
NEW YORK STATE

REGISTER

INSIDE THIS ISSUE:

- To Eliminate Requirement That Victims of Domestic Violence Apply for Public Assistance to Pay for Cost of Shelter and Services
- Transfer of Foreign Nationals
- Chronic Wasting Disease

Notice of Availability of State and Federal Funds
Executive Orders
Appendix

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

For notices published in this issue:

- the 60-day period expires on October 6, 2019
- the 45-day period expires on September 21, 2019
- the 30-day period expires on September 6, 2019

**ANDREW M. CUOMO
GOVERNOR**

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NEW YORK STATE DEPARTMENT OF STATE

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NEW YORK STATE REGISTER

Be a part of the rule making process!

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

To be considered, comments should reach the agency before expiration of the public comment period. The law provides for a minimum 60-day public comment period after publication in the *Register* of every Notice of Proposed Rule Making, and a 45-day public comment period for every Notice of Revised Rule Making. If a public hearing is required by statute, public comments are accepted for at least five days after the last such hearing. Agencies are also required to specify in each notice the last date on which they will accept public comment.

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

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

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

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Telephone: (518) 474-6957

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

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

Rule Making Activities

Alcoholism and Substance Abuse Services, Office of

1 / Appeals, Hearings and Rulings (P)

Children and Family Services, Office of

3 / Child Care Market Rates (E)

8 / To Eliminate Requirement That Victims of Domestic Violence Apply for Public Assistance to Pay for Cost of Shelter and Services (E)

12 / Child Care Market Rates (A)

Civil Service, Department of

12 / Supplemental Military Leave Benefits (A)

12 / Jurisdictional Classification (A)

13 / Jurisdictional Classification (A)

13 / Jurisdictional Classification (A)

Corrections and Community Supervision, Department of

13 / Transfer of Foreign Nationals (P)

Environmental Conservation, Department of

14 / Chronic Wasting Disease (P)

Financial Services, Department of

16 / Charges for Professional Health Services (A)

17 / Minimum Standards for Form, Content and Sale of Medicare Supplement and Medicare Select Insurance, et al (P)

Gaming Commission, New York State

20 / Pick-Six Jackpot Wager for Thoroughbred Racing (A)

Public Service Commission

20 / RDM Target Modifications for SC 8 Customers and Defer any Revenue Shortfall as a Regulatory Asset (EP)

20 / Submetering of Electricity (A)

21 / Disposition of Tax Refunds Received by New York American Water Company, Inc. (P)

22 / Compensation of Distributed Energy Resources (P)

22 / Petition to Submeter Electricity and Waiver Request (P)

23 / Notice of Intent to Submeter Electricity (P)

23 / Notice of Intent to Submeter Electricity and Waiver of Energy Audit (P)

23 / Standby Service Rates and Buyback Service Rates (P)

Workers' Compensation Board

24 / Updating the Prescription Drug Formulary (P)

Hearings Scheduled for Proposed Rule Makings / 25

Action Pending Index / 27

Securities Offerings

71 / State Notices

Advertisements for Bidders/Contractors

73 / Sealed Bids

Notice of Availability of State and Federal Funds

77 / Housing and Community Renewal, Division of

Miscellaneous Notices/Hearings

81 / Notice of Abandoned Property Received by the State Comptroller

81 / Public Notice

Executive Orders

87 / Executive Order No. 195.1: Continuing the Declaration of a Disaster in the Counties of Cayuga, Jefferson, Monroe, Niagara, Orleans, Oswego, St. Lawrence, and Wayne.

Appendix / 89

RULE MAKING ACTIVITIES

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

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

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

Office of Alcoholism and Substance Abuse Services

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Appeals, Hearings and Rulings

I.D. No. ASA-32-19-00005-P

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

Proposed Action: Amendment of Part 831 of Title 14 NYCRR. This rule is proposed pursuant to SAPA section 207(3), 5-Year Review of Existing Rules.

Statutory authority: Mental Hygiene Law, sections 19.07, 19.09, 19.40, 32.01 and 32.07

Subject: Appeals, Hearings and Rulings.

Purpose: Protect patient confidentiality, update due process provisions, technical amendments.

Substance of proposed rule (Full text is posted at the following State website: www.oasas.ny.gov): 14 NYCRR Part 831 is amended to read as follows:

§ 831.1 Applicability.

If the Commissioner gives notice of any action pursuant to provisions of this [Title] *Chapter* for which an opportunity to be heard is provided, the provisions of this Part shall apply. Notice shall include the time within which a hearing must be requested.

§ 831.2 Request for hearing, scheduling and notice.

(a) If the party provided notice as described in section 831.1 of this Part desires a hearing, such party shall submit a written request for a hearing to the Commissioner within [10 business days] *thirty (30) days of the date of mailing* [receipt]of the notice.

(b) [Within 20 days of receipt of a request for hearing, the Commissioner shall provide notice to the requesting party of the date and location of the hearing, to be held without undue delay.] *The Commissioner shall acknowledge receipt of a request for a hearing, in writing to the requesting party, within twenty (20) days of receipt of such request. Without undue delay thereafter, the Commissioner shall provide notice to the requesting party of the date and location of the hearing.*

(c) Notice of the hearing shall be served on the party, either by hand delivery, certified mail or other verifiable written communication, at least 10 days before the scheduled hearing date and shall specify the time and place of the hearing, the names of the person who will conduct the hearing, and include a basis for action taken. If required by law or by consent or permission, a written answer shall be provided at least three days before the scheduled hearing date.

§ 831.3 Rights of parties.

(a) Each party shall have the right to be represented by counsel.

(b) Upon request of any party, the Hearing Officer may permit discovery which shall be limited to the production of documents and other tangible things.

(c) Any party may request that the Hearing Officer recuse [him/herself] *themselves* from the proceeding when the party believes that the Hearing Officer has a conflict of interest which would render [him/her] *them* unable to provide a fair and impartial recommendation to the Commissioner. The Hearing Officer's [refusal] *recusal* determination shall be final. If a Hearing Officer recuses [him/herself] *themselves*, the Commissioner shall appoint a new Hearing Officer and promptly reschedule the hearing.

(d) Each party shall have the right to present evidence and cross-examine witnesses.

§ 831.4 Conduct of hearing.

(a) Presentation of case. (1) The Office shall have the right to present its [prima facie] case first and shall also have the right to rebuttal, at the conclusion of the other party's case, [at] *in the course of* which any and all witnesses and/or other evidence pertinent to the case may be additionally presented.

(2) The party requesting the hearing shall present its case at the conclusion of the [prima facie] case presented by the [office] *Office*.

(b) Burden of Proof. The burden of proof shall be on the party requesting the hearing to show by a preponderance of the evidence that the Commissioner's decision is not in conformity with the standards and criteria set forth in the applicable laws and provisions of this Title.

(c) Hearings shall be [open] *closed* to the public *due to the protection of patients' rights* unless otherwise ordered by the Commissioner or Hearing Officer [due to the protection of patient's rights] or upon a showing of other compelling reasons.

(d) The Hearing Officer shall not communicate ex parte, either directly or indirectly, in connection with any issue [that relates] *relating* to the merits of a pending adjudicatory proceeding *in which they are the Hearing Officer* unless all parties have first been given notice of the intended communication and an opportunity to participate.

§ 831.5 Powers of hearing officers.

(a) The Hearing Officer shall have the power to administer oaths and affirmations, issue subpoenas and otherwise control the conduct of the hearing.

(b) The Hearing Officer shall not be bound by the rules of evidence observed by courts, except that the rules of privilege recognized by law shall be respected.

(c) The Hearing Officer, with the consent of all parties, may waive any time requirement provided for in this Part.

(d) The Hearing Officer may consult on questions of law with the [office's] *Office's* counsel or another designated Office attorney, provided that said attorney has not been engaged in investigative or [prosecuting] *prosecutorial* functions in connection with the proceeding under consideration or a factually related adjudicatory proceeding.

§ 831.6 Post-hearing Procedure.

(a) The Hearing Officer shall fix the time [, not to exceed 15 days] from

the date [of] the hearing transcript *becomes available*, within which the parties may provide the Hearing Officer with written memoranda in support of their positions.

(b) Within 20 days of the date fixed for submission of written memoranda, the Hearing Officer shall submit a final report of findings and recommendations to the Commissioner with the entire record of the hearing.

(c) The Commissioner shall render a final decision in writing within 10 days of receipt of the Hearing Officer's report. In the event that the Commissioner renders a final decision that conflicts with the Hearing Officer's recommendations, the Commissioner shall set forth the reasons for the decision.

§ 831.7 Verbatim record.

(a) A verbatim [recording] *record* of the [proceedings] *hearing* shall be made by whatever means the Office deems appropriate.

(b) A transcription of the [recording] *hearing* shall be made available to any party requesting it upon payment [of the party] of the cost of transcription *by the requesting party*. If more than one party requests the transcript, the cost will be allocated among the parties.

(c) The [office] *Office* may waive the transcript cost [on] *upon* a showing of hardship *by the requesting party*. Requests for transcripts and for waiver of transcript costs must be made in writing to the Commissioner and must be submitted no later than the first day of the hearing.

§ 831.8 Hearing record.

The hearing record shall [include:] *consist of* the notice of proposed action, the request for the hearing, the notice of hearing [including the report of findings], motions submitted and rulings thereon, the [recording of transcript] *transcription* of the testimony taken at the hearing, exhibits, stipulations and memoranda of law filed in connection with the hearing, the Hearing Officer's report of findings and recommendations to the Commissioner, and the Commissioner's final ruling.

§ 831.9 Administrative appeals.

(a) Where an opportunity for an administrative appeal is afforded pursuant to the provisions of this [Title] *Chapter*, the provisions of this [Section] *section* shall apply.

(b) All requests for administrative appeals shall be in writing and delivered by [registered] *certified* mail, *return receipt requested*, to the Commissioner within thirty (30) [business] days of receipt of the applicable agency decision.

(c) A request for an administrative appeal shall include a written detailed statement of the factual issues in dispute.

(d) Administrative appeals shall be based upon the written submissions of the party requesting the appeal and any relevant agency documentation. The burden of proof on appeal shall be on the party requesting the appeal to demonstrate that the agency's action is not in conformance with the applicable [regulatory standards] *statutes or regulations*.

(e) [The Commissioner may, in his or her sole discretion, hold a conference including all relevant parties.] *A conference including all relevant parties may be held at the sole discretion of the Commissioner.*

(f) Within thirty (30) business days of receipt of the request for administrative appeal, or within fifteen (15) days after the conference as set forth in subdivision (e) of this [Section] *section*, the Commissioner will issue a final determination in writing. Formal notification of the determination shall be sent to the party requesting the appeal by certified mail, return receipt requested.

(g) The determination after administrative review of the appeal shall be final and is not subject to further administrative review.

§ 831.10 Declaratory Rulings.

(a) Pursuant to section 204 of the administrative procedure law, persons may petition the Office for a declaratory ruling on the applicability of any regulation or statute enforceable by the Office. *The Office may issue a declaratory ruling with respect to:*

(1) *the applicability to any person, property or state of facts of any regulation or statute enforceable by the Office, or;*

(2) *whether any action by the Office should be taken pursuant to a rule.*

(b) Procedure. Petitions must be in writing and addressed to Counsel, New York State Office of Alcoholism and Substance Abuse, 1450 Western Ave., Albany, NY 12203, by certified mail, return receipt requested. Petitions must contain the following:

(1) name and address of petitioner;

(2) a statement requesting a declaratory ruling, specifying the rule or statutory provision for which the declaratory ruling is requested;

(3) a statement of relevant facts and circumstances, and full disclosure of petitioner's interest; and

(4) verification under oath by petitioner of all facts and assertions therein.

(c) Ruling. Counsel shall issue and mail to petitioner, certified mail, return receipt requested, a declaratory ruling within 60 days of the receipt of a completed petition, or a statement declining to issue a declaratory ruling. Rulings shall be available for public inspection at the Office.

(d) Conditions. No correspondence or opinion issued by the Office shall be construed as a declaratory ruling unless it is identified as a declaratory ruling and is issued in response to a petition pursuant *to* [with] this section.

(e) Nothing in this section shall be construed to prohibit the determination of the validity or applicability of the regulation in any other action or proceeding in which its invalidity or inapplicability is asserted, and nothing in this section shall be construed to limit any rights which may exist under article seventy-eight of the civil practice law and rules.

Text of proposed rule and any required statements and analyses may be obtained from: Carmelita Cruz, Office of Alcoholism and Substance Abuse Services, 1450 Western Avenue, Albany, NY 12203, (518) 485-2312, email: carmelita.cruz@oasas.ny.gov

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

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

Reasoned Justification for Modification of the Rule

The proposed rule amends Part 831 to properly protect confidentiality of patient records from inadvertent public disclosure in the context of administrative hearings, conforms scheduling and due process provisions to current practice and makes other technical amendments.

The proposal accomplishes updates prompted by internal review of a provision which permitted public attendance at administrative hearings where confidential patient records could be presented. The amendment clarifies that hearings are closed unless ordered by the Commissioner or Hearing Officer or upon a showing of other compelling reasons.

The proposal clarifies that the 20-day period following a request for a hearing is applicable to Office confirmation of receipt of such request and that, without undue delay following such confirmation, the Office shall notify the petitioner of a date and time for a hearing.

Technical amendments include use of gender pronouns, capitalizations and internal citations. The Behavioral Health Services Advisory Council recommended advancement of this rule on April 26, 2018.

Regulatory Impact Statement

1. Statutory Authority:

(a) Section 19.07(a) of the Mental Hygiene Law provides that the Office of Alcoholism and Substance Abuse Services (OASAS or "Office") is charged with the responsibility for assuring the development of comprehensive plans, programs and services in the areas of research, prevention, care, treatment, rehabilitation, education and training of persons who abuse or are dependent on alcohol and/or substances and their families.

(b) Section 19.07(d) of the Mental Hygiene Law directs the Office to foster programs for the training and development of persons capable of providing alcoholism and/or substance abuse services, including the issuance of credentials to persons who meet minimum qualifications set by the Office; and to suspend or revoke such credentials for good cause.

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

(d) Section 31.04(c)(7) of the Mental Hygiene law provides for determining the validity or applicability of any regulation pursuant to a petition for declaratory judgment.

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

(f) Section 32.05 of the Mental Hygiene Law provides that no substance use disorder services may be established without the approval of the Commissioner.

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

(h) Section 32.21 of the MHL provides the Commissioner with the authority to suspend, revoke or limit operating certificates and imposition of fines.

(i) Article 3 of the State Administrative Procedure Act (SAPA) authorizes agencies that conduct adjudicatory proceedings to adopt rules providing for procedures on adjudicatory proceedings and appeals.

(j) Section 305 of SAPA authorizes each agency conducting adjudicatory proceedings to adopt rules providing for discovery and depositions to the extent and manner appropriate to its proceedings.

(k) Section 204 of SAPA authorizes agencies to prescribe by rule the procedure for submission, consideration and disposition of petitions for declaratory rulings.

2. Legislative Objectives: Articles 19 and 32 of the Mental Hygiene Law authorize the promulgation of rules and regulations to regulate and assure the consistent quality of services provided within the state to persons suffering from chemical abuse or dependence, their families and significant others, as well as those who are at risk of becoming chemically dependent.

14 NYCRR Part 831 establishes the requirements for hearings, scheduling and notices. These revisions ensure that patients records are protected, clarify scheduling and due process provisions.

3. Needs and Benefits: This is a discretionary rule revision to bring current practice into regulation. The proposed rule amends Part 831 to properly protect confidentiality of patient records from inadvertent public disclosure in the context of administrative hearings, conforms scheduling and due process provisions. It makes other technical amendments including use of gender pronouns, capitalizations and internal citations. The Behavioral Health Services Advisory Council recommended advancement of this proposal on April 26, 2018.

4. Costs: No additional administrative costs to the agency are anticipated since the rulemaking does not change existing processes to require additional staff or paperwork.

5. Paperwork: The proposed regulation will not require any additional paperwork.

6. Local Government Mandates: This regulation imposes no new mandates on local governments since the rulemaking applies only to actions of the Office.

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

8. Alternatives: Continue with outdated regulations that are not consistent with current standards. The new rule does not reduce standards but clarifies existing standards and processes.

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

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

Regulatory Flexibility Analysis

OASAS has determined that the rule will not impose any adverse impact on small businesses or local governments. This proposed rulemaking does not affect businesses or local governments as it addresses internal processes of the Office related to administrative hearings. The proposed rule will be posted on the agency website. Agency review process involves input from trade organizations representing providers in diverse geographic locations, local governments, and other behavioral health providers.

Rural Area Flexibility Analysis

OASAS has determined that the rule will not impose any adverse impact on rural areas or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas. This proposed rulemaking does not affect businesses or local governments in any geographic area, including rural areas, since it applies only to administrative practice of the Office related to administrative hearings.

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

Job Impact Statement

No change in the number of jobs and employment opportunities is anticipated as a result of the proposed rulemaking because the amendments apply only to internal processes of the Office related to administrative hearings. The Office will not need to hire additional staff or reduce staff size; the proposed changes will not adversely impact jobs outside of the agency; the proposed changes will not result in the loss of any jobs within New York State.

Office of Children and Family Services

**EMERGENCY
RULE MAKING**

Child Care Market Rates

I.D. No. CFS-19-19-00009-E

Filing No. 672

Filing Date: 2019-07-19

Effective Date: 2019-07-21

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

Action taken: Amendment of section 415.9 of Title 18 NYCRR.

Statutory authority: Social Services Law, sections 20(3)(d), 34(3)(f) and art. 6, title 5-C

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

Specific reasons underlying the finding of necessity: The adoption of these regulations on an emergency basis is necessary to protect the health, safety and welfare of families and children receiving subsidized child care in New York State. Federal statute, section 658E(c)(4)(A) of the Child Care and Development Block Grant Act, and federal regulation, 45 CFR 98.43(a), require that the State establish payment rates for federally-funded child care subsidies that are sufficient to ensure equal access for eligible children. The market rates that are being replaced are based on a survey conducted in 2017-18 and as a result, continuing to maintain the existing 2015 rates could result in subsidized families losing equal access for eligible children to child care arrangements, or being unable to find appropriate child care.

Subject: Child Care Market Rates.

Purpose: To adjust child care market rates in accordance with the results of the most recent cost of care market survey.

Text of emergency rule: Subdivision (j) of section 415.9 is amended to add a heading to read as follows:

(j) *Establishment of market rates.*

Paragraph (1) of subdivision (j) of section 415.9 is amended to read as follows:

(1) Effective [June 1, 2016] *May 1, 2019* the following are the local market rates for each social services district set forth by the type of provider, the age of the child and the amount of time the child care services are provided per week.

Paragraph (2) of subdivision (j) of section 415.9 is amended to read as follows:

(2) [Upon the effective date of these regulations, t]There [will be]are two market rates for *informal child care*[the legally-exempt family child care and in-home child care categories], a standard market rate and an enhanced market rate. The standard market rate for [legally-exempt family child care and in-home child care categories]*informal child care* will be 65 percent of the applicable registered family day care market rate. The enhanced market rate for [legally-exempt family child care and in-home child care categories]*informal child care* will be 70 percent of the applicable registered family day care market rate. The enhanced market rate will apply to those [caregivers of legally-exempt family child care and in-home child care]*informal child care providers* who have provided notice to, and have been verified by, the applicable legally-exempt caregiver enrollment agency [or by the district for those portions of the district that are not covered by a legally-exempt caregiver enrollment agency,] as having completed 10 or more hours of training annually in the areas set forth in section 390-a(3)(b) of the Social Services Law. A social services district has the option, if it so chooses in the child care portion of its [child and family services plan]*Child and Family Services Plan*, to increase the enhanced market rate for [eligible legally-exempt family child care and in-home child care categories]*informal child care providers* to up to 75 percent of the applicable registered family day care market rate]:

(i) for all such providers;

(ii) for those providers who were receiving the enhanced rate on the date of the regulations but only for the remainder of their current one-year enrollment period; or

(iii) for those providers who were receiving the enhanced rate on the date of the regulations for the remainder of the time they remain enrolled and continue to meet the 10 hour annual training requirement. The standard market rate will apply to all other caregivers of legally-exempt family child care and in-home child care].

Paragraph (3) of subdivision (j) of section 415.9 is repealed in its entirety. A new paragraph (3) of subdivision (j) of section 415.9 is added as follows:

(3) *The market rates are established for each of five groupings of social services districts. The rates established for a group apply to all districts in the designated group. The district groupings are as follows:*

CHILD CARE MARKET RATES

Market rates are established for five groupings of social services districts as follows:

GROUP 1: Nassau, Putnam, Rockland, Suffolk, Westchester

GROUP 2: Columbia, Erie, Monroe, Onondaga, Ontario, Rensselaer, Schenectady, Tompkins, Warren

GROUP 3: Allegany, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Clinton, Cortland, Delaware, Essex, Franklin, Fulton, Genesee, Greene, Hamilton, Herkimer, Jefferson, Lewis, Livingston, Madison, Montgomery, Niagara, Oneida, Orleans, Oswego, Otsego, Schoharie, Schuyler, Seneca, St. Lawrence, Steuben, Sullivan, Tioga, Washington, Wayne, Wyoming, Yates

GROUP 4: Albany, Dutchess, Orange, Saratoga, Ulster

GROUP 5: Bronx, Kings, New York, Queens, Richmond

GROUP 1 COUNTIES:

Nassau, Putnam, Rockland, Suffolk, and Westchester

DAY CARE CENTER

AGE OF CHILD

	Under 1 1/2	1 1/2-2	3-5	6-12
WEEKLY	\$364	\$338	\$310	\$317
DAILY	\$65	\$62	\$55	\$65
PART-DAY	\$43	\$41	\$37	\$43
HOURLY	\$9.50	\$11.00	\$10.00	\$8.00

FAMILY DAY CARE HOME AND GROUP FAMILY DAY CARE HOME

AGE OF CHILD

	Under 2	2	3-5	6-12
WEEKLY	\$300	\$295	\$285	\$275
DAILY	\$60	\$60	\$60	\$57
PART-DAY	\$40	\$40	\$40	\$38
HOURLY	\$10.00	\$10.00	\$10.00	\$10.00

SCHOOL-AGE CHILD CARE

AGE OF CHILD

	Under 1 1/2	1 1/2-2	3-5	6-12
WEEKLY	\$0	\$0	\$310	\$317
DAILY	\$0	\$0	\$55	\$65
PART-DAY	\$0	\$0	\$37	\$43
HOURLY	\$0	\$0	\$10.00	\$8.00

LEGALLY-EXEMPT GROUP CHILD CARE STANDARD RATE

AGE OF CHILD

	Under 1 1/2	1 1/2-2	3-5	6-12
WEEKLY	\$0	\$0	\$233	\$238
DAILY	\$0	\$0	\$41	\$49
PART-DAY	\$0	\$0	\$28	\$32
HOURLY	\$0	\$0	\$7.50	\$6.00

INFORMAL CHILD CARE STANDARD RATE

AGE OF CHILD

	Under 2	2	3-5	6-12
WEEKLY	\$195	\$192	\$185	\$179
DAILY	\$39	\$39	\$39	\$37
PART-DAY	\$26	\$26	\$26	\$25
HOURLY	\$6.50	\$6.50	\$6.50	\$6.50

INFORMAL CHILD CARE ENHANCED RATE

AGE OF CHILD

	Under 2	2	3-5	6-12
WEEKLY	\$210	\$207	\$200	\$193

DAILY	\$42	\$42	\$42	\$40
PART-DAY	\$28	\$28	\$28	\$27
HOURLY	\$7.00	\$7.00	\$7.00	\$7.00

GROUP 2 COUNTIES:

Columbia, Erie, Monroe, Onondaga, Ontario, Rensselaer, Schenectady, Tompkins and Warren

DAY CARE CENTER

AGE OF CHILD

	Under 1 1/2	1 1/2-2	3-5	6-12
WEEKLY	\$280	\$264	\$245	\$215
DAILY	\$59	\$55	\$51	\$45
PART-DAY	\$39	\$37	\$34	\$30
HOURLY	\$9.75	\$9.25	\$9.00	\$9.00

FAMILY DAY CARE HOME AND GROUP FAMILY DAY CARE HOME

AGE OF CHILD

	Under 2	2	3-5	6-12
WEEKLY	\$190	\$185	\$180	\$175
DAILY	\$40	\$40	\$38	\$35
PART-DAY	\$27	\$27	\$25	\$23
HOURLY	\$8.00	\$8.00	\$8.00	\$8.00

SCHOOL-AGE CHILD CARE

AGE OF CHILD

	Under 1 1/2	1 1/2-2	3-5	6-12
WEEKLY	\$0	\$0	\$245	\$215
DAILY	\$0	\$0	\$51	\$45
PART-DAY	\$0	\$0	\$34	\$30
HOURLY	\$0	\$0	\$9.00	\$9.00

LEGALLY-EXEMPT GROUP CHILD CARE STANDARD RATE

AGE OF CHILD

	Under 1 1/2	1 1/2-2	3-5	6-12
WEEKLY	\$0	\$0	\$184	\$161
DAILY	\$0	\$0	\$38	\$34
PART-DAY	\$0	\$0	\$26	\$23
HOURLY	\$0	\$0	\$6.75	\$6.75

INFORMAL CHILD CARE STANDARD RATE

AGE OF CHILD

	Under 2	2	3-5	6-12
WEEKLY	\$124	\$120	\$117	\$114
DAILY	\$26	\$26	\$25	\$23
PART-DAY	\$18	\$18	\$16	\$15
HOURLY	\$5.20	\$5.20	\$5.20	\$5.20

INFORMAL CHILD CARE ENHANCED RATE

AGE OF CHILD

	Under 2	2	3-5	6-12
WEEKLY	\$133	\$130	\$126	\$123
DAILY	\$28	\$28	\$27	\$25
PART-DAY	\$19	\$19	\$18	\$16
HOURLY	\$5.60	\$5.60	\$5.60	\$5.60

GROUP 3 COUNTIES:

Allegany, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Clinton, Cortland, Delaware, Essex, Franklin, Fulton, Genesee, Greene, Hamilton, Herkimer, Jefferson, Lewis, Livingston, Madison, Montgomery, Niagara, Oneida, Orleans, Oswego, Otsego, Schoharie, Schuyler, Seneca, St. Lawrence, Steuben, Sullivan, Tioga, Washington, Wayne, Wyoming, and Yates

DAY CARE CENTER

	AGE OF CHILD			
	Under 1½	1½–2	3–5	6–12
WEEKLY	\$220	\$206	\$195	\$180
DAILY	\$48	\$45	\$44	\$39
PART-DAY	\$32	\$30	\$29	\$26
HOURLY	\$8.00	\$8.00	\$8.00	\$7.00

FAMILY DAY CARE HOME AND GROUP FAMILY DAY CARE HOME

	AGE OF CHILD			
	Under 2	2	3–5	6–12
WEEKLY	\$160	\$150	\$150	\$150
DAILY	\$35	\$35	\$33	\$30
PART-DAY	\$23	\$23	\$22	\$20
HOURLY	\$5.00	\$5.00	\$5.00	\$5.00

SCHOOL-AGE CHILD CARE

	AGE OF CHILD			
	Under 1½	1½–2	3–5	6–12
WEEKLY	\$0	\$0	\$195	\$180
DAILY	\$0	\$0	\$44	\$39
PART-DAY	\$0	\$0	\$29	\$26
HOURLY	\$0	\$0	\$8.00	\$7.00

LEGALLY-EXEMPT GROUP CHILD CARE STANDARD RATE

	AGE OF CHILD			
	Under 1½	1½–2	3–5	6–12
WEEKLY	\$0	\$0	\$146	\$135
DAILY	\$0	\$0	\$33	\$29
PART-DAY	\$0	\$0	\$22	\$20
HOURLY	\$0	\$0	\$6.00	\$5.25

INFORMAL CHILD CARE STANDARD RATE

	AGE OF CHILD			
	Under 2	2	3–5	6–12
WEEKLY	\$104	\$98	\$98	\$98
DAILY	\$23	\$23	\$21	\$20
PART-DAY	\$15	\$15	\$14	\$13
HOURLY	\$3.25	\$3.25	\$3.25	\$3.25

INFORMAL CHILD CARE ENHANCED RATE

	AGE OF CHILD			
	Under 2	2	3–5	6–12
WEEKLY	\$112	\$105	\$105	\$105
DAILY	\$25	\$25	\$23	\$21
PART-DAY	\$16	\$16	\$15	\$14
HOURLY	\$3.50	\$3.50	\$3.50	\$3.50

GROUP 4 COUNTIES:

Albany, Dutchess, Orange, Saratoga, and Ulster

DAY CARE CENTER

	AGE OF CHILD			
	Under 1½	1½–2	3–5	6–12
WEEKLY	\$406	\$315	\$289	\$236
DAILY	\$69	\$60	\$54	\$47
PART-DAY	\$46	\$40	\$36	\$31

AGE OF CHILD

	Under 1½	1½–2	3–5	6–12
WEEKLY	\$282	\$265	\$250	\$230
DAILY	\$59	\$55	\$52	\$50
PART-DAY	\$39	\$37	\$35	\$33
HOURLY	\$8.50	\$8.25	\$9.00	\$9.75

FAMILY DAY CARE HOME AND GROUP FAMILY DAY CARE HOME

	AGE OF CHILD			
	Under 2	2	3–5	6–12
WEEKLY	\$225	\$210	\$200	\$200
DAILY	\$45	\$45	\$45	\$40
PART-DAY	\$30	\$30	\$30	\$27
HOURLY	\$8.75	\$8.75	\$8.50	\$9.00

SCHOOL-AGE CHILD CARE

	AGE OF CHILD			
	Under 1½	1½–2	3–5	6–12
WEEKLY	\$0	\$0	\$250	\$230
DAILY	\$0	\$0	\$52	\$50
PART-DAY	\$0	\$0	\$35	\$33
HOURLY	\$0	\$0	\$9.00	\$9.75

LEGALLY-EXEMPT GROUP CHILD CARE STANDARD RATE

	AGE OF CHILD			
	Under 1½	1½–2	3–5	6–12
WEEKLY	\$0	\$0	\$188	\$173
DAILY	\$0	\$0	\$39	\$38
PART-DAY	\$0	\$0	\$26	\$25
HOURLY	\$0	\$0	\$6.75	\$7.31

INFORMAL CHILD CARE STANDARD RATE

	AGE OF CHILD			
	Under 2	2	3–5	6–12
WEEKLY	\$146	\$137	\$130	\$130
DAILY	\$29	\$29	\$29	\$26
PART-DAY	\$20	\$20	\$20	\$18
HOURLY	\$5.69	\$5.69	\$5.53	\$5.85

INFORMAL CHILD CARE ENHANCED RATE

	AGE OF CHILD			
	Under 2	2	3–5	6–12
WEEKLY	\$158	\$147	\$140	\$140
DAILY	\$32	\$32	\$32	\$28
PART-DAY	\$21	\$21	\$21	\$19
HOURLY	\$6.13	\$6.13	\$5.95	\$6.30

GROUP 5 COUNTIES:

Bronx, Kings, New York, Queens, and Richmond

DAY CARE CENTER

	AGE OF CHILD			
	Under 1½	1½–2	3–5	6–12
WEEKLY	\$406	\$315	\$289	\$236
DAILY	\$69	\$60	\$54	\$47
PART-DAY	\$46	\$40	\$36	\$31

HOURLY	\$15.75	\$17.00	\$15.75	\$10.00
FAMILY DAY CARE HOME AND GROUP FAMILY DAY CARE HOME				
AGE OF CHILD				
	Under 2	2	3-5	6-12
WEEKLY	\$200	\$196	\$185	\$170
DAILY	\$40	\$40	\$35	\$35
PART-DAY	\$27	\$27	\$23	\$23
HOURLY	\$16.00	\$15.00	\$15.00	\$15.00

SCHOOL-AGE CHILD CARE				
AGE OF CHILD				
	Under 1 1/2	1 1/2-2	3-5	6-12
WEEKLY	\$0	\$0	\$289	\$236
DAILY	\$0	\$0	\$54	\$47
PART-DAY	\$0	\$0	\$36	\$31
HOURLY	\$0	\$0	\$15.75	\$10.00

LEGALLY-EXEMPT GROUP CHILD CARE STANDARD RATE				
AGE OF CHILD				
	Under 1 1/2	1 1/2-2	3-5	6-12
WEEKLY	\$0	\$0	\$217	\$177
DAILY	\$0	\$0	\$41	\$35
PART-DAY	\$0	\$0	\$27	\$23
HOURLY	\$0	\$0	\$11.81	\$7.50

INFORMAL CHILD CARE STANDARD RATE				
AGE OF CHILD				
	Under 2	2	3-5	6-12
WEEKLY	\$130	\$127	\$120	\$111
DAILY	\$26	\$26	\$23	\$23
PART-DAY	\$18	\$18	\$15	\$15
HOURLY	\$10.40	\$9.75	\$9.75	\$9.75

INFORMAL CHILD CARE ENHANCED RATE				
AGE OF CHILD				
	Under 2	2	3-5	6-12
WEEKLY	\$140	\$137	\$130	\$119
DAILY	\$28	\$28	\$25	\$25
PART-DAY	\$19	\$19	\$16	\$16
HOURLY	\$11.20	\$10.50	\$10.50	\$10.50

SPECIAL NEEDS CHILD CARE
 The rate of payment for child care services provided to a child determined to have special needs is the actual cost of care up to the statewide limit of the highest weekly, daily, part-day or hourly market rate for child care services in the State, as applicable, based on the amount of time the child care services are provided per week regardless of the type of child care provider used or the age of the child.

