in Research and Scientific Talent ("NYFIRST") Program, both of which are statewide programs. Although there are businesses in rural areas of New York State that are eligible to participate in the programs, participation by the businesses is entirely at their discretion. The proposed rule imposes no additional reporting, recordkeeping or other compliance requirements on public or private entities in rural areas. Therefore, the proposed rule will not have a substantial adverse economic impact on rural areas or reporting, recordkeeping or other compliance requirements on public or private entities in such rural areas. Accordingly, a rural area flexibility analysis is not required and one has not been prepared.

#### **Job Impact Statement**

The proposed rule relates to both the Capital Assistance component and the New York Fund for Innovation in Research and Scientific Talent ("NYFIRST") component of the Life Sciences Initiative Program. This Program will enable New York State to provide financial assistance to life sciences companies that commit to create or retain jobs and/or to make significant capital investment in the State. This Program, given its design and purpose, will have a substantial positive impact on job retention and creation, and employment opportunities. Because this rule will authorize the Corporation to immediately begin offering financial incentives to life sciences businesses that commit to creating or retaining jobs, it will only have a positive impact on job and employment opportunities. Accordingly, a job impact statement is not required and one has not been prepared.

**HEARINGS SCHEDULED  
FOR PROPOSED RULE MAKINGS**

Agency I.D. No.	Subject Matter	Location—Date—Time
<b>Environmental Conservation, Department of</b>		
ENV-24-19-00002-P .....	Hazardous waste management regulations (FedReg5)	Department of Environmental Conservation, 625 Broadway, Rm. 129, Albany, NY—August 19, 2019, 1:00 p.m.
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.
<b>Public Service Commission</b>		
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.
<b>State, Department of</b>		
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.

Department of State, 99 Washington Ave., Rm. 505, Albany, NY—September 16, 2019, 10:00 a.m.

DOS-29-19-00015-EP ..... New York State Uniform Fire Prevention and Building Code (the Uniform Code)



**ACTION PENDING INDEX**

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

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

For additional information concerning any of the proposals

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

Agency code	Issue number	Year published	Serial number	Action Code
<b>AAM</b>	<b>01</b>	<b>12</b>	<b>0001</b>	<b>P</b>

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

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

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

AAM-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
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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.
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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.
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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.
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**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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**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
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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CHILDREN AND FAMILY SERVICES, OFFICE OF</b>			
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
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
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
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
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
<b>CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF</b>			
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
<b>CRIMINAL JUSTICE SERVICES, DIVISION OF</b>			
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>ECONOMIC DEVELOPMENT, DEPARTMENT OF</b>			
EDV-30-19-00003-EP	07/23/20	START-UP NY Program	Establish procedures for the implementation and execution of START-UP NY program
<b>EDUCATION DEPARTMENT</b>			
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
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>EDUCATION DEPARTMENT</b>			
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
<b>ELECTIONS, STATE BOARD OF</b>			
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-EP	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
<b>ENVIRONMENTAL CONSERVATION, DEPARTMENT OF</b>			
ENV-09-19-00015-P	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-12-19-00003-P	05/23/20	Revised Part 208 will incorporate the new federal emission guideline for MSW landfills pursuant to 40 CFR Part 60, Subpart Cf.	Part 208 controls landfill gas emissions by requiring a gas collection and control system.
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>ENVIRONMENTAL CONSERVATION, DEPARTMENT OF</b>			
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
<b>FINANCIAL SERVICES, DEPARTMENT OF</b>			
*DFS-17-16-00003-P	exempt	Plan of Conversion by Commercial Travelers Mutual Insurance Company	To convert a mutual accident and health insurance company to a stock accident and health insurance company
*DFS-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
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-20-19-00005-P	05/14/20	SECURITY AT AUTOMATED TELLER FACILITIES	To update the regulation to ensure the removal of obsolete language from the reporting requirements under Part 301
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>FINANCIAL SERVICES, DEPARTMENT OF</b>			
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.
<b>HEALTH, DEPARTMENT OF</b>			
*HLT-14-94-00006-P	exempt	Payment methodology for HIV/AIDS outpatient services	To expand the current payment to incorporate pricing for services
HLT-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-51-18-00016-P	12/19/19	Nursing Home Weekly Bed Census Survey	To require nursing homes to electronically submit weekly bed census data to the DOH through the Health Commerce System
HLT-51-18-00018-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-17-19-00002-EP	04/23/20	Medical Use of Marihuana	To clarify requirements for laboratories seeking approval to test medical marihuana products in New York State
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
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.
<b>HIGHER EDUCATION SERVICES CORPORATION</b>			
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>HIGHER EDUCATION SERVICES CORPORATION</b>			
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
<b>HOUSING AND COMMUNITY RENEWAL, DIVISION OF</b>			
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.
<b>HOUSING FINANCE AGENCY</b>			
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
<b>HUMAN RIGHTS, DIVISION OF</b>			
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.
<b>LONG ISLAND POWER AUTHORITY</b>			
*LPA-08-01-00003-P	exempt	Pole attachments and related matters	To approve revisions to the authority's tariff
*LPA-41-02-00005-P	exempt	Tariff for electric service	To revise the tariff for electric service
*LPA-04-06-00007-P	exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan
*LPA-03-10-00004-P	exempt	Residential late payment charges	To extend the application of late payment charges to residential customers
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>LONG ISLAND POWER AUTHORITY</b>			
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.
<b>METROPOLITAN TRANSPORTATION AGENCY</b>			
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
<b>MOTOR VEHICLES, DEPARTMENT OF</b>			
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
<b>NIAGARA FALLS WATER BOARD</b>			
*NFW-04-13-00004-EP	..... exempt	Adoption of Rates, Fees and Charges	To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders
*NFW-13-14-00006-EP	..... exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders
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
<b>OGDENSBURG BRIDGE AND PORT AUTHORITY</b>			
OBA-33-18-00019-P	..... exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit.
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
<b>PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR</b>			
PDD-22-19-00010-P	..... 05/28/20	Person Centered Planning: Care Management and Home and Community Based Services	To ensure consistency with person-centered planning regulations
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR</b>			
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
<b>POWER AUTHORITY OF THE STATE OF NEW YORK</b>			
*PAS-01-10-00010-P	exempt	Rates for the sale of power and energy	Update ECSB Programs customers' service tariffs to streamline them/include additional required information
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-09-99-00012-P	exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-12-00-00001-P	exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-44-01-00005-P	exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-07-02-00032-P	exempt	Uniform business practices	To consider modification
*PSC-36-03-00010-P	exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-40-03-00015-P	exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00010-P	exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-41-03-00011-P	exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-44-03-00009-P	exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates
*PSC-02-04-00008-P	exempt	Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York	To rehear the Nov. 25, 2003 order
*PSC-06-04-00009-P	exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC
*PSC-10-04-00005-P	exempt	Temporary protective order	To consider adopting a protective order
*PSC-10-04-00008-P	exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement
*PSC-14-04-00008-P	exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*PSC-35-04-00017-P	..... exempt	Application form for distributed generation by Orange and Rockland Utilities, Inc.	To establish a new supplementary application form for customers
*PSC-43-04-00016-P	..... exempt	Accounts recievable by Rochester Gas and Electric Corporation	To include in its tariff provisions for the purchase of ESCO accounts recievable
*PSC-46-04-00012-P	..... exempt	Service application form by Consolidated Edison Company of New York, Inc.	To revise the form and make housekeeping changes
*PSC-46-04-00013-P	..... exempt	Rules and guidelines governing installation of metering equipment	To establish uniform statewide business practices
*PSC-02-05-00006-P	..... exempt	Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc.	To consider imposing remedial actions against the company and its owners, officers and directors
*PSC-09-05-00009-P	..... exempt	Submetering of natural gas service by Hamlet on Olde Oyster Bay	To consider submetering of natural gas to a commercial customer
*PSC-14-05-00006-P	..... exempt	Request for deferred accounting authorization by Freeport Electric Inc.	To defer expenses beyond the end of the fiscal year

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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.

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<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

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<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

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<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*PSC-38-11-00003-P	..... exempt	Waiver of certain provisions of the electric service tariffs of Con Edison	Consideration of waiver of certain provisions of the electric service tariffs of Con Edison
*PSC-40-11-00010-P	..... exempt	Participation of regulated local exchange carriers in the New York Data Exchange, Inc. (NYDE)	Whether to partially modify its order requiring regulated local exchange carriers' participation NYDE
*PSC-40-11-00012-P	..... exempt	Granting of transfer of plant in-service to a regulatory asset	To approve transfer and recovery of unamortized plant investment
*PSC-42-11-00018-P	..... exempt	Availability of telecommunications services in New York State at just and reasonable rates	Providing funding support to help ensure availability of affordable telecommunications service throughout New York
*PSC-43-11-00012-P	..... exempt	Transfer of outstanding shares of stock	Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC
*PSC-47-11-00007-P	..... exempt	Remedying miscalculations of delivered gas as between two customer classes	Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-30-12-00010-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Andes to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-33-12-00009-P	..... exempt	Telecommunications companies ability to attach to utility company poles	Consideration of Tech Valley's ability to attach to Central Hudson poles
*PSC-37-12-00009-P	..... exempt	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers
*PSC-42-12-00009-P	..... exempt	Regulation of Gipsy Trail Club, Inc.'s long-term financing agreements	To exempt Gipsy Trail Club, Inc. from Commission regulation of its financing agreements
*PSC-45-12-00008-P	..... exempt	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff
*PSC-45-12-00010-P	..... exempt	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District
*PSC-50-12-00003-P	..... exempt	Affiliate standards for Corning Natural Gas Corporation	To resolve issues raised by Corning Natural Gas Corporation in its petition for rehearing
*PSC-04-13-00006-P	..... exempt	Expansion of mandatory day ahead hourly pricing for customers of Orange and Rockland Utilities with demands above 100 kW	To consider the expansion of mandatory day ahead hourly pricing for customers with demands above 100 kW
*PSC-04-13-00007-P	..... exempt	Authorization to transfer certain real property.	To decide whether to approve the transfer of certain real property.
*PSC-06-13-00008-P	..... exempt	Verizon New York Inc.'s retail service quality	To investigate Verizon New York Inc.'s retail service quality
*PSC-08-13-00012-P	..... exempt	Filing requirements for certain Article VII electric facilities	To ensure that applications for certain electric transmission facilities contain pertinent information
*PSC-08-13-00014-P	..... exempt	Uniform System of Accounts - Request for Accounting Authorization	To allow the company to defer an item of expense or capital beyond the end of the year in which it was incurred
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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.
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-50-17-00018-P	..... exempt	Application of the Public Service Law to DER suppliers.	To determine the appropriate regulatory framework for DER suppliers.
*PSC-50-17-00019-P	..... exempt	Transfer of utility property.	To consider the transfer of utility property.
*PSC-50-17-00021-P	..... exempt	Disposition of tax refunds and other related matters.	To consider the disposition of tax refunds and other related matters.
*PSC-50-17-00022-P	..... exempt	Data protection rules for DER suppliers.	To determine the appropriate regulatory framework for DER suppliers.
*PSC-51-17-00011-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.
*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 Aspurity for its non-compliance with Commission requirements.	To ensure the provision of safe and adequate energy service at just and reasonable rates.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
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.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
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.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
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.
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	Recommencement 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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
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.
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
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.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
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.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
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
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
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.
<b>STATE, DEPARTMENT OF</b>			
DOS-23-19-00001-P	..... 06/04/20	Prospective licensee requirements	To conform current NYS standards to existing applicable federal requirements for licensure
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.
<b>STATE UNIVERSITY OF NEW YORK</b>			
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
<b>TAXATION AND FINANCE, DEPARTMENT OF</b>			
TAF-09-19-00005-EP	..... 02/27/20	The Congestion Surcharge.	To implement the Congestion Surcharge and related registration, recordkeeping and reporting requirements.
TAF-21-19-00006-P	..... exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith.	To set the sales tax component and the composite rate per gallon for the period July 1, 2019 through September 30, 2019.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF</b>			
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
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
<b>URBAN DEVELOPMENT CORPORATION</b>			
UDC-33-19-00006-EP	08/13/20	Life Sciences initiative Program	Create administrative procedures for all components of the Life Sciences Initiatives program
<b>VICTIM SERVICES, OFFICE OF</b>			
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
<b>WORKERS' COMPENSATION BOARD</b>			
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

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## STATE NOTICES

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

## DEALERS; BROKERS

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AMP Capital Infrastructure Debt Fund IV (USD), L.P.  
14, rue Edward Steichen, L-2540 Luxembourg  
*Partnership* — AMP Capital Investors (IDF IV GP) S.a.r.l.