The highest full time market rate in the State is:

WEEKLY	\$ 406
DAILY	\$ 69
PART-DAY	\$ 46
HOURLY	\$ 17.00

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. CFS-19-19-00009-EP, Issue of May 8, 2019. The emergency rule will expire September 16, 2019.

Text of rule and any required statements and analyses may be obtained from: Leslie Robinson, Senior Attorney, Office of Children and Family Services, 52 Washington Street, Rensselaer, New York 12144, (518) 486-9563, email: leslie.robinson@ocfs.ny.gov

Regulatory Impact Statement

1. Statutory authority:

Section 20(3)(d) of the Social Services Law (SSL) authorizes the Commissioner of the Office of Children and Family Services (Office) to establish rules, regulations and policies to carry out the Office's powers and duties under the SSL.

Section 34(3)(f) of SSL authorizes the Commissioner of the Office to establish regulations for the administration of public assistance and care within the State.

Section 410(1) of the SSL authorizes a social services official of a county, city or town to provide day care for children at public expense and authorizes the Office to establish criteria for when such day care is to be provided.

Title 5-C (sections 410-u through 410-z) of the SSL governs the New York State Child Care Block Grant. It includes provisions regarding the use of funds by social services districts, the types of families eligible for services, the amount of local funds that must be spent on child care services, and reporting requirements. The Office is required to specify certain NYSCCBG requirements in regulation.

Section 410-x(4) of the SSL requires the Office to establish, in regulation, the applicable market-related payment rates that will establish the ceilings for State and federal reimbursement for payments made under the New York Child Care Block Grant.

Federal statute, 42 U.S.C. § 9858c(c)(4)(A), and federal regulation, 45 CFR 98.45(a), also require that the state establish payment rates for federally-funded child care subsidies that are sufficient to ensure such equal access to care that is provided to children whose parents/caretakers are not eligible to receive assistance under federal or state programs. Federal regulation 45 CFR 98.45(f)(2)(i) requires that payment rates be based on a local market survey conducted no earlier than two years prior to the effective date of the currently approved state plan for the Child Care and Development Fund.

2. Legislative objectives:

The legislative intent of the child care subsidy program is to assist low income families in meeting their child care costs in programs that provide for the health and safety of their children. The legislative intent is to have child care subsidy payment rates that reflect market conditions and that are adequate to enable subsidized families to access child care services comparable to other families not in receipt of a child care subsidy.

The regulations support the legislative objectives underlying Sections 332-a, 334, 335 and 410 and Title 5-C of the SSL to provide child care services to public assistance recipients and low income families when necessary to promote self-sufficiency and protect children. In addition, the regulations provide social services districts with local flexibility to provide child care services in the manner that best meets the needs of their local communities.

3. Needs and benefits:

The state is required under federal regulation 45 CFR 98.45(f)(2)(i) to adjust child care payment rates with each new State Plan based on a current survey of providers. The proposed State Plan for the period October 1, 2018 through September 30, 2021 has been submitted for approval to the federal government. These regulations are needed to adjust existing rates that were established based on a survey conducted in 2015. A more recent survey of providers was conducted from September 2017 to March 2018. Adjustments to the child care market rates based on that survey reflect the current child care market place. Some rates have increased, some have decreased, while others are unchanged. Adjustments to the child care market rates provide comparable access to those families in receipt of child care subsidy as compared with families that do not receive a child care subsidy, which is require by federal and state law.

4. Costs:

Under section 410-v(2) of the SSL, the state is responsible for reimbursing social services districts for 75 percent (75%) of the costs of providing subsidized child care services to public assistance recipients; and, social services districts are responsible for the other 25 percent (25%) of such costs. The state is responsible for reimbursing social services districts for 100 percent (100%) of the costs of providing child care services to other eligible low-income families. The state reimbursement for these child care services is made from the state and/or federal funds allocated to the New York State Child Care Block Grant, and is limited on an annual basis in each social services district to that district's New York State Child Care Block Grant allocation for that year.

Under the State Budget for SFY 2019-2020, social services districts

will receive a total allocation of \$832,082,001 in federal and state funds under the New York State Child Care Block Grant. Social services districts have the option to transfer a portion of their Flexible Fund for Family Services allocations to the New York State Child Care Block Grant to supplement their Block Grant allocations. Social services districts may use block grant funds to serve the optional category of eligible individuals set forth in these regulations.

The standard market rate for informal child care providers will be 65 percent (65%) of the applicable registered family day care market rate. The enhanced market rate for informal child care providers will be 70 percent (70%) of the applicable registered family day care market rate. Social services districts may also use block grant funds allocated to them to increase the enhanced rate for informal child care providers from 70 percent (70%) up to 75 percent (75%), if social services districts select this option in the child care portion of its child and family services plan.

The standard market rates for legally-exempt group child care are seventy-five percent (75%) of the market rates for day care centers. Social services districts may also use block grant funds allocated to them to establish one or two enhanced market rates for eligible legally-exempt group child care programs, each of which may be up to eighty-one percent (81%) of the applicable day care center market rates.

5. Local government mandates:

Social services districts will be required to make payments for subsidized child care services based on the actual cost of care up to the applicable market rates. Social services districts will need to review cases to determine whether the payments reflect the actual cost of care up to applicable market rates. Payment adjustments will have to be made, as appropriate.

6. Paperwork:

Social services districts will need to process any required payment adjustments after conducting the necessary case reviews.

7. Duplication:

The new requirements do not duplicate any existing state or federal requirements.

8. Federal standards:

The regulations are consistent with applicable federal regulations. 45 CFR 98.45(a), (f)(2)(i) and (h) require that the state establish payment rates that are sufficient to ensure equal access to comparable care received by unsubsidized families, based on a survey of providers, and consistent with the parental choice provisions in 45 CFR 98.30.

9. Compliance schedule:

These provisions must be effective on May 1, 2019.

10. Alternatives:

No alternative approaches were considered because federal regulation requires that payment rates be based on a local market rate survey.

Regulatory Flexibility Analysis

1. Effect of rule:

The adjustments to the child care market rates will affect the 58 social services districts. There is a potential effect on over 19,000 licensed and registered child care providers and an estimated 20,000 informal providers and legally-exempt group child care programs that may provide child care services to families receiving a child care subsidy.

2. Compliance requirements:

Social services districts will be required to make payments for subsidized child care services based on the actual cost of care up to the applicable market rates. Social services districts will need to review cases to determine whether the payments reflect the actual cost of care up to applicable market rates. Payment adjustments will have to be made, as appropriate.

3. Professional services:

Neither social services districts nor child care providers should have to hire additional professional staff in order to implement these regulations.

4. Compliance costs:

Under section 410-v(2) of the Social Services Law, the State is responsible for reimbursing social services districts for seventy-five percent (75%) of the costs of providing subsidized child care services to public assistance recipients; social services districts are responsible for the other twenty-five percent (25%) of such costs. In addition, the State is responsible for reimbursing social services districts for one hundred percent (100%) of the costs of providing child care services to other eligible low-income families. The State reimbursement for these child care services is made from the State and/or federal funds allocated to the New York State Child Care Block Grant, and is limited in each district to that district's State Child Care Block Grant allocation for that year.

Under the State Budget for SFY 2019-2020, social services districts will receive allocations totaling \$832,082,001 in federal and State funds under the New York State Child Care Block Grant. Social services districts have the option to transfer a portion of their Flexible Fund for Family Services allocations to the New York State Child Care Block Grant to supplement their Block Grant allocations.

5. Economic and technological feasibility:

The child care providers and social services districts affected by the regulations have the economic and technological ability to comply with the regulations.

6. Minimizing adverse impact:

The market rates were developed in accordance with federal guidelines for conducting a survey of child care providers, using standard statistical methodology, to minimize adverse impact. The Office applied standard statistical methods to choose a random sample of licensed and registered child care providers in such a manner that the survey was representative throughout the State. A total of 3,744 licensed and registered child care providers completed the survey. Prior to conducting the 2017-18 survey, the composition of the county cluster groups was reassessed using the 2015 market rate survey data. No changes were made to the county cluster groups from 2015. The data was analyzed to establish the market rates at the 69th percentile of the prices reported by providers on the survey. The market rates were clustered into five distinct groupings of counties based on similarities in rates among the counties in each group. The rates established for each cluster of counties are based on the actual costs of care that were reported in the survey. Adjustments to the child care market rates reflect the market place and provide access comparable to the access of families not receiving a child care subsidy.

Adjustments to the child care market rates reflect the current child care market place. Some rates have increased, some have decreased, while others are unchanged. These rate adjustments provide comparable access for families receiving a child care subsidy to those families not received a child care subsidy, as required by federal and State laws. The adjustments in the rates will enable social services districts to provide temporary assistance recipients and low-income families receiving subsidized child care services with access to child care providers. This will enable temporary assistance and low-income families to work, thereby reducing the number of families in need of temporary assistance (TA). It also should assist the districts in meeting their federal participation rates for TA recipients because there should be a reduction in the number of TA recipients who are excused from work activities due to a lack of child care.

The standard market rates for informal child care providers are sixty-five percent (65%) of the applicable market rates for registered family day care. This differential reflects the higher costs associated with meeting the higher regulatory standards to become a registered family day care provider. The enhanced market rates for informal child care providers are seventy percent (70%) of the applicable child care market rates for registered family day care. The additional five percent (5%) provides an incentive to informal child care providers to pursue a minimum of ten hours of approved training. Additionally, the regulation allows local social services districts, which so choose in their Child and Family Services Plans, to increase the enhanced market rate up to seventy-five percent (75%) of the applicable registered family day care market rate.

The market rates for legally-exempt group child care are seventy-five percent (75%) of the market rates for day care centers. This differential reflects the higher costs associated with meeting the higher regulatory standards to become a licensed day care center. Additionally, the regulation allows local social services districts, which so choose in their Child and Family Services Plans, to establish one or two enhanced market rates for eligible legally-exempt group child care programs, each of which may be up to eighty-one percent (81%) of the applicable day care center market rate.

The regulations recognize that there may be differences in the needs among social services districts. To the extent allowed by statute, the regulations provide social services districts with flexibility in designing their child care subsidy programs in a manner that will best meet the needs of their communities.

7. Small business and local government participation:

In accordance with federal regulatory requirements, OCFS conducted a telephone survey of a sample of licensed/registered child care providers. Prior to conducting the telephone survey, a letter was sent to all regulated child care providers to inform them that they might be included among the sample of providers called to participate in the market rate survey. A copy of the questions was also sent so that providers could prepare responses. A New York State Preferred Source Program contractor conducted the telephone survey, on behalf of OCFS, in English and in Spanish, as needed, and had the resources available to assist providers in other languages, if needed, as well. Rate data was collected from 3,744 providers and that information formed the basis for the updated market rates.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas:

The regulations will affect the 44 social services districts located in rural areas of the state and the child care providers located in those social services districts.

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

The regulations will not result in any new reporting or recordkeeping requirements for social services districts.

Social services districts will be required to make payments for subsidized child care services based on the actual cost of care up to the new market rates. Social services districts will need to review cases to determine if the payments reflect the actual cost of care up to the appropriate market rate. Neither social services districts nor child care providers should have to hire additional professional staff in order to implement these regulations.

3. Costs:

Under the State Budget for SFY 2019-2020, social services districts will receive a total allocation of \$832,082,001 in federal and state funds under the New York State Child Care Block Grant. Social services districts have the option to transfer a portion of their Flexible Fund for Family Services allocations to the New York State Child Care Block Grant to supplement their New York State Child Care Block Grant allocations.

Under section 410-v(2) of the Social Services Law, the state is responsible for reimbursing social services districts for 75 percent (75%) of the costs of providing subsidized child care services to public assistance recipients and social services districts are responsible for the other 25 percent (25%) of such costs. The state is responsible for reimbursing social services districts for 100 percent (100%) of the costs of providing child care services to other eligible low-income families. The state reimbursement for these child care services is made from the state and/or federal funds allocated to the State Child Care Block Grant, and is limited on an annual basis in each social services district to that social services district's State Child Care Block Grant allocation for that year.

Social services districts will be required to provide an enhanced market rate on behalf of parents for subsidized child care services provided by informal child care providers who have completed ten hours of training annually, as approved by the legally-exempt caregiver enrollment agency. Such an enhanced rate will be seventy percent (70%) of the registered family day care rate. Social services districts have the option to pay up to seventy-five percent (75%) of the registered family day care market rate as the enhanced market rate, if the social services district selects this option in its Children and Family Services Plan. Social services districts have the option to establish one or two enhanced market rates for eligible legally-exempt group child care programs, each of which may be up to eighty-one percent (81%) of the applicable day care center market rates.

4. Minimizing adverse impact:

The market rates were developed in accordance with federal guidelines for conducting a survey of child care providers, using standard statistical methodology, to minimize adverse impact. The Office applied standard statistical methods to choose a random sample of licensed and registered child care providers in such a manner that the survey was representative throughout the state. A total of 3,744 licensed and registered child care providers completed the survey. The data were analyzed to establish the market rates at the 69th percentile of the prices reported by providers on the survey. The market rates are different for each of five distinct groupings of counties that were created based on similarities in rates among the counties in each group. The rates established for each cluster of counties are based on the actual costs of care that were reported in the survey. Adjustments to the child care market rates reflect changes in the market place and provide access for families receiving subsidies comparable to those families not receiving a child care subsidy.

Adjustments to the child care market rates reflect the results of a survey of providers that was conducted from September 2017 to March 2018. Some rates have increased, some have decreased, while others are unchanged. These rate adjustments reflect the market place and provide comparable access for families receiving child care subsidy as for those families not receiving a child care subsidy as required by federal and state laws.

The adjustments in the rates will enable social services districts to provide temporary assistance (TA) recipients and low-income families receiving subsidized child care services with access to child care providers. This will enable temporary assistance and low-income families to work, thereby reducing the number of families in need of temporary assistance. It also should assist the districts in meeting their federal participation rates for temporary assistance recipients because there should be a reduction in the number of TA recipients who are excused from work activities due to a lack of child care.

The market rates for informal child care providers are sixty-five percent (65%) of the market rates established for family day care. This differential reflects the higher costs associated with meeting the higher regulatory standards to become a registered family day care provider. The enhanced market rates for informal child care providers are seventy percent (70%) of the child care market rates established for registered family day care. The additional five percent (5%) differential provides an incentive to informal child care providers to pursue a minimum of ten hours of approved training. Additionally, the regulation allows local social services

districts, which so choose in their Child and Family Services Plans, to increase the enhanced market rate to up 75 percent (75%) of the applicable registered family day care market rate.

The market rates for legally-exempt group child care are seventy-five percent (75%) of the market rates established for day care centers. This differential reflects the higher costs associated with meeting the higher regulatory standards to become a day care center. Additionally, the regulation allows local social services districts, which so choose in their Child and Family Services Plans, to establish one or two enhanced market rates for eligible legally-exempt group child care programs, each of which may be up to eighty-one percent (81%) of the applicable day care center market rate.

The regulations recognize that there may be differences in the needs among social services districts. To the extent allowed by statute, the regulations provide social services districts with flexibility in designing their child care subsidy programs in a manner that will best meet the needs of their communities.

5. Rural area participation:

Federal regulation 45 CFR 98.45(f)(2)(i) requires that payment rates be based on a local market survey conducted no earlier than two years prior to the effective date of the currently approved state plan for the Child Care and Development Fund. In accordance with the federal regulatory requirements, OCFS conducted a telephone survey of a sample of regulated providers. The sample drawn was representative of the regions across the state and, therefore, providers located in rural areas were appropriately represented in the survey. Prior to conducting the telephone survey, a letter was sent to all regulated child care providers to inform them that they might be included among the sample of providers called to participate in the market rate survey. A copy of the questions was also sent so that providers could prepare responses. A New York State Preferred Source Program contractor conducted the telephone survey in English and in Spanish, as needed, and had resources available to assist providers in other languages. Rate data was collected from 3,744 providers, including providers from rural counties, and that information formed the basis for the updated market rates.

Job Impact Statement

Section 201-a of the State Administrative Procedures Act requires a job impact statement to be filed if proposed regulations will have an adverse impact on jobs and employment opportunities in the State.

Proposed changes in the child care market rates reflect the market place and are not substantial enough to impact employment.

Adjustments to the child care market rates reflect the results of a survey of providers that was conducted from September 2017 to March 2018. Some rates have increased, some have decreased, while others are unchanged. OCFS believes that these rate adjustments will not cause a loss of jobs in child care programs as they reflect the current child care market place.

EMERGENCY RULE MAKING

To Eliminate Requirement That Victims of Domestic Violence Apply for Public Assistance to Pay for Cost of Shelter and Services

I.D. No. CFS-20-19-00001-E

Filing No. 684

Filing Date: 2019-07-23

Effective Date: 2019-07-23

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

Action taken: Amendment of sections 408.4, 408.5, 452.9 and 452.10 of Title 18 NYCRR.

Statutory authority: Social Services Law, sections 131-u and 459-f; L. 2019, ch. 56, part J

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

Specific reasons underlying the finding of necessity: These emergency regulations are necessary to effectuate changes in state law and to comply with federal laws and regulations pertaining to the provisions of services for victims of domestic violence, and to avoid the loss of federal Family Violence Prevention Services Act (FVPSA) funding. The regulations are effective as of the date of filing; however, provisions of Part J of Chapter 56 of the Laws of 2019 were effective April 1, 2019. Consistent with Federal regulations prohibiting placing any conditions on the receipt of residential services for victims of domestic violence, amendments were

made to Sections 131-u and 459-f of the Social Services Law (SSL) in Part J of Chapter 56 of the Laws of 2019 to eliminate the requirement that victims of domestic violence apply for public assistance to pay for the costs of emergency shelter and services at a residential program for victims of domestic violence, and repealing requirements that providers charge victims a fee for services. The amendments also require that social services districts fiscally responsible for a victim of domestic violence must reimburse a domestic violence residential program at the per diem rate established by the New York State Office of Children and Family Services (OCFS) reduced by any other reimbursement available for such costs.

In response to the legislation, OCFS has amended regulations for local social services districts related to their financial responsibility for victims of domestic violence seeking emergency shelter and services at a residential program for victims of domestic violence to repeal language that stated or implied that victims of domestic violence must apply for public assistance as a condition of receiving services, as well as all references to the assessment or charging of fees to a victim of domestic violence for the receipt of emergency shelter. Language is added to clarify that a social services district cannot impose any condition upon the receipt of residential domestic violence services, including requiring victims of domestic violence to apply for public assistance, nor may victims be charged a fee for services provided.

The regulations clarify that victims of domestic violence may decide to apply for public assistance, and that residential programs for victims of domestic violence must provide victims of domestic violence information so that they may make an informed choice about whether to apply for public assistance.

Existing regulations require the social services district of fiscal responsibility to pay the residential program for victims of domestic violence at the established per diem rate. The amended regulations clarify that the social services district may seek reimbursement from any other funding sources, including and not limited to public assistance and of the federal Social Security Act. The regulations specify that a victim of domestic violence has a choice regarding whether to apply for public assistance, and that a social services district cannot require a victim of domestic violence to apply for public assistance as a condition to receive services.

Lastly, changes have been made related to the information a residential program for victims of domestic violence must maintain in their records and a social service district's access to said information for the purposes of paying the per diem rate to a residential program for victims of domestic violence. A social services district will only have access to non-identifying information such as the admission and discharge dates of the resident and their minor children, the business address of the residential program for victims of domestic violence, and any other information related to service and safety needs of the resident, unless the victim of domestic violence provides informed, written, time-limited consent permitting a residential program for victims of domestic violence to disclose personally identifying information to a social services district.

Subject: To eliminate requirement that victims of domestic violence apply for public assistance to pay for cost of shelter and services.

Purpose: To eliminate requirement that victims of domestic violence apply for public assistance to pay for cost of shelter and services.

Text of emergency rule: Paragraph (1) of subdivision (c) of Section 408.4 of Title 18 is amended as follows:

(1) When a residential program [makes a determination] *determines* that a person is eligible for admission and admits such person into the program, it must provide notice [by telephone] of such admission to the social services district where the person resided at the time of the domestic violence incident. Such notice must be given on or before the first working day following admission; *provided, however, that personally identifying information may only be disclosed to the social services district if the program has received written, informed and time-limited consent from the victim of domestic violence and head of household to share that information.* If the residential program is not located in the social services district in which the *victim of domestic violence resided at the time the domestic violence incident* occurred, the person may submit an application for public assistance and care to the district in which the program is located. In such a case, notice [by telephone] of admission must also be given by the residential program to the social services district in which the residential program is located on or before the first working day following such admission. The social services district in which the residential program is located must forward the completed application, within five days of its receipt, to the social services district in which the person resided at the time of the domestic violence incident in accordance with section 311.4(b) of this Title.

Section 408.5 of Title 18 is renamed as follows:

408.5 [Financial eligibility] *Social services district payment responsibility.*

Paragraph (1) of subdivision (a) of Section 408.5 of Title 18 is amended as follows:

(1) The social services district in which a victim of domestic violence was residing at the time of the domestic violence incident is financially responsible for making payments to a residential program for victims of domestic violence for the costs of temporary shelter, emergency services and care provided to such victim and any minor child of such victim whether or not the victim is financially eligible for public assistance and care [if:

(i) the victim is eligible for admission to the residential program pursuant to section 408.4 of this Part; and

(ii) the social services district receives a public assistance application on behalf of the victim pursuant to subdivision (b) of this section].

New paragraphs (2) and (3) of subdivision (a) of 408.5 of Title 18 are added, and subsequent paragraphs are amended and renumbered as follows:

(2) *A victim of domestic violence shall be provided written information explaining their right to apply for public assistance and care and relevant information to make an informed decision whether to apply for such assistance. This information must include, but is not limited to: understanding what personally identifying information is required, how that information will be used, and what benefits and services are available through public assistance and care.*

(3) *A social services district cannot require that a victim of domestic violence apply for public assistance and care in order to receive domestic violence services.*

(2)(4) The social services district in which the victim of domestic violence was residing at the time of the domestic violence incident is responsible for determining the victim's financial eligibility for public assistance and care, *if the victim chooses to apply for public assistance and care*, pursuant to subdivision (b) of this section [.] *or otherwise providing payment for the costs of emergency shelter and services provided to a victim of domestic violence at the daily reimbursement rate determined by the Office of Children and Family Services pursuant to section 131-u of the Social Services Law reduced by the sum of any other reimbursement available for such costs.*

Subparagraphs (i), (ii) and (iii) of paragraph (1) of subdivision (b) of Section 408.5 of Title 18 are amended as follows:

(i) emergency assistance to needy families [pursuant to section 350-j of the Social Services Law] *with children, pursuant to Part 372 of this Title;*

(ii) *family assistance*, pursuant to [section 349 of the Social Services Law] *Part 369 of this Title;*

(iii) [home relief] *safety net assistance*, pursuant to [sections 157 and 158 of the Social Services Law] *Part 370 of this Title;* or

Subparagraphs (i), (ii) and (iii) of paragraph (2) of subdivision (b) of Section 408.5 of Title 18 are amended as follows:

(i) the victim is eligible for admission to a residential program for victims of domestic violence pursuant to section 408.4 of this Part; *and*

(ii) [the victim applies for public assistance and care pursuant to Part 350 of this Title; and

(iii)] *to the extent such victim remains in the residential program, and the victim chooses to complete[s] the application process for public assistance and care pursuant to Parts 350 and 351 of this Title, if eligible for public assistance and care, the victim [complies] must comply with any statutory or regulatory requirements relating to the receipt of such public assistance and care.*

Paragraphs (3) and (4) of subdivision (b) of Section 408.5 of this title are renumbered and amended as follows:

(3)(2) The social services district in which the victim of domestic violence was residing at the time of the domestic violence incident is responsible for determining the victim's eligibility for public assistance and care, *if such victim chooses to apply for public assistance and care, pursuant to Parts 351, 352, and 369 or 370 or 372 of this Title. Such social services district cannot require the public assistance applicant or recipient to apply any earned or unearned income toward the unmet shelter cost after the public assistance benefit is applied toward the cost of housing. To the extent that funds are appropriated and a social services district has exhausted its allocation under Title XX of the Federal Social Security Act that is required to be spent on adult protective or domestic violence services, such payments made by a social services district will be subject to the applicable state reimbursement.*

(4)(3) Persons who are receiving public assistance and care at the time of entry into a residential program for victims of domestic violence must notify the social services district providing such assistance of the change in their circumstances. *Upon consent of a victim of domestic violence who was receiving public assistance and care at the time of entry into the residential program for victims of domestic violence, or chooses to apply for public assistance and care during the time of residing in such program and is found eligible for public assistance and care, a social services district must apply the shelter allowance portion of the victim of domestic violence's public assistance benefit, up to the daily reimbursement*

rate determined by the Office of Children and Family Services pursuant to section 131-u of the Social Services Law reduced by the sum of any other reimbursement available for such costs, to reimburse a residential program for victims of domestic violence for the costs of emergency shelter and services.

Subdivision (c) of Section 408.5 of Title 18 is amended as follows:

(c) Reimbursement for services provided to victims of domestic violence who are ineligible or who do not apply for public assistance and care.

(1) [When] *Where a social services district determines that a victim of domestic violence is ineligible for public assistance and care, or has chosen not to apply for public assistance and care, [the social services district must determine the victim's ability to pay all or part of the costs of such shelter, services and care based upon the information the victim provided on his or her application for public assistance and care.] a social services district financially responsible for a victim of domestic violence shall reimburse a residential program for victims of domestic violence for the costs of emergency shelter and services provided to such victim at the daily reimbursement rate established by the Office of Children and Family Services reduced by any other reimbursement available for such costs. To the extent funds are appropriated and a social services district has exhausted its allocation under Title XX of the federal Social Security Act that is required to be spent on adult protective or domestic violence services, such expenditures made by a social services district will be subject to [50 percent] applicable State reimbursement.*

Paragraph (2) of subdivision (c) of Section 408.5 of Title 18 is repealed and replaced with a new paragraph (2), as follows:

(2) *A social services district may choose to seek reimbursement of expenditures for residential domestic violence services through its allocation under Title XX of the federal Social Security Act, or any other funding source, so long as reimbursement is in accordance with the applicable funding source requirements.*

Subdivision (d) of Section 408.5 of Title 18 is repealed.

Subparagraph (xii) of subparagraph (7) of subdivision (a) of Section 452.9 of Title 18 is amended as follows:

(xii) the right to manage one's own financial affairs [;], *including information regarding public assistance and care so that the resident can make an informed decision about whether to apply for benefits, including what benefits are available, what personally identifying information is required for the application, and how that information will be used;*

A new paragraph (2) is added to subdivision (b) of 452.9 of Title 18 as follows and the subsequent paragraphs (2) – (7) are renumbered to (3) – (8) respectively.

(2) *The program must maintain non-personally identifying information for the purpose of reimbursement from a social services district as provided in section 452.10(a)(4)(c) of this Part.*

Clause (c) of subparagraph (ii) of paragraph (4) of subdivision (a) of Section 452.10 of Title 18 is amended as follows:

(c) [to those elements of the resident case record as listed below] for the purposes of reimbursing a residential program for victims of domestic violence the approved per diem rate for those victims that choose not to apply for public assistance and, the following non-personally identifying information:

(1) the [name] date of admission of the resident for whom an approved per diem rate will be paid;

(2) the [name of any] date of admission for each minor child[ren] for whom an approved per diem rate will be paid;

(3) the business address of the residential program for victims of domestic violence;

(4) the date of the resident's [entered] departure from the program;

(5) the date of the resident's minor children (if any) departure from the program; [and]

(6) information identifying the social services district of fiscal responsibility on the form furnished by the Office.

[(7) other relevant information which identifies a resident's service and safety needs and which is necessary to ensure the provision of appropriate services to the resident];

Clause (d) of subparagraph (ii) of paragraph (4) of subdivision (a) of Section 452.10 of Title 18 is added as follows:

(d) *for the purpose of reimbursing a residential program for victims of domestic violence the approved per diem rate for those victims that choose to apply for public assistance and provide informed written, time-limited consent to their personally identifying information, the following information:*

(1) the name of the resident for whom an approved per diem rate will be paid;

(2) the name of any minor children for whom an approved per diem rate will be paid;

(3) the business address of the residential program for victims of domestic violence;

(4) the date the resident and as applicable minor child, entered the program;

(5) the date of the resident's and as applicable minor child's departure; and

(6) other relevant information which identifies a resident's service and safety needs and which is necessary to ensure the provision of appropriate services to the resident;

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. CFS-20-19-00001-EP, Issue of May 15, 2019. The emergency rule will expire September 20, 2019.

Text of rule and any required statements and analyses may be obtained from: Leslie Robinson, Senior Attorney, Office of Children and Family Services, 52 Washington Street, Rensselaer, New York 12144, (518) 486-9563, email: regcomments@ocfs.ny.gov

Regulatory Impact Statement

1. Statutory authority:

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

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

2. Legislative objectives:

The proposed regulations are necessary to effectuate changes in state law effective as of April 1, 2019 and to comply with federal laws and regulations pertaining to the provisions of services for victims of domestic violence, and to avoid the loss of federal Family Violence Prevention Services Act (FVPSA) funding. Consistent with Federal regulations prohibiting placing any conditions on the receipt of residential services for victims of domestic violence, amendments were made to Sections 131-u and 459-f of the Social Services Law (SSL) in Part J of Chapter 56 of the Laws of 2019 to eliminate the requirement that victims of domestic violence apply for public assistance to pay for the costs of emergency shelter and services at a residential program for victims of domestic violence, and repealing requirements that providers charge victims a fee for services. The amendments also require that social services districts fiscally responsible for a victim of domestic violence, must reimburse a domestic violence residential program at the per diem rate established by the New York State Office of Children and Family Services (OCFS).

3. Needs and benefits:

These emergency regulations are necessary to effectuate changes in state law effective as of April 1, 2019 and to comply with federal laws and regulations pertaining to the provisions of services for victims of domestic violence, and to avoid the loss of federal Family Violence Prevention Services Act (FVPSA) funding.

4. Costs:

The impact of compliance costs is unknown. The changes in statute remove the requirement for victims to apply for public assistance. Victims of domestic violence now have a choice whether to apply for public assistance. Since it is unknown how many victims of domestic violence will choose to utilize public assistance, it is unknown what the exact impact will be. Social services districts can defray the cost of the per diem rate by accessing any other reimbursement available for such costs. This can include funding such as Title XX of the federal Social Security Act. Without these changes in Social Services law and regulations, New York State was deemed out of compliance with federal regulations that prohibit mandating any condition to the receipt of services for victims of domestic violence including assessing fees to victims. As such, federal funding had been halted. The changes in statute and regulations are necessary to avoid further loss of federal funding.

5. Local government mandates:

The proposed regulations will not impose additional mandates on social services districts that operate residential programs for victims of domestic violence. There has been a longstanding requirement for social services districts to offer and fund residential services for victims of domestic violence and to utilize funding sources such as Title XX to reimburse such expenditures when victims are ineligible for public assistance.

6. Paperwork:

The regulations do not recreate any new reporting requirements. The regulations clarify that victims of domestic violence may decide to apply for public assistance, however, they are no longer required to apply for public assistance, which may reduce the need to complete an application for public assistance. The regulations require two new forms. The regulations clarify that residential programs for victims of domestic violence and social services districts must provide victims of domestic violence with written information so that they may make an informed choice about whether to apply for public assistance. Additionally, the regulations require

the use of a consent form by a residential program for victims of domestic violence to share personally identifying information to a social services district. The regulations clarify that residential programs for victims of domestic violence may only disclose personally identifying information to a social services district only when such program has received the informed, written, time-limited consent from the victim of domestic violence for whom the information pertains. Lastly, the regulations clarify what non-personally identifying information a residential program for victims of domestic violence may share with a social services district for the purpose of payment of the established per diem rate.

7. Duplication:

They do not duplicate any other State or federal requirements.

8. Alternatives:

These emergency regulations are necessary to effectuate changes in state law effective as of April 1, 2019 and to comply with federal laws and regulations pertaining to the provisions of services for victims of domestic violence, and to avoid the loss of federal Family Violence Prevention Services Act (FVPSA) funding. Therefore, there are no alternatives to the proposed regulations.

9. Federal standards:

The regulatory amendments do not conflict with any federal standards.

10. Compliance schedule:

The regulations are effective as of the date of filing; however, provisions of Part J of Chapter 56 of the Laws of 2019 were effective April 1, 2019.

Regulatory Flexibility Analysis

1. Effect of rule:

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

2. Compliance requirements:

Consistent with Federal regulations prohibiting placing any conditions on the receipt of residential services for victims of domestic violence, amendments were made to Sections 131-u and 459-f of the Social Services Law (SSL) in Part J of Chapter 56 of the Laws of 2019 to eliminate the requirement that victims of domestic violence apply for public assistance to pay for the costs of emergency shelter and services at a residential program for victims of domestic violence, and repealing requirements that providers charge victims a fee for services. The amendments also require that social services districts fiscally responsible for a victim of domestic violence must reimburse a domestic violence residential program at the per diem rate established by the New York State Office of Children and Family Services (OCFS) reduced by any other reimbursement available for such costs.

Regulatory changes in response to federal and state statutory requirements include: repealing the requirement that victims of domestic violence apply for public assistance; addressing changes to local department of social services' reimbursement for residential services for victims of domestic violence; repealing the levying of fees to victims of domestic violence; and prohibiting disclosure and/or access to personally identifying information of victims of domestic violence without their informed, written time-limited consent.

3. Professional Services:

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

4. Compliance costs:

The impact of compliance costs is unknown. The changes in statute remove the requirement for victims to apply for public assistance. Victims of domestic violence now have a choice whether to apply for public assistance. Since it is unknown how many victims of domestic violence will choose to utilize public assistance, it is unknown what the exact impact will be. Social services districts can defray the cost of the per diem rate by accessing any other reimbursement available for such costs. This can include funding such as Title XX of the federal Social Security Act. Without these changes in Social Services law and regulations, New York State was deemed out of compliance with federal regulations that prohibit mandating any condition to the receipt of services for victims of domestic violence including assessing fees to victims. As such, federal funding had been halted. The changes in statute and regulations are necessary to avoid further loss of federal funding.

5. Economic and technological feasibility:

It is unknown what adverse economic impact the statutory amendments will have on social services districts. Nothing in the proposed rule would require any new technology or the hiring of additional staff.

6. Minimizing adverse impact:

The changes are necessary to comply with federal and state statute and to avoid further loss of federal funding for the provision of services to victims of domestic violence. Amendments to Social Services Law sections 131-u and 459-f provide that the social service district must pay a residential program for victims of domestic violence the costs of emergency shelter and services for victims of domestic violence at the established per diem rate reduced by the sum of any other reimbursement for such cost. Although the rule prohibits requiring a victim of domestic violence to apply for public assistance, nothing within the rule prohibits a victim of domestic violence from voluntarily opting to apply and use public assistance for their stay at a residential program for victims of domestic violence. The rule requires residential programs for victims of domestic violence to provide victims of domestic violence with information so that they may make an informed choice about whether to apply for public assistance. In addition, other possible sources for reimbursement for social services districts include accessing Title XX of the federal Social Services Act.

7. Small business and local government participation:

The New York State Coalition Against Domestic Violence (NYSCADV) has lobbied for the statutory changes on behalf of their member programs. Their member programs consist of domestic violence programs across New York State, including programs that would constitute a small business. NYSCADV has been very vocal about supporting the statutory change at various meetings and interactions with OCFS. These include monthly meetings with OCFS, with the most recent meeting held on June 18, 2019. OCFS discussed this legislation, proposed regulations and the recently issued policy guidance. OCFS will address any additional comments or feedback during the public comment period.

In addition, OCFS was present at NYSCADV's Annual Domestic Violence Directors' Summit held on November 27, 2018 and NYSCADV's Annual Membership Meeting on March 25, 2019. Both events included representatives from domestic violence programs that would qualify as a small business. At each event, NYSCADV made it known that New York State needed to make the statutory changes for the betterment of domestic violence programs and victims of domestic violence.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas:

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

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

These emergency regulations are necessary to effectuate changes in state law and to comply with federal laws and regulations pertaining to the provisions of services for victims of domestic violence, and to avoid the loss of federal Family Violence Prevention Services Act (FVPSA) funding. The regulations are effective as of the date of filing; however, provisions of Part J of Chapter 56 of the Laws of 2019 were effective April 1, 2019. Consistent with Federal regulations prohibiting placing any conditions on the receipt of residential services for victims of domestic violence, amendments were made to Sections 131-u and 459-f of the Social Services Law (SSL) in Part J of Chapter 56 of the Laws of 2019 to eliminate the requirement that victims of domestic violence apply for public assistance to pay for the costs of emergency shelter and services at a residential program for victims of domestic violence, and repealing requirements that providers charge victims a fee for services. The amendments also require that social services districts fiscally responsible for a victim of domestic violence must reimburse a domestic violence residential program at the per diem rate established by the New York State Office of Children and Family Services (OCFS) reduced by any other reimbursement available for such costs.

Regulatory changes in response to federal and state statutory requirements include: repealing the requirement that victims of domestic violence apply for public assistance; addressing changes to local department of social services' reimbursement for residential services for victims of domestic violence; repealing the levying of fees to victims of domestic violence; and prohibiting disclosure and/or access to personally identifying information of victims of domestic violence without their informed, written time-limited consent.

3. Costs:

It is unknown the impact of compliance costs. The changes in statute remove the requirement for victims to apply for public assistance. Victims of domestic violence now have a choice whether to apply for public assistance. Since it is unknown how many victims of domestic violence will choose to utilize public assistance, it is unknown what the exact impact will be. Social services districts can defray the cost of the per diem rate by accessing any other reimbursement available for such costs. This

can include funding such as Title XX of the federal Social Security Act. Without these changes in Social Services law and regulations, New York State was deemed out of compliance with federal regulations that prohibit mandating any condition to the receipt of services for victims of domestic violence including assessing fees to victims. As such, federal funding had been halted. The changes in statute and regulations are necessary to avoid further loss of federal funding.

4. Minimizing adverse impact:

These regulatory changes are necessary to comply with federal and state statute and to avoid further loss of federal funding for the provision of services to victims of domestic violence. Amendments to Social Services Law sections 131-u and 459-f provides that the social services district must pay a residential program for victims of domestic violence the costs of emergency shelter and services for victims of domestic violence at the established per diem rate reduced by the sum of any other reimbursement for such cost. Although the rule prohibits requiring a victim of domestic violence to apply for public assistance, nothing within the rule prohibits a victim of domestic violence from voluntarily opting to apply and use public assistance for their stay at a residential program for victims of domestic violence. The rule requires residential programs for victims of domestic violence to provide victims of domestic violence with information so that they may make an informed choice about whether to apply for public assistance. In addition, other possible sources for reimbursement for social services districts include accessing Title XX of the federal Social Services Act.

5. Rural area participation:

The New York State Coalition Against Domestic Violence (NYSCADV) has lobbied for the statutory changes on behalf of their member programs. Their member programs consist of domestic violence programs across New York State, including programs that are in rural areas. NYSCADV has been very vocal about supporting the statutory change at various meetings and interactions with OCFS. These include monthly meetings with OCFS, with the most recent meeting held on June 18, 2019. OCFS discussed this legislation, proposed regulations and the recently issued policy guidance. OCFS will address any additional comments or feedback during the public comment period.

In addition, OCFS was present at NYSCADV's Annual Domestic Violence Directors' Summit held on November 27, 2018 and NYSCADV's Annual Membership Meeting on March 25, 2019. Both events included representatives from domestic violence programs from rural areas. At each event, NYSCADV made it known that New York State needed to make the statutory changes for the betterment of domestic violence programs and victims of domestic violence.

Job Impact Statement

A job impact statement is not required for this rule. The emergency and proposed regulations are not expected to have a negative impact on jobs or employment in either the public or private sector. The proposed regulations are necessary to effectuate changes in state law effective as of April 1, 2019 and to comply with federal laws and regulations pertaining to the provisions of services for victims of domestic violence, and to avoid the loss of federal Family Violence Prevention Services Act (FVPSA) funding. Consistent with Federal regulations prohibiting placing any conditions on the receipt of residential services for victims of domestic violence, amendments were made to Sections 131-u and 459-f of the Social Services Law (SSL) in Part J of Chapter 56 of the Laws of 2019 to eliminate the requirement that victims of domestic violence apply for public assistance to pay for the costs of emergency shelter and services at a residential program for victims of domestic violence, and repealing requirements that providers charge victims a fee for services.

Nature of Impact:

The office does not expect any reduction of employees or employment opportunities at residential programs for victims of domestic violence.

Categories and Numbers Affected:

There are no changes in categories or numbers.

Regions of Adverse Impact:

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

Self-Employment Opportunities:

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

NOTICE OF ADOPTION

Child Care Market Rates

I.D. No. CFS-19-19-00009-A

Filing No. 683

Filing Date: 2019-07-23

Effective Date: 2019-08-07

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

Action taken: Amendment of section 415.9 of Title 18 NYCRR.

Statutory authority: Social Services Law, sections 20(3)(d), 34(3)(f) and art. 6, title 5-C

Subject: Child care market rates.

Purpose: To adjust child care market rates in accordance with the results of the most recent cost of care market survey.

Text or summary was published in the May 8, 2019 issue of the Register, I.D. No. CFS-19-19-00009-EP.

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

Text of rule and any required statements and analyses may be obtained from: Leslie Robinson, Senior Attorney, New York State Office of Children and Family Services, 52 Washington Street, Rensselaer, New York 12144, (518) 486-9563, email: regcomments@ocfs.ny.gov

Assessment of Public Comment

The agency received no public comment.

Department of Civil Service

NOTICE OF ADOPTION

Supplemental Military Leave Benefits

I.D. No. CVS-14-19-00003-A

Filing No. 681

Filing Date: 2019-07-22

Effective Date: 2019-08-07

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

Action taken: Amendment of sections 21.15 and 28-1.17 of Title 4 NYCRR.

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

Subject: Supplemental military leave benefits.

Purpose: To extend the availability of supplemental military leave benefits for certain New York State employees until December 31, 2019.

Text or summary was published in the April 3, 2019 issue of the Register, I.D. No. CVS-14-19-00003-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-15-19-00001-A

Filing No. 674

Filing Date: 2019-07-19

Effective Date: 2019-08-07

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

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

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

Subject: Jurisdictional Classification.

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

Text or summary was published in the April 10, 2019 issue of the Register, I.D. No. CVS-15-19-00001-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-15-19-00002-A
Filing No. 676
Filing Date: 2019-07-19
Effective Date: 2019-08-07

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

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

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

Subject: Jurisdictional Classification.

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

Text or summary was published in the April 10, 2019 issue of the Register, I.D. No. CVS-15-19-00002-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-15-19-00003-A
Filing No. 673
Filing Date: 2019-07-19
Effective Date: 2019-08-07

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

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

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

Subject: Jurisdictional Classification.

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

Text or summary was published in the April 10, 2019 issue of the Register, I.D. No. CVS-15-19-00003-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-15-19-00004-A
Filing No. 675
Filing Date: 2019-07-19
Effective Date: 2019-08-07

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

Action taken: Amendment of Appendixes 1 and 2 of Title 4 NYCRR.

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

Subject: Jurisdictional Classification.

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

Text or summary was published in the April 10, 2019 issue of the Register, I.D. No. CVS-15-19-00004-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-15-19-00005-A
Filing No. 677
Filing Date: 2019-07-19
Effective Date: 2019-08-07

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

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

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

Subject: Jurisdictional Classification.

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

Text or summary was published in the April 10, 2019 issue of the Register, I.D. No. CVS-15-19-00005-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-15-19-00006-A
Filing No. 678
Filing Date: 2019-07-19
Effective Date: 2019-08-07

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

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

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

Subject: Jurisdictional Classification.

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

Text or summary was published in the April 10, 2019 issue of the Register, I.D. No. CVS-15-19-00006-P.

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

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

Assessment of Public Comment

The agency received no public comment.

**Department of Corrections and
Community Supervision**

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

Transfer of Foreign Nationals

I.D. No. CCS-32-19-00007-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 sections 130.1(b), (c), 130.2(c)(2), (3) and (e) of Title 7 NYCRR.

Statutory authority: Correction Law, sections 5 and 71.1

Subject: Transfer of Foreign Nationals.

Purpose: Correct spelling and update employee responsibility.

Text of proposed rule: The Department of Corrections and Community Supervision proposes to amend 7 NYCRR Part 130 as follows:

Amend Section 130.1(b) as follows:

(b) Correction Law, section 5(4) authorizes the commissioner to convert the sentence of a person serving an indeterminate sentence, except for a person serving a sentence with a maximum term of life imprisonment, to a determinate sentence equal to two-thirds of the maximum or aggregate maximum term imposed where such conversion is necessary to make the person eligible for transfer to Federal custody for transfer to foreign countries under treaties that provide for voluntary transfers.

Amend Section 130.1(c) as follows:

(c) Correction Law, section 71 confers on the commissioner, or [his] designee, the sole and absolute authority to approve or disapprove an inmate's application for international transfer. Nothing herein shall be construed to confer upon any inmate a right to be transferred to the custody of a foreign nation.

Amend Section 130.2(c)(2) as follows:

(2) Upon receipt, the superintendent shall forward a copy to the [executive deputy] commissioner.

Amend Section 130.2(c)(3) as follows:

(3) Upon assessment of eligibility, the [executive deputy] commissioner's [, or] designee shall forward the request to the commissioner, or designee, along with a recommendation and copies of:

Amend Section 130.2(e) as follows:

(e) Commissioner's decision.

Within 30 days of receipt, the commissioner, or designee, shall acknowledge receipt of the application. If the application is approved, the commissioner, or designee, shall follow the procedure set forth in subdivision (f) of this section. If the application is disapproved, the inmate and referring superintendent shall be so advised.

Note:

This entire process, from the inmate's application through the final decision, typically requires up to one year, and may take longer. Upon receipt of notification of the decision, the inmate will be informed by letter from the [executive deputy] commissioner or commissioner's designee.

Text of proposed rule and any required statements and analyses may be obtained from: Kevin P. Bruen, Deputy Commissioner and Counsel, NYS Department of Corrections and Community Supervision, 1220 Washington Avenue - Harriman State Campus, Albany, NY 12226-2050, (518) 457-4951, email: Rules@Doccs.ny.gov

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

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

Consensus Rule Making Determination

The Department of Correctional and Community Supervision (DOCCS) has determined that no person is likely to object to the proposed action. The amendment of these sections corrects spelling and updates employee responsibility. See SAPA Section 102(11)(a).

Job Impact Statement

A job impact statement is not submitted because this proposed rule will have no adverse impact on jobs or employment opportunities. This proposal corrects spelling and updates employee responsibility.

Department of Environmental Conservation

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Chronic Wasting Disease

I.D. No. ENV-32-19-00006-P

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

Proposed Action: Amendment of Part 189 of Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 03-0301, 11-0325 and 11-1905

Subject: Chronic wasting disease.

Purpose: Amend regulations to reduce risk of introduction of infectious material into New York.

Substance of proposed rule (Full text is posted at the following State website: <http://www.dec.ny.gov/regulations/proproregulations.html#public>): The purpose of this rule is to amend Title 6, Part 189 of NYCRR, to enhance provisions to prevent re-introduction of Chronic Wasting Disease (CWD) into New York and thereby protect the health of New York's wild white-tailed deer (*Odocoileus virginianus*) and moose (*Alces alces*) populations.

The following is a summary of the amendments that the Department of Environmental Conservation (department) is proposing:

189.2 Definitions.

- The term "CWD susceptible animal" is defined to include only species known to be susceptible to CWD. Lists of potentially susceptible species of the Genus *Cervus*, Genus *Odocoileus*, and Genus *Alces* are removed.

189.3 Prohibitions.

- The prohibition on importing whole carcasses of CWD susceptible animals is extended from select states and provinces to include all jurisdictions outside New York. Also, rather than list prohibited parts, the rule will reference only parts that are allowed to be imported.

- The prohibition on feeding wild deer or wild moose is removed from Part 189 and will be established in a new Part 186 through a separate rule making.

- Owners of captive-bred CWD susceptible animals will be required to continuously comply with the captive cervid health requirements as adopted by the Department of Agriculture and Markets in 1 NYCRR Part 68.

189.4 Marking of parts.

- The only changes to this section are the reference to CWD susceptible animals rather than various genera and removal of the term carcass, as carcasses are prohibited from importation.

189.5 Transportation or shipment of carcasses and parts through New York.

- The only change to this section is the reference to CWD susceptible animals rather than various genera.

189.6 Special provisions.

- The only changes to this section are the reference to CWD susceptible animals rather than various genera, removal of the term carcass, and amplification of the department's intention to seize animals, carcasses or parts that are imported illegally or that have tested positive for CWD.

189.7 CWD containment area.

- This section is amended to reference CWD susceptible animals and to list parts that are allowed, rather than prohibited, to be taken out of a CWD containment area.

- The prohibition on collecting, possessing, or selling urine of CWD susceptible animals taken from within a CWD containment area is expanded to include fecal, glandular, and velvet products.

- The requirements for disposal of carcasses and carcass parts of CWD susceptible animals within a CWD containment area is clarified. Disposal may only occur through incineration or in a municipal landfill and not via composting, rendering, or distribution of parts on the landscape.

189.8 Taxidermy.

- Taxidermists must dispose of carcass parts of CWD susceptible animals via incineration or in a municipal landfill.

- Taxidermists may not process the skins or other parts of CWD susceptible animals that are imported into New York on the same premises where captive or captive-bred CWD susceptible animals are possessed.

Text of proposed rule and any required statements and analyses may be obtained from: Jeremy Hurst, Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-4754, (518) 402-8883, email: jeremy.hurst@dec.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: A programmatic environmental impact statement is on file with the Department of Environmental Conservation.

Regulatory Impact Statement

1. Statutory Authority

Section 3-0301 of the Environmental Conservation Law (ECL) directs the Department of Environmental Conservation (DEC or Department) to protect the wildlife resources of New York State.

Section 11-0325 of the ECL directs DEC to take action necessary to protect fish and wildlife from dangerous diseases. Where a disease is a threat to livestock, as well as to the fish and wildlife populations of the state, Section 11-0325 requires that the Department consult the Department of Agriculture and Markets (DAM). If the Department and the DAM jointly determine that a disease which endangers the health and welfare of

fish or wildlife populations, or of domestic livestock, exists in any area of the state or is in imminent danger of being introduced into the state, the Department is authorized to adopt measures or regulations necessary to prevent the introduction or spread of such disease. ECL section 11-1905 directs DEC to regulate the possession, propagation, transportation and sale of captive-bred white-tailed deer.

2. Legislative Objectives

The legislative objectives behind the statutory provisions listed above are to authorize the Department to establish, by regulation, certain basic wildlife management tools, including necessary actions to protect New York's wildlife resources, to respond to the presence or threat of a disease that endangers the health or welfare of fish or wildlife populations, to codify joint responsibility of the Department and the DAM when such disease also poses a threat to livestock, and to provide the Department with authority to regulate the captive-bred white-tailed deer held under a license issued by the Department.

3. Needs and Benefits

Chronic wasting disease (CWD) is an untreatable and fatal central nervous system disease found in deer, elk, moose and reindeer. CWD was first discovered in New York in captive and wild deer in Oneida County in 2005. Since then, no new cases of CWD have been found in the state. However, despite nationwide efforts to control the disease, CWD continues to be detected in additional states and in new areas within those states. CWD is now confirmed in Pennsylvania in both wild and captive-bred deer.

CWD represents a serious threat to New York State's wild white-tailed deer population with potentially devastating economic, ecological, and social repercussions. Recurrence of CWD in New York could drastically affect wild deer populations and management and annually cost the state millions in monitoring and containment measures. Additionally, New York has a captive cervid (deer and elk) industry that would be severely impacted if CWD is rediscovered or reintroduced in the state.

In the long term, CWD could have many potential consequences, including ecological as the herbivory related to a significantly diminished deer herd could result in changes to plant communities at landscape levels; monetary as funding from unrelated programs is redirected toward CWD response; recreational as hunters' attitudes toward potentially diseased deer decreases participation, and societal as the public view sick deer and perceive deer as a disease threat to humans. The impact on captive cervid owners would be immediate, with strict limitations on their abilities to move animals and sell products. If CWD is discovered in a captive herd, all animals would likely be destroyed and the land quarantined behind a deer-proof fence for at least 5 years. Thus, it is imperative that all reasonable measures be taken to prevent the introduction or spread of CWD in New York.

New York State has had a CWD regulation in effect since 2002, but revisions are necessary to better reflect recent advances in the science associated with disease prevention and control and continued spread of CWD in North America. Comprehensive disease management regulations related to the movement of potentially CWD infected materials are needed now to stop actions and movement of animals that could potentially infect New York's wild deer and moose herds now and for generations into the future.

DEC and DAM recently adopted an Interagency CWD Risk Minimization Plan which outlines numerous recommended actions to reasonably minimize the risk of re-entry and spread of CWD in New York State and is based on three overarching goals: 1) keep infectious material and animals out of the state to prevent new introductions; 2) prevent exposure of infectious material to wild white-tailed deer and moose in New York; and 3) provide education to increase the public understanding of CWD risks and impact on wild deer health. This rule making seeks to implement several of those recommended actions by amending existing CWD regulations.

Because importation of hunter-killed CWD susceptible cervid carcasses could introduce infectious material into New York, current regulations prohibit importation of whole carcasses from those states where CWD has been detected or from any captive cervid facility. To date, DEC has taken emergency action in response to each new confirmation of CWD in wild or captive cervids to expand the list of states or provinces where potentially infected parts could not be imported, on a case-by-case, piecemeal basis. This rule making proposes to prohibit the import of intact carcasses or carcass parts from anywhere outside New York, with exceptions for meat and antlers and other low-risk parts.

To increase simplicity and provide regulatory relief of captive cervid owners, this rule making proposes to remove reference to those cervid species that have not been found to be susceptible to CWD and only focus on known CWD-susceptible species.

Additionally, this rule making proposes to require captive cervid owners to comply with the captive cervid health requirements of 1 NYCRR Part 68, as adopted by DAM. This provision will allow DEC Environmental Conservation Officers (ECOs) to better and comprehensively enforce

CWD regulations of both DEC and DAM, which is essential as DAM does not have the same law enforcement capabilities as DEC. Though ECOs already possess the authority to enforce DAM regulations pursuant to their status as peace officers provided in the New York State Criminal Procedure Law, by referencing DAM's cervid health requirements in DEC regulations, ECOs will be better able to address violations by issuing tickets pursuant to the Environmental Conservation Law. This streamlines the process, and allows the person in violation to handle the matter more efficiently, utilizing local town courts. The proposed action would not expand existing enforcement authority of ECOs.

Finally, while a prohibition on feeding wild deer and moose is a best management practice for disease minimization, the justifications for prohibiting the feeding of deer and moose extend well beyond risks associated with CWD. In a separate rule making, DEC has proposed creation of a new Part 186 to establish the necessary prohibitions and appropriate exceptions for feeding deer and moose. Thus, this rule making will remove prohibitions related to feeding deer and moose from Part 189, as those provisions are proposed in Part 186.

4. Costs

This rule making will not result in additional costs to the department beyond normal administrative costs. Meat-cutting businesses that process hunter-killed deer may lose some revenue or need to adjust their business practices because whole carcasses will no longer be allowed to be imported from anywhere into New York. However, businesses have adapted as hunters have been prohibited from importing carcasses from an increasing list of states and provinces since 2002, including from neighboring Pennsylvania since 2012.

5. Paperwork

There is no additional paperwork required based on this regulatory proposal.

6. Local Government Mandates

These amendments do not impose any program, service, duty or responsibility upon any county, city, town, village, school district or fire district.

7. Duplication

None.

8. Alternatives

No Action: The Department has rejected this option. Failing to take reasonable precautions to prevent CWD re-introduction to New York would unwisely threaten the health and future of New York's wild deer and moose population potentially leading to significant economic, ecological and social impacts should CWD become established in New York.

The actions proposed in this rule making are consistent with DEC's and DAM's recently adopted Interagency CWD Risk Minimization Plan.

9. Federal Standards

There are no federal standards associated with CWD prevention in populations of wild cervids.

10. Compliance Schedule

Licensed hunters would have to comply with the new regulations beginning in the fall of 2018, if they are adopted as proposed.

Regulatory Flexibility Analysis

The Department of Environmental Conservation (Department) considers chronic wasting disease (CWD) to pose a great threat to health and future of wild deer and moose populations in New York. This rule making is directed at the importation of certain animal parts into New York from other jurisdictions and is intended to strengthen and expand provisions that minimize risks associated with the introduction or spread of CWD. The proposed rule also clarifies disposal requirements for taxidermists who handle carcass parts of CWD susceptible animals (e.g., deer, elk, moose) and restricts taxidermy activities on properties where live captive or captive-bred CWD susceptible animals are possessed.

1. Effect of rule:

The proposed regulations require that hunters who harvest CWD susceptible animals outside of New York may only import certain parts into New York. Owners of captive-bred CWD susceptible animals will be required to comply with the Department of Agriculture and Markets captive cervid health requirements. Additionally, taxidermists that operate on the premises where captive or captive-bred CWD susceptible animals are kept will be prohibited from working on specimens of CWD susceptible animals imported into New York on that premises.

Although this rule will impact New York residents who may hunt in other jurisdictions and plan to return to New York with whole carcasses of the deer they harvest, it is anticipated that this will affect relatively few hunters and, with some advanced planning, hunters can easily comply with these regulations without losing hunting opportunity.

No local governments will be affected by this rule.

2. Compliance requirements:

The proposed regulation does not impose any reporting or recordkeeping requirements on small businesses or local governments.

Hunters who harvest CWD susceptible animals in other jurisdictions

will be required to remove specific parts from the animal before bringing it into New York.

Owners of captive-bred CWD susceptible animals are already regulated by the Department of Agriculture and Markets and captive white-tailed deer facilities are also regulated by the Department. The proposed regulation does not impose any additional requirements on those businesses but facilitates more efficient oversight and enforcement of existing regulations by Department Environmental Conservation officers.

As small business, taxidermists are already regulated by 6 NYCRR Part 360 for waste disposal. Thus, this rule does not impose additional reporting, recordkeeping, or compliance requirements on taxidermists but merely clarifies waste disposal methods. Similarly, though this rule restricts the location where taxidermists may handle specimens of CWD susceptible animals imported from outside of New York so as to minimize potential disease transfer risk at sites where susceptible animals are concentrated, the rule does not prevent taxidermists from handling those specimens.

3. Professional services:

The department does not believe any professional services will be needed to comply with the provisions of this rule.

4. Compliance costs:

Costs associated with the implementation and enforcement of the proposed regulation are principally the responsibility of the department.

Hunters that travel out of New York to harvest CWD susceptible animals will need to process their harvest in the host jurisdiction before importing the meat and select other parts back into New York. Hunters may opt to pay a commercial deer processor to skin and process the meat in the host jurisdiction, or they may opt to process the animal themselves, as many already do.

5. Economic and technological feasibility:

Based on the department's past experience in promulgating regulations of this nature, and based on the professional judgment of department staff, the Department has determined that this rule making is fully economically and technologically feasible for small business and local governments.

6. Minimizing adverse impact:

The Department has determined that this rule making will have minimal adverse impact small business and local governments. As the serious nature of CWD is explained to the public, the new restrictions are likely to be accepted as reasonable and balanced. The Department strongly supports continued research on CWD to understand the modes of transmission, and associated risk variables. As new information becomes available, the department will adjust regulations in response to new data or findings.

7. Small business and local government participation:

Key elements of this rule were conveyed to the regulated community through a draft Interagency CWD Risk Minimization Plan. Small businesses and individuals commented on the draft and influenced the final version of the plan which was subsequently adopted in mid-May 2018. Following proposal of this rule, the Department will receive comment from small businesses and municipalities for an additional 60 days.

Rural Area Flexibility Analysis

This rule making is directed at the importation of certain animal parts into New York from other jurisdictions and is intended to strengthen and expand provisions that minimize risks associated with the introduction or spread of chronic wasting disease (CWD). As such, it does not have any direct impacts on rural areas in New York or entities therein. Therefore, the Department of Environmental Conservation (Department) has determined that this rule making will not have any adverse impacts on rural areas. In fact, the rule making will have a positive impact on rural areas by preventing the importation of CWD infectious materials and the introduction of CWD to new areas of the state. The Department has further determined that this rule will not impose any reporting, recordkeeping, or other compliance requirements on public or private entities in rural areas. Therefore, a rural area flexibility analysis is not required for this rule making.

Job Impact Statement

This rule making is necessary to protect New York State's wild white-tailed deer and moose populations from Chronic Wasting Disease (CWD) by preventing the importation of CWD infectious materials into New York.

1. Nature of impact:

The primary impact of this rule will be that hunters who harvest CWD susceptible animals outside of New York will be prohibited from bringing the whole carcass back into New York. Those hunters will need to remove the meat from the carcass in the state or province where they harvest the animal.

The Department of Environmental Conservation (Department) currently has a similar rule in place prohibiting import of carcasses and carcass parts of CWD susceptible animals from about 30 of the highest risk jurisdictions. The proposed rule will restrict import from all other jurisdictions.

2. Categories and numbers affected:

If any impact occurs, it may affect some New York meat cutters who process venison from hunter harvested deer. The Department believes there are about 300 of these businesses in New York, the vast majority of which are unlikely to be affected in any meaningful way from this proposed rule.

3. Regions of adverse impact:

The impact, if any, may be noticeable among meat cutting businesses located in close proximity to the border state border with Vermont, Massachusetts, and Connecticut. In those areas, hunters from adjoining states, or New York hunters who travel to those states, may have previously used New York meat cutters to process their harvested deer.

4. Minimizing adverse impact:

The proposed rule specifically authorizes importation of deboned meat from CWD susceptible animals harvested other jurisdictions. Thus hunters may import meat and have the meat processed into burger, sausage, or other products at meat cutting facilities in New York.

The Department does not believe that this rule making will have a substantial adverse impact on jobs and employment opportunities in New York. By its nature and purpose (protecting the New York State deer and moose resources), the proposed rule will protect jobs and employment opportunities.

Department of Financial Services

NOTICE OF ADOPTION

Charges for Professional Health Services

I.D. No. DFS-08-19-00003-A

Filing No. 680

Filing Date: 2019-07-19

Effective Date: 2019-08-07

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

Action taken: Amendment of Part 68 (Regulation 83) of Title 11 NYCRR. **Statutory authority:** Financial Services Law, sections 202, 302; Insurance Law, sections 301, 2601, 5221 and art. 51

Subject: Charges for Professional Health Services.

Purpose: To delay the effective date of the Workers' Compensation fee schedule increases for no-fault reimbursement.

Text or summary was published in the February 20, 2019 issue of the Register, I.D. No. DFS-08-19-00003-P.

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

Text of rule and any required statements and analyses may be obtained from: Camielle Barclay, Department of Financial Services, One State Street, New York, NY 10004, (212) 480-5299, email: Camielle.Barclay@dfs.ny.gov

Initial Review of Rule

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

Assessment of Public Comment

The Department received 13 comments in response to its publication of the proposed rule in the New York State Register. The Department received comments from the following entities:

- Property/casualty insurers;
- Health service providers;
- Trade associations comprised of New York State automobile insurers;
- Law firms that provide legal services to various providers;
- Trade associations comprised of health service professionals.

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

Insurers and their trade associations overwhelmingly support the proposed rule, noting serious concerns about the potential impact that the substantial increase in the most recently adopted fee schedules of the Workers' Compensation Board ("WCB") has on no-fault costs.

However, health service providers (or "providers") and trade associations representing health service professionals object to either any delays in the implementation of the WCB's fee schedules or disagree that the delay should be for 18 months. Below is a discussion on specific comments made by proponents and opponents of the proposed rule.

Comments Made by Proponents of the Rule

1. Insurers and their trade associations unanimously support the rule delaying the application of the WCB's fee schedules for 18 months. They contend the changes to the fee schedules will result in a substantial increase in no-fault loss costs. As such, insurers will need adequate time to study the impact of the fee schedule changes on no-fault in order to adjust rate filings appropriately. These proponents also assert that the delay will provide the Department with the opportunity to consider and possibly implement other cost containment measures such as medical treatment guidelines for no-fault.

Department's Response

The Department agrees that insurers will need time to study the cost impact to no-fault since consumers ultimately will absorb the increased costs through higher premiums. With respect to proponents' suggestion to adopt medical treatment guidelines to no-fault, the Department will take this proposal into consideration. However, this comment is beyond the scope of changes to the regulation being implemented at this time. Accordingly, no change to the regulation was made based upon this comment.

2. One insurer, while applauding the immediate application of certain WCB Ground Rules to no-fault, recommended the Department make clear in its amendment to Insurance Regulation 83 that with respect to a procedure that has a relative value unit ("RVU") listed as "BR" (By Report), a chiropractor may only establish a RVU consistent with other RVUs listed in the Chiropractic Fee Schedule, in lieu of adopting Ground Rule 10. The insurer contended that if such a clarification is not made, chiropractors will continue to bill manipulation under anesthesia procedures as "BR" and use a higher corresponding code from the Medical Fee Schedule.

Department's Response

The Department finds that no further clarification to this rule is necessary. The WCB's BR provision in the Chiropractic Fee Schedules (as well as the fee schedules of other specialties) state in pertinent part that: "For any procedure where the relative value unit is listed in the schedule as "BR", the chiropractor [or other specialty] shall establish a relative value unit consistent in relativity with other relative value units shown in the schedule. [Emphasis added.] The WCB has clarified any ambiguity as to whether a provider may use any fee schedule to establish BR codes by codifying its position that no provider may be reimbursed for treatments not enumerated in that provider's fee schedule.

Comments Opposing the Rule

Groups representing providers as well as providers proffered the following arguments against the proposed rule:

1. Some chiropractors objected to the adoption of Ground Rule 10 because the rule will restrict reimbursement for certain procedures not specifically listed in the Chiropractic Fee Schedule, which courts have held that chiropractors may seek reimbursement because they are licensed to perform those procedures.

One chiropractor noted his objection to the WCB's changes to its fee schedules in general, referring to them as "discriminatory against chiropractic care" because physical therapists are being reimbursed at higher RVUs than chiropractors, and that chiropractic RVUs are far less than other states.

Department's Response

The fee schedules, including RVUs are established by the WCB and are adopted by the Department pursuant to Insurance Law § 5108. Therefore, any differences in RVUs across specialties are under the purview of the WCB. With respect to Ground Rule 10, the Department merely is adopting a rule that the WCB has asserted was the WCB's intent and codified that rule in its most recent amendment to its fee schedules.

2. A trade association representing health service professionals argues that the adoption of the fee schedule changes to take effect October 1, 2020, and the adoption of certain Ground Rules to take effect April 1, 2019 with respect to no-fault should have the same effective date. The association contended that although it is understood that a "short" delay for a few months is necessary to provide insurers with notice of changes to the fee schedules, an 18-month delay in applying fee schedule increases is unreasonable. The association also argued that the more immediate application of Ground Rule 10 to no-fault will result in depriving patients access to well-needed chiropractic services, which studies have shown to be more cost effective and efficacious than medical care that includes prescribing opioids and surgery.