AMP Capital Infrastructure Debt Fund IV (USD Hedged), L.P.  
14, rue Edward Steichen, L-2540 Luxembourg  
*Partnership* — AMP Capital Investors (IDF IV GP) S.a.r.l.

BR Quinn35, DST  
712 Fifth Ave., 9th Fl., New York, NY 10019  
*State or country in which incorporated* — Delaware

CAI Investments Daytona, DST  
c/o CAI Investments, LLC, 9325 W. Sahara Ave., Las Vegas, NV  
89117  
*State or country in which incorporated* — Delaware

Cota Capital Institutional Partners, L.P.  
455 Market St., Suite 1850, San Francisco, CA 94105  
*Partnership* — Cota Capital GP, LLC

Cru, Inc., The  
Six Mt. Morris Park W, Apt. B, New York, NY 10027  
*State or country in which incorporated* — New York

Eagle Income Appreciation II, L.P.  
1330 Post Oak Blvd., Suite 3000, Houston, TX 77056  
*Partnership* — Eagle Global Advisors LLC, general partner

EJF Small Financial Equities Fund III, LP  
2107 Wilson Blvd., Suite 410, Arlington, VA 22201  
*Partnership* — EJF Small Financial Equities III GP LLC

Gritstone SPAC Opportunities Fund LLC  
4500 E. West Hwy., Suite 125, Bethesda, MD 20814  
*State or country in which incorporated* — Delaware

GSP Steak Fund, L.P.  
853 Broadway, 20th Fl., New York, NY 10003  
*Partnership* — GSP Steak Fund GP, L.P.

IDG Breyer Capital Fund L.P.  
c/o Walkers Corporate Ltd., Cayman Corp. Centre, 27 Hospital Rd.,  
George Town, Grand Cayman KY1-9008 Cayman Islands  
*Partnership* — IDG Breyer Capital Fund GP Associates L.P.

Kronos Bio, Inc.  
1300 S. El Camino Real, Suite 300, San Mateo, CA 94402  
*State or country in which incorporated* — Delaware

Lash Affair, Inc.  
Two North Central, Fl. 18, Phoenix, AZ 85004  
*State or country in which incorporated* — Delaware

LCG Growth, LP  
1114 Avenue of the Americas, 28th Fl., New York, NY 10036  
*Partnership* — LCG Growth GP, LLC

Novalis LifeSciences Investments I, L.P.  
One Liberty Lane E, Suite 100, Hampton, NH 03842  
*Partnership* — Novalis LifeSciences Investments I GP, LLC

Nutraceutical Investco LP  
17 Palmer Lane, Riverside, CT 06878  
*Partnership* — M&S GP LLC

Odyssey Media Group, Inc.  
400 Madison Ave., Suite 7A, New York, NY 10017  
*State or country in which incorporated* — Delaware

Olivela Inc.  
245 Fifth Ave., 26th Fl., New York, NY 10016  
*State or country in which incorporated* — Delaware

Passco Capital, Inc.  
2050 Main St., Suite 650, Irvine, CA 92614  
*State or country in which incorporated* — California

Patriot Freedom Fund, L.P.  
Four Radnor Corporate Center, 100 Matsonford Rd., Suite 210,  
Radnor, PA 19087  
*Partnership* — Patriot Freedom GP, L.P.

Pawson Capital Fund I, LP  
500 W. Putnam Ave., Suite 400, Greenwich, CT 06830  
*Partnership* — Pawson Capital GP I LLC

Pennybacker V, LP  
c/o Pennybacker Capital Management, LLC, 3800 N. Lamar Blvd.,  
Suite 350, Austin, TX 78756  
*Partnership* — Pennybacker V GP, LLC

Pennybacker V Ibis, LLC  
c/o Pennybacker Capital Management, LLC, 3800 N. Lamar Blvd.,  
Suite 350, Austin, TX 78756  
*State or country in which incorporated* — Delaware

Private Equity Strategic Opportunities Fund IV, L.P.  
50 S. LaSalle St., Chicago, IL 60603  
*Partnership* — 50 South Capital Advisors, LLC

Private Equity Strategic Opportunities Fund IV (Offshore), L.P.  
50 S. LaSalle St., Chicago, IL 60603  
*Partnership* — 50 South Capital Advisors, LLC

SFG Income Fund VII, LLC  
188 - 106th Ave. NE, Suite 600, Bellevue, WA 98004  
*State or country in which incorporated* — Delaware

SHINE Medical Technologies, Inc.  
101 E. Milwaukee St., 6th Fl., Janesville, WI 53545  
*State or country in which incorporated* — Delaware

Xenetic Biosciences, Inc.  
40 Speen St., Suite 102, Framingham, MA 01701  
*State or country in which incorporated* — Nevada

ZFinancing, LLC  
4765 Calle Quetzal, Camarillo, CA 93012  
*State or country in which incorporated* — Delaware

# ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

## SEALED BIDS

### REPLACE ROOF

Hutchings Psychiatric Center  
Syracuse, Onondaga County

Sealed bids for Project No. M3105-C for Construction Work, Replace Roof, Building 16, Hutchings Psychiatric Center, 620 Madison Street, Syracuse (Onondaga 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 14, 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 \$23,400 for C.

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

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

The substantial completion date for this project is 310 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 9:00 a.m. on August 2, 2019 at Hutchings Psychiatric Center, Work Control Center, 670 Madison Street, Syracuse 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 Paul Brown, (315-426-3966) a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

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

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

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

### REPLACE FENCE State Armory New York, New York County

Sealed bids for Project No. M3122-C, comprising a contract for Construction Work, Replace Fence, State Armory, 369th Regiment, 5th Ave Armory, 2366 5th Avenue, New York, 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 Division of Military & Naval Affairs, until 2:00 p.m. on Wednesday, August 14, 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 \$16,100 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 \$100,000 and \$250,000 for C.