Department's Response

The Department disagrees that a short delay of a few months is enough time for insurers to study the cost impact of the fee schedules changes to no-fault, especially when it is consumers who ultimately will absorb those costs.

The Department sees no reason to delay the application of Ground Rule 10 for use in no-fault. According to the WCB in its adoption of its fee schedules promulgated in the December 26, 2018 edition of the New York State Register, the Ground Rules limiting certain providers to bill for services within their respective fee schedules are merely a "clarification" of

the WCB's intent with respect to its fee schedules, and not a new addition to its fee schedules.

3. A chiropractor, in expressing his objection to the 18-month delay in applying the fee schedule changes to no-fault, contended that the Department's rationale for doing so is illogical because workers' compensation carriers are being required to absorb the costs of the fee schedule increases after only 6 months. As such, no-fault carriers should be required to do the same.

Department's Response

The Department finds that this comment lacks merit. In 2018, the Department approved a workers' compensation rate filing with loss cost level change of -11.7%. This reduction took effect on October 1, 2018. Furthermore, the vast majority of loss costs in no-fault are attributable to payments for health services as opposed to workers' compensation where the majority of loss costs is attributable to disability and wage claims.

4. A trade association representing medical professionals argued that the 18-month delay will be problematic for providers who will have to maintain two different coding systems and fee schedules. The association contended that different billing systems will hamper any progress towards a fully integrated electronic claims filing system. The association also asserted that to avoid the burden of separate billing systems, practitioners may refuse to accept no-fault assignments and bill patients directly.

Department's Response

The Department understands the potential difficulty to providers in maintaining two separate billing systems. However, the Department finds compelling the need to provide insurers with sufficient time to study the impact the significant changes to the fee schedule will have on no-fault loss costs in order to appropriately amend insurance rates, especially because consumers ultimately will be absorbing those costs.

With respect to the commentator's assertion that practitioners may avoid the billing issue by refusing to accept no-fault assignments and directly bill patients, regardless of whether they accept assignments or directly bill no-fault patients, they are still required by law to bill in accordance with the applicable fee schedules. Therefore, practitioners will need to maintain coding systems for schedules that are applicable at the time of service.

5. A law firm representing providers challenged the Department's rationale for delaying the application of the fee schedule changes to no-fault for 18 months. The commentator asserted that paying providers at higher rates will not impose any increases costs on insurers because their total liability is statutorily capped at \$50,000.

Department's Response

The commentator's assertion that the mandatory \$50,000 coverage shields insurers from any increased costs as a result of fee schedule increases is fundamentally flawed. Only a small percentage of auto accidents result in an injury serious enough to exhaust the \$50,000 no-fault coverage limit available under the policy. Therefore, insurers, when formulating premium rates, do not base those rates on the assumption that most policies will be exhausted, but do so based on actual loss costs incurred. Additionally, current premium rates are based on exposure at fee schedules in effect prior to April 1, 2019. Without sufficient time to reassess claims severity based on much higher fee schedules, insurers will be unable to ascertain the appropriate underwriting exposure and may unwittingly inflate premium rates paid by consumers.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Minimum Standards for Form, Content and Sale of Medicare Supplement and Medicare Select Insurance, et al

I.D. No. DFS-32-19-00003-P

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

Proposed Action: Amendment of Part 58 (Regulation 193) of Title 11 NYCRR.

Statutory authority: Financial Services Law, sections 202, 302; Insurance Law, sections 301, 3201, 3216, 3217, 3218, 3221, 3231, 4235 and art. 43; 42 U.S.C. section 1395ss of the Federal Social Security Act

Subject: Minimum Standards for Form, Content and Sale of Medicare Supplement and Medicare Select Insurance, et al.

Purpose: To conform with the NAIC model regulation for Medicare supplement insurance, as required by 42 U.S.C. Section 1395ss.

Text of proposed rule: Section 58.1(d)(3) is amended to read as follows:

(3) All applications for Medicare supplement insurance shall include the right to apply for standardized Medicare supplement benefit plans "A" and "B" and either "D" or "G" as well as any of the other Medicare supplement insurance benefit plans permitted by this section. [All applica-

tions for Medicare supplement insurance policies and certificates issued on or after June 1, 2010 shall include the right to apply for standardized Medicare supplement benefit plans "A" and "B" and either "C" or "F." *All applications for Medicare supplement insurance may also include the right to apply for standardized Medicare supplement benefit plans "C" or "F" for those individuals who first become eligible for Medicare before January 1, 2020 based on age or disability.*

Section 58.4(b)(3) is amended to read as follows:

(3) Benefit plans shall be uniform in structure, language, designation and format to the standard benefit plans "A", "B", "C", "D", "F", "F+" high deductible "F+", "G", high deductible "G+", "K", "L", "M", and "N" listed in subdivision (e) (c) of this section and conform to the definitions in section 58.1(a) of this Part. Each benefit plan shall be structured in accordance with the format provided in paragraphs (5) and (6) of this subdivision and list the benefits in the order shown in subdivision (e) (c) of this section. For purposes of this section, structure, language, and format means style, arrangement and overall content of a benefit.

Section 58.4(b)(5) is amended to read as follows:

(5) Standards for Basic "Core" Benefits Common to Medicare Supplement Insurance Benefit Plans "A", "B", "C", "D", "F", "F+", "F with High Deductible" high deductible "F+", "G", high deductible "G+", "M" and "N". Every issuer of Medicare supplement insurance benefit plans shall make available a policy or certificate including only the following basic "core" package of benefits to each prospective insured.

Section 58.4(b)(6) is amended to read as follows:

(6) Standards for Additional Benefits. The following additional benefits shall be included in Medicare supplement benefit Plans "B", "C", "D", "F", "F+", "F with High Deductible" high deductible "F+", "G", high deductible "G+", "M" and "N" as provided by subdivision (c) of this section.

Section 58.4(b)(7) is amended to read as follows:

(7)(i) Every issuer shall make available both standardized Medicare supplement insurance benefit plans "A" and "B," as defined in [paragraphs] subdivision (c)(1) and (2) of this section, to each prospective policyholder and certificateholder. [On or after June 1, 2010, the]

(ii) *The issuer [shall also] may make available to those individuals who first become eligible for Medicare before January 1, 2020 based on age or disability standardized Medicare supplement benefit plans "C", as described in subdivision (c)(3) of this section, or "F" as described in subdivision (c)(5) of this section.* [each prospective policyholder and certificateholder in addition to standardized Medicare supplement insurance benefit plans "A" and "B" as described in paragraphs (c)(1) and (2) of this section, standardized Medicare supplement insurance benefit plans "C", as described in paragraph (c)(3) of this section or "F" as described in paragraph (c)(5) of this section.] An issuer may make available to prospective policyholders and certificateholders any of the other Medicare supplement insurance benefit plans permitted by this section in addition to benefit plans "A" and "B." [and either "C" or "F", but not in lieu thereof.]

(iii) *The issuer shall make available to those individuals who first become eligible for Medicare due to age or disability on or after January 1, 2020 standardized Medicare supplement benefit plans "D", as described in subdivision (c)(4) of this section or "G" as described in subdivision (c)(7) of this section. An issuer may make available to prospective policyholders and certificateholders any of the other Medicare supplement insurance benefit plans permitted by this section in addition to benefit plans "A" and "B" and either "D" or "G", but not in lieu thereof.*

[(ii)](iv) Every issuer shall permit its policyholders and certificateholders to terminate existing coverage and replace it with any other Medicare supplement insurance benefit plan then being made available to prospective policyholders and certificateholders by the issuer. An issuer may limit changes in coverage initiated by a policyholder or certificateholder to an anniversary date or other regular interval, so long as the interval is not less than once every 12 months.

Section 58.4(c)(6) is amended to read as follows:

(6) Standardized Medicare supplement benefit high deductible plan ["F"] "F+" shall include only the following: 100 percent of covered expenses following payment of the annual high deductible plan ["F"] "F+" deductible, the core benefits as defined in [paragraph] subdivision (b)(5) of this section, plus one hundred percent of the Medicare part A deductible, skilled nursing facility care, one hundred percent of the Medicare part B deductible, one hundred percent of the Medicare part B excess charges, and medically necessary emergency care in a foreign country as each is defined in [subparagraphs] subdivision (b)(6)(i), (iii), (iv), (v), and (vi) of this section. The annual deductible for Medicare supplement benefit high deductible plan ["F"] "F+" shall consist of out-of-pocket expenses, other than premiums, for services covered by plan "F", and shall be in addition to any other specific benefit deductibles. The basis for the deductible shall be \$1,500 and shall be adjusted annually from 1999 by the Secretary to reflect the change in the Consumer Price Index for all urban consumers for the twelve-month period ending with August of the preced-

ing year, and rounded to the nearest multiple of ten dollars. For example, the annual deductible for Medicare supplement benefit high deductible plan ["F"] "F+" for [2010] 2019 is [2000] \$2300.

Section 58.4(c)(8) is re-numbered as 58.4(c)(9), and a new section 58.4(c)(8) is added to read as follows:

(8) *Standardized Medicare supplement benefit high deductible plan "G+" shall include only the following: The core benefits as defined in subdivision (b)(5) of this section, plus one hundred percent of the Medicare part A deductible, skilled nursing facility care, one hundred percent of the Medicare part B excess charges, and medically necessary emergency care in a foreign country as defined in subdivision (b)(6)(i), (iii), (v), and (vi) of this section. The annual deductible for Medicare supplement benefit high deductible plan "G+" shall consist of out-of-pocket expenses, other than premiums, for services covered by plan "G", and shall be in addition to any other specific benefit deductibles. The basis for the deductible shall be \$1,500 and shall be adjusted annually from 1999 by the Secretary to reflect the change in the Consumer Price Index for all urban consumers for the twelve-month period ending with August of the preceding year, and rounded to the nearest multiple of ten dollars.*

Newly renumbered subparagraph (x) of section 58.4(c)(9) is amended to read as follows:

(x) Cost Sharing After Out-of-Pocket Limits: Coverage of one hundred percent of all cost sharing under Medicare parts A and B for the balance of the calendar year after the individual has reached the out-of-pocket limitation on annual expenditures under Medicare parts A and B of [4620] \$5560 in [2000] 2019, indexed each year by the appropriate inflation adjustment specified by the Secretary.

Section 58.4(c)(10) is amended to read as follows:

(10) Standardized Medicare supplement plan "L" is mandated by The Medicare Prescription Drug, Improvement and Modernization Act of 2003, and shall include only the following:

(i) The benefits described in subparagraphs [(8)] (i), (ii), (iii), and (ix) of paragraph (9) [this] of this subdivision;

(ii) The benefit described in subparagraphs [(8)] (iv), (v), (vi), (vii) and (viii) of paragraph (9) [this] of this subdivision, but substituting 75 percent for 50 percent; and

(iii) The benefit described in subparagraph (x) of this [subdivision] paragraph, but substituting [2310] \$2780 for [4620] \$5560.

Section 58.5(a) is revised to read as follows:

(a) The disclosure statement required by an issuer of policies and certificates of Medicare supplement insurance meeting the standards of sections 52.11 and 52.14 of this Title and sections 58.1 and 58.4 of this Part shall consist of four parts: a cover page, premium information, disclosure pages, and charts displaying the features of each benefit plan offered by the issuer. The disclosure statement shall be in the language and format prescribed below in not less than 12-point type. All benefit plans "A" through "D", "F", "F+", "G", "G+", and "K" through "N" shall be shown on the cover page, and the plan(s) that are offered by the issuer shall be prominently identified. Premium information for plans that are offered shall be shown on the cover page or immediately following the cover page and shall be prominently displayed. The premium and mode shall be stated for all plans that are offered to the prospective applicant. All possible premiums for the prospective applicant shall be illustrated.

Appendix 12B is withdrawn in its entirety and a new Appendix 12B is added. See Appendix 12B in the back of this issue.

Text of proposed rule and any required statements and analyses may be obtained from: Gerasimos Stamoulis, Department of Financial Services, One Commerce Plaza, Albany, NY 12257, (518) 473-5383, email: Gerasimos.Stamoulis@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.

Regulatory Impact Statement

1. Statutory authority: The authority of the Superintendent of Financial Services ("Superintendent") for the proposed First Amendment to 11 NYCRR 58 (Insurance Regulation 193) derives from Financial Services Law Sections 202 and 302, and Insurance Law Sections 301, 3201, 3216, 3217, 3218, 3221, 3231, and 4235, and Article 43, and is subject to 42 U.S.C. Section 1395ss of the federal Social Security Act.

42 U.S.C. Section 1395ss of the federal Social Security Act provides for the certification of Medicare supplement health insurance regulatory programs by the U.S. Secretary of Health and Human Services to ensure that a state's regulatory program provides for the application and enforcement of standards with respect to Medicare supplement insurance equal to or more stringent than the standards set forth in the National Association of Insurance Commissioners ("NAIC") Model Regulation. If the Secretary of Health and Human Services determines that a state's program regulating Medicare supplement insurance policies does not provide for the application of standards at least as stringent as those contained in the

NAIC Model Regulation, then the regulation of Medicare supplement insurance reverts to the federal Secretary of Health and Human Services.

Financial Services Law Section 202 establishes the office of the Superintendent.

Financial Services Law Section 302 and Insurance Law Section 301 authorize the Superintendent to effectuate any power accorded by the Financial Services Law, Banking Law, Insurance Law, or any other law, and to prescribe regulations interpreting the Insurance Law, among other things.

Insurance Law Section 3201 authorizes the Superintendent to approve accident and health insurance policies for delivery or issuance for delivery in this state.

Insurance Section 3216 sets forth the standard provisions in individual accident and health insurance policies.

Insurance Law Section 3217 authorizes the Superintendent to issue regulations to establish minimum standards for the form, content and sale of health insurance.

Insurance Law Section 3218 authorizes the Superintendent to promulgate rules and regulations to establish minimum standards for the form, content and sale of Medicare supplement insurance.

Insurance Law Section 3221 sets forth the standard provisions in group and blanket accident and health insurance policies.

Insurance Law Section 3231 sets forth the requirement that individual and small group health insurance policies and Medicare supplement insurance policies be issued on a community rated and open enrollment basis.

Insurance Law Section 4235 establishes the types of permissible groups to which a group accident and health policy may be issued.

Insurance Law Article 43 sets forth requirements for non-profit medical and dental indemnity corporations and non-profit health or hospital corporations.

2. Legislative objectives: The statutory sections cited above establish a framework for the form, content and sale of Medicare supplement insurance. States must have a regulatory program that provides a minimum level of coverage as established by 42 U.S.C. Section 1395ss. If the U.S. Secretary of Health and Human Services determines that a state's program regulating Medicare supplement insurance policies does not provide for the application of standards at least as stringent as those contained in the NAIC Model Regulation, then the regulation of Medicare supplement insurance reverts to the federal Secretary of Health and Human Services. The Superintendent is empowered by state law to promulgate regulations implementing the standards required by federal law, and to provide additional protections and benefits as appropriate.

3. Needs and benefits: In 1992, the federal Omnibus Budget Reconciliation Act of 1990 ("OBRA") became effective, establishing uniform requirements to govern Medicare supplement insurance. That federal law charged the NAIC with developing a model for the regulation and standardization of Medicare supplement insurance. The NAIC model (the "Model Regulation") was incorporated by reference into the federal statutory requirements. In 1992, New York amended provisions pertaining to the rules for the regulation of Medicare supplement insurance in 11 NYCRR 52 (Insurance Regulation 62) to ensure compliance with federal standards.

The federal Medicare Access and CHIP Reauthorization Act of 2015 ("MACRA") included a number of changes to the standardized Medicare supplement insurance plans. On August 29, 2016, the NAIC adopted a revised model regulation to implement the NAIC Medicare Supplement Insurance Minimum Standards Model Act. Federal law provides that a state will lose its ability to regulate Medicare supplement insurance unless it amends its regulatory programs to implement all new federal statutory requirements and applicable changes to the NAIC Model standards. On or after January 1, 2020, insurers may not offer Plans C or F to newly eligible Medicare beneficiaries. Existing insureds covered under Plans C or F prior to January 1, 2020 may continue to renew their coverage pursuant to guaranteed renewability. "Newly eligible" is defined as those individuals who first become eligible for Medicare due to age, disability or end-stage renal disease on or after January 1, 2020. On or after January 1, 2020, insurers offering Medicare supplement plans must offer either Plan D or G in addition to Plans A and B. A new High Deductible Plan G has been created and may be offered starting January 1, 2020. The changes required by MACRA, as set forth in the NAIC Model Regulation, are the only substantive changes being made to New York's Medicare supplement insurance regulatory program.

4. Costs: Insurers (including Article 43 corporations) issuing Medicare supplement insurance in New York have been aware of the new requirements since the 2016 federal incorporation of the revised NAIC Model Regulation. Health maintenance organizations ("HMOs") are not impacted by this amendment because HMOs are not authorized to write Medicare supplement insurance coverage in New York. The changes required by MACRA, as set forth in the NAIC Model Regulation, are the only substantive changes being made to New York's Medicare supplement insurance regulatory program.

The changes to the benefit structure, and the addition and elimination of plans, will necessitate changes to the requirements for Medicare supplement insurance applications and disclosure notices. Any additional cost to insurers and Article 43 corporations to comply with MACRA should be minimal. The insurers and Article 43 corporations in the Medicare supplement insurance market are staffed with existing salaried personnel tasked with compliance. Costs to the Department of Financial Services also should be minimal, as existing personnel are available to review any modified filings necessitated by the amendment. The amendment will not impose any compliance costs on state or local governments or health care providers.

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

6. Paperwork: The amendment will not impose any new reporting requirements. However, insurers will need to revise policy form filings to comply with the regulation.

7. Duplication: The amendment will not duplicate any existing state or federal rule for insurers that write accident and health insurance; rather, it will implement federal requirements.

8. Alternatives: There are no viable alternatives to this amendment. In order for the state to regulate Medicare supplement insurance, federal law requires that it adopt, at a minimum, the standards set forth in the NAIC model regulation. The NAIC model regulation was revised in 2016 to include the requirements of one additional federal Act, MACRA. Failure to adopt, at a minimum, the NAIC model regulation standards would result in the regulation of Medicare supplement insurance in New York reverting to the federal U.S. Secretary of Health and Human Services. The changes required by MACRA, as set forth in the NAIC model regulation, are the only substantive changes being made to New York's Medicare supplement insurance regulatory program.

9. Federal standards: The existing New York standards exceed the federal minimum standards set forth in the NAIC model regulation in order to offer longstanding additional protections, not imposed by federal law, for residents of the state. The existing provisions of 11 NYCRR 58 (Insurance Regulation 193) require insurers to (1) utilize community rating, (2) offer continuous open enrollment to individuals enrolled in Medicare by reason of age or disability, and (3) offer Medicare supplement insurance plan B. Federal law specifically permits states to establish more stringent standards for insurers offering Medicare supplement insurance, and since 1993 New York residents have benefited from the security of these extra protections. With this amendment, New York substantially adopts the federal changes required by MACRA while maintaining all existing protections currently afforded New York residents.

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

Regulatory Flexibility Analysis

1. Small businesses: The Department of Financial Services ("Department") finds that this rule will not impose any adverse economic impact on small businesses and will not impose any reporting, recordkeeping, or other compliance requirements on small businesses. The basis for this finding is that the amendment is directed at insurers that sell Medicare supplement insurance in New York State, none of which falls within the definition of a "small business" as defined by State Administrative Procedure Act section 102(8). The Department reviewed filed reports on examination and annual statements of these entities and believes that there are none that are both independently owned and employ fewer than 100 persons.

2. Local governments: The rule does not impose any impact, including any adverse impact, or reporting, recordkeeping, or other compliance requirements on any local governments. The basis for this finding is that this rule is directed at insurers, which are not local governments.

Rural Area Flexibility Analysis

The Department of Financial Services ("Department") finds that this amendment, which requires insurers issuing Medicare supplement insurance policies to conform with the revised National Association of Insurance Commissioners' model regulation for Medicare supplement insurance, as required by 42 U.S.C. Section 1395ss of the federal Social Security Act, will not impose any additional burden on persons located in rural areas, and will not have any adverse impact on rural areas because this amendment applies uniformly to regulated parties that do business in both rural and non-rural areas of New York State.

Job Impact Statement

This amendment will not adversely impact job or employment opportunities in New York. The amendment requires insurers issuing Medicare supplement insurance policies to conform with the revised National Association of Insurance Commissioners' model regulation for Medicare supplement insurance, as required by 42 U.S.C. Section 1395ss of the

federal Social Security Act, which will not have any negative affect on jobs or employment opportunities.

New York State Gaming Commission

NOTICE OF ADOPTION

Pick-Six Jackpot Wager for Thoroughbred Racing

I.D. No. SGC-17-19-00009-A

Filing No. 685

Filing Date: 2019-07-23

Effective Date: 2019-08-07

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

Action taken: Amendment of sections 4011.25, 4011.26; renumbering of section 4011.27 to 4011.28; and addition of new section 4011.27 to Title 9 NYCRR.

Statutory authority: Racing, Pari-Mutuel Wagering and Breeding Law, sections 103(2), 104(1) and (19)

Subject: Pick-six jackpot wager for Thoroughbred racing.

Purpose: To improve Thoroughbred pari-mutuel wagering and generate reasonable revenue for the support of government.

Text or summary was published in the April 24, 2019 issue of the Register, I.D. No. SGC-17-19-00009-P.

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

Text of rule and any required statements and analyses may be obtained from: Kristen M. Buckley, New York State Gaming Commission, One Broadway Center, PO Box 7500, Schenectady, New York 12031-7500, (518) 388-3332, email: gamingrules@gaming.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.

Public Service Commission

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

RDM Target Modifications for SC 8 Customers and Defer any Revenue Shortfall as a Regulatory Asset

I.D. No. PSC-32-19-00004-EP

Filing Date: 2019-07-22

Effective Date: 2019-07-22

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

Proposed Action: The Commission adopted an order on July 11, 2019 approving expedited approval of Central Hudson Gas & Electric Corporation's petition to reduce the Revenue Decoupling Mechanism (RDM) targets for Service Classification No. 8 (SC 8)—Public Street and Highway Lighting customers for the last two years of its current rate plan.

Statutory authority: Public Service Law, sections 5, 65(1), (8), 66(1) and (12)

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

Specific reasons underlying the finding of necessity: Central Hudson is seeking expedited approval to reduce the Revenue Decoupling Mechanism (RDM) targets for the last two years of its current rate plan (Rate Plan) and to defer the revenue shortfall as a regulatory asset.

The RDM targets for Service Classification No. 8 (SC 8) – Public Street and Highway Lighting are overstated due to a forecasting error resulting in financial harm to all customers within the class. To allow these errors to continue by complying with the notification requirements of SAPA § 202(1) is, therefore, contrary to the public interest.

Additionally, Central Hudson proposes to return the amounts collected from SC 8 customers due to the forecasting error by providing credits to impacted customers of \$271,268, and to modify the amount of collections in the RDM adjustment period related to the second six months of Rate Year 1. Thus, waiting the 60-day notice and comment period required by SAPA § 202(1) would result in unnecessary potential rate instability and volatility, unfair subsidization, and overcharges for SC8 customers, and, therefore, would also be contrary to the public interest and general welfare.

Subject: RDM target modifications for SC 8 customers and defer any revenue shortfall as a regulatory asset.

Purpose: To ensure SC 8 electric customers are being charged properly and avoid customer confusion and unnecessary rate volatility.

Substance of emergency/proposed rule: The Public Service Commission is considering a petition filed by Central Hudson Gas & Electric Corporation (Central Hudson or the Company) on June 19, 2019 seeking expedited approval to reduce the Revenue Decoupling Mechanism (RDM) targets for Service Classification No. 8 (SC 8) – Public Street and Highway Lighting customers for the last two years of its current rate plan (Rate Plan), as well as, to defer any revenue shortfall as a regulatory asset. Central Hudson requests the newspaper publication requirements of Public Service Law (PSL) § 66(12)(b) and 16 NYCRR § 720-8.1 be waived because the Company will notify impacted customers as needed and the petition has been provided to all active parties.

RDM targets were approved by the New York State Public Service Commission (the Commission) for each month of the Rate Plan by Order Adopting Terms of Joint Proposal and Establishing Electric Rate Plan (Rate Order). The RDM targets for SC 8 are overstated due to a forecasting error resulting in financial harm to all customers within the class. As well as modifying the RDM targets, Central Hudson proposes to return the amounts collected from SC 8 customers due to the forecasting error by providing credits to impacted customers of \$271,268, and to modify the amount of collections in the RDM adjustment period related to the second six months of Rate Year 1. The Company requests authority to defer, with interest, the revenue shortfall for all three rate years resulting from this proposal.

Without modifying these RDM targets, municipal customers taking electric service under SC 8 would continue to experience extreme rate volatility and be significantly overcharged due to the forecasting error.

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

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 19, 2019.

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, Department of Public Service, 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 amended rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(17-E-0459EP3)

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-47-18-00007-A

Filing Date: 2019-07-17

Effective Date: 2019-07-17

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

Action taken: On 7/11/19, the PSC adopted an order approving Kindle Associates, LP's (Kindle) petition to submeter electricity at 675 Brunswick Road, Troy, New York.

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

Purpose: To approve Kindle's petition to submeter electricity.

Substance of final rule: The Commission, on July 11, 2019, adopted an order approving Kindle Associates, LP's petition to submeter electricity at 675 Brunswick Road, Troy, New York, located in the service territory of Niagara Mohawk Power Corporation d/b/a National Grid, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

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

(18-E-0673SA1)

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-11-19-00002-A

Filing Date: 2019-07-17

Effective Date: 2019-07-17

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

Action taken: On 7/11/19, the PSC adopted an order approving 18th Highline Associates, L.L.C.'s (18th Highline) notice of intent to submeter electricity at 501 West 18th Street, New York, New York.

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

Subject: Submetering of electricity.

Purpose: To approve 18th Highline's notice of intent to submeter electricity.

Substance of final rule: The Commission, on July 11, 2019, adopted an order approving 18th Highline Associates, L.L.C.'s notice of intent to submeter electricity at 501 West 18th Street, New York, New York, located in the service territory of Consolidated Edison Company of New York, Inc., subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

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

(19-E-0089SA1)

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-15-19-00008-A

Filing Date: 2019-07-17

Effective Date: 2019-07-17

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

Action taken: On 7/11/19, the PSC adopted an order approving 1818 Nadlan LLC's (1818 Nadlan) notice of intent to submeter electricity at 505 West 43rd Street, New York, New York.

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

Subject: Submetering of electricity.

Purpose: To approve 1818 Nadlan's notice of intent to submeter electricity.

Substance of final rule: The Commission, on July 11, 2019, adopted an order approving 1818 Nadlan LLC's notice of intent to submeter electricity at 505 West 43rd Street, New York, New York, located in the service territory of Consolidated Edison Company of New York, Inc., subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

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

(19-E-0170SA1)

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-16-19-00004-A

Filing Date: 2019-07-17

Effective Date: 2019-07-17

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

Action taken: On 7/11/19, the PSC adopted an order approving CabGram Developers' (CabGram) notice of intent to submeter electricity at 215 East 19th, 225 East 19th, 220 East 20th and 230 East 20th Streets, 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: Submetering of electricity.

Purpose: To approve CabGram's notice of intent to submeter electricity.

Substance of final rule: The Commission, on July 11, 2019, adopted an order approving CabGram Developers' notice of intent to submeter electricity at 215 East 19th, 225 East 19th, 220 East 20th and 230 East 20th Streets, New York, New York, located in the service territory of Consolidated Edison Company of New York, Inc., subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

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

(19-E-0130SA1)

PROPOSED RULE MAKING HEARING(S) SCHEDULED

Disposition of Tax Refunds Received by New York American Water Company, Inc.

I.D. No. PSC-32-19-00013-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 a petition filed on March 14, 2019 by New York American Water Company, Inc. (NYAW) that proposes the disposition of a tax refund received from Nassau County.

Statutory authority: Public Service Law, section 113(2)

Subject: Disposition of tax refunds received by New York American Water Company, Inc.

Purpose: To determine the disposition of tax refunds and other related matters.

Public hearing(s) will be held at: 10:30 a.m., October 9, 2019 at Department of Public Service, Three Empire State Plaza, Albany, NY. (Evidentiary Hearing)*

*On occasion, there are requests to reschedule or postpone hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 19-W-0185.

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

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

Substance of proposed rule: The Commission is considering a petition filed on March 14, 2019 by New York American Water Company, Inc. (NYAW) that proposes the disposition of a tax refund received from Nassau County.

NYAW received a tax refund in the amount of \$150,283.86 for tax challenges made by the former Sea Cliff Water Co. to Nassau County for the 2003/4 and 2005/6 tax years. Under Public Service Law § 113(2), the Commission has the authority to determine the disposition of refunds of money charged and collected from ratepayers. After a hearing, the Commission determines whether the utility should be allowed to retain a portion of the refund, either to reimburse its costs to achieve the refund, or for shareholders' benefit. NYAW proposes that \$28,956.75 in legal costs related to this tax challenge be deducted and proposes that the full net refund be returned directly to its Sea Cliff District customers. NYAW also proposes to use the refund as an offset to NYAW's Revenue Allocation Clause regulatory asset for Sea Cliff.

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

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

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

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

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

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

(19-W-0185SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Compensation of Distributed Energy Resources

I.D. No. PSC-32-19-00008-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 the petition for rehearing and/or reconsideration regarding the Order Regarding Value Stack Compensation filed jointly by Coalition for Community Solar Access and the New York Solar Energy Industries Association.

Statutory authority: Public Service Law, sections 5(1)(b), (2), 22, 65(1), (2), (3), 66(2) and (5)

Subject: Compensation of distributed energy resources.

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

Substance of proposed rule: The Public Service Commission is considering the petition for rehearing and/or reconsideration (the Petition) filed jointly by the Coalition for Community Solar Access and the New York Solar Energy Industries Association (together, the Petitioners) on May 21, 2019, regarding the Order Regarding Value Stack Compensation (Value Stack Order) issued by the Commission on April 18, 2019.

The petition explains that the Commission, in the Value Stack Order, rejected a proposal put forward in the Whitepaper Regarding Future Value Stack Compensation, Including for Avoided Distribution Costs (Value Stack Whitepaper) filed on December 12, 2018 by Department of Public

Service Staff and supported by Petitioners. Specifically, the Value Stack Whitepaper proposed, among other things, offering a \$0.01/kWh adder, described as a Community Credit, to large customers that participate in Community Distributed Generation (CDG) projects in Tranches 1, 2, 3, or 4. The Value Stack Order rejected this proposal, while adopting a number of the other proposals in the Value Stack Whitepaper, with the result that large customers subscribing to CDG projects in Tranches 1, 2, 3, or 4 receive no Community Credit. The Petitioners argue that is inequitable and results from errors of fact in the Value Stack Order. The Petitioners request that the Commission, on rehearing or reconsideration, direct that large customers subscribing to CDG projects in Tranches 1, 2, 3, or 4 receive a \$0.01/kWh Community Credit.

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

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

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

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

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

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

(15-E-0751SP22)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Petition to Submeter Electricity and Waiver Request

I.D. No. PSC-32-19-00009-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 the petition of G & M Realty L.P. to submeter electricity at 22-44 Jackson Avenue, Long Island City, New York and request for a waiver of 16 NYCRR section 96.5(k)(3).

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

Subject: Petition to submeter electricity and waiver request.

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

Substance of proposed rule: The Commission is considering the petition filed by G & M Realty L.P. (Owner) on May 16, 2019, to submeter electricity at 22-44 Jackson Avenue, Long Island City, New York, located in the service territory of Consolidated Edison Company of New York, Inc. (Con Edison).

By stating its intent to submeter electricity, the Owner has requested authorization to take electric service from Con Edison and then distribute and meter that electricity to tenants. Submetering of electricity to residential tenants is allowed so long as it complies with the protections and requirements of the Commission's regulations at 16 NYCRR Part 96. The Commission is also considering the Owner's request for a waiver of 16 NYCRR § 96.5(k)(3), which requires proof that an energy audit has been conducted when 20 percent or more of the residents receive income-based housing assistance.

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

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

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

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

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

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

(19-E-0372SP1)

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

Notice of Intent to Submeter Electricity

I.D. No. PSC-32-19-00010-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 the notice of intent of 839 Tilden Street HDFC to submeter electricity at 839 Tilden Street, Bronx, New York, located in the service territory of Consolidated Edison Company of New York, Inc.

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

Subject: Notice of intent to submeter electricity.

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

Substance of proposed rule: The Commission is considering the notice of intent filed by 839 Tilden Street HDFC on July 11, 2019, to submeter electricity at 839 Tilden Street, Bronx, New York, located in the service territory of Consolidated Edison Company of New York, Inc. (Con Edison).

By stating its intent to submeter electricity, 839 Tilden Street HDFC requests authorization to take electric service from Con Edison and then distribute and meter that electricity to its residents. Submetering of electricity to residential residents is allowed so long as it complies with the protections and requirements of the Commission's regulations in 16 NYCRR Part 96.

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

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

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

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

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

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

(19-E-0502SP1)

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

Notice of Intent to Submeter Electricity and Waiver of Energy Audit

I.D. No. PSC-32-19-00011-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 the notice of intent of 123 Linden LLC to submeter electricity at 123 Linden Boulevard, Brooklyn, New York and request for a waiver of 16 NYCRR section 96.5(k)(3).

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

Subject: Notice of intent to submeter electricity and waiver of energy audit.

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

Substance of proposed rule: The Commission is considering the notice of intent, filed by 123 Linden LLC on July 9, 2019, to submeter electricity at 123 Linden Boulevard, Brooklyn, New York, located in the service territory of Consolidated Edison Company of New York, Inc. (Con Edison).

By stating its intent to submeter electricity, 123 Linden 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 Commission is also considering the Owner's request for waiver of 16 NYCRR § 96.5(k)(3), which requires proof that an energy audit has been conducted when 20 percent or more of the residents receive income-based housing assistance. The owner states that because the building is new construction, it must comply with the current New York State Energy Conservation Construction Code, which provides strict energy conservation requirements for new and renovated buildings, including the design and construction of energy-efficient building envelopes, mechanical, lighting and power systems and therefore, an energy audit is not appropriate in this case.

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

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

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

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

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

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

(19-E-0499SP1)

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

Standby Service Rates and Buyback Service Rates

I.D. No. PSC-32-19-00012-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 the petition for rehearing regarding the Order on Standby and Buyback Service Rate Design and Establishing Optional Demand-Based Rates filed by New York City.

Statutory authority: Public Service Law, sections 5(1)(b), (2), 22, 65(1), (2), (3), 66(2) and (5)

Subject: Standby Service Rates and Buyback Service Rates.

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

Substance of proposed rule: The Public Service Commission (Commission) is considering the petition for rehearing (Petition) filed by New York City (the City) on June 14, 2019, regarding the Order on Standby and Buyback Service Rate Design and Establishing Optional Demand-Based Rates (Standby Order) issued by the Commission on May 16, 2019.

The petition explains that the Commission, in the Standby Order, rejected two requests made by the City: first, a request that Consolidated Edison Company of New York, Inc.'s (Con Edison) Campus Multi-Party Offset Tariff (Offset Tariff) be modified to permit offset arrangements between New York Power Authority (NYPA) customers and non-NYPA customers; and, second, that Con Edison's Offset tariff be modified to remove or revise the "thermal loop" requirement. The Offset Tariff permits customers with multiple meters in a "campus" arrangement to offset usage at some of those meters with generation at other meters, subject to several

requirements. Those requirements include the “thermal loop” requirement, which requires that all metered sites included in the offset arrangement be connected through a common thermal loop originating from the generator used for offset, and the requirement that in a particular offset arrangement, the included customers must either all be NYPA customers or all be non-NYPA customers. The City argues in the petition that both of these requirements are unnecessary and that the Commission committed errors of fact or law by rejecting its request that these requirements be modified or eliminated.

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

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

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

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

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

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

(15-E-0751SP23)

Workers’ Compensation Board

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Updating the Prescription Drug Formulary

I.D. No. WCB-32-19-00001-P

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

Proposed Action: Amendment of section 441.2 of Title 12 NYCRR.

Statutory authority: Workers’ Compensation Law, sections 13-p, 117 and 142

Subject: Updating the prescription drug formulary.

Purpose: To add drugs to the prescription drug formulary in response to continuous feedback.

Text of proposed rule: Section 441.2 of Title 12 NYCRR is hereby amended to read as follows:

441.2 New York Workers’ Compensation Formulary

The New York Workers’ Compensation Formulary, [1st] *second* edition ([January 23] *August 7, 2019*), incorporated by reference herein, identifies drugs using three lists: a) Phase A for prescriptions within the first thirty days following an Accident or injury; b) Phase B for prescriptions after, the sooner of, the first thirty days following an Accident or injury or acceptance or establishment of the claim; and c) Perioperative for use during the Perioperative period. Copies of the Formulary may be downloaded from the Board’s website free of charge. The Formulary may be examined at the office of the Department of State, 99 Washington Avenue, Albany, New York 12231, the Legislative Library, the libraries of the New York State Supreme Court, and the district offices of the Board, or obtained from the Board by submitting a request in writing, with a fee of five dollars, to the New York State Workers’ Compensation Board, 328 State Street, Schenectady, New York 12305-2318. Payment of the fee shall be made by check or money order payable to “Chair WCB.” Information about the Formulary can be requested by email at GENERAL_INFORMATION@wcb.ny.gov, or by telephone at 1-800-781-2362.

Text of proposed rule and any required statements and analyses may be obtained from: Heather MacMaster, Workers’ Compensation Board, Office of General Counsel, 328 State Street, Schenectady, NY 12305, (518) 486-9564, email: regulations@wcb.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: Workers’ Compensation Law (WCL) § 13-p requires the Chair to adopt a drug formulary and provide for amendment to the formulary upon consideration of suggestions made by interested parties, and WCL § 117(1) authorizes the Chair of the Workers’ Compensation Board (Board) to adopt reasonable rules consistent with, and supplemental to, the provisions of the WCL.

2. Legislative objectives: The proposed amendments seek to modify the drug formulary based on review and consideration of suggestions made by interested parties as required by section 13-p of the WCL.

3. Needs and benefits: Workers’ Compensation Law § 13-p required the Chair to consider suggestions made for changes to the formulary. The proposed amendment incorporates proposed modifications to the formulary in response to feedback received, as the intent is for the drug formulary to evolve to better address the needs of injured workers.

4. Costs: The only costs associated with this proposal would be the minor programming costs to incorporate the minimal changes to the formulary.

5. Local government mandates: The proposed amendments do not impose any program, service, duty, or responsibility upon any county, city, town, village, school district, fire district, or other special district. However, a municipality or governmental agency that is self-insured is required to comply with the same rules required of insurance carriers.

6. Paperwork: The proposal does not impose any new reporting requirements.

7. Duplication: The proposal does not duplicate other regulatory initiatives.

8. Alternatives: An alternative would be to not update the formulary, but as the legislative objective is to consider the suggestions of interested parties and the Board has considered the suggestions and finds them to be meritorious. Accordingly, not updating the list is not advisable.

9. Federal standards: There are no applicable Federal Standards.

10. Compliance schedule: All affected pharmacies, carriers, and self-insured employers will have to comply with the proposed changes to the prescription drug formulary by December 5, 2019 for new prescriptions and June 5, 2020 for renewals.

Regulatory Flexibility Analysis

A Regulatory Flexibility Analysis is not required because the proposed amendments will not have any adverse economic impact or impose any reporting, recordkeeping or other compliance requirements on small businesses or local governments. The proposal amends the list of drugs covered in the formulary. These proposed changes will not have any adverse impact on small businesses or local governments.

Rural Area Flexibility Analysis

A Rural Area Impact Statement is not required because the proposed amendments will not have any impact rural areas. The proposal amends the list of drugs covered in the formulary. These proposed changes will not affect rural areas in any manner.

Job Impact Statement

A Job Impact Statement is not required because the proposed amendments will not have any impact on jobs or employment opportunities. The proposal amends the list of drugs covered in the formulary. These proposed changes will not affect jobs or employment opportunities in any manner.

**HEARINGS SCHEDULED
FOR PROPOSED RULE MAKINGS**

Agency I.D. No.	Subject Matter	Location—Date—Time
Environmental Conservation, Department of		
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.
Public Service Commission		
PSC-23-19-00005-P	Proposed major increase in SWNY’s annual base revenues of approximately \$31.5 million (or 19.8% in total revenues)	Department of Public Service, Agency Bldg. 3, 3rd Fl. Hearing Rm., Albany, NY—August 7, 2019, 10:30 a.m. and continuing daily as needed. (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-0168.
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.
State, Department of		
DOS-27-19-00014-P	New York State Uniform Fire Prevention and Building Code (the Uniform Code)	Department of State, 99 Washington Ave., Conference Rm. 505, Albany, NY—September 5, 2019, 10:00 a.m. Department of State, 123 William St., Conference Rm. 231, New York, NY—September 5, 2019, 10:00 a.m.

Perry B. Duryea Jr. State Office Bldg., 250 Veterans Memorial Hwy., Rms. 2 and 3, Hauppauge, NY—September 5, 2019, 10:00 a.m.

Utica State Office Bldg., 207 Genesee St., 1st Fl., Conference Rm. A, Utica, NY—September 5, 2019, 10:00 a.m.

Amherst Town Hall, 5583 Main St., Council Chambers, 2nd Fl., Williamsville, NY—September 5, 2019, 10:00 a.m.

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-27-19-00015-P State Energy Conservation Construction Code (the “Energy Code”)

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
AAM	01	12	0001	P

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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
AGRICULTURE AND MARKETS, DEPARTMENT OF			
AAM-17-19-00001-P	04/23/20	Farm wineries, breweries, and distilleries; hops processors; and cideries	To update references to regulations and to exempt small hops processors from food processing licensing requirements
AAM-21-19-00002-EP	05/21/20	Control of the European Cherry Fruit Fly	To help control the spread of the European Cherry Fruit Fly (ECFF), which renders cherries unmarketable if they are infested.
AAM-30-19-00004-P	07/23/20	Fuels for use in automobiles and motor-driven devices and equipment.	To conform regulations with federal requirements; to provide standards for, and relieve confusion in the sale of new fuels.
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
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
CHILDREN AND FAMILY SERVICES, OFFICE OF			
CFS-51-18-00010-P	12/19/19	Residential and non-residential services to victims of domestic violence	To conform the existing regulations to comply with state and federal laws regarding services to victims of domestic violence
CFS-19-19-00006-EP	05/07/20	Procedures for addressing children absent without consent from foster care, conditional releases and searches	To put into place procedures for children absent without consent from foster care, conditional releases and searches

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CHILDREN AND FAMILY SERVICES, OFFICE OF			
CFS-20-19-00001-EP	05/14/20	To eliminate requirement that victims of domestic violence apply for public assistance to pay for cost of shelter and services	To eliminate requirement that victims of domestic violence apply for public assistance to pay for cost of shelter and services
CIVIL SERVICE, DEPARTMENT OF			
CVS-33-18-00007-P	08/15/19	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-06-19-00001-P	02/06/20	Jurisdictional Classification	To classify a position in the exempt class
CVS-13-19-00003-P	03/26/20	Jurisdictional Classification	To delete positions from and classify positions in the exempt class
CVS-18-19-00007-P	04/30/20	Jurisdictional Classification	To classify positions in the exempt class
CVS-18-19-00008-P	04/30/20	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-25-19-00001-P	06/18/20	Jurisdictional Classification	To delete positions from and classify positions in the exempt and non-competitive classes.
CVS-25-19-00002-P	06/18/20	Jurisdictional Classification	To classify positions in the exempt class.
CVS-25-19-00003-P	06/18/20	Jurisdictional Classification	To classify a position in the exempt class.
CVS-25-19-00004-P	06/18/20	Jurisdictional Classification	To delete positions from the non-competitive class.
CVS-25-19-00005-P	06/18/20	Jurisdictional Classification	To delete positions from and classify a position in the non-competitive class.
CVS-25-19-00006-P	06/18/20	Jurisdictional Classification	To classify positions in the non-competitive class.
CVS-25-19-00007-P	06/18/20	Jurisdictional Classification	To delete positions from and classify a position in the non-competitive class.
CVS-25-19-00008-P	06/18/20	Jurisdictional Classification	To classify positions in the non-competitive class.
CVS-25-19-00009-P	06/18/20	Jurisdictional Classification	To delete positions from and classify positions in the exempt and non-competitive classes.
CVS-25-19-00010-P	06/18/20	Jurisdictional Classification	To classify positions in the non-competitive class.
CVS-29-19-00001-P	07/16/20	Jurisdictional Classification	To delete positions from and classify a position in the non-competitive class
CVS-29-19-00002-P	07/16/20	Jurisdictional Classification	To classify a position in the exempt class and to delete positions from and classify a position in the non-competitive class
CVS-29-19-00003-P	07/16/20	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-29-19-00004-P	07/16/20	Jurisdictional Classification	To delete positions from the non-competitive class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
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
CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF			
CCS-05-19-00006-P	01/30/20	Standard Conditions of Release Parole Revocation Dispositions	Establish standard conditions of release and provide a workable structure for applying appropriate parole revocation penalties
CCS-21-19-00014-P	05/21/20	Adolescent Offender Facilities	To reclassify two existing correctional facilities to adolescent offender facilities.
CCS-28-19-00003-EP	07/09/20	Reclassification of Correctional Facilities	The classification of Collins and Queensboro Correctional Facilities as Work Release facilities
CCS-32-19-00007-P	08/06/20	Transfer of Foreign Nationals	Correct spelling and update employee responsibility
CRIMINAL JUSTICE SERVICES, DIVISION OF			
CJS-20-19-00003-P	05/14/20	Certified Instructors and Course Directors	Establish/maintain effective procedures governing certified instructors and course directors who deliver MPTC-approved courses
CJS-21-19-00004-P	05/21/20	Changes the accrediting authority to the ANSI-ASQ National Accreditation Board.	To change the accrediting authority to the ANSI-ASQ National Accreditation Board.
CJS-30-19-00010-EP	07/23/20	Use of Force	Set forth use of force reporting and recordkeeping procedures

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ECONOMIC DEVELOPMENT, DEPARTMENT OF			
EDV-30-19-00003-EP	07/23/20	START-UP NY Program	Establish procedures for the implementation and execution of START-UP NY program
EDUCATION DEPARTMENT			
EDU-40-18-00010-RP	10/03/19	Professional development plans and other related requirements for school districts and BOCES	To improve the quality of teaching and learning for teachers and leaders for professional growth
EDU-52-18-00005-P	12/26/19	Annual professional performance reviews.	To extend the transition period for an additional year (until 2019-2020).
EDU-05-19-00008-RP	01/30/20	Protecting Personally Identifiable Information	To implement the provisions of Education Law section 2-d
EDU-13-19-00009-ERP	03/26/20	The Execution by Registered Professional Nurses of Non-Patient Specific Orders to Administer Immunizations	To conform the regulation to current immunization standards
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
EDUCATION DEPARTMENT			
EDU-31-19-00009-EP	07/30/20	Instructional Time for State Aid purposes	To provide school districts with additional flexibility when establishing their school calendars
EDU-31-19-00010-EP	07/30/20	School and district safety plans	To implement certain provisions of section 32 of part YYY of chapter 59 of the Laws of 2019
ELECTIONS, STATE BOARD OF			
SBE-22-19-00001-EP	05/28/20	Audit Status for Early Voting	Establishes Process for Auditing Early Voting Machines and Systems
SBE-22-19-00002-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
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
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
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
ENV-29-19-00017-P	09/15/20	Federal and State standards for acceptable air quality	To revise outdated State and Federal air quality standards
ENV-31-19-00008-EP	07/30/20	Sanitary Condition of Shellfish Lands	To reclassify underwater shellfish lands to protect public health
ENV-32-19-00006-P	08/06/20	Chronic wasting disease	Amend regulations to reduce risk of introduction of infectious material into New York
FINANCIAL SERVICES, DEPARTMENT OF			
*DFS-17-16-00003-P	exempt	Plan of Conversion by Commercial Travelers Mutual Insurance Company	To convert a mutual accident and health insurance company to a stock accident and health insurance company
*DFS-25-18-00006-P	exempt	Plan of Conversion by Medical Liability Mutual Insurance Company	To convert a mutual property and casualty insurance company to a stock property and casualty insurance company
*DFS-30-18-00007-P	07/25/19	Minimum Standards for Form, Content, and Sale of Health Insurance, Including Standards for Full and Fair Disclosure	To clarify requirements regarding coverage and disclosure of information for contraceptives
DFS-36-18-00003-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
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GAMING COMMISSION, NEW YORK STATE

SGC-39-18-00003-P	09/26/19	Heads Up Hold 'Em poker.	To set forth the practices and procedures for the operation of Heads Up Hold 'Em poker as a casino table game.
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HEALTH, DEPARTMENT OF

*HLT-14-94-00006-P	exempt	Payment methodology for HIV/AIDS outpatient services	To expand the current payment to incorporate pricing for services
HLT-42-18-00008-P	10/17/19	Office-Based Surgery Practice Reports	Requires accredited Office-Based Surgery practices to submit adverse event & practice information which includes procedural data
HLT-51-18-00016-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.

HIGHER EDUCATION SERVICES CORPORATION

ESC-22-19-00004-EP	05/28/20	The New York State Teacher Loan Forgiveness Program	To implement The New York State Teacher Loan Forgiveness Program
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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HIGHER EDUCATION SERVICES CORPORATION			
ESC-22-19-00005-EP	05/28/20	New York State Masters-in-Education Teacher Incentive Scholarship Program	To implement the New York State Masters-in-Education Teacher Incentive Scholarship Program
ESC-22-19-00006-EP	05/28/20	New York State Get on Your Feet Loan Forgiveness Program	To implement the New York State Get on Your Feet Loan Forgiveness Program
ESC-22-19-00007-EP	05/28/20	NYS Part-time Scholarship (PTS) Award Program	To implement the NYS Part-time Scholarship (PTS) Award Program
ESC-22-19-00008-EP	05/28/20	The New York State Achievement and Investment in Merit Scholarship (NY-AIMS)	To implement The New York State Achievement and Investment in Merit Scholarship (NY-AIMS)
ESC-25-19-00012-EP	06/18/20	Eligibility criteria for student financial aid award programs under article 14 of the Education Law	To implement the eligibility criteria for student financial aid award programs under article 14 of the Education Law
ESC-31-19-00001-EP	07/30/20	NYS Child Welfare Worker Loan Forgiveness Incentive Program	To implement the NYS Child Welfare Worker Loan Forgiveness Incentive Program
ESC-31-19-00002-EP	07/30/20	New York State Science, Technology, Engineering and Mathematics Incentive Program	To implement the New York State Science, Technology, Engineering and Mathematics Incentive Program
ESC-31-19-00003-EP	07/30/20	NYS Child Welfare Worker Incentive Scholarship Program	To implement the NYS Child Welfare Worker Incentive Scholarship Program
ESC-31-19-00004-EP	07/30/20	Excelsior Scholarship	To implement the Excelsior Scholarship
ESC-31-19-00005-EP	07/30/20	Enhanced Tuition Awards program	To implement the Enhanced Tuition Awards program
HOUSING AND COMMUNITY RENEWAL, DIVISION OF			
HCR-21-19-00019-P	07/21/20	Low-Income Housing Qualified Allocation Plan	To amend definitions, threshold criteria and application scoring for the allocation of low-income housing tax credits.
HOUSING FINANCE AGENCY			
HFA-21-19-00020-P	07/21/20	Low-Income Housing Qualified Allocation Plan	To amend definitions, threshold criteria and application scoring for the allocation of low-income housing tax credits
HUMAN RIGHTS, DIVISION OF			
HRT-27-19-00002-P	07/02/20	Gender Identity or Expression Discrimination	To conform the Division's regulations with Executive Law as amended by Chapter 8 of the Laws of New York 2019.
LIQUOR AUTHORITY, STATE			
LQR-02-19-00006-P	05/28/20	Delinquent (C.O.D.) list procedures	To modernize outdated delinquent (C.O.D.) list procedures and provide for electronic notification for same
LONG ISLAND POWER AUTHORITY			
*LPA-08-01-00003-P	exempt	Pole attachments and related matters	To approve revisions to the authority's tariff

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LONG ISLAND POWER AUTHORITY			
*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-33-18-00018-P	..... exempt	The net energy metering and related provisions of the Authority's Tariff for Electric Service.	To conform the Tariff to orders issued in the Value of Distributed Energy Resources proceeding of the New York DPS.
LPA-37-18-00013-P	..... exempt	The net energy metering provisions of the Authority's Tariff for Electric Service	To implement PSC guidance increasing eligibility for value stack compensation to larger projects
LPA-37-18-00017-P	..... exempt	The treatment of electric vehicle charging in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on electric vehicle supply equipment.
LPA-37-18-00018-P	..... exempt	The treatment of energy storage in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on the NY Energy Storage Roadmap.
METROPOLITAN TRANSPORTATION AGENCY			
MTA-23-19-00006-EP	..... 06/04/20	Debarment of contractors	To comply with Public Authorities Law, section 1279-h, which requires the MTA to establish a debarment process for contractors
MOTOR VEHICLES, DEPARTMENT OF			
MTV-25-19-00011-P	..... 06/18/20	Alcohol & Drug Rehabilitation Programs - Restricted Use License eligibility provision	Conforms regulation with statute
MTV-27-19-00011-P	..... 07/02/20	Limited Use Vehicles - provides that number of characters in a VIN be in conformance with Federal standards.	conforms regulation with statute
MTV-27-19-00012-P	..... 07/02/20	Private Service Bureaus-employment of persons who've been convicted of a crime in accordance with Article 23-A of Correction Law	conforms regulation with statute
MTV-27-19-00013-P	..... 07/02/20	Driving Schools-relates to employment of persons convicted of a crime in accordance with Article 23-A of Correction Law.	conforms regulation with statute
NIAGARA FALLS WATER BOARD			
*NFW-04-13-00004-EP	..... exempt	Adoption of Rates, Fees and Charges	To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders
*NFW-13-14-00006-EP	..... exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
NIAGARA FALLS WATER BOARD			
NFW-01-19-00019-EP	..... exempt	Adoption of Rates, Fees, and Charges	To pay for increased costs necessary to operate, maintain, and manage the system, and to meet covenants with the bondholders
OGDENSBURG BRIDGE AND PORT AUTHORITY			
OBA-33-18-00019-P	..... exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit.
OBA-07-19-00019-P	..... exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit
PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR			
PDD-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
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
POWER AUTHORITY OF THE STATE OF NEW YORK			
*PAS-01-10-00010-P	..... exempt	Rates for the sale of power and energy	Update ECSB Programs customers' service tariffs to streamline them/include additional required information
PUBLIC SERVICE COMMISSION			
*PSC-09-99-00012-P	..... exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	..... exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-12-00-00001-P	..... exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-44-01-00005-P	..... exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-07-02-00032-P	..... exempt	Uniform business practices	To consider modification
*PSC-36-03-00010-P	..... exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-40-03-00015-P	..... exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00010-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-41-03-00011-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-44-03-00009-P	..... exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates
*PSC-02-04-00008-P	..... exempt	Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York	To rehear the Nov. 25, 2003 order
*PSC-06-04-00009-P	..... exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC
*PSC-10-04-00005-P	..... exempt	Temporary protective order	To consider adopting a protective order
*PSC-10-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement
*PSC-14-04-00008-P	..... exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway
*PSC-15-04-00022-P	..... exempt	Submetering of electricity by Glenn Gardens Associates, L.P.	To permit submetering at 175 W. 87th St., New York, NY
*PSC-21-04-00013-P	..... exempt	Verizon performance assurance plan by Metropolitan Telecommunications	To clarify the appropriate performance level
*PSC-22-04-00010-P	..... exempt	Approval of new types of electricity meters by Powell Power Electric Company	To permit the use of the PE-1250 electronic meter
*PSC-22-04-00013-P	..... exempt	Major gas rate increase by Consolidated Edison Company of New York, Inc.	To increase annual gas revenues
*PSC-22-04-00016-P	..... exempt	Master metering of water by South Liberty Corporation	To waive the requirement for installation of separate water meters
*PSC-25-04-00012-P	..... exempt	Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P.	To amend the agreement
*PSC-27-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-27-04-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-28-04-00006-P	..... exempt	Approval of loans by Dunkirk & Fredonia Telephone Company and Cassadaga Telephone Corporation	To authorize participation in the parent corporation's line of credit
*PSC-31-04-00023-P	..... exempt	Distributed generation service by Consolidated Edison Company of New York, Inc.	To provide an application form
*PSC-34-04-00031-P	..... exempt	Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc.	To set appropriate level of permanent rates

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-35-04-00017-P	..... exempt	Application form for distributed generation by Orange and Rockland Utilities, Inc.	To establish a new supplementary application form for customers
*PSC-43-04-00016-P	..... exempt	Accounts receivable by Rochester Gas and Electric Corporation	To include in its tariff provisions for the purchase of ESCO accounts receivable
*PSC-46-04-00012-P	..... exempt	Service application form by Consolidated Edison Company of New York, Inc.	To revise the form and make housekeeping changes
*PSC-46-04-00013-P	..... exempt	Rules and guidelines governing installation of metering equipment	To establish uniform statewide business practices
*PSC-02-05-00006-P	..... exempt	Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc.	To consider imposing remedial actions against the company and its owners, officers and directors
*PSC-09-05-00009-P	..... exempt	Submetering of natural gas service by Hamlet on Olde Oyster Bay	To consider submetering of natural gas to a commercial customer
*PSC-14-05-00006-P	..... exempt	Request for deferred accounting authorization by Freeport Electric Inc.	To defer expenses beyond the end of the fiscal year
*PSC-18-05-00009-P	..... exempt	Marketer Assignment Program by Consolidated Edison Company of New York, Inc.	To implement the program
*PSC-20-05-00028-P	..... exempt	Delivery point aggregation fee by Allied Frozen Storage, Inc.	To review the calculation of the fee
*PSC-25-05-00011-P	..... exempt	Metering, balancing and cashout provisions by Central Hudson Gas & Electric Corporation	To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11
*PSC-27-05-00018-P	..... exempt	Annual reconciliation of gas costs by New York State Electric & Gas Corporation	To consider the manner in which the gas cost incentive mechanism has been applied
*PSC-41-05-00013-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities	To consider the filings
*PSC-45-05-00011-P	..... exempt	Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation	To defer certain costs
*PSC-46-05-00015-P	..... exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale
*PSC-47-05-00009-P	..... exempt	Transferral of gas supplies by Corning Natural Gas Corporation	To approve the transfer
*PSC-50-05-00008-P	..... exempt	Long-term debt by Saratoga Glen Hollow Water Supply Corp.	To obtain long-term debt
*PSC-04-06-00024-P	..... exempt	Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc.	To approve of the transfer
*PSC-06-06-00015-P	..... exempt	Gas curtailment policies and procedures	To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-07-06-00009-P	..... exempt	Modification of the current Environmental Disclosure Program	To include an attributes accounting system
*PSC-22-06-00019-P	..... exempt	Hourly pricing by National Grid	To assess the impacts
*PSC-22-06-00020-P	..... exempt	Hourly pricing by New York State Electric & Gas Corporation	To assess the impacts
*PSC-22-06-00021-P	..... exempt	Hourly pricing by Rochester Gas & Electric Corporation	To assess the impacts
*PSC-22-06-00022-P	..... exempt	Hourly pricing by Consolidated Edison Company of New York, Inc.	To assess the impacts
*PSC-22-06-00023-P	..... exempt	Hourly pricing by Orange and Rockland Utilities, Inc.	To assess the impacts
*PSC-24-06-00005-EP	..... exempt	Supplemental home energy assistance benefits	To extend the deadline to Central Hudson's low-income customers
*PSC-25-06-00017-P	..... exempt	Purchased power adjustment by Massena Electric Department	To revise the method of calculating the purchased power adjustment and update the factor of adjustment
*PSC-34-06-00009-P	..... exempt	Inter-carrier telephone service quality standards and metrics by the Carrier Working Group	To incorporate appropriate modifications
*PSC-37-06-00015-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-37-06-00017-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-43-06-00014-P	..... exempt	Electric delivery services by Strategic Power Management, Inc.	To determine the proper mechanism for the rate-recovery of costs
*PSC-04-07-00012-P	..... exempt	Petition for rehearing by Orange and Rockland Utilities, Inc.	To clarify the order
*PSC-06-07-00015-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for electric service
*PSC-06-07-00020-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for gas service
*PSC-11-07-00010-P	..... exempt	Investigation of the electric power outages by the Consolidated Edison Company of New York, Inc.	To implement the recommendations in the staff's investigation
*PSC-11-07-00011-P	..... exempt	Storm-related power outages by Consolidated Edison Company of New York, Inc.	To modify the company's response to power outages, the timing for any such changes and other related matters
*PSC-17-07-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc.	To amend the agreement
*PSC-18-07-00010-P	..... exempt	Existing electric generating stations by Independent Power Producers of New York, Inc.	To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-20-07-00016-P	..... exempt	Tariff revisions and making rates permanent by New York State Electric & Gas Corporation	To seek rehearing
*PSC-21-07-00007-P	..... exempt	Natural Gas Supply and Acquisition Plan by Corning Natural Gas Corporation	To revise the rates, charges, rules and regulations for gas service
*PSC-22-07-00015-P	..... exempt	Demand Side Management Program by Consolidated Edison Company of New York, Inc.	To recover incremental program costs and lost revenue
*PSC-23-07-00022-P	..... exempt	Supplier, transportation, balancing and aggregation service by National Fuel Gas Distribution Corporation	To explicitly state in the company's tariff that the threshold level of elective upstream transmission capacity is a maximum of 112,600 Dth/day of marketer-provided upstream capacity
*PSC-24-07-00012-P	..... exempt	Gas Efficiency Program by the City of New York	To consider rehearing a decision establishing a Gas Efficiency Program
*PSC-39-07-00017-P	..... exempt	Gas bill issuance charge by New York State Electric & Gas Corporation	To create a gas bill issuance charge unbundled from delivery rates
*PSC-41-07-00009-P	..... exempt	Submetering of electricity rehearing	To seek reversal
*PSC-42-07-00012-P	..... exempt	Energy efficiency program by Orange and Rockland Utilities, Inc.	To consider any energy efficiency program for Orange and Rockland Utilities, Inc.'s electric service
*PSC-42-07-00013-P	..... exempt	Revenue decoupling by Orange and Rockland Utilities, Inc.	To consider a revenue decoupling mechanism for Orange and Rockland Utilities, Inc.
*PSC-45-07-00005-P	..... exempt	Customer incentive programs by Orange and Rockland Utilities, Inc.	To establish a tariff provision
*PSC-02-08-00006-P	..... exempt	Additional central office codes in the 315 area code region	To consider options for making additional codes
*PSC-03-08-00006-P	..... exempt	Rehearing of the accounting determinations	To grant or deny a petition for rehearing of the accounting determinations
*PSC-04-08-00010-P	..... exempt	Granting of easement rights on utility property by Central Hudson Gas & Electric Corporation	To grant easement rights to Millennium Pipeline Company, L.L.C.
*PSC-04-08-00012-P	..... exempt	Marketing practices of energy service companies by the Consumer Protection Board and New York City Department of Consumer Affairs	To consider modifying the commission's regulation over marketing practices of energy service companies
*PSC-08-08-00016-P	..... exempt	Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al.	To consider the transfer
*PSC-12-08-00019-P	..... exempt	Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-12-08-00021-P	..... exempt	Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-13-08-00011-P	..... exempt	Waiver of commission policy and NYSEG tariff by Turner Engineering, PC	To grant or deny Turner's petition

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-13-08-00012-P	..... exempt	Voltage drops by New York State Electric & Gas Corporation	To grant or deny the petition
*PSC-23-08-00008-P	..... exempt	Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project	To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project
*PSC-25-08-00007-P	..... exempt	Policies and procedures regarding the selection of regulatory proposals to meet reliability needs	To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs
*PSC-25-08-00008-P	..... exempt	Report on Callable Load Opportunities	Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years
*PSC-28-08-00004-P	..... exempt	Con Edison's procedure for providing customers access to their account information	To consider Con Edison's implementation plan and timetable for providing customers access to their account information
*PSC-31-08-00025-P	..... exempt	Recovery of reasonable DRS costs from the cost mitigation reserve (CMR)	To authorize recovery of the DRS costs from the CMR
*PSC-32-08-00009-P	..... exempt	The ESCO referral program for KEDNY to be implemented by October 1, 2008	To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program
*PSC-33-08-00008-P	..... exempt	Noble Allegany's request for lightened regulation	To consider Noble Allegany's request for lightened regulation as an electric corporation
*PSC-36-08-00019-P	..... exempt	Land Transfer in the Borough of Manhattan, New York	To consider petition for transfer of real property to NYPH
*PSC-39-08-00010-P	..... exempt	RG&E's economic development plan and tariffs	Consideration of the approval of RG&E's economic development plan and tariffs
*PSC-40-08-00010-P	..... exempt	Loans from regulated company to its parent	To determine if the cash management program resulting in loans to the parent should be approved
*PSC-41-08-00009-P	..... exempt	Transfer of control of cable TV franchise	To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved
*PSC-43-08-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-46-08-00008-P	..... exempt	Property transfer in the Village of Avon, New York	To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York
*PSC-46-08-00010-P	..... exempt	A transfer of indirect ownership interests in nuclear generation facilities	Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities
*PSC-46-08-00014-P	..... exempt	The attachment of cellular antennae to an electric transmission tower	To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-48-08-00005-P	..... exempt	A National Grid high efficiency gas heating equipment rebate program	To expand eligibility to customers converting from oil to natural gas
*PSC-48-08-00008-P	..... exempt	Petition for the master metering and submetering of electricity	To consider the request of Bay City Metering, to master meter & submeter electricity at 345 E. 81st St., New York, New York
*PSC-48-08-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of PCV/ST to submeter electricity at Peter Cooper Village & Stuyvesant Town, New York, New York
*PSC-50-08-00018-P	..... exempt	Market Supply Charge	A study on the implementation of a revised Market Supply Charge
*PSC-51-08-00006-P	..... exempt	Commission's October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458	To consider a Petition for rehearing of the Commission's October 27, 2008 Order in Case 07-M-0458
*PSC-51-08-00007-P	..... exempt	Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078	To consider Petitions for rehearing of the Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078
*PSC-53-08-00011-P	..... exempt	Use of deferred Rural Telephone Bank funds	To determine if the purchase of a softswitch by Hancock is an appropriate use of deferred Rural Telephone Bank funds
*PSC-53-08-00012-P	..... exempt	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY
*PSC-53-08-00013-P	..... exempt	To transfer common stock and ownership	To consider transfer of common stock and ownership
*PSC-01-09-00015-P	..... exempt	FCC decision to redefine service area of Citizens/Frontier	Review and consider FCC proposed redefinition of Citizens/Frontier service area
*PSC-02-09-00010-P	..... exempt	Competitive classification of independent local exchange company, and regulatory relief appropriate thereto	To determine if Chazy & Westport Telephone Corporation more appropriately belongs in scenario 1 rather than scenario 2
*PSC-05-09-00008-P	..... exempt	Revenue allocation, rate design, performance metrics, and other non-revenue requirement issues	To consider any remaining non-revenue requirement issues related to the Company's May 9, 2008 tariff filing
*PSC-05-09-00009-P	..... exempt	Numerous decisions involving the steam system including cost allocation, energy efficiency and capital projects	To consider the long term impacts on steam rates and on public policy of various options concerning the steam system
*PSC-06-09-00007-P	..... exempt	Interconnection of the networks between Frontier Comm. and WVT Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier Comm. and WVT Comm.
*PSC-07-09-00015-P	..... exempt	Transfer certain utility assets located in the Town of Montgomery from plant held for future use to non-utility property	To consider the request to transfer certain utility assets located in the Town of Montgomery to non-utility assets
*PSC-07-09-00017-P exempt	Request for authorization to defer the incremental costs incurred in the restoration work resulting from the ice storm	To allow the company to defer the incremental costs incurred in the restoration work resulting from the ice storm