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

As a condition of award, within 48 hours of receipt of the proposed Contract Agreement from the State, the low bidder shall return the Contract Agreement to the State, properly executed, along with the Bonds if required by said Agreement. Low bidders who cannot meet these provisions may be subject to disqualification and forfeiture of the bid security.

The State intends to expedite award of this Contract and the Contractor shall be prepared to proceed with the Work accordingly. Bidders are warned that time is of the essence of the Contract and substantial completion of the Work must be within 121 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 11:00 a.m. on August 2, 2019 at State Armory, 2366 5th Avenue, New York, 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 Robin Griffiths, (845-365-1505) a minimum of 24 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](mailto: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

## REHABILITATE CAMPUS ROADWAYS AND PARKING LOTS Greater Binghamton Health Center Binghamton, Broome County

Sealed bids for Project Nos. 45591-C, for Construction Work, Rehabilitate Campus Roadways and Parking Lots, Greater Binghamton Health Center, 425 Robinson Street, Binghamton (Broome 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 14, 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 \$44,900 for C.

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$1,000,000 and \$2,000,000 for C.

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

The substantial completion date for this project is 367 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on August 1, 2019 at the Greater Binghamton Health Center, Work Control Building # 54, 425 Robinson Street, Binghamton, 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 Luanne Vaughn (607-721-8716) a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

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

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

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

**CONVERT  
LIBRARY TO OFFICE SPACE  
New York Psychiatric Institute  
New York, New York County**

Sealed bids for Project No. 45621-C, comprising a contract for Construction Work, Convert Library to Office Space, 6th Floor Building 5, New York Psychiatric Institute, 1051 Riverside Dr, New York (New York 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 14th, 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 \$23,300 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 \$500,000 and \$1,000,000 for C.

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

The substantial completion date for this project is 189 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 11:30 a.m. on August 1st, 2019, at the New York Psychiatric Institute, 1051 Riverside Drive, New York, 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 Robin Griffiths, (845-365-0730) 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](mailto: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

**PROVIDE**  
**MASONRY REPAIR**  
State Armory  
New York, New York County

Sealed bids for Project No. 45661-C for Construction Work, Provide Masonry Repair, State Armory, 2366 5th Avenue, New York (New York 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 Division of Military and Naval Affairs, until 2:00 p.m. on Wednesday, August 14, 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 \$79,300 for C.

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$2,000,000 and \$3,000,000 for C.

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

The substantial completion date for this project is 647 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 2, 2019, at the State Armory, 2366 5th Avenue, New York, 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 Robin Griffiths, (845) 365-0730 a minimum of 24 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

Pursuant to New York State Executive Law Article 15-A and the

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

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

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

**PERFORM**  
**LEAD MITIGATION**  
State Armory  
New York, New York County

Sealed bids for Project No. 45751-C, for Construction Work, Perform Lead Mitigation, State Armory, 2366 5th Avenue, New York (New York 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 Division of Military and Naval Affairs, until 2:00 p.m. on Wednesday, August 14th, 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 \$118,100 for C.

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$4,000,000 and \$5,000,000 for C.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting, on the OGS website, in a newspaper of general circulation, or in the Contract Reporter of written notice, advertisement or solicitation of offers through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Jessica Hoffman, Carl Ruppert and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination

of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://www.ogs.ny.gov/aboutOGS/regulations/defaultAdvisoryCouncil.html>

The substantial completion date for this project is 666 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 5, 2019 at the State Armory, 2366 5th Avenue, New York, 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 Robin Griffiths (845-365-0730) a minimum of 24 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

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

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

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

**REPLACE  
ROOF**  
State Armory  
Geneseo, Livingston County

Sealed bids for Project No. 45978-C for Construction Work, Replace Roof State Armory 34 Avon Road Geneseo (Livingston 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 Division of Military and Naval Affairs, until 2:00 p.m. on Wednesday August 14th, 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 \$38,900 for C.

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$1,000,000 and \$2,000,000 for C.

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

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 389 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 9:00 a.m. on August 1st, 2019, at the State Armory, 34 Avon Road, Geneseo, 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 24 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

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

total contract goal can be obtained by utilizing any combination of MBE and /or WBE participation for subcontracting and supplies acquired under this Contract.

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

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

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

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

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

# MISCELLANEOUS NOTICES/HEARINGS

## Notice of Abandoned Property Received by the State Comptroller

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

1-800-221-9311  
or visit our web site at:  
[www.osc.state.ny.us](http://www.osc.state.ny.us)

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

## PUBLIC NOTICE Department of Health

The New York State Department of Health (NYSDOH) is providing an update to the April 10, 2019, notice of the State's intent to request approval from the Centers for Medicare and Medicaid Services (CMS). This amendment seeks approval of federal Medicaid matching funds for certain transitional services provided in a 30-day period immediately prior to release from State and county facilities to incarcerated individuals who have two or more chronic physical and/or behavioral conditions, a serious mental illness, or HIV/AIDS, or opioid use disorder, and who are eligible for Health Homes under Section 2703 of the Affordable Care Act.

The specific services for which federal Medicaid matching funds are being requested are:

- Certain medications
- Health Home care management services
- Limited clinical services

A draft of the demonstration amendment, which has incorporated some of the recommendations from the initial public comment period ending May 10, 2019, is now available for review and comments at: [https://health.ny.gov/health\\_care/medicaid/program/medicaid\\_health\\_homes/special\\_populations/docs/cj\\_cms\\_amendment\\_final.pdf](https://health.ny.gov/health_care/medicaid/program/medicaid_health_homes/special_populations/docs/cj_cms_amendment_final.pdf)

Written comments will be accepted by email at [1115waivers@health.ny.gov](mailto:1115waivers@health.ny.gov) or by mail at the address below. All comments must be postmarked or emailed by (30) days from the date of this notice.

Department of Health  
Office of Health Insurance Programs  
Waiver Management Unit  
99 Washington Ave.  
12th Fl., Suite 1208  
Albany, NY 12210

## PUBLIC NOTICE Department of Health

Pursuant to 42 CFR Section 447.272, the Department of Health hereby gives public notice of the following:

The Department of Health proposes to amend the Title XIX (Medicaid) State Plan for institutional services to comply with enacted Chapter 57 of the laws of 2015.