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PUBLIC SERVICE COMMISSION			
*PSC-07-09-00018-P exempt	Whether to permit the submetering of natural gas service to an industrial and commercial customer at Cooper Union, New York, NY	To consider the request of Cooper Union, to submeter natural gas at 41 Cooper Square, New York, New York
*PSC-12-09-00010-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-12-09-00012-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-13-09-00008-P	..... exempt	Options for making additional central office codes available in the 718/347 numbering plan area	To consider options for making additional central office codes available in the 718/347 numbering plan area
*PSC-14-09-00014-P	..... exempt	The regulation of revenue requirements for municipal utilities by the Public Service Commission	To determine whether the regulation of revenue requirements for municipal utilities should be modified
*PSC-16-09-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of AMPS on behalf of Park Imperial to submeter electricity at 230 W. 56th Street, in New York, New York
*PSC-16-09-00020-P	..... exempt	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity
*PSC-17-09-00010-P	..... exempt	Whether to permit the use of Elster REX2 solid state electric meter for use in residential and commercial accounts	To permit electric utilities in New York State to use the Elster REX2
*PSC-17-09-00011-P	..... exempt	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes
*PSC-17-09-00012-P	..... exempt	Petition for the submetering of gas at commercial property	To consider the request of Turner Construction, to submeter natural gas at 550 Short Ave., & 10 South St., Governors Island, NY
*PSC-17-09-00014-P	..... exempt	Benefit-cost framework for evaluating AMI programs prepared by the DPS Staff	To consider a benefit-cost framework for evaluating AMI programs prepared by the DPS Staff
*PSC-17-09-00015-P	..... exempt	The construction of a tower for wireless antennas on land owned by National Grid	To approve, reject or modify the petition to build a tower for wireless antennas in the Town of Onondaga
*PSC-18-09-00012-P	..... exempt	Petition for rehearing of Order approving the submetering of electricity	To consider the request of Frank Signore to rehear petition to submeter electricity at One City Place in White Plains, New York
*PSC-18-09-00013-P	..... exempt	Petition for the submetering of electricity	To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York
*PSC-18-09-00017-P	..... exempt	Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers	To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower
*PSC-20-09-00016-P exempt	The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc	To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with it's AMI pilots etc

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PUBLIC SERVICE COMMISSION			
*PSC-20-09-00017-P exempt	The recovery of, and accounting for, costs associated with CHG&E's AMI pilot program	To consider a filing of CHG&E as to the recovery of, and accounting for, costs associated with it's AMI pilot program
*PSC-22-09-00011-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-25-09-00005-P	..... exempt	Whether to grant, deny, or modify, in whole or in part, the petition	Whether to grant, deny, or modify, in whole or in part, the petition
*PSC-25-09-00006-P	..... exempt	Electric utility implementation plans for proposed web based SIR application process and project status database	To determine if the proposed web based SIR systems are adequate and meet requirements needed for implementation
*PSC-25-09-00007-P	..... exempt	Electric rates for Consolidated Edison Company of New York, Inc	Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc
*PSC-27-09-00011-P	..... exempt	Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access.	To review the terms and conditions of the negotiated agreement between Vernon and tw telecom of new york l.p.
*PSC-27-09-00014-P	..... exempt	Billing and payment for energy efficiency measures through utility bill	To promote energy conservation
*PSC-27-09-00015-P	..... exempt	Interconnection of the networks between Oriskany and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Oriskany and tw telecom of new york l.p
*PSC-29-09-00011-P	..... exempt	Consideration of utility compliance filings	Consideration of utility compliance filings
*PSC-32-09-00009-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-34-09-00016-P	..... exempt	Recommendations made in the Management Audit Final Report	To consider whether to take action or recommendations contained in the Management Audit Final Report
*PSC-34-09-00017-P	..... exempt	To consider the transfer of control of Plattsburgh Cablevision, Inc. d/b/a Charter Communications to CH Communications, LLC	To allow the Plattsburgh Cablevision, Inc. to distribute its equity interest in CH Communications, LLC
*PSC-36-09-00008-P	..... exempt	The increase in the non-bypassable charge implemented by RG&E on June 1, 2009	Considering exemptions from the increase in the non-bypassable charge implemented by RG&E on June 1, 2009
*PSC-37-09-00015-P	..... exempt	Sale of customer-generated steam to the Con Edison steam system	To establish a mechanism for sale of customer-generated steam to the Con Edison steam system
*PSC-37-09-00016-P	..... exempt	Applicability of electronic signatures to Deferred Payment Agreements	To determine whether electronic signatures can be accepted for Deferred Payment Agreements
*PSC-39-09-00015-P	..... exempt	Modifications to the \$5 Bill Credit Program	Consideration of petition of National Grid to modify the Low Income \$5 Bill Credit Program
*PSC-39-09-00018-P	..... exempt	The offset of deferral balances with Positive Benefit Adjustments	To consider a petition to offset deferral balances with Positive Benefit Adjustments

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-40-09-00013-P	..... exempt	Uniform System of Accounts - request for deferral and amortization of costs	To consider a petition to defer and amortize costs
*PSC-51-09-00029-P	..... exempt	Rules and guidelines for the exchange of retail access data between jurisdictional utilities and eligible ESCOs	To revise the uniform Electronic Data Interchange Standards and business practices to incorporate a contest period
*PSC-51-09-00030-P	..... exempt	Waiver or modification of Capital Expenditure condition of merger	To allow the companies to expend less funds for capital improvement than required by the merger
*PSC-52-09-00006-P	..... exempt	ACE's petition for rehearing for an order regarding generator-specific energy deliverability study methodology	To consider whether to change the Order Prescribing Study Methodology
*PSC-52-09-00008-P	..... exempt	Approval for the New York Independent System Operator, Inc. to incur indebtedness and borrow up to \$50,000,000	To finance the renovation and construction of the New York Independent System Operator, Inc.'s power control center facilities
*PSC-05-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY
*PSC-05-10-00015-P	..... exempt	Petition for the submetering of electricity	To consider the request of 243 West End Avenue Owners Corp. to submeter electricity at 243 West End Avenue, New York, NY
*PSC-06-10-00022-P	..... exempt	The Commission's Order of December 17, 2009 related to redevelopment of Consolidated Edison's Hudson Avenue generating facility	To reconsider the Commission's Order of December 17, 2009 related to redevelopment of the Hudson Avenue generating facility
*PSC-07-10-00009-P	..... exempt	Petition to revise the Uniform Business Practices	To consider the RESA petition to allow rescission of a customer request to return to full utility service
*PSC-08-10-00007-P	..... exempt	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847
*PSC-08-10-00009-P	..... exempt	Consolidated Edison of New York, Inc. energy efficiency programs	To modify approved energy efficiency programs
*PSC-12-10-00015-P	..... exempt	Recommendations made by Staff intended to enhance the safety of Con Edison's gas operations	To require that Con Edison implement the Staff recommendations intended to enhance the safety of Con Edison's gas operations
*PSC-14-10-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of 61 Jane Street Owners Corporation to submeter Electricity at 61 Jane Street, Manhattan, NY
*PSC-16-10-00005-P	..... exempt	To consider adopting and expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-16-10-00007-P	..... exempt	Interconnection of the networks between TDS Telecom and PAETEC Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between TDS Telecom and PAETEC Communications
*PSC-16-10-00015-P	..... exempt	Interconnection of the networks between Frontier and Choice One Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier and Choice One Communications

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-18-10-00009-P	..... exempt	Electric utility transmission right-of-way management practices	To consider electric utility transmission right-of-way management practices
*PSC-19-10-00022-P	..... exempt	Whether National Grid should be permitted to transfer a parcel of property located at 1 Eddy Street, Fort Edward, New York	To decide whether to approve National Grid's request to transfer a parcel of vacant property in Fort Edward, New York
*PSC-22-10-00006-P	..... exempt	Requirement that Noble demonstrate that its affiliated electric corporations operating in New York are providing safe service	Consider requiring that Noble demonstrate that its affiliated electric corporations in New York are providing safe service
*PSC-22-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of 48-52 Franklin Street to submeter electricity at 50 Franklin Street, New York, New York
*PSC-24-10-00009-P	..... exempt	Verizon New York Inc. tariff regulations relating to voice messaging service	To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff
*PSC-25-10-00012-P	..... exempt	Reassignment of the 2-1-1 abbreviated dialing code	Consideration of petition to reassign the 2-1-1 abbreviated dialing code
*PSC-27-10-00016-P	..... exempt	Petition for the submetering of electricity	To consider the request of 9271 Group, LLC to submeter electricity at 960 Busti Avenue, Buffalo, New York
*PSC-34-10-00003-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-34-10-00005-P	..... exempt	Approval of a contract for \$250,000 in tank repairs that may be a financing	To decide whether to approve a contract between the parties that may be a financing of \$250,000 for tank repairs
*PSC-34-10-00006-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-36-10-00010-P	..... exempt	Central Hudson's procedures, terms and conditions for an economic development plan	Consideration of Central Hudson's procedures, terms and conditions for an economic development plan
*PSC-40-10-00014-P	..... exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by National Grid
*PSC-40-10-00021-P	..... exempt	Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall	To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall
*PSC-41-10-00018-P	..... exempt	Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter	Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers
*PSC-41-10-00022-P	..... exempt	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY
*PSC-42-10-00011-P exempt	Petition for the submetering of electricity	To consider the request of 4858 Group, LLC to submeter electricity at 456 Main Street, Buffalo, New York

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PUBLIC SERVICE COMMISSION			
*PSC-43-10-00016-P exempt	Utility Access to Ducts, Conduit Facilities and Utility Poles	To review the complaint from Optical Communications Group
*PSC-44-10-00003-P	..... exempt	Third and fourth stage gas rate increase by Corning Natural Gas Corporation	To consider Corning Natural Gas Corporation's request for a third and fourth stage gas rate increase
*PSC-51-10-00018-P	..... exempt	Commission proceeding concerning three-phase electric service by all major electric utilities	Investigate the consistency of the tariff provisions for three-phase electric service for all major electric utilities
*PSC-11-11-00003-P	..... exempt	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service
*PSC-13-11-00005-P	..... exempt	Exclude the minimum monthly bill component from the earnings test calculation	Exclude the minimum monthly bill component from the earnings test calculation
*PSC-14-11-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York
*PSC-19-11-00007-P	..... exempt	Utility price reporting requirements related to the Commission's "Power to Choose" website	Modify the Commission's utility electric commodity price reporting requirements related to the "Power to Choose" website
*PSC-20-11-00012-P	..... exempt	Petition for the submetering of electricity	To consider the request of KMW Group LLC to submeter electricity at 122 West Street, Brooklyn, New York
*PSC-20-11-00013-P	..... exempt	Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges	To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable
*PSC-22-11-00004-P	..... exempt	Whether to permit the use of the Sensus accWAVE for use in residential gas meter applications	To permit gas utilities in New York State to use the Sensus accWAVE diaphragm gas meter
*PSC-26-11-00007-P	..... exempt	Water rates and charges	To approve an increase in annual revenues by about \$25,266 or 50%
*PSC-26-11-00009-P	..... exempt	Petition for the submetering of electricity at commercial property	To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York
*PSC-26-11-00012-P	..... exempt	Waiver of generation retirement notice requirements	Consideration of waiver of generation retirement notice requirements
*PSC-29-11-00011-P	..... exempt	Petition requesting the Commission reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order.	To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing.
*PSC-35-11-00011-P	..... exempt	Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8	Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters
*PSC-36-11-00006-P	..... exempt	To consider expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-38-11-00002-P	..... exempt	Operation and maintenance procedures pertaining to steam trap caps	Adopt modified steam operation and maintenance procedures

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-38-11-00003-P	..... exempt	Waiver of certain provisions of the electric service tariffs of Con Edison	Consideration of waiver of certain provisions of the electric service tariffs of Con Edison
*PSC-40-11-00010-P	..... exempt	Participation of regulated local exchange carriers in the New York Data Exchange, Inc. (NYDE)	Whether to partially modify its order requiring regulated local exchange carriers' participation NYDE
*PSC-40-11-00012-P	..... exempt	Granting of transfer of plant in-service to a regulatory asset	To approve transfer and recovery of unamortized plant investment
*PSC-42-11-00018-P	..... exempt	Availability of telecommunications services in New York State at just and reasonable rates	Providing funding support to help ensure availability of affordable telecommunications service throughout New York
*PSC-43-11-00012-P	..... exempt	Transfer of outstanding shares of stock	Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC
*PSC-47-11-00007-P	..... exempt	Remedying miscalculations of delivered gas as between two customer classes	Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations
*PSC-48-11-00007-P	..... exempt	Transfer of controlling interests in generation facilities from Dynegy to PSEG	Consideration of the transfer of controlling interests in electric generation facilities from Dynegy to PSEG
*PSC-48-11-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York
*PSC-01-12-00007-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-01-12-00008-P	..... exempt	Transfer of real property and easements from NMPNS to NMP3	Consideration of the transfer of real property and easements from NMPNS to NMP3
*PSC-01-12-00009-P	..... exempt	Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove	To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered
*PSC-11-12-00002-P	..... exempt	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff
*PSC-11-12-00005-P	..... exempt	Transfer of land and water supply assets	Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman
*PSC-13-12-00005-P	..... exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-19-12-00023-P	..... exempt	Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than \$100,000	To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc.
*PSC-21-12-00006-P	..... exempt	Tariff filing requirements and refunds	To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-21-12-00011-P	..... exempt	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47
*PSC-23-12-00007-P	..... exempt	The approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility	To consider the approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility
*PSC-23-12-00009-P	..... exempt	Over earnings sharing between rate payers and shareholders	To establish an Earnings Sharing Mechanism to be applied following the conclusion of Corning's rate plan
*PSC-27-12-00012-P	..... exempt	Implementation of recommendations made in a Management Audit Report	To consider implementation of recommendations made in a Management Audit Report
*PSC-28-12-00013-P	..... exempt	Exemption of reliability reporting statistics for the purpose of the 2012 Reliability Performance Mechanism	Consideration of Orange and Rockland Utilities request for exemption of the 2012 reliability reporting statistics
*PSC-29-12-00019-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Hamden to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-30-12-00010-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Andes to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-33-12-00009-P	..... exempt	Telecommunications companies ability to attach to utility company poles	Consideration of Tech Valley's ability to attach to Central Hudson poles
*PSC-37-12-00009-P	..... exempt	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers
*PSC-42-12-00009-P	..... exempt	Regulation of Gipsy Trail Club, Inc.'s long-term financing agreements	To exempt Gipsy Trail Club, Inc. from Commission regulation of its financing agreements
*PSC-45-12-00008-P	..... exempt	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff
*PSC-45-12-00010-P	..... exempt	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District
*PSC-50-12-00003-P	..... exempt	Affiliate standards for Corning Natural Gas Corporation	To resolve issues raised by Corning Natural Gas Corporation in its petition for rehearing
*PSC-04-13-00006-P	..... exempt	Expansion of mandatory day ahead hourly pricing for customers of Orange and Rockland Utilities with demands above 100 kW	To consider the expansion of mandatory day ahead hourly pricing for customers with demands above 100 kW
*PSC-04-13-00007-P	..... exempt	Authorization to transfer certain real property.	To decide whether to approve the transfer of certain real property.
*PSC-06-13-00008-P	..... exempt	Verizon New York Inc.'s retail service quality	To investigate Verizon New York Inc.'s retail service quality