### Institutional Services

The following provides a clarification to the March 28, 2018 previously noticed provision that beginning April 1, 2018 continues public general hospital adjustments, not specialty hospital adjustments, as stated in the previous notice, for hospital inpatient services provided on and after April 1, 2012, to public general hospitals, other than those operated by the State of New York or the State University of New York, located in a city with a population of over one million and receiving reimbursement of up to \$1.08 billion annually based on criteria and methodology set by the Commissioner of Health, which the Commissioner may periodically set through a memorandum of understanding with the New York City Health and Hospitals Corporation. Such adjustments shall be paid by means of one or more estimated payments, which shall be reconciled to the final adjustment determinations after the disproportionate share hospital payment adjustment caps have been calculated for such period under sections 1923(f) and (g) of the federal Social Security Act. Payments to eligible public general hospitals may be added to rates of payment or made as aggregate payments.

There is no additional estimated annual change to gross Medicaid expenditures as a result of the clarifying proposed amendments.

The public is invited to review and comment on this proposed State Plan Amendment, a copy of which will be available for public review on the Department's website at [http://www.health.ny.gov/regulations/state\\_plans/status](http://www.health.ny.gov/regulations/state_plans/status). Individuals without Internet access may view the State Plan Amendments at any local (county) social services district.

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

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

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

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

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

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

*For further information and to review and comment, please contact:* Department of Health, Division of Finance and Rate Setting, 99 Washington Ave., One Commerce Plaza, Suite 1432, Albany, NY 12210, spa\_inquiries@health.ny.gov

### PUBLIC NOTICE

#### Office of Fire Prevention and Control

Pursuant to Section 176-b of the Town Law, the Office of Fire Prevention and Control hereby gives notice of the following:

Application for Waiver of the Limitation of Non-resident Members of Volunteer Fire Companies

An application for a waiver of the requirements of paragraph a of subdivision 7 of section 176-b of the Town Law, which limits the membership of volunteer fire companies to forty-five per centum of the actual membership of the fire company, has been submitted by the Beaver Falls Fire District, County of Lewis.

Pursuant to section 176-b of the Town Law, the non-resident membership limit shall be waived provided that no adjacent fire department objects within sixty days of the publication of this notice.

*Objections shall be made in writing, setting forth the reasons such waiver should not be granted, and shall be submitted to:* Francis J. Nerney, Jr., State Fire Administrator, State of New York, Office of Fire Prevention and Control, 1220 Washington Ave., Bldg. 7A, Fl. 2 Albany, NY 12226

Objections must be received by the State Fire Administrator within sixty days of the date of publication of this notice.

In cases where an objection is properly filed, the State Fire Administrator shall have the authority to grant a waiver upon consideration of (1) the difficulty of the fire company or district in retaining and recruiting adequate personnel; (2) any alternative means available to the fire company or district to address such difficulties; and (3) the impact of the waiver on adjacent fire departments.

*For further information, please contact:* Deputy Chief William H. Rifenburg, Office of Fire Prevention and Control, 1220 Washington Ave., Bldg. 7A, Fl. 2 Albany, NY 12226, (518) 474-6746, or e-mail: William.Rifenburg@dhses.ny.gov

### PUBLIC NOTICE

#### Office of Fire Prevention and Control

Pursuant to Section 176-b of the Town Law, the Office of Fire Prevention and Control hereby gives notice of the following:

Application for Waiver of the Limitation of Non-resident Members of Volunteer Fire Companies

An application for a waiver of the requirements of paragraph a of subdivision 7 of section 176-b of the Town Law, which limits the membership of volunteer fire companies to forty-five per centum of the actual membership of the fire company, has been submitted by the Danby Fire District, County of Tompkins.

Pursuant to section 176-b of the Town Law, the non-resident membership limit shall be waived provided that no adjacent fire department objects within sixty days of the publication of this notice.

*Objections shall be made in writing, setting forth the reasons such waiver should not be granted, and shall be submitted to:* Francis J. Nerney, Jr., State Fire Administrator, State of New York, Office of Fire Prevention and Control, 1220 Washington Ave., Bldg. 7A, Fl. 2 Albany, NY 12226

Objections must be received by the State Fire Administrator within sixty days of the date of publication of this notice.

In cases where an objection is properly filed, the State Fire Administrator shall have the authority to grant a waiver upon consideration of (1) the difficulty of the fire company or district in retaining and recruiting adequate personnel; (2) any alternative means available to the fire company or district to address such difficulties; and (3) the impact of the waiver on adjacent fire departments.

*For further information, please contact:* Deputy Chief William H.

Rifenburg, Office of Fire Prevention and Control, 1220 Washington Ave., Bldg. 7A, Fl. 2 Albany, NY 12226, (518) 474-6746, or e-mail: William.Rifenburg@dhses.ny.gov

### 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.

2019-0405 Matter of Powerhouse 27, located at 27 Saint Bridgets Drive, City of Rochester (County of Monroe), NY, for a variance concerning Window Sill 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.

2019-0408 Matter of 24 Cleveburn Place, located at 24 Cleveburn Place, City of Buffalo (County of Erie), NY, for a variance concerning mezzanine 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.

2019-0439 Matter of Richard Carline, located at 1121 Stolle Road, Town of Elma (County of Erie), NY, for a variance concerning Floor Landing 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.

2019-0441 Matter of Rick and Julia Field, located at 7171 Clinton Street, Town of Elma (County of Erie), NY, for a variance concerning Fire Hydrant Distance 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.

2019-0442 Matter of the Strong Museum, located at One Manhattan Square, City of Rochester (County of Monroe), NY, for a variance concerning Delayed Egress Hardware 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.

2019-0443 Matter of Christopher Romano, located at 18 Essex Street, City of Buffalo (County of Erie), NY, for a variance concerning Emergency Escape and Rescue Openings. (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.

2019-0444 Matter of Kenmore Sanctuary, located at 381 Kenmore Ave., Town of Tonawanda (County of Erie), NY, for a variance concerning unprotected opening 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.

2019-0451 In the matter of Barton & Loguidice, D.P.C., Tyler Mann, 443 Electronics Parkway, Liverpool, New York 13088 for the development authority of the north country, for a variance concerning building and plumbing code requirements including to omit a toilet room and plumbing fixtures.

Involved is the construction of a pump station and storage occupancy, one story in height located at 23400 NYS Route 177, Town of Rodman, Jefferson County, 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.

2019-0454, Matter of Parsons Corporation, Felicia Segovia, 100 Broadway, New York, NY 10005, for a variance concerning safety requirements, including fire sprinkler installation requirements. The petition pertains to the installation of sprinklers in an S, storage building, located at LIRR West Side Storage Yard, 300 12th Avenue, New York, County of Manhattan, 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.

2019-0455 Matter of Kevin Carrier, Property Name: Emkay Trading located at 58 Church Street, Village of Arcade (County of Wyoming), NY, for an appeal concerning stop work order requirements. (Board Variance).



# EXECUTIVE ORDERS

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**Executive Order No. 168.26: Continuing the Declaration of a Disaster Emergency in the Five Boroughs of New York City and the Counties of Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk and Westchester that Incorporate the MTA Region in the State of New York.**

WHEREAS, pursuant to Executive Order No. 168, a disaster has heretofore been declared in the five boroughs of New York City and the Counties of Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk and Westchester that incorporate the Metropolitan Transportation Authority (MTA) Region in the State of New York due to increasingly constant and continuing failures of the tracks, signals, switches and other transportation infrastructure throughout the system including at Pennsylvania Station located in the County of New York (Penn Station), that have resulted in various subway derailments, extensive track outages, and substantial service disruptions impacting the health and safety of hundreds of thousands of riders;

WHEREAS, the ongoing failures of the tracks, signals, switches and other transportation infrastructure throughout the MTA's rail and subway system continue to pose an imminent threat and have a vast and deleterious impact on the health, safety, and livelihood of commuters, tourists, resident New Yorkers, as well as business and commerce in the Metropolitan Commuter Transportation District (MCTD), which is the recognized economic engine of the State of New York, and thereby have adversely affected the New York State economy;

WHEREAS, the track outages and service disruption necessary to implement the Amtrak Repair Program, and other repairs necessary to fix tracks, signals, switches and other transportation infrastructure throughout the MTA's rail and subway system continue to be necessary to protect the public, health and safety of commuters, tourists, resident New Yorkers, and will continue to worsen the transportation disaster emergency that currently exists due to the condition of Penn Station and the MTA's rail and subway system as a whole; and,

WHEREAS, it continues to be necessary for the MTA and its subsidiaries and affiliates to take significant and immediate action to assist in the repair of the tracks, signals, switches and other transportation infrastructure and in the mediation of such track outages and service disruptions due to this disaster emergency.

NOW, THEREFORE, I, ANDREW M. CUOMO, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the Laws of the State of New York, do hereby extend the state disaster emergency declared pursuant to Executive Order No. 168 and extend all of the terms, conditions, and directives of Executive Order No. 168 and the terms, conditions, and directives for any extensions of the same for the period from the date that the disaster emergency was declared pursuant to Executive Order No. 168 until August 10, 2019; provided that the temporary suspension of any laws, rules, regulations or guidelines pursuant to this and any future extensions of Executive Order 168 shall apply to the extent the Chairman of the MTA or his designee, which shall only include the MTA's President or Managing Director, determines it necessary for the purposes of awarding any contracts, leases, licenses, permits or any other written agreement that may be entered into to mitigate such disaster emergency.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany this eleventh day of July in the year two thousand nineteen.

*BY THE GOVERNOR*

*/s/ Andrew M. Cuomo*

*/s/ Melissa DeRosa*

*Secretary to the Governor*



# COURT NOTICES

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## AMENDMENT OF RULE

### Uniform Rules for the Supreme and County Courts

Pursuant to the authority vested in me, and with the advice and consent of the Administrative Board of the Courts, I hereby amend 22 NYCRR 202 of the Uniform Rules for the Supreme and County Courts and create a new section 202.72, effective July 31, 2019, to read as follows:

§ 202.72: Actions Revived Pursuant to CPLR 214-g

1. There shall be a dedicated part(s) of Supreme Court in each Judicial District which shall be assigned all actions revived pursuant to CPLR 214-g (“214-g Part”).

2. Justices, judicial hearing officers, referees and alternative dispute resolution (ADR) neutrals in 214-g Parts shall receive training in subjects related to sexual assault and the sexual abuse of minors, pursuant to a curriculum and format approved by the Office of Court Administration.

3. Judges and other court personnel involved in actions revived pursuant to CPLR 214-g, in the exercise of their discretion in any matter relating to such action, shall be mindful of the statutory directive that such actions be adjudicated in a timely fashion (Judiciary Law § 219-d) and shall aspire to the following schedule in such actions:

Assignment to Part:	immediately upon filing of the RJJ
Preliminary conference (PC):	within 30 days of filing the RJJ
Status conferences (SC):	every 60 days after the PC or prior SC
Conclusion of discovery and note of issue:	within 365 days of PC
Dispositive motions:	fully submitted within 90 days of conclusion of discovery; decided within 30 days of briefing
Trial:	scheduled to be held within 60 days of note of issue, except with leave of court on good cause shown; or if dispositive motions have been filed, within 60 days of the decision of those motions

4. In setting schedules for the conduct of litigation of actions revived pursuant to CPLR 214-g, and in a manner consistent with the goal of timely adjudication of such actions, judges and other court personnel should be mindful of (1) the impact upon the litigation of pending proceedings addressing insurance coverage issues relating to the parties; (2) the difficulties inherent in document, deposition, and other discovery in matters of this type and age; and (3) the benefits of appropriate use of ADR programs to facilitate early resolution of disputes.

5. Counsel for all parties shall consult prior to any preliminary or status conference on all issues likely to be addressed at the conference, including but not limited to (1) resolution of the case in whole or in part and early ADR; (2) outstanding issues relating to insurance coverage of the parties; (3) outstanding discovery issues, including the voluntary informal exchange of information for settlement purposes; (3) adoption of a confidentiality order; (4) scheduling; (5) anticipated use of experts; and (6) anticipated requests to obtain records from earlier cases related to the allegations in the revived case.

6. Counsel at all court appearances should be fully familiar with the

case, fully prepared to discuss pending matters competently, authorized to enter into substantive and procedural agreements on behalf of their clients, and authorized to enter into a disposition of the case.

7. Any party claiming a preference under CPLR 3403(7) may apply to the court in the manner prescribed by that section.

8. Any person who intends to appear without a lawyer in a case revived under CPLR 214-g is advised to review the information set forth at <http://www.nycourts.gov/courthelp/>.