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-08-13-00012-P	..... exempt	Filing requirements for certain Article VII electric facilities	To ensure that applications for certain electric transmission facilities contain pertinent information
*PSC-08-13-00014-P	..... exempt	Uniform System of Accounts - Request for Accounting Authorization	To allow the company to defer an item of expense or capital beyond the end of the year in which it was incurred
*PSC-12-13-00007-P	..... exempt	Protecting company water mains	To allow the company to require certain customers to make changes to the electrical grounding system at their homes
*PSC-13-13-00008-P	..... exempt	The potential waiver of 16 NYCRR 255.9221(d) completion of integrity assessments for certain gas transmission lines.	To determine whether a waiver of the timely completion of certain gas transmission line integrity assessments should be granted.
*PSC-18-13-00007-P	..... exempt	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes
*PSC-21-13-00003-P	..... exempt	To consider policies that may impact consumer acceptance and use of electric vehicles	To consider and further develop policies that may impact consumer acceptance and use of electric vehicles
*PSC-21-13-00005-P	..... exempt	To implement an abandonment of Windover's water system	To approve the implementation of abandonment of Windover's water system
*PSC-21-13-00008-P	..... exempt	Rates of National Fuel Gas Distribution Corporation	To make the rates of National Fuel Gas Distribution Corporation temporary, subject to refund, if they are found to be excessive
*PSC-21-13-00009-P	..... exempt	Reporting requirements for natural gas local distribution companies	To help ensure efficient and economic expansion of the natural gas system as appropriate
*PSC-22-13-00009-P	..... exempt	On remand from New York State court litigation, determine the recovery of certain deferred amounts owed NFG by ratepayers	On remand, to determine the recovery of certain deferral amounts owed NFG from ratepayers
*PSC-23-13-00005-P	..... exempt	Waiver of partial payment, directory database distribution, service quality reporting, and service termination regulations	Equalize regulatory treatment based on level of competition and practical considerations
*PSC-25-13-00008-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-25-13-00009-P	..... exempt	Provision by utilities of natural gas main and service lines.	To help ensure efficient and economic expansion of the natural gas system as appropriate.
*PSC-25-13-00012-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-27-13-00014-P	..... exempt	Columbia Gas Transmission Corporation Cost Refund	For approval for temporary waiver of tariff provisions regarding its Columbia Gas Transmission Corporation cost refund.
*PSC-28-13-00014-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-28-13-00016-P	..... exempt	The request of NGT for lightened regulation as a gas corporation.	To consider whether to approve, reject, or modify the request of Niagara gas transport of Lockport, NY LLC.
*PSC-28-13-00017-P	..... exempt	The request by TE for waiver of regulations requiring that natural gas be odorized in certain gathering line segments	Consider the request by TE for waiver of regulations that gas be odorized in certain lines
*PSC-32-13-00009-P	..... exempt	To consider the definition of “misleading or deceptive conduct” in the Commission’s Uniform Business Practices	To consider the definition of “misleading or deceptive conduct” in the Commission’s Uniform Business Practices
*PSC-32-13-00012-P	..... exempt	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion
*PSC-33-13-00027-P	..... exempt	Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines.	Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines.
*PSC-33-13-00029-P	..... exempt	Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy.	To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy.
*PSC-34-13-00004-P	..... exempt	Escrow account and surcharge to fund extraordinary repairs	To approve the establishment of an escrow account and surcharge
*PSC-42-13-00013-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-42-13-00015-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-43-13-00015-P	..... exempt	Petition for submetering of electricity	To consider the request of 2701 Kingsbridge Terrace L.P. to submeter electricity at 2701 Kingsbridge Terrace, Bronx, N.Y.
*PSC-45-13-00021-P	..... exempt	Investigation into effect of bifurcation of gas and electric utility service on Long Island.	To consider a Petition for an investigation into effect of bifurcation of gas and electric utility service on Long Island.
*PSC-45-13-00022-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00023-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00024-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4); waiver of filing deadlines.	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00025-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-47-13-00009-P	..... exempt	Petition for submetering of electricity.	To consider the request of Hegeman Avenue Housing L.P. to submeter electricity at 39 Hegeman Avenue, Brooklyn, N.Y.
*PSC-47-13-00012-P	..... exempt	Conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.	Consideration of conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-49-13-00008-P	..... exempt	Authorization to transfer all of Crystal Water Supply Company, Inc. stocks to Essel Infra West Inc.	To allow Crystal Water Supply Company, Inc to transfer all of its issued and outstanding stocks to Essel Infra West Inc.
*PSC-51-13-00009-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00010-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00011-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-52-13-00012-P	..... exempt	The development of reliability contingency plan(s) to address the potential retirement of Indian Point Energy Center (IPEC).	To address the petition for rehearing and reconsideration/motion for clarification of the IPEC reliability contingency plan(s).
*PSC-52-13-00015-P	..... exempt	To enter into a loan agreement with the banks for up to an amount of \$94,000.	To consider allowing Knolls Water Company to enter into a long-term loan agreement.
*PSC-05-14-00010-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-07-14-00008-P	..... exempt	Petition for submetering of electricity	To consider the request of Greater Centennial Homes HDFC, Inc. to submeter electricity at 102, 103 and 106 W 5th Street, et al.
*PSC-07-14-00012-P	..... exempt	Water rates and charges	Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project
*PSC-08-14-00015-P	..... exempt	Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities	To improve Verizon New York Inc.'s service quality and the Customer Trouble Report Rate levels at certain central office entities
*PSC-10-14-00006-P	..... exempt	Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance	To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance
*PSC-11-14-00003-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-16-14-00014-P	..... exempt	Whether to order NYSEG to provide gas service to customers when an expanded CPCN is approved and impose PSL 25-a penalties.	To order gas service to customers in the Town of Plattsburgh after approval of a town wide CPCN and to impose penalties.
*PSC-16-14-00015-P	..... exempt	Whether Central Hudson should be permitted to defer obligations of the Order issued on October 18, 2013 in Case 13-G-0336.	Consideration of the petition by Central Hudson to defer reporting obligations of the October 18, 2013 Order in Case 13-G-0336
*PSC-17-14-00003-P	..... exempt	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism
*PSC-17-14-00004-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-17-14-00007-P	..... exempt	To consider petitions for rehearing, reconsideration and/or clarification	To consider petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00008-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-19-14-00014-P	..... exempt	Market Supply Charge	To make tariff revisions to the Market Supply Charge for capacity related costs
*PSC-19-14-00015-P	..... exempt	Whether to permit the use of the Sensus accuWAVE for use in residential and commercial gas meter applications	To permit gas utilities in New York State to use the Sensus accuWAVE 415TC gas meter
*PSC-22-14-00013-P	..... exempt	Petition to transfer and merge systems, franchises and assets.	To consider the Comcast and Time Warner Cable merger and transfer of systems, franchises and assets.
*PSC-23-14-00010-P	..... exempt	Whether to permit the use of the GE Dresser Series B3-HPC 11M-1480 rotary gas met for use in industrial gas meter applications	To permit gas utilities in New York State to use the GE Dresser Series B3-HPC 11M-1480 rotary gas meter
*PSC-23-14-00014-P	..... exempt	Waiver of the negative revenue adjustment associated with KEDLI's 2013 Customer Satisfaction Performance Metric	Consideration of KEDLI's waiver request pertaining to its 2013 performance under its Customer Satisfaction Metric
*PSC-24-14-00005-P	..... exempt	To examine LDC's performance and performance measures.	To improve gas safety performance.
*PSC-26-14-00013-P	..... exempt	Waiver of RG&E's tariffed definition of emergency generator.	To consider waiver of RG&E's tariffed definition of emergency generator.
*PSC-26-14-00020-P	..... exempt	New electric utility backup service tariffs and standards for interconnection may be adopted.	To encourage development of microgrids that enhance the efficiency, safety, reliability and resiliency of the electric grid.
*PSC-26-14-00021-P	..... exempt	Consumer protections, standards and protocols pertaining to access to customer data may be established.	To balance the need for the information necessary to support a robust market with customer privacy concerns.
*PSC-28-14-00014-P	..... exempt	Petition to transfer systems, franchises and assets.	To consider the Comcast and Charter transfer of systems, franchise and assets.
*PSC-30-14-00023-P	..... exempt	Whether to permit the use of the Sensus iPERL Fire Flow Meter.	Pursuant to 16 NYCRR Part 500.3 , it is necessary to permit the use of the Sensus iPERL Fire Flow Meter.
*PSC-30-14-00026-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of Renaissance Corporation of to master meter electricity at 100 Union Drive,Albany, NY.
*PSC-31-14-00004-P	..... exempt	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross
*PSC-32-14-00012-P	..... exempt	Whether to grant or deny, in whole or in part, the Connect New York Coalition's petition	To consider the Connect New York Coalition's petition seeking a formal investigation and hearings
*PSC-35-14-00004-P	..... exempt	Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY	To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-35-14-00005-P	..... exempt	Whether to permit the use of the Sensus iConA electric meter	Pursuant to 16 NYCRR Parts 92 and 93, Commission approval is necessary to permit the use of the Sensus iConA electric meter
*PSC-36-14-00009-P	..... exempt	Modification to the Commission's Electric Safety Standards.	To consider revisions to the Commission's Electric Safety Standards.
*PSC-38-14-00003-P	..... exempt	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.
*PSC-38-14-00004-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00005-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-38-14-00007-P	..... exempt	Whether to expand Con Edison's low income program to include Medicaid recipients.	Whether to expand Con Edison's low income program to include Medicaid recipients.
*PSC-38-14-00008-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00010-P	..... exempt	Inter-carrier telephone service quality standard and metrics and administrative changes.	To review recommendations from the Carrier Working Group and incorporate appropriate modifications to the existing Guidelines.
*PSC-38-14-00012-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-39-14-00020-P	..... exempt	Whether to permit the use of the Mueller Systems 400 Series and 500 Series of water meters	Pursuant to 16 NYCRR section 500.3, whether to permit the use of the Mueller Systems 400, and 500 Series of water meters
*PSC-40-14-00008-P	..... exempt	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.
*PSC-40-14-00009-P	..... exempt	Whether to permit the use of the Itron Open Way Centron Meter with Hardware 3.1 for AMR and AMI functionality.	Pursuant to 16 NYCRR Parts 93, is necessary to permit the use of the Itron Open Way Centron Meter with Hardware 3.1.
*PSC-40-14-00011-P	..... exempt	Late Payment Charge.	To modify Section 7.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-40-14-00013-P	..... exempt	Regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.	To consider regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.
*PSC-40-14-00014-P	..... exempt	Waiver of 16 NYCRR Sections 894.1 through 894.4(b)(2)	To allow the Town of Goshen, NY, to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-40-14-00015-P	..... exempt	Late Payment Charge.	To modify Section 6.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-42-14-00003-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-42-14-00004-P	..... exempt	Winter Bundled Sales Service Option	To modify SC-11 to remove language relating to fixed storage charges in the determination of the Winter Bundled Sales charge
*PSC-48-14-00014-P	..... exempt	Considering the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.	To consider the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.
*PSC-52-14-00019-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of 614 South Crouse Avenue, LLC to master meter electricity at 614 South Crouse Avenue, Syracuse, NY..
*PSC-01-15-00014-P	..... exempt	State Universal Service Fund Disbursements	To consider Edwards Telephone Company's request for State Universal Service Fund disbursements
*PSC-08-15-00009-P	..... exempt	Approval of a surcharge.	To allow or disallow Emerald Green Lake Louise Marie Water Company, Inc. for a surcharge.
*PSC-08-15-00010-P	..... exempt	Request pertaining to the lawfulness of National Grid USA continuing its summary billing program.	To grant, deny, or modify URAC Rate Consultants' request that National Grid cease its summary billing program.
*PSC-10-15-00007-P	..... exempt	Notification concerning tax refunds	To consider Verizon New York Inc.'s partial rehearing or reconsideration request regarding retention of property tax refunds
*PSC-10-15-00008-P	..... exempt	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes
*PSC-13-15-00024-P	..... exempt	Whether Leatherstocking should be permitted to recover a shortfall in earnings	To decide whether to approve Leatherstocking's request to recover a shortfall in earnings
*PSC-13-15-00026-P	..... exempt	Whether to permit the use of the Sensus Smart Point Gas AMR/AMI product	To permit the use of the Sensus Smart Point Gas AMR/AMI product
*PSC-13-15-00027-P	..... exempt	Whether to permit the use of the Measurlogic DTS 310 electric submeter	To permit the use of the Measurlogic DTS 310 submeter
*PSC-13-15-00028-P	..... exempt	Whether to permit the use of the SATEC EM920 electric meter	To permit necessary to permit the use of the SATEC EM920 electric meter
*PSC-13-15-00029-P	..... exempt	Whether to permit the use the Triacta Power Technologies 6103, 6112, 6303, and 6312 electric submeters	To permit the use of the Triacta submeters
*PSC-17-15-00007-P	..... exempt	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million
*PSC-18-15-00005-P	..... exempt	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-19-15-00011-P	..... exempt	Gas Safety Performance Measures and associated negative revenue adjustments	To update the performance measures applicable to KeySpan Gas East Corporation d/b/a National Grid
*PSC-22-15-00015-P	..... exempt	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)
*PSC-23-15-00005-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-23-15-00006-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-25-15-00008-P	..... exempt	Notice of Intent to Submeter electricity.	To consider the request of 165 E 66 Residences, LLC to submeter electricity at 165 East 66th Street, New York, New York.
*PSC-29-15-00025-P	..... exempt	Joint Petition for authority to transfer real property located at 624 West 132nd Street, New York, NY	Whether to authorize the proposed transfer of real property located at 624 West 132nd Street, New York, NY
*PSC-32-15-00006-P	..... exempt	Development of a Community Solar Demonstration Project.	To approve the development of a Community Solar Demonstration Project.
*PSC-33-15-00009-P	..... exempt	Remote net metering of a demonstration community net metering program.	To consider approval of remote net metering of a demonstration community net metering program.
*PSC-33-15-00012-P	..... exempt	Remote net metering of a Community Solar Demonstration Project.	To consider approval of remote net metering of a Community Solar Demonstration Project.
*PSC-34-15-00021-P	..... exempt	Petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs	To consider the petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs
*PSC-35-15-00014-P	..... exempt	Consideration of consequences against Light Power & Gas, LLC for violations of the UBP	To consider consequences against Light Power & Gas, LLC for violations of the UBP
*PSC-37-15-00007-P	..... exempt	Submetered electricity	To consider the request of 89 Murray Street Ass. LLC, for clarification of the submetering order issued December 20, 2007
*PSC-40-15-00014-P	..... exempt	Whether to permit the use of the Open Way 3.5 with cellular communications	To consider the use of the Open Way 3.5 electric meter, pursuant to 16 NYCRR Parts 92 and 93
*PSC-42-15-00006-P	..... exempt	Deferral of incremental expenses associated with NERC's new Bulk Electric System (BES) compliance requirements approved by FERC.	Consideration of Central Hudson's request to defer incremental expenses associated with new BES compliance requirements.
*PSC-44-15-00028-P	..... exempt	Deferral of incremental expenses associated with new compliance requirements	Consideration of Central Hudson's request to defer incremental expenses associated with new compliance requirements
*PSC-47-15-00013-P	..... exempt	Whitepaper on Implementing Lightened Ratemaking Regulation.	Consider Whitepaper on Implementing Lightened Ratemaking Regulation.
*PSC-48-15-00010-P	..... exempt	Lightened and incidental regulation of a 55 MW electric and steam generating facility.	Consider the lightened and incidental regulation of a 55 MW electric and steam generating facility.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-48-15-00011-P	..... exempt	Proposal to retire Huntley Units 67 and 68 on March 1, 2016.	Consider the proposed retirement of Huntley Units 67 and 68.
*PSC-50-15-00006-P	..... exempt	The reduction of rates.	To consider the reduction of rates charged by Independent Water Works, Inc.
*PSC-50-15-00009-P	..... exempt	Notice of Intent to submeter electricity.	To consider the request to submeter electricity at 31-33 Lincoln Road and 510 Flatbush Avenue, Brooklyn, New York.
*PSC-51-15-00010-P	..... exempt	Modification of the EDP	To consider modifying the EDP
*PSC-01-16-00005-P	..... exempt	Proposed amendment to Section 5, Attachment 1.A of the Uniform Business Practices	To consider amendment to Section 5, Attachment 1.A of the Uniform Business Practices
*PSC-04-16-00007-P	..... exempt	Whether Hamilton Municipal Utilities should be permitted to construct and operate a municipal gas distribution facility.	Consideration of the petition by Hamilton Municipal Utilities to construct and operate a municipal gas distribution facility.
*PSC-04-16-00012-P	..... exempt	Proposal to mothball three gas turbines located at the Astoria Gas Turbine Generating Station.	Consider the proposed mothball of three gas turbines located at the Astoria Gas Turbine Generating Station.
*PSC-04-16-00013-P	..... exempt	Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.	Consider whether three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.
*PSC-06-16-00013-P	..... exempt	Continued deferral of approximately \$16,000,000 in site investigation and remediation costs.	To consider the continued deferral of approximately \$16,000,000 in site investigation and remediation costs.
*PSC-06-16-00014-P	..... exempt	MEGA's proposed demonstration CCA program.	To consider MEGA's proposed demonstration CCA program.
*PSC-14-16-00008-P	..... exempt	Resetting retail markets for ESCO mass market customers.	To ensure consumer protections with respect to residential and small non-residential ESCO customers.
*PSC-18-16-00013-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00014-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00015-P	..... exempt	Petitions for rehearing of the Order Resetting Retail Energy Markets and Establishing Further Process.	To ensure consumer protections for ESCO customers.
*PSC-18-16-00016-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00018-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-20-16-00008-P	..... exempt	Consideration of consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).	To consider consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).
*PSC-20-16-00010-P	..... exempt	Deferral and recovery of incremental expense.	To consider deferring costs of conducting leak survey and repairs for subsequent recovery.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-20-16-00011-P	..... exempt	Enetics LD-1120 Non-Intrusive Load Monitoring Device in the Statewide Residential Appliance Metering Study.	To consider the use of the Enetics LD-1120 Non-Intrusive Load Monitoring Device.
*PSC-24-16-00009-P	..... exempt	Petition to submeter gas service.	To consider the Petition of New York City Economic Development Corp. to submeter gas at Pier 17, 89 South Street, New York, NY.
*PSC-25-16-00009-P	..... exempt	To delay Companies' third-party assessments of customer personally identifiable information until 2018.	To extend the time period between the Companies' third-party assessments of customer personally identifiable information.
*PSC-25-16-00025-P	..... exempt	Acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.	To consider acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.
*PSC-25-16-00026-P	..... exempt	Use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter, in residential fire service applications.	To consider the use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter in fire service applications.
*PSC-28-16-00017-P	..... exempt	A petition for rehearing of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework.	To determine appropriate rules for and calculation of the distributed generation reliability credit.
*PSC-29-16-00024-P	..... exempt	Participation of NYPA customers in surcharge-funded clean energy programs.	To consider participation of NYPA customers in surcharge-funded clean energy programs.
*PSC-32-16-00012-P	..... exempt	Benefit-Cost Analysis Handbooks.	To evaluate proposed methodologies of benefit-cost evaluation.
*PSC-33-16-00001-EP	..... exempt	Use of escrow funds for repairs.	To authorize the use of escrow account funds for repairs.
*PSC-33-16-00005-P	..... exempt	Exemption from certain charges for delivery of electricity to its Niagara Falls, New York facility.	Application of System Benefits Charges, Renewable Portfolio Standard charges and Clean Energy Fund surcharges.
*PSC-35-16-00015-P	..... exempt	NYSRC's revisions to its rules and measurements	To consider revisions to various rules and measurements of the NYSRC
*PSC-36-16-00004-P	..... exempt	Recovery of costs for installation of electric service.	To consider the recovery of costs for installation of electric service.
*PSC-40-16-00025-P	..... exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP).	To consider whether to impose consequences on Smart One for its apparent non-compliance with Commission requirements.
*PSC-47-16-00009-P	..... exempt	Petition to use commercial electric meters	To consider the petition of Itron, Inc. to use the Itron CP2SO and CP2SOA in commercial electric meter applications
*PSC-47-16-00010-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00013-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00014-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-47-16-00016-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-02-17-00010-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for RG&E.
*PSC-02-17-00012-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for NYSEG.
*PSC-14-17-00017-P	..... exempt	Petition for Full-Scale Deployment of AMI and to Establish an AMI Surcharge.	To consider the petition for Full-Scale Deployment of AMI and to Establish an AMI Surcharge.
*PSC-18-17-00024-P	..... exempt	A petition for rehearing or reconsideration of the Order Addressing Public Policy Transmission Need for AC Transmission Upgrades	To determine whether Public Policy Transmission Need/Public Policy Requirements continue to exist.
*PSC-18-17-00026-P	..... exempt	Revisions to the Dynamic Load Management surcharge.	To consider revisions to the Dynamic Load Management surcharge.
*PSC-19-17-00004-P	..... exempt	NYAW's request to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2016.	Consideration of NYAW's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2016.
*PSC-20-17-00008-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid NY regarding the potential for adoption of compressed natural gas as a motor fuel.
*PSC-20-17-00010-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid regarding the potential for adoption of compressed natural gas as a motor fuel.
*PSC-21-17-00013-P	..... exempt	The establishment and implementation of Earnings Adjustment Mechanisms.	To consider the establishment and implementation of Earnings Adjustment Mechanisms.
*PSC-21-17-00018-P	..... exempt	Proposed agreement for the provision of water service by Saratoga Water Services, Inc.	To consider a waiver and approval of terms of a service agreement.
*PSC-22-17-00004-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives	To consider the proposed Interconnection Survey Process and Earnings Adjustment Mechanisms
*PSC-23-17-00022-P	..... exempt	Changes in regulation of ESCOs, including restrictions on or prohibitions of marketing or offering certain products or services.	To ensure consumer protection for ESCO customers.
*PSC-24-17-00006-P	..... exempt	Development of the Utility Energy Registry.	Improved data access.
*PSC-26-17-00005-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 125 Waverly Street, Yonkers, New York.
*PSC-34-17-00011-P	..... exempt	Waiver to permit Energy Cooperative of America to serve low-income customers	To consider the petition for a waiver
*PSC-37-17-00005-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives.	To consider the revised Interconnection Survey Process and Earnings Adjustment Mechanisms.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-37-17-00006-P	..... exempt	Petition to submeter electricity.	To consider the petition of ACC OP (Park Point SU) LLC to submeter electricity at 417 Comstock Avenue, Syracuse, New York.
*PSC-39-17-00011-P	..... exempt	Whether to direct New York State Electric & Gas to complete electric facility upgrades at no charge to Hanehan.	To determine financial responsibility between NYSEG and Hanehan for the electric service upgrades to Hanehan.
*PSC-40-17-00006-P	..... exempt	The aggregation of electric service for the Empire State Plaza and the Sheridan Avenue Steam Plant	To consider a waiver of National Grid's tariff provision requiring all electric delivery points to be on the same premises
*PSC-42-17-00010-P	..... exempt	Petition for rehearing of negative revenue adjustment and contents of annual Performance Report.	To consider NFGD's petition for rehearing.
*PSC-48-17-00015-P	..... exempt	Low Income customer options for affordable water bills.	To consider the Low Income Bill Discount and/or Energy Efficiency Rebate Programs.
*PSC-50-17-00017-P	..... exempt	New Wave Energy Corp.'s petition for rehearing.	To consider the petition for rehearing filed by New Wave Energy Corp.
*PSC-50-17-00018-P	..... exempt	Application of the Public Service Law to DER suppliers.	To determine the appropriate regulatory framework for DER suppliers.
*PSC-50-17-00019-P	..... exempt	Transfer of utility property.	To consider the transfer of utility property.
*PSC-50-17-00021-P	..... exempt	Disposition of tax refunds and other related matters.	To consider the disposition of tax refunds and other related matters.
*PSC-50-17-00022-P	..... exempt	Data protection rules for DER suppliers.	To determine the appropriate regulatory framework for DER suppliers.
*PSC-51-17-00011-P	..... exempt	Petition for recovery of certain costs related to the implementation of a Non-Wires Alternative Project.	To consider Con Edison's petition for the recovery of costs for implementing the JFK Project.
*PSC-04-18-00005-P	..... exempt	Notice of intent to submeter electricity.	To consider the notice of intent of Montante/ Morgan Gates Circle LLC to submeter electricity.
*PSC-05-18-00004-P	..... exempt	Lexington Power's ZEC compliance obligation.	To promote and maintain renewable and zero-emission electric energy resources.
*PSC-06-18-00012-P	..... exempt	To consider further proposed amendments to the original criteria to grandfathering established in the Transition Plan	To modify grandfathering criteria
*PSC-06-18-00017-P	..... exempt	Merger of NYAW and Whitlock Farms Water Corp.	To consider the merger of NYAW and Whitlock Farms Water Company into a single corporate entity
*PSC-07-18-00015-P	..... exempt	The accuracy and reasonableness of National Grid's billing for certain interconnection upgrades.	To consider AEC's petition requesting resolution of their billing dispute with National Grid.
*PSC-11-18-00004-P	..... exempt	New York State Lifeline Program.	To consider TracFone's petition seeking approval to participate in Lifeline.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-13-18-00015-P	..... exempt	Eligibility of an ESCO to market to and enroll residential customers.	To consider whether Astral should be allowed to market to and enroll residential customers following a suspension.
*PSC-13-18-00023-P	..... exempt	Reconciliation of property taxes.	To consider NYAW's request to reconcile property taxes.
*PSC-14-18-00006-P	..... exempt	Petition for abandonment	To consider the abandonment of Willsboro Bay Water Company's water system
*PSC-15-18-00008-P	..... exempt	Amendments to the Uniform Business Practices.	Consideration of revised consumer protections and business practices of energy service companies.
*PSC-17-18-00010-P	..... exempt	Petition for use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
*PSC-18-18-00009-P	..... exempt	Transfer of control of Keene Valley Video Inc.	To ensure performance in accordance with applicable cable laws, regulations and standards and the public interest
*PSC-23-18-00006-P	..... exempt	Whether to impose consequences on Aspiry for its non-compliance with Commission requirements.	To ensure the provision of safe and adequate energy service at just and reasonable rates.
*PSC-23-18-00014-P	..... exempt	Proposed major rate increase of approximately \$11.7 million to cover its Franklin and St. Lawrence Counties expansion project.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
*PSC-24-18-00013-P	..... exempt	Implementation of program rules for Renewable Energy Standard and ZEC requirements.	To promote and maintain renewable and zero-emission electric energy resources.
*PSC-28-18-00011-P	..... exempt	Storm Hardening Collaborative Report.	To ensure safe and adequate gas service.
*PSC-29-18-00008-P	..... exempt	Participation in Targeted Accessibility Fund	To encourage enhanced services for low-income consumers
*PSC-29-18-00009-P	..... exempt	Overvaluing real property tax expense recovery in water rates	To prevent unjust and unreasonable water rates
*PSC-30-18-00004-P	..... exempt	Ownership of St. Lawrence Gas Company, Inc.	To consider whether a proposed transfer of ownership interests in St. Lawrence Gas Company, Inc. is in the public interest.
PSC-31-18-00011-P	..... exempt	Petition for the use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
PSC-34-18-00011-P	..... exempt	Compensation of distributed energy resources.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-34-18-00015-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and energy efficiency protections are in place.
PSC-34-18-00016-P	..... exempt	Deferral of pre-staging and mobilization storm costs.	To ensure just and reasonable rates for ratepayers and utility recovery of unexpected, prudently incurred costs.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-35-18-00003-P	..... exempt	Con Edison's 2018 DSIP and BCA Handbook Update.	To continue Con Edison's transition to a modern utility serving as a Distributed System Platform Provider.
PSC-35-18-00005-P	..... exempt	NYSEG and RG&E's 2018 DSIP and BCA Handbook Update.	To continue NYSEG and RG&E's transition to modern utilities acting as Distributed System Platform Providers.
PSC-35-18-00006-P	..... exempt	National Grid's 2018 DSIP and BCA Handbook Update.	To continue National Grid's transition to a modern utility serving as a Distributed System Platform Provider.
PSC-35-18-00008-P	..... exempt	Central Hudson's 2018 DSIP and BCA Handbook Update.	To continue Central Hudson's transition to a modern utility serving as a Distributed System Platform Provider.
PSC-35-18-00010-P	..... exempt	O&R's 2018 DSIP and BCA Handbook Update.	To continue O&R's transition to a modern utility acting as a Distributed System Platform Provider.
PSC-36-18-00005-P	..... exempt	Permanent operator of gas wells and certain gas facilities.	To resolve ownership of overlapping gas facilities associated with wells transferred to two gas companies.
PSC-39-18-00005-P	..... exempt	Participation in New York State Lifeline Program.	To encourage enhanced services for low-income customers.
PSC-40-18-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	To review the gas utilities' reconciliation of Gas Expenses and Gas Cost Recoveries for 2018.
PSC-40-18-00015-P	..... exempt	Proposed rate filing to increase annual revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-42-18-00011-P	..... exempt	Voluntary residential beneficial electrification rate design.	To provide efficient rate design for beneficial technologies in New York State that is equitable for all residential customers.
PSC-42-18-00013-P	..... exempt	Petition for clarification and rehearing of the Smart Solutions Program Order.	To address the increased demand for natural gas in the Con Edison's service territory and the limited pipeline capacity.
PSC-44-18-00012-P	..... exempt	Petition for approval of gas metering equipment.	To ensure that customer bills are based on accurate measurements of gas usage.
PSC-44-18-00013-P	..... exempt	Petition for approval of gas metering equipment.	To ensure that customer bills are based on accurate measurements of gas usage.
PSC-44-18-00016-P	..... exempt	Petition for approval of gas metering equipment.	To ensure that customer bills are based on accurate measurements of gas usage.
PSC-45-18-00004-P	..... exempt	Proposed transfer of two natural gas pipeline operating companies, and for lightened and incidental regulation	To consider transfer if there is no market power or ratepayer harm, incidental regulation, and continuing lightened regulation
PSC-45-18-00005-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place
PSC-46-18-00005-P	..... exempt	Proposed rate filing to increase annual revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-47-18-00008-P	..... exempt	Proposed Public Policy Transmission Needs/ Public Policy Requirements, as defined under the NYISO tariff.	To identify any proposed Public Policy Transmission Needs/Public Policy Requirements for referral to the NYISO.
PSC-50-18-00003-P	..... exempt	Proposed transfer of interests in an electric generating facility and dedicated natural gas pipeline	To consider the transfer of generating facility and dedicated gas pipeline if there is no market power or ratepayer harm
PSC-52-18-00008-P	..... exempt	Minor rate filing.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-52-18-00011-P	..... exempt	LED Street Lighting.	To provide customers with more efficient, lower cost LED street lighting options.
PSC-52-18-00012-P	..... exempt	Minor rate filing.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-01-19-00004-P	..... exempt	Advanced Metering Infrastructure.	To determine whether Niagara Mohawk Power Corporation d/b/a National Grid should implement advanced metering infrastructure.
PSC-01-19-00013-P	..... exempt	Order of the Commission related to caller ID unblocking.	To require telephone companies to unblock caller ID on calls placed to the 311 municipal call center in Suffolk County.
PSC-01-19-00014-P	..... exempt	To modify provisions for accepting new or additional gas service applications when there is inadequate supply or capacity.	To continue to provide safe and reliable service to existing customers.
PSC-01-19-00015-P	..... exempt	To modify provisions for accepting new or additional gas service applications when there is inadequate supply or capacity.	To continue to provide safe and reliable service to existing customers.
PSC-01-19-00016-P	..... exempt	To modify provisions for accepting new or additional gas service applications when there is inadequate supply or capacity.	To continue to provide safe and reliable service to existing customers.
PSC-02-19-00014-P	..... exempt	Petition for use of electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
PSC-03-19-00002-P	..... exempt	DPS Staff White Paper for who must be trained in 16 NYCRR Part 753 requirements and how the Commission will approve trainings.	To reduce damage to underground utility facilities by requiring certain training and approving training curricula.
PSC-04-19-00004-P	..... exempt	Con Edison's petition for the Gas Innovation Program and associated budget.	To pursue programs that continue service reliability and meet customer energy needs while aiding greenhouse gas reduction goals.
PSC-04-19-00011-P	..... exempt	Update of revenue targets.	To ensure NYAW's rates are just and reasonable and accurately reflect the needed revenues.
PSC-05-19-00009-P	..... exempt	Transfer of street lighting facilities	To consider whether the transfer of certain street lighting facilities is in the public interest
PSC-06-19-00005-P	..... exempt	Consideration of the Joint Utilities' proposed BDP Program.	To to expand opportunities for low-income households to participate in Community Distributed Generation (CDG) projects.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-07-19-00009-P	..... exempt	Whether to impose consequences on AAA for its non-compliance with Commission requirements.	To insure the provision of safe and adequate energy service at just and reasonable rates.
PSC-07-19-00010-P	..... exempt	The rates and charges for non-roadway LED service offerings for outdoor lighting customers.	To determine whether to amend National Grid's P.S.C. No. 214 - Outdoor Lighting Tariff to provide new LED service offerings.
PSC-07-19-00016-P	..... exempt	Participation in New York State Lifeline Program.	To encourage enhanced services for low-income customers.
PSC-09-19-00007-P	..... exempt	Exemptions from standby rates.	To consider whether the standby rate exemptions proposed by the City of New York are reasonable and in the public interest.
PSC-09-19-00009-P	..... exempt	Amendments to the tariff of Con Edison pertaining to interruptible gas service customers.	To consider the appropriate tariff provisions for Con Edison interruptible gas service customers.
PSC-09-19-00010-P	..... exempt	Non-pipeline alternatives report recommendations.	To consider the terms and conditions applicable to gas service.
PSC-09-19-00013-P	..... exempt	Cyber Security requirements.	Establish a framework to ensure the protection of utility systems and customer data from cyber events.
PSC-10-19-00006-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-11-19-00003-P	..... exempt	Transfer of street lighting facilities	To consider whether the transfer of certain street lighting facilities is in the public interest
PSC-12-19-00004-P	..... exempt	To test innovative pricing proposals on an opt-out basis.	To provide pricing structures that deliver benefits to customers and promote beneficial electrification technologies.
PSC-12-19-00005-P	..... exempt	The request to issue long-term debt securities.	To assume debt for general corporate purposes, including working capital and other financial requirements
PSC-12-19-00006-P	..... exempt	Transfer of utility property.	To determine whether to approve the transfer of utility property.
PSC-13-19-00010-P	..... exempt	New Commission requirements for gas company operator qualification programs.	To make pipelines safer with improved training of workers who perform construction and repairs on natural gas facilities.
PSC-13-19-00011-P	..... exempt	Modifications to the Gas Cost Factor and Daily Delivery Service Programs.	To ensure safe and reliable service for customers at just and reasonable rates.
PSC-13-19-00012-P	..... exempt	Paperless billing credit.	To provide just and reasonable rates.
PSC-13-19-00020-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-13-19-00021-P	..... exempt	Modifications to the Gas Supply Charge and Balancing Service Programs.	To ensure safe and reliable service for customers at just and reasonable rates.
PSC-15-19-00010-P	..... exempt	Tariff provisions for Interruptible and Off-Peak Firm Service Customers.	To amend certain penalties for non-compliant Interruptible and Off-Peak Firm Customers.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-16-19-00002-P	..... exempt	NYSEG and RG&E Implementation Plan and audit recommendations.	To consider NYSEG and RG&E's Implementation Plan.
PSC-16-19-00003-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-16-19-00005-P	..... exempt	Proposed major electric delivery revenue requirement increase of approximately \$485 million (or 4.6% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-16-19-00007-P	..... exempt	Recommendation of the levelization surcharge, changes to the System Improvement Charge, and a one-year stay-out.	To address the issues in NYAW's petition dated February 25, 2019.
PSC-16-19-00008-P	..... exempt	Proposed major rate increase in Con Edison's gas delivery revenues of approximately \$210 million (or 9.1% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-17-19-00010-P	..... exempt	Waiver of tariff rules and a related Commission regulation.	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest.
PSC-17-19-00014-P	..... exempt	Minor rate filing.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-18-19-00010-P	..... 04/30/20	Energy efficiency programs, budgets, and targets for investor-owned utilities.	To encourage the delivery and procurement of energy efficiency by investor-owned utilities.
PSC-18-19-00011-P	..... exempt	Policies, budgets and targets for support of heat pump deployment by investor-owned utilities.	To encourage the support for heat pump deployment by investor-owned utilities.
PSC-18-19-00012-P	..... 04/30/20	Policies, budgets and targets for support of energy efficiency programs for low- and moderate-income customers.	To encourage the support of energy efficiency programs for low- and moderate-income customers by investor-owned utilities.
PSC-18-19-00013-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-18-19-00014-P	..... exempt	Revenue neutral revenue adjustment to the demand and energy charges under SC No. 3.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-18-19-00015-P	..... exempt	Minor rate filing.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-19-19-00012-P	..... exempt	Minor rate filing.	To ensure that the Village of Silver Spring provides safe and adequate service and that its rates are just and reasonable.
PSC-19-19-00013-P	..... exempt	Proposed merger of three water utilities into one corporation.	To determine if the proposed merger is in the public interest.
PSC-19-19-00014-P	..... exempt	Establishment of the regulatory regime applicable to an approximately 124 MW electric generating facility.	Consideration of a lightened regulatory regime for an approximately 124 MW electric generating facility.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-19-19-00015-P	..... exempt	Establishment of the regulatory regime applicable to an energy storage facility of up to 316 MW.	Consideration of a lightened regulatory regime for an energy storage facility of up to 316 MW
PSC-19-19-00016-P	..... exempt	Establishment of the regulatory regime applicable to an approximately 242 MW electric generating facility.	Consideration of a lightened regulatory regime for an approximately 242 MW electric generating facility.
PSC-20-19-00008-P	..... exempt	Reporting on energy sources	To ensure accurate reporting and encourage clean energy purchases
PSC-20-19-00009-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-20-19-00010-P	..... exempt	Compensation policies for certain CHP projects	To consider appropriate rules for compensation of certain CHP resources
PSC-20-19-00011-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-20-19-00012-P	..... exempt	Waiver of 16 NYCRR Section 894.4(b)(2) pertaining to publishing notice of the RFP in national publications	To determine whether to waive any rules and regulations
PSC-20-19-00013-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place
PSC-20-19-00014-P	..... exempt	Transfer of street lighting facilities	To consider the transfer of street lighting facilities to the City of Oneonta
PSC-20-19-00015-P	..... exempt	Establishment of the regulatory regime applicable to an approximately 105.8 MW electric generating facility	Consideration of a lightened regulatory regime for an approximately 105.8 MW electric generating facility
PSC-21-19-00015-P	..... exempt	The Implementation Plan used to recover the costs of ZECs from Load Serving Entities.	To more accurately calculate Load Serving Entities' future ZEC obligation payments.
PSC-21-19-00016-P	..... exempt	Use of electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
PSC-21-19-00017-P	..... exempt	Residential meter reading.	To establish provisions for a special meter read for when service is discontinued to residential customers.
PSC-21-19-00018-P	..... exempt	Methodology used to set discount level for income-based discounts to residential electric and gas utility bills.	To ensure that income-based discounts are adjusted in a manner that moderates annual changes.
PSC-22-19-00012-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-22-19-00013-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-23-19-00003-P	..... exempt	Ownership interest in poles.	To consider the transfer of ownership interest in certain poles from NYSEG to Verizon.
PSC-23-19-00004-P	..... exempt	Individually negotiated contracts.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-23-19-00005-P	..... exempt	Proposed major rate increase in SWNY's annual base revenues of approximately \$31.5 million (or 19.8% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-24-19-00003-P	..... exempt	Three-year pilot for inspecting gas services at intervals longer than existing regulations require.	To use risk-based reasoning for gas service lines inspection intervals on a pilot basis.
PSC-24-19-00004-P	..... exempt	Municipal Gross Receipts Taxes.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-24-19-00005-P	..... exempt	Non-Firm Demand Response service classes.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-24-19-00006-P	..... exempt	Municipal Gross Receipts Taxes.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-24-19-00007-P	..... exempt	Municipal Gross Receipts Taxes.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-24-19-00008-P	..... exempt	Non-Firm Demand Response service classes.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-24-19-00009-P	..... exempt	Municipal Gross Receipts Taxes.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-25-19-00016-P	..... exempt	The request of New York Transco LLC to assume debt with a repayment period that exceeds 12 months.	To consider a petition to incur debt.
PSC-25-19-00017-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-26-19-00002-P	..... exempt	Petition to submeter electricity and waiver of energy audit	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place
PSC-27-19-00006-P	..... exempt	Tariff provisions for SHR Demonstration Project customers.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-27-19-00007-P	..... exempt	Implementation of consolidated billing for distributed energy resources.	To facilitate development of and participation in Community Distributed Generation projects.
PSC-27-19-00008-P	..... exempt	Tariff provisions for SHR Demonstration Project customers.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-27-19-00009-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-28-19-00004-P	..... exempt	Revenue and Property Tax Reconciliation Mechanism.	To ensure recovery of proper expenses and the continued provision of safe and adequate service.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-28-19-00005-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-28-19-00006-P	..... exempt	Establishment of an escrow account.	To maintain a replenishable escrow account with a maximum balance of \$5,000.
PSC-29-19-00018-P	..... exempt	Compensation for distributed energy resources.	To establish rules for NYPA customer participation in the Value of Distributed Energy Resources program.
PSC-29-19-00019-P	..... exempt	Transfer of street lighting facilities.	To determine whether to transfer street lighting facilities and the proper accounting for the transaction.
PSC-30-19-00007-P	..... exempt	Use of electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
PSC-30-19-00008-P	..... exempt	To institute a voluntary Tier 2(B) Physical Storage Program under the DDS Program.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-30-19-00009-P	..... exempt	An Index REC procurement mechanism for Tier 1 REC procurements.	To provide a hedge against market volatility, and lower costs to both renewable generators and customers.
PSC-31-19-00011-P	..... exempt	Electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
PSC-31-19-00012-P	..... exempt	Purchase of renewable energy from distributed generators and energy storage systems 15 kilowatts or less.	To establish provisions to ensure safe and reliable service for all customers.
PSC-31-19-00013-P	..... exempt	Implementation of Statewide Energy Benchmarking.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-31-19-00014-P	..... exempt	Consideration of NYAW's Interim Implementation Plan.	To ensure NYAW improves its service to ratepayers.
PSC-31-19-00015-P	..... exempt	Proposed major rate increase in KEDNY's gas delivery revenues by \$236.8 million (13.6% increase in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-31-19-00016-P	..... exempt	Proposed major rate increase in KEDLI's gas delivery revenues of approximately \$49.4 million (or 4.1% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-31-19-00017-P	..... exempt	Implementation of e-DPAs.	To consider a proposal to implement e-DPAs.
PSC-32-19-00004-EP	..... exempt	RDM target modifications for SC 8 customers and defer any revenue shortfall as a regulatory asset.	To ensure SC 8 electric customers are being charged properly and avoid customer confusion and unnecessary rate volatility.
PSC-32-19-00008-P	..... exempt	Compensation of distributed energy resources	To ensure just and reasonable rates, including compensation, for distributed energy resources
PSC-32-19-00009-P	..... exempt	Petition to submeter electricity and waiver request	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-32-19-00010-P	..... exempt	Notice of intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-32-19-00011-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place
PSC-32-19-00012-P	..... exempt	Standby Service Rates and Buyback Service Rates	To ensure just and reasonable rates, including compensation, for distributed energy resources
PSC-32-19-00013-P	..... exempt	Disposition of tax refunds received by New York American Water Company, Inc.	To determine the disposition of tax refunds and other related matters
STATE, DEPARTMENT OF			
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.
STATE UNIVERSITY OF NEW YORK			
SUN-15-19-00007-P	..... 04/09/20	Proposed amendments to Appointment of Employees and Leave of Absences for Employees in the Professional Service.	Allow a temporary cessation of service credit during birth/adoption/foster care placement of child and update leave accruals.
SUN-30-19-00001-P	..... 07/23/20	State basic financial assistance for the operating expenses of community colleges under the program of SUNY and CUNY.	To modify limitations formula for basic State financial assistance and institute an operating support "floor".
SUN-30-19-00011-P	..... 07/23/20	State University of New York Tuition and Fees Schedule	To amend the Tuition and Fees Schedule to increase tuition for students in all programs of the State University of New York
TAXATION AND FINANCE, DEPARTMENT OF			
TAF-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
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
TDA-14-19-00002-P	04/02/20	Enforcement of support obligations and issuance of income withholding orders (IWOs)	To clarify the requirements for income withholding for persons served by the Title IV-D child support program (IV-D) to conform with changes to the federal IV-D IWO/Notice for Support form
TDA-14-19-00007-P	04/02/20	Abandonment of requests for fair hearings	To require the issuance of letters to appellants who fail to appear at scheduled fair hearings involving Medical Assistance, also known as Medicaid, advising them how to request the rescheduling of such fair hearings
TDA-19-19-00007-P	05/07/20	Adult-Care Facilities and Shelters for Adults	To update State regulations pertaining to general provisions, inspections and enforcement, and shelters for adults
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
VICTIM SERVICES, OFFICE OF			
OVS-24-19-00001-EP	06/11/20	Conduct contributing related to burial awards	Adopt rules necessary as the result of chapter 494 of the Laws of 2018, when considering the victim's own conduct
WORKERS' COMPENSATION BOARD			
WCB-22-19-00009-P	05/28/20	Group self-insured trusts that are inactive but not insolvent	Provide assistance with inactive but not insolvent group self-insured trusts to purchase ALPs to wind down liabilities
WCB-25-19-00018-P	06/18/20	Prior authorization for medical treatment and variances form the Medical Treatment Guidelines	Add new authorized medical provider types to rules regarding prior authorizations and variances
WCB-25-19-00019-P	06/18/20	Medical Provider Authorization	Describe the process for providers to become authorized by the Board and maintain authorization
WCB-27-19-00005-P	07/02/20	Medical Fee Schedules	Add new providers to the fee schedule
WCB-31-19-00018-P	07/30/20	Medical Treatment Guidelines	Add guidelines for treatment of hip and groin, foot and ankle, elbow and occupational interstitial lung disease
WCB-32-19-00001-P	08/06/20	Updating the prescription drug formulary	To add drugs to the prescription drug formulary in response to continuous feedback

SECURITIES OFFERINGS

STATE NOTICES

Published pursuant to provisions of General Business Law
[Art. 23-A, § 359-e(2)]

DEALERS; BROKERS

Accel-KKR Capital Partners CV III, LP
2500 Sand Hill Rd., Suite 300, Menlo Park, CA 94025
Partnership — AKKR Fund III Management Company CV, LP

Al.Reverie, Inc.
85 Broad St., 18th Fl., New York, NY 10004
State or country in which incorporated — Delaware

Aspireon Opportunities Fund, LP Series 3: Open-End Strategies II
1900 NW. Loop 410, Suite 250, San Antonio, TX 78213
Partnership — Aspireon Opportunities Fund GP, Inc.

BRK Inc.
411 Eastgate Rd., Suite A, Henderson, NV 89011
State or country in which incorporated — Nevada

CanAm Fund 2, L.P.
770 Boylston St., Suite 21B, Boston, MA 02199
Partnership — CanAm Fund 2 GP, LLC

Clerio Vision, Inc.
150 Lucius Gordon Dr., West Henrietta, NY 14586
State or country in which incorporated — Delaware

CW Lime Holdings, L.P.
c/o Intertrust Corporate Services (Cayman) Limited, 190 Elgin Ave.,
George Town, Grand Cayman KY1-9005, Cayman Islands
State or country in which incorporated — Crescent Capital Invest-
ments II Ltd.

Cytonics Corp.
658 W. Indiantown Rd., Suite 214, Jupiter, FL 33458
State or country in which incorporated — Florida

Dolphin Green & Gold Fund, LLC, The
117 Mitchell Hall, 1419 Salt Springs Rd., Syracuse, NY 13214
State or country in which incorporated — Delaware

First Team Capital Long-Short Fund, LP
15 N. Chestnut St., Suite 103, New Paltz, NY 12561
Partnership — First Team Capital, LLC

Herbert J. Sims & Co. Inc.
2150 Post Rd., Suite 301, Fairfield, CT 06824
State or country in which incorporated — Delaware

IK IX Fund No. 1 SCSp
20, Boulevard Royal, Luxembourg L-2449
Partnership — IK IX Fund GP S.à r.l.

IK IX Fund No. 2 SCSp
20, Boulevard Royal, Luxembourg L-2449
Partnership — IK IX Fund GP S.à r.l.

KXY Singularity Offshore, Ltd.
c/o Opus Fund Services (USA) LLC, 500 E. Diehl Rd., Suite 100,
Naperville, IL 60563
State or country in which incorporated — Cayman Islands

Madison Funding I, LLC
2150 Post Rd., Suite 301, Fairfield, CT 06824
State or country in which incorporated — Connecticut

Method 529 King OZ Investors, LLC
c/o Method Residential LLC, 1523 N. Front St., Suite 300, Philadel-
phia, PA 19122
Partnership — Method 529 King Managing Member, LLC

National Green Biomed Ltd.
#170-4631 Shell Rd., Richmond, British Columbia, Canada, V6X
3M4
State or country in which incorporated — Canada

Newport University Town Center, LLC
3131 Turtle Creek Blvd., Suite 1201, Dallas, TX 75219
State or country in which incorporated — Texas

OZCM OpCo I LLC
2500 Sand Hill Rd., Suite 240, Menlo Park, CA 94025
State or country in which incorporated — Delaware

OZCM Orlando Storage Partners Holdings LLC
2500 Sand Hill Rd., Suite 240, Menlo Park, CA 94025
State or country in which incorporated — Delaware

Project Lime Investments, L.P.
c/o Intertrust Corporate Services (Cayman) Limited, 190 Elgin Ave.,
George Town, Grand Cayman KY1-9005, Cayman Islands
Partnership — Crescent Investment Management II Ltd.