# APPENDIX

The following tables were filed with a Notice of Proposed Rule Making pertaining to Maximum Contaminant Levels (MCLs),

I.D. HLT-30-19-00006-P, an erratum is published in this issue of the State Register.

Section 5-1.52, Table 3 is amended to read as follows:

**Table 3. Organic Chemicals Maximum Contaminant Level Determination**

Contaminants	MCL (mg/L)	Type of water system	Determination of MCL violation
General organic chemicals		Community, NTNC and Noncommunity	If the results of a monitoring sample analysis exceed the MCL, the supplier of water shall collect one to three more samples from the same sampling point, as soon as practical, but within 30 days. An MCL violation occurs when at least one of the confirming samples is positive <sup>1</sup> and the average of the initial sample and all confirming samples exceeds the MCL.
Principal organic contaminant (POC)	0.005		
Unspecified organic contaminant (UOC)	0.05		
Total POCs and UOCs	0.1	Community and NTNC	For systems required to monitor quarterly, the results of all analyses at each monitoring location per quarter shall be arithmetically averaged and shall be reported to the State within 30 days of the public water system's receipt of the analyses. A violation occurs if the average of the four most recent sets of quarterly samples at a particular monitoring location (12-month locational running annual average (LRAA)) exceeds the MCL. If a system collects more than one sample per quarter at a monitoring location, the system shall average all samples taken in the quarter at that location to determine a quarterly average to be used in the LRAA calculation. If a system fails to complete four consecutive quarters of monitoring, compliance with the MCL will be based on an average of the available data from the most recent four quarters. An MCL violation for systems on annual or less frequent monitoring that have been increased to quarterly monitoring as outlined in Table 9A, is determined after four quarterly samples are taken.
Disinfection byproducts <sup>2,3</sup>			
Total trihalomethanes	0.080		
Haloacetic acids	0.060		
		Transient noncommunity	Not applicable.

Table 3. Organic Chemicals Maximum Contaminant Level Determination (continued)

Contaminants	MCL (mg/L)	Type of Water System	Determination of MCL violation
Specific Organic Chemicals		Community, NTNC and Noncommunity	If the results of a monitoring sample analysis exceed the MCL, the supplier of water shall collect one to three more samples from the same sampling point, as soon as practical, but within 30 days. An MCL violation occurs when at least one of the confirming samples is positive <sup>1</sup> and the average of the initial sample and all confirming samples exceeds the MCL.
Alachlor	0.002		
Aldicarb	0.003		
Aldicarb sulfone	0.002		
Aldicarb sulfoxide	0.004		
Atrazine <sup>4</sup>	0.003		
Benzo(a)pyrene	0.0002		
Carbofuran	0.04		
Chlordane	0.002		
Di(2-ethylhexyl)phthalate	0.006		
Dibromochloropropane (DBCP)	0.0002		
2,4-D	0.05		
Dinoseb	0.007		
1,4-Dioxane	0.0010		
Diquat	0.02		
Endrin	0.002		
Ethylene dibromide (EDB)	0.00005		
Heptachlor	0.0004		
Heptachlor epoxide	0.0002		
Hexachlorobenzene	0.001		
Lindane	0.0002		
Methoxychlor	0.04		
Methyl-tertiary-butyl-ether (MTBE)	0.010		
Pentachlorophenol	0.001		
Perfluorooctanesulfonic acid (PFOS)	0.0000100		
Perfluorooctanoic acid (PFOA)	0.0000100		
Polychlorinated biphenyls (PCBs) <sup>5</sup>	0.0005		
Propylene glycol	1.0		
Simazine	0.004		
Toxaphene	0.003		
2,4,5-TP (Silvex)	0.01		

<p>2,3,7,8-TCDD (Dioxin) Vinyl chloride</p>	<p>0.00000003 0.002</p>	<p><sup>1</sup> A sample is considered positive when the quantity reported by the State approved laboratory is greater than or equal to the method detection limit. <sup>2</sup> For systems monitoring yearly or less frequently, the sample results for each monitoring location is considered the LRAA for that monitoring location. Systems required to conduct monitoring at a frequency that is less than quarterly shall monitor in the calendar month identified in the monitoring plan developed under section 5-1.51(c). Compliance calculations shall be made beginning with the first compliance sample taken after the compliance date. <sup>3</sup> Systems that are demonstrating compliance with the avoidance criteria in section 5-1.30(c), shall comply with the TTHM and HAA5 LRAA MCLs; however the LRAA MCLs are not considered for avoidance purposes. For avoidance purposes, TTHMs and HAA5s are based on a running annual average of analyses from all monitoring locations. <sup>4</sup> Syngenta Method AG-625, "Atrazine in Drinking Water by Immunoassay," February 2001, available from Syngenta Crop Protection, Inc., 410 Swing Road, P.O. Box 18300, Greensboro, NC 27419. Telephone: 336-632-6000, may not be used for the analysis of atrazine in any system where chlorine dioxide is used for drinking water treatment. In samples from all other systems, any result for atrazine generated by Method AG-625 that is greater than one-half the maximum contaminant level (MCL) (in other words, greater than 0.0015 mg/L or 1.5 µg/L) must be confirmed using another approved method for this contaminant and should use additional volume of the original sample collected for compliance monitoring. In instances where a result from Method AG-625 triggers such confirmatory testing, the confirmatory result is to be used to determine compliance <sup>5</sup> If PCBs (as one of seven Aroclors) are detected in any sample analyzed using EPA Method 505 or 508, the system shall reanalyze the sample using EPA Method 508A to quantitate PCBs (as decachlorobiphenyl). Compliance with the PCB MCL shall be determined based upon the quantitative results of analyses using Method 508A.</p>
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Section 5-1.52, Table 9C is repealed and replaced with the following:

**Table 9C. Additional Organic Chemicals - Minimum Monitoring Requirements**

Contaminant		Type of water system	Initial requirement <sup>1</sup>	Continuing requirement where detected <sup>1,2,3,4</sup>	Continuing requirement where not detected <sup>1</sup>
Alachlor	Ethylene Dibromide	Community and Nontransient Noncommunity serving 3,300 or more persons <sup>3</sup>	Quarterly sample per source, for one year <sup>5</sup>	Quarterly	One sample every eighteen months per source <sup>6,7,8</sup>
Aldicarb	Glyphosate				
Aldicarb sulfone	Heptachlor	Community and Nontransient Noncommunity serving fewer than 3,300 persons and more than 149 service connections	Quarterly samples per entry point, for one year <sup>6,7,8</sup>	Quarterly	Once per entry point every three years <sup>6,7,8</sup>
Aldicarb sulfoxide	Heptachlor epoxide				
Aldrin	Hexachlorobenzene	Community and Nontransient Noncommunity serving fewer than 3,300 persons and more than 149 service connections	Quarterly samples per entry point for one year <sup>6,7,8</sup>	Quarterly	Once per entry point every three years <sup>6,7,8</sup>
Atrazine	Hexachlorocyclopentadiene				
Benzo(a)pyrene	3-Hydroxycarbofuran	Community and Nontransient Noncommunity serving fewer than 3,300 persons and more than 149 service connections	Quarterly samples per entry point for one year <sup>6,7,8</sup>	Quarterly	Once per entry point every three years <sup>6,7,8</sup>
Butachlor	Lindane				
Carbaryl	Methomyl	Community and Nontransient Noncommunity serving fewer than 3,300 persons and more than 149 service connections	Quarterly samples per entry point for one year <sup>6,7,8</sup>	Quarterly	Once per entry point every three years <sup>6,7,8</sup>
Carbofuran	Methoxychlor				
Chlordane	Metolachlor	Community and Nontransient Noncommunity serving fewer than 3,300 persons and more than 149 service connections	Quarterly samples per entry point for one year <sup>6,7,8</sup>	Quarterly	Once per entry point every three years <sup>6,7,8</sup>
Dalapon	Metribuzin				
Di(2-ethylhexyl)adipate	Oxamyl (vydate)	Community and Nontransient Noncommunity serving fewer than 3,300 persons and more than 150 service connections	Quarterly samples per entry point for one year <sup>6,7,8</sup>	Quarterly	Once per entry point every three years <sup>6,7,8</sup>
Di(2-ethylhexyl)phthalate	Pentachlorophenol				
Dibromochloropropane	Perfluorooctanesulfonic acid (PFOS)	Community and Nontransient Noncommunity serving fewer than 3,300 persons and more than 150 service connections	Quarterly samples per entry point for one year <sup>6,7,8</sup>	Quarterly	Once per entry point every three years <sup>6,7,8</sup>
Dicamba	Perfluorooctanoic acid (PFOA)				
2,4-D	Picloram	Community and Nontransient Noncommunity serving fewer than 3,300 persons and more than 150 service connections	Quarterly samples per entry point for one year <sup>6,7,8</sup>	Quarterly	Once per entry point every three years <sup>6,7,8</sup>
Dieldrin	Polychlorinated biphenyls				
Dinoseb	Propachlor	Community and Nontransient Noncommunity serving fewer than 3,300 persons and more than 150 service connections	Quarterly samples per entry point for one year <sup>6,7,8</sup>	Quarterly	Once per entry point every three years <sup>6,7,8</sup>
1,4-Dioxane	Simazine				
Diquat	2,3,7,8-TCDD (Dioxin)	Community and Nontransient Noncommunity serving fewer than 3,300 persons and more than 150 service connections	Quarterly samples per entry point for one year <sup>6,7,8</sup>	Quarterly	Once per entry point every three years <sup>6,7,8</sup>
Endothal	2,4,5-TP (Silvex)				
Endrin	Toxaphene				

	Noncommunity excluding NTNC	State discretion <sup>9</sup>	State discretion <sup>9</sup>	State discretion <sup>9</sup>
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**Table 9C (continued)**

<sup>1</sup>The location for sampling of each ground water source of supply shall be between the individual well and at or before the first service connection and before mixing with other sources, unless otherwise specified by the State to be at the entry point representative of the individual well. Public water systems which take water from a surface water body or watercourse shall sample at points in the distribution system representative of each source or at entry point or points to the distribution system after any water treatment plant.

<sup>2</sup>The State may decrease the quarterly monitoring requirement to annually provided that system is reliably and consistently below the MCL based on a minimum of two quarterly samples from a ground water source and four quarterly samples from a surface water source. Systems which monitor annually must monitor during the quarter that previously yielded the highest analytical result. Systems serving fewer than 3,300 persons and which have three consecutive annual samples without detection may apply to the State for a waiver in accordance with footnote 6.

<sup>3</sup>If a contaminant is detected, repeat analysis must include all analytes contained in the approved analytical method for the detected contaminant.

<sup>4</sup>Detected as used in the table shall be defined as reported by the State approved laboratory to be greater than or equal to the method detection levels.

<sup>5</sup>The State may allow a system to postpone monitoring for a maximum of two years, if an approved laboratory is not reasonably available to do a required analysis within the scheduled monitoring period.

<sup>6</sup>The State may waive the monitoring requirement for a public water system that submits information every three years to demonstrate that a contaminant or contaminants was not used, transported, stored or disposed within the watershed or zone of influence of the system.

<sup>7</sup>The State may reduce the monitoring requirement for a public water system that submits information every three years to demonstrate that the public water system is invulnerable to contamination. If previous use of the contaminant is unknown or it has been used previously, then the following factors shall be used to determine whether a waiver is granted.

- a. Previous analytical results.
- b. The proximity of the system to a potential point or nonpoint source of contamination. Point sources include spills and leaks of chemicals at or near a water treatment facility or at manufacturing, distribution, or storage facilities, or from hazardous and municipal waste landfills and other waste handling or treatment facilities. Nonpoint sources include the use of pesticides to control insect and weed pests on agricultural areas, forest lands, home and gardens, and other land application uses.
- c. The environmental persistence and transport of the pesticide or PCBs.
- d. How well the water source is protected against contamination due to such factors as depth of the well and the type of soil and the integrity of the well casing.
- e. Elevated nitrate levels at the water supply source.
- f. Use of PCBs in equipment used in production, storage or distribution of water.

<sup>8</sup>The State may allow systems to composite samples in accordance with the conditions in Appendix 5-C of this Title.

<sup>9</sup>State discretion shall mean requiring monitoring when the State has reason to believe the MCL has been violated, the potential exists for an MCL violation or the contaminant may present a risk to public health.