Riverside Apparel, Inc.
225 W. 83rd St., Apt. 17A, New York, NY 10024
State or country in which incorporated — Delaware

Silk Road Movie, LLC
2210 Congress Ave., Austin, TX 78704

Spring Street Commons OZ Fund LLC
188 E. Franklin Tpke., Hohokus, NJ 07423
State or country in which incorporated — New Jersey

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

REPLACE
EVP CELL DOORS
Coxsackie Correctional Facility
West Coxsackie, Greene County

Sealed bids for Project No. Q1738-C, for Construction Work, Replace EVP Cell Doors, Cell Block F-1, Building 3, Coxsackie Correctional Facility, 11260 Route 9W, West Coxsackie (Greene County) NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Correctional Services, until 2:00 p.m. on Wednesday, August 7, 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 \$26,200 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 496 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 July 30, 2019 at OGS Coxsackie Field Office, 11262 Route 9W, West Coxsackie, 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 Karen Disonell (518-731-8290) a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

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

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

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

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

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

PROVIDE
LEAD MITIGATION
State Armory
Buffalo, Erie County

Sealed bids for Project No. 45736-C for Construction Work, Provide Lead Mitigation, State Armory, 27 Masten Avenue, Buffalo (Erie 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 \$299,500 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 \$10,000,000 and \$15,000,000 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 1,184 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on August 1, 2019 at State Armory, 27 Masten Avenue, Rm 121 - NYS OGS Office, Buffalo, 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 Lauren Clausen, (716-885-0908) 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, 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

**REHABILITATION
RESTROOMS**
Capital District Psychiatric Center
Albany, Albany County

Sealed bids for Project Nos. 45790-C, 45790-H, 45790-P and 45790-E, comprising separate contracts for Construction Work, HVAC

Work, Plumbing Work, and Electrical Work, Rehabilitation Restrooms, Building 1, Capital District Psychiatric Center, 75 New Scotland Avenue, Albany (Albany County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY, on behalf of the Office of Mental Health, until 2:00 p.m. on Wednesday, August 7, 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 \$32,600 for C, \$8,300 for H, \$22,100 for P, and \$19,400 for E.

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$500,000 and \$1,000,000 for C, between \$50,000 and \$100,000 for H, between \$250,000 and \$500,000 for P, and between \$250,000 and \$500,000 for E.

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

The substantial completion date for this project is 594 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 July 25, 2019, at Capital District Psychiatric Center, 75 New Scotland Avenue, Albany, NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

Phone the office of Aaron Cook, (518-457-7895) a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority- and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Construction and Plumbing Work, and an overall goal of 20% for

MWBE participation, 10% for Minority-Owned Business Enterprises (“MBE”) participation and 10% for Women-Owned Business Enterprises (“WBE”) participation (based on the current availability of qualified MBEs and WBEs) for Electrical Work. The total contract goal can be obtained by utilizing any combination of MBE and /or WBE participation for subcontracting and supplies acquired under this Contract.

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

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

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

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

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

**PROVIDE
GENERATOR/ELECTRICAL
UPGRADES**
Department of Transportation Region 1
Tannersville, Greene County

Sealed bids for Project No. 45990-E for Electrical Work, Provide Generator & Electrical Upgrades, DOT Region 1, Greene County, 5749 Route 23A, Tannersville (Greene County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Transportation, until 2:00 p.m. on Wednesday, August 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 \$16,700 for E.

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>

The substantial completion date for this project is 290 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 DOT Region 1, Green County, 5749 Route 23A, Tannersville, 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 Steve Saltsman (518-478-3800) a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

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

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

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

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

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

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

**PROVIDE
LIGHTING UPGRADES**
DMNA Headquarters
Latham, Albany County

Sealed bids for Project No. 46012-E, for Electrical Work, Provide Lighting Upgrades, DMNA Headquarters, 330 Old Niskayuna Rd, Latham (Albany County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the 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 \$54,800 for E.

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$1,000,000 and \$2,000,000 for E.

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

The substantial completion date for this project is 413 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 1:30 p.m. on August 1st, 2019 at the DMNA Headquarters, 330 Old Niskayuna Rd, Latham, 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 Greg Haze, (518-225-0822) 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, or call (518) 474-0203.

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

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

NOTICE OF AVAILABILITY OF STATE AND FEDERAL FUNDS

Division of Housing and Community Renewal
REVISED NOTICE
Homeownership and Community Development
641 Lexington Ave.
New York, NY 10022

MANUFACTURED HOME PARK COMMUNITIES Park of the Future Demonstration Program

Funding Availability

New York State Homes and Community Renewal (NYSHCR), New York State Energy Research & Development Authority (NYSERDA), and the New York State Office of the Attorney General (NYSOAG) are making up to \$3,000,000 in subsidized loans, grants and technical assistance available to manufactured home park communities committed to making environmental, social and economic improvements. NYSHCR, NYSERDA, and the NYSOAG seek to award no more than 5 projects through this Request for Proposals (RFP).

Funding is made available from NYSOAG settlements, NYSHCR's Manufactured Home Advantage Program, and the NYSERDA Clean Energy Fund. While NYSHCR funding may be used to address all project needs, NYSOAG and NYSERDA funding will be available only for specific energy efficiency and clean energy measures. At minimum, successful proposals will demonstrate a cost share commitment of 30 percent of the total project budget, which may take the form of in-kind services, such as staff time, debt or additional grant or private funding.

Depending on the proposed project activities and needs, qualified Applicants may be eligible for additional subsidy programs currently offered through NYSHCR and NYSERDA. Programs include, but are not limited to, the Affordable Housing Corporation (AHC), Community Development Block Grant (CDBG), the State of New York Mortgage Agency (SONYMA), NYSERDA EmPower, NY-Sun, Air Source Heat Pump (ASHP) program and Ground Source Heat Pump (GSHP) geothermal rebates, and Weatherization Assistance Program (WAP). The State will work with awarded Applicants to streamline application processes for these programs, when necessary to achieve program goals.

This RFP describes the available funds, the method used to accept and evaluate applications for funding and includes the required application form. Applications must be submitted via email to NOFA_Applications@nyshcr.org no later than 3:00 PM (EST) on Friday September 6, 2019. Applications received after the specified date and time will be deemed ineligible and will not be considered for funding.

Background

The goal of this program is to demonstrate that investments in environmental, social and economic sustainability improvements will have tangible affordability, quality and security benefits for both the owners and residents of manufactured home park communities. With respect to environmental sustainability, the program may provide funding for drinking water and waste water treatment upgrades, improve park resiliency to weather events and power outages, and other sustainability measures. However, the program prioritizes advancing approaches to achieving carbon neutrality through new or innovative applications of energy efficiency and/or clean energy. The demonstrations from this program will be developed into case studies and other guidance to promote environmental, social and economic

sustainability improvements at other manufactured home park communities.

Why focus on manufactured home park communities? As one of the only naturally occurring sources of affordable housing, there are nearly 2,000 manufactured home park communities in New York, housing mostly low- and very low-income residents. Housing expenses – utilities, lot-rents, and home financing payments - are particularly burdensome for residents of manufactured home park communities. Through this RFP, selected manufactured home park communities and their residents will be able to demonstrate for the larger community that sustainability measures reduce this burden significantly and increase the wellbeing of residents. Proposals should be driven by the following goals:

Carbon Neutrality: Climate change, driven by human emissions of greenhouse gases, is adversely impacting well-being, public health, and natural resources of New York, and especially heightens the vulnerability of disadvantaged communities, which often bear the environmental and socioeconomic burdens. By eliminating greenhouse gas emissions through energy efficiency and/or clean energy, manufactured home park communities can demonstrate the applicability and affordability of measures that achieve net zero carbon dioxide emissions (carbon neutrality). The climate change benefits (i.e., carbon emission reductions) and cost-savings associated with achieving carbon neutrality through new and innovative applications of energy efficiency and/or clean energy can be assessed - thus providing a measure of project benefits to the environment, and the owners and residents of manufactured home park communities.

Energy Efficiency and Housing Quality: Many presently occupied manufactured homes were built before federal regulation of energy performance or efficiency. These homes tend to be in poor condition with significant capital needs or, in some cases, warranting complete replacement. Recent advances in the factory production and placement of this housing stock has led to opportunities to create scalable, energy-efficient and technologically- advanced housing communities (e.g., net-zero housing), that promote environmental sustainability while preserving deep affordability.

Water Use and Treatment: Water usage and treatment is another ongoing concern for many manufactured home park communities, which often rely on septic tanks for wastewater treatment and private wells for drinking water supply rather than public water infrastructure. Communities may benefit from water system upgrades as well as conservation measures in order to sustain health and safety and decrease costs.

Flood Resiliency: Many manufactured home park communities in New York are susceptible to flooding simply due to their locations along rivers and lakes. With climate change leading to increased storm surges, implementing flood mitigation measures and avoidance of the placement of homes in the floodplain altogether, significantly decreases the likelihood that residents will suffer temporary or permanent displacement or damage of their personal belongings and homes.

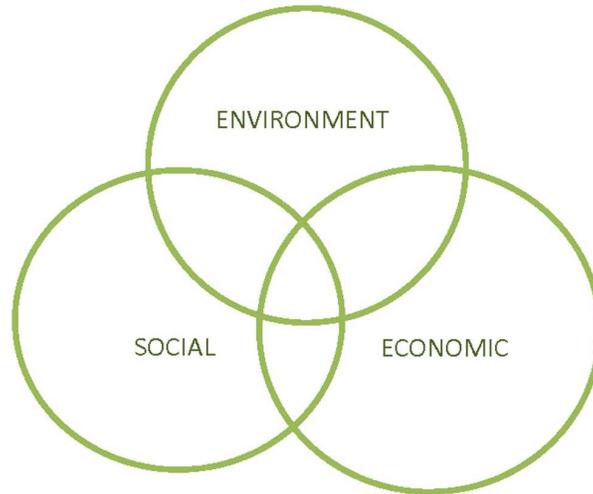
Affordability: Although rents in manufactured home park communities tend to be less than for stick-built homes, residents also pay the cost to finance the purchase of the home and site it in the park community. Historically, available financing for purchasers of manufactured homes in park communities has been limited to chattel loans, with interest rates averaging two to five percent higher than the conventional real estate loans. Other common types of sub-optimal financing have been retail installment and rent to own contracts, along with month to month leases.

When residents have access to affordable home financing and a right to remain on their lot for the long-term, it brings overall stability and allows for economic upward movement.

Eligible Applicants
Resident owned cooperatives; not-for-profit and for-profit afford-

able housing companies; and individuals or companies that own manufactured home parks. To be considered eligible under this RFP, Applicants must be able to demonstrate site-control of the manufactured home park on which improvements are being proposed.

Eligible Activities



Eligible environmental, social and economic improvements listed below are examples of those that may qualify for State-provided subsidies through this RFP. Proposals to fund water use or treatment system upgrades, flood resiliency, or other sustainability improvements not listed may be considered and should be noted in the application where applicable.

While all the listed improvements as well as other non-listed improvements may qualify, proposals that demonstrate approaches to achieving carbon neutrality will be prioritized, particularly those advancing new or innovative applications of energy efficiency (e.g., net zero modular homes) and/or clean energy (e.g., community solar or geothermal heating and cooling). Proposals without any energy-related improvements will not be considered for funding through this RFP. Further, proposals that are well-rounded in terms of providing a variety of sustainability improvements will be scored higher.

Applications must seek to demonstrate the affordability, quality and security benefits of proposed improvements to both the owners and residents of manufactured home park communities.

WATER

Water Quality & Safety

- Developing of rainwater management/green infrastructure (e.g. porous pavement for roads, driveways and walkways; landscaping rain gardens and bioswales.)
- Upgrading wastewater treatment (e.g. septic tank upgrades)
- Upgrading drinking water systems (e.g., alternative drinking water sources, water treatment)

Water Use Conservation

- Reducing indoor water usage (e.g. sub-metering)
- Reducing outdoor water usage (e.g. native landscaping, greywater recycling system)

ENERGY

Clean Energy Solutions

- Reducing on-site energy consumption through energy efficiency retrofit of existing homes and facility buildings
- Replacing or filling vacancies with Energy-Star Homes or Net Zero Modular or other zero energy alternatives
- Retrofitting of existing outdoor and security lighting with LED lighting
- Installation of a community solar array
- Installation of solar water heaters
- Inclusion of solar panels for individual manufactured homes
- Installation of a community-wide wind farm
- Incorporating heat pump solutions, including district geothermal
- Incorporation of electric vehicle charging stations or an electric vehicle ride-share

HABITATS & RESOURCES

- Planting trees or landscaping using native vegetation
- Developing fruit and vegetable gardens on-site

Reducing household waste generated on-site through community education, setting up an organic waste composting system, and providing easy to understand recycling and composting bins.

Awarded projects must be in full compliance with all relevant local, state and federal environmental laws. The required environmental review and compliance processes will be determined based on the site location as well as the proposed capital improvements.

Regulatory Framework

Awardees will be required to enter into a Regulatory Agreement with HCR to ensure housing affordability and security for residents. The Regulatory Agreement shall be recorded with the land and will remain for 30-years, irrespective of transfers of ownership. Requirements include, but are not limited to:

- Ground leases shall be renewable;
- Rents shall remain affordable;
- Decent, safe, and sanitary conditions shall be upheld;
- Restrictions on transfers and resales may apply;
- Regular reporting on pre and post energy consumption and costs;
- Regular financial reporting.

Ineligible Activities

New York State will not be held liable for any cost incurred by Applicants for work performed in the preparation, production, or submission of a proposal. All proposal materials and information submitted as part of the application becomes the sole property of the State. No materials, curricula, media or other content will be returned to Applicants.

Evaluation and Selection Criteria

Proposals will be examined for completeness and eligibility. Incomplete proposals and those that do not meet eligibility requirements will be rejected as ineligible. Only complete proposals and those that meet eligibility requirements will be reviewed and rated. The maximum rating is 100 points.

Max. Points:	10 pts	20 pts	30 pts	Definition
Points Range:	1-2	1-4	1-6	Little or minimal information
	3-4	5-8	7-12	Addresses the basic premise of the criteria
	5-6	9-12	13-18	Meets the criteria
	7-8	13-16	19-24	Exceeds the criteria
	9-10	17-20	25-30	Significantly exceeds the criteria

- **Background (maximum 10 points):** Describes the current state of the manufactured home park, ownership structure (co-op, non-profit, for-profit) and experience in managing affordable housing and implementing environmental upgrades.
- **Vision (maximum 10 points):** Measures the relative magnitude and demonstration value of proposed environmental, social and economic sustainability improvements. With respect to environmental improvements, emphasis is placed on improvements that reduce emissions of climate change pollution through energy efficiency and/or clean energy, and that involve new or innovative applications.
- **Feasibility (10 points):** The proposal demonstrates the likelihood that the project will result in a successful implementation and achieve the outcomes sought through this funding opportunity.
- **Potential for Replicability (maximum 10 points):** Assesses the likelihood that the proposed scope of work can serve as a model for other Manufactured Home Communities to implement similar upgrades.
- **Capacity and Support (maximum 20 points):** Measures the Applicant’s ability to demonstrate full site- control of the manufactured home park and the ability to demonstrate community support for the project. Letters of support from residents and/or municipal or county officials will receive high scores. If the Applicant does not have site-control over certain homes because the homes are owned by residents and upgrades to those homes are proposed, the homeowners must indicate in their letter of support a strong willingness to accept upgrades to their homes. If residents will be temporarily displaced during construction a relocation plan and committing to the right for residents to return will be necessary to receive a high score.
- **Financial Soundness and Demonstrated Need for Funding (maximum 20 points):** Measures the proposal’s overall financial soundness. Applications that demonstrate an ability to leverage State-provided funds with other sources, including private debt and equity, will be weighed favorably. Proposals with reasonable administrative budgets/developer fees will receive high scores. Measures the severity of need for the proposed project based on the proposal’s analysis of existing residential conditions, and the demonstration of need for financial assistance and public funding. As noted above, successful proposals will receive assistance as needed to finalize scopes and budget.
- **Readiness to Proceed (maximum 20 points):** Measures the extent to which the Applicant has organized the proposal and assembled enough resources to complete the project and achieve the goals and objectives of the program in a manner that is timely, effective and on-budget. Proposals that document adequate organizational structures and procedures to implement the proposed project without delay will receive high scores.

All completed and timely received applications will be reviewed and scored. A minimum of three evaluators from three State-agencies/ authorities will score applications. Tied scores will be broken with an additional evaluator, reviewing all applications.

NYSHCR, NYSERDA, and the NYSOAG reserve the right to:

- Award all, a portion of, or none of the program funds based upon funding availability, competitiveness of applications received, and feasibility of achieving project goals and objectives and completing proposed activities;
- Change or disallow aspects of the applications and make such changes conditions of its commitment to provide funding;
- Recommend funding in an amount less than requested;
- Not issue an award or grant agreement to any Applicant if it has been determined that the Applicant is not in compliance with existing State contracts and has not taken satisfactory steps to remedy such non-compliance;

- Waive any requirement contained in this RFP;
- Revise this RFP from time to time;
- Extend the submission due date;
- Disqualify Applicants based upon the results of a background check or the risk of any reputational or legal harm to NYSHCR, NSERDA or NYSOAG if an award is granted;
- Request additional data or material to support applications;
- Elect to extend and/or add funds to any project funded.

The Applicant shall disclose any indictment for any alleged felony, or any conviction for a felony within the past five years, under the laws of the United States or any state or territory of the United States and shall describe circumstances for each. When the Applicant is an association, partnership, corporation, or other organization, this disclosure requirement includes the organization and its officers, partners, and directors or members of any similarly governing body. If an indictment or conviction should come to the attention of NYSHCR, NYSERDA and/or NYSOAG after the award of a contract, they may exercise their stop-work right pending further investigation or terminate the agreement; the Applicant may be subject to penalties for violation of any law which may apply in the particular circumstances. Applicants must also disclose if any disciplinary actions, including but not limited to penalties, sanctions, fines or suspensions against the Applicant by any agency of the U.S. Government or the New York State Department of Labor.

Award Recommendations and Board Approval

Applications should demonstrate that the proposed project is feasible and outline all known implementation activities, costs, and estimated environmental and affordability impacts.

Applicants must articulate a plan to take the proposed project from pre-development work through implementation and should include a schedule, activities, costs and estimated environmental and affordability impacts for both phases. Award Agreements may be structured in two phases utilizing a stage-gate process whereby funding is initially made available for pre-development work only and implementation funds are not made available until the predevelopment work is satisfactorily completed.

Award recommendations will be submitted for review and approval by the appropriate HCR board prior to the execution of a grant agreement.

Application Status and Notification

Applicants will receive notification of the status of the proposal as follows:

- Ineligible Project: Applications for projects that are ineligible for funding under this program and funding source;
- Non-Award Notification: Application presents an incomplete, non-competitive, or not viable project and will not receive an award;
- Award Notification: Application presents a complete, eligible, competitive and feasible project.

Requests for Explanations of Award decisions may be made via email to NOFA_Applications@nyshcr.org within ten business days of receipt of notification of ineligibility or non-award. An explanation of the Award decision will take place by phone or via email, upon request by the Applicant.

Program Grant Agreements

Applicants selected for funding may be asked to revise parts of their proposal prior to issuance of a program grant agreement. After any required revisions are submitted and approved, an agreement will be issued. Recipients will enter a 24-month grant agreement within which all funds must be expended, and all proposed accomplishments met. Funds remaining at the end of the 24-month term are subject to de-obligation and reallocation. Requests for extensions of time to complete projects will be considered on a case by case basis.

Questions & Application Assistance

Any questions regarding this RFP or the Application must be submitted via email no later than 3:00 PM (EST) on Friday August 30, 2019 to:

Madeline Fletcher

Director, Distressed Asset Preservation

Homeownership and Community Development

New York State Homes and Community Renewal

NOFA_Applications@nyshcr.org

Frequently asked questions will be posted at hcr.ny.gov/mobile-manufactured-homes prior to the application deadline of Friday September 6, 2019

MISCELLANEOUS NOTICES/HEARINGS

Notice of Abandoned Property Received by the State Comptroller

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

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

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

PUBLIC NOTICE

Lewis County

The County of Lewis is requesting proposals from qualified administrative services agencies, and/or financial organizations relating to administration, trustee services and/or funding of a deferred compensation plan for employees of The County of Lewis meeting the requirements of Section 457 of the Internal Revenue Code and Section 5 of the State Finance Law, including all rules and regulations issued pursuant thereto.

A copy of the proposal questionnaire may be obtained from: Teresa Clark, Lewis County Board of Legislators, Court House - 7660 N. State St., Lowville, NY 13367-1396, e-mail: terryclark@lewiscounty.ny.gov

All proposals must be submitted no later than 30 days from the date of publication in the New York State Register no later than 8/30/2019 by 4:30 p.m.

PUBLIC NOTICE

Department of State
F-2019-0307

Date of Issuance – August 7, 2019

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program. The applicant's consistency certification and accompanying public information and data are available for inspection on the New York State Department of State's website at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2019-0307ManitouPointRoadPier.pdf>

In F-2019-0307, or the "Manitou Point Preserve Pier", the applicant

- Manitou Point Preserve, LLC – proposes to construct a 4' wide by 63' long timber pier. The pier will include a 15' by 12' "T" pier head with a kayak lift and a gallows/winch system that will be utilized to hoist the gangway when the dock is not in use. Low level lighting is proposed on the pier for safety purposes. At the south side of the pier head there will be a 3' wide by 22' long aluminum gangway leading to a 12' wide by 16' long timber float. The stated purpose of the project is "to create a pier for recreational boating, swimming, and fishing". This pier allows for reasonable and safe access to the Hudson. The proposed configuration will allow for a variety of water dependent uses including larger vessel tie-up and kayak launching". The proposed project activities will occur at 100 Mystery Point Road, in the Town of Garrison, Putnam County on the Hudson River.

Any interested parties and/or agencies desiring to express their views concerning the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or, September 6, 2019.

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

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

PUBLIC NOTICE

Department of State
F-2019-0319

Date of Issuance – August 7, 2019

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act (CZMA) of 1972, as amended.

The applicant has certified that the proposed activities comply with and will be conducted in a manner consistent with the federally approved New York State Coastal Management Program (NYSCMP). The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2019-0319, Judith Schmitt is proposing to install a new fiber glass 65 foot section of bulkhead directly against the seaward face of an existing bulkhead. Also proposed is to construct a 107 foot long by around 3 feet wide dock out to the low water line, with a boat lift. The project is located on West Meadow Creek at 9 and 12 Wylie Way, Stony Brook, NY 11790.

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2019-0319schmitt.pdf>

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or September 6, 2019.

Comments should be addressed to the Department of State, Office

of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

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

PUBLIC NOTICE

Department of State
F-2019-0329

Date of Issuance – August 7, 2019

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program. The applicant's consistency certification and accompanying public information and data are available for inspection on the New York State Department of State's website at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2019-0329NyackPedestrianBridge.pdf>

In F-2019-0329, or the "Nyack Memorial Park Inlet Bridge", the applicant – Village of Nyack – proposes to construct an eight feet wide by one hundred twenty feet long pedestrian bridge over the Nyack Memorial Park Inlet between the Nyack Municipal Marina and the Nyack Memorial Park. The proposed total fill below Mean High Water is approximately 46 cubic feet. "The project is to create a pedestrian path between the Nyack Municipal Marina and the Nyack Memorial Park, as well as associated changes to the sites, including sidewalks and crosswalks. The proposed bridge is part of the Village of Nyack's Waterfront Master Plan. The Project will connect segments of public access on the waterfront." The proposed project activities will occur at the Nyack Memorial Park Inlet Bridge, in the Village of Nyack, Rockland County on the Hudson River.

Any interested parties and/or agencies desiring to express their views concerning the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or, September 6, 2019.

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

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

PUBLIC NOTICE

Department of State
F-2019-0609

Date of Issuance – August 7, 2019

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program.

In F-2019-0609 or the "Town of Yates Shoreline Restoration", the applicant Town of Yates, is proposing to install armor stone protection to prevent any further erosion. Outlet pipes collecting roadside drainage or small site drainage are to be extended to continue proper operation. All disturbed areas are to be full restored upon completion of construction. The project is located at 1210 Power Lane, Marshall Rd, and County Line Road, Town of Yates, Orleans County, Lake Ontario.

The applicant's consistency certification and supporting informa-

tion are available for review at: http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2019-0609_Yates_App.pdf

Original copies of public information and data submitted by the applicant are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or, September 6, 2019.

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

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

PUBLIC NOTICE

Department of State
F-2019-0625

Date of Issuance – August 7, 2019

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program.

In F-2019-0625 or the "Lands End Marina Upgrades", the applicant Lands End Marina Inc., is proposing to construct a 2-story bathhouse with second floor office, install new septic system, improve parking area, add boat slips by extending the marina's current dock. The project is located at 382 and 386 West Lake Drive, Village of Montauk, Suffolk County, Lake Montauk.

The applicant's consistency certification and supporting information are available for review at: http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2019-0625_LandsEnd_App.pdf

Original copies of public information and data submitted by the applicant are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or, September 6, 2019.

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

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

PUBLIC NOTICE

Department of State
F-2019-0683

Date of Issuance – August 7, 2019

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act (CZMA) of 1972, as amended.

The applicant has certified that the proposed activities comply with and will be conducted in a manner consistent with the federally approved New York State Coastal Management Program (NYSCMP). The applicant's consistency certification and accompanying public in-

formation and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2019-0683, Aghajan Mohammadi is proposing to construct 258.5 foot by 4 foot new dock. Construct 121.7 linear feet of catwalk with decking. Construct 116.8 linear feet of catwalk with thru-flow decking elevated 4.5 feet over the wetland and Manila rope guards. Construct 20 linear feet of fixed pier with thru-flow decking, removable ladder and kayak rack. The project is located at Two Convent Road, Center Moriches, NY 11934 on Senix Creek.

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2019-0683Mohammadi.pdf>

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or September 6, 2019.

Comments should be addressed to the Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

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

PUBLIC NOTICE

Department of State
F-2019-0705

Date of Issuance – August 7, 2019

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program.

In F-2019-0705 or the "Klein Bulkhead Repair", the applicant Elaine Klein, is proposing to replace 137' existing bulkhead, navy style within 18" of existing up to 18; higher. Addition of two 6' returns and replace 4' boardwalk. Remove existing inground pool and decking. Clamshell dredge a 10' wide area along bulkhead to -4 MLW for 25 cubic yards and place behind bulkhead. Place up to additional 50 cubic yards of clean fill. The project is located at 159 Whitedoor Drive Village of Massapequa Park, Nassau County, Jones Creek.

The applicant's consistency certification and supporting information are available for review at: http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2019-0705_Klein_App.pdf

Original copies of public information and data submitted by the applicant are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or, September 6, 2019.

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

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

PUBLIC NOTICE

Department of State
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 other-

wise 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.

2019-0407 Matter of Avalon Bay Communities, Inc., 58 South Service Road, Suite 303, Melville, NY 11747 for a variance concerning fire apparatus access. Involved is a new residential community development comprising 13 - three story townhouse buildings of varying total gross floor areas and one - three story mixed community and residential building located at 7 Washington Avenue, Town of Hempstead, County of Nassau, 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.

2019-0419, Gary Spilatro, 12 Lisenard Avenue, New Rochelle, NY 10801, matter of a variance for ceiling height IRC 305.1 for the above mentioned address.

2019-0420, Joe DeCrenza, 22 Justamere Drive, Ossining, NY 10562 matter of a variance for space required for toilet, bath and shower spaces IRC 307.1.

2019-0425, Steven Kushner-Architectural Discipline Lead/Bergmann, for property located at the bus shelter in the City of Rome on West Liberty south of Gigliotti Avenue for a variance with the IEEC 402.1.1-Low Energy Buildings.

2019-0427, John Curtain-Albany Distilling Company, 78 Montgomery Street, Albany, NY 12207 in the matter of a variance for ICC/ANSI A117.1 for ADA bathroom.

2019-0430, Helen Ullrich and Thomas Marks, 106 Sarah Wells Trail, Campbell Hall, NY 10916 matter of an energy variance RN 1102 for a thermal envelope waiver for greenhouse at the above mentioned property.

PUBLIC NOTICE

Department of State
Uniform Code Variance / Appeal Petitions

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2019-0426 In the matter of Stream Collaborative, Noah Demarest, 108 West State Street, Ithaca, New York 14850 for IC Overlook, LLC, for a variance concerning building code and fire safety requirements including limited access for fire apparatus equipment from the access road to the building.

Involved is the construction of two adjacent buildings of four stories in height for mixed and residential occupancies located at 815 South Aurora Street, City of Ithaca, Tompkins County, New York.

PUBLIC NOTICEDepartment of State
Uniform Code Variance / Appeal Petitions

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2019-0428 Matter of Constantine Karalis, R.A., 63 Flushing Avenue, Building 58, Suite 3B, Brooklyn, NY 11205, for a variance concerning safety requirements, including the finished floor elevation constructed to the design flood elevation plus a two foot freeboard. Involved is an existing pool house accessory to a one-family dwelling located at 31 Kelp Avenue, Town Of Brookhaven, NY 11770, County of Suffolk, State of New York.

PUBLIC NOTICEDepartment of State
Uniform Code Variance / Appeal Petitions

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2019-0429, Matter of Milagros Cruz, 31 Titus Road in the Town of Poughkeepsie, NY 12603 seeking a variance for the above mentioned property for ceiling height in the basement.

PUBLIC NOTICEDepartment of State
Uniform Code Variance / Appeal Petitions

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2019-0432 In the Matter of 112 Schuyler, LLC, Jonah Freedman, P.O. Box 524, Ithaca, NY 14850 concerning safety requirements including a variance for reduction in required height of existing interior stair handrails and guardrails.

Involved is the certificate of compliance inspection of an existing residential occupancy, two stories in height, located at 115 Stewart Avenue, City of Ithaca, County of Tompkins, New York.

PUBLIC NOTICEDepartment 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.

2019-0435 In the matter of Peter Miller, 708 North Cayuga Street, Ithaca, NY 14850, concerning safety requirements including a variance for reduction in required height of existing exterior guardrails and interior guardrails.

Involved is the certificate of compliance inspection of an existing residential occupancy, two stories in height, located at 708 North Cayuga Street, City of Ithaca, County of Tompkins, New York.

PUBLIC NOTICEDepartment 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.

2019-0440 In the matter of PJ Apartments, Patrick Corbett, P.O. Box 218, Ithaca, NY 14851, concerning safety requirements including a variance for reduction in required height of existing interior stair handrails and guardrails.

Involved is the certificate of compliance inspection of an existing residential occupancy, two stories in height, located at 516 East Buffalo Street, City of Ithaca, County of Tompkins, New York.

PUBLIC NOTICEDepartment 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.

2019-0446 Petition in the Matter of Justin Adamo, 53 Windmill Way, Sand Lake, NY 12315, for an appeal concerning denial of Chapter 14 Performance Review, 2015 International Existing Building Code as adopted by the State of New York, providing for the change of occupancy from a two family residence to a three family residence, located at 30 Broad Street, Waterford, NY, County of Saratoga, State of New York.

PUBLIC NOTICEDepartment 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.

2019-0448 In the Matter of Property Manager, Andre Gardiner, 306 East State Street, Ithaca, NY 14850, concerning safety requirements including a variance for reduction in required height of existing interior stair handrails and guardrails.

Involved is the certificate of compliance inspection of an existing

residential occupancy, three stories in height, located at 118-124
Aurora Street North, City of Ithaca, County of Tompkins, New York.

EXECUTIVE ORDERS

Executive Order No. 195.1: Continuing the Declaration of a Disaster in the Counties of Cayuga, Jefferson, Monroe, Niagara, Orleans, Oswego, St. Lawrence, and Wayne.

WHEREAS, pursuant to Executive Order Number 195, a disaster has heretofore been declared in Cayuga, Jefferson, Monroe, Niagara, Orleans, Oswego, St. Lawrence and Wayne counties due to extensive lakeshore flooding, widespread erosion and water damage from extensive snowmelt and precipitation; and

WHEREAS, the flooding and erosion in the affected counties has caused significant damage to homes, and other residential structures, businesses, as well as public infrastructure and the State's assistance continues to be needed.

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 Laws of the State of New York, after having considered all the relevant facts and circumstances, do hereby extend all the terms, conditions and directives of Executive Order 195 for the period from the date the disaster emergency was declared until July 20, 2019.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany this twentieth day of June in the year two thousand nineteen.

BY THE GOVERNOR

/S/ Andrew M. Cuomo

/s/ Melissa DeRosa

Secretary to the Governor

APPENDIX

The following Appendix was filed with a Notice of Proposed Rule Making pertaining to Minimum Standards for Form, Content and Sale of Medicare Supplement and Medicare Select Insurance, et al., I.D. DFS-32-19-00003-P published in this issue of the State Register.

APPENDIX 12B

Required disclosure statement for policies and certificates of Medicare supplement insurance meeting the standards of sections 52.11 and 52.14 of this Title and sections 58.1 and 58.4 of this Part issued with an effective date for coverage on or after June 1, 2010, including revisions effective January 1, 2020. The appendix contains the items that shall be included in the disclosure statement in the order prescribed therein.

The disclosure statement shall consist of four parts: a cover page, premium information, disclosure pages, and charts displaying the features of each benefit plan offered by the issuer. The disclosure statement shall be in the language and format prescribed below in not less than 12-point type. All benefit plans “A” through “D”, “F”, high deductible “F+”, “G”, high deductible “G+”, and “K” through “N” shall be shown on the cover page, and the plan(s) that are offered by the issuer shall be prominently identified. Premium information for plans that are offered shall be shown on the cover page or immediately following the cover page and shall be prominently displayed. The premium and mode shall be stated for all plans that are offered to the prospective applicant. All possible premiums for the prospective applicant shall be illustrated.

Benefit Chart of Medicare Supplement Plans Sold on or after January 1, 2010 Including Revisions Effective January 1, 2020

This chart shows the benefits included in each of the standard Medicare supplement plans. Every company must make available Plans “A” & “B” and either “D” or “G”. Only applicants first eligible for Medicare before January 1, 2020 may purchase Plans C, F, and high deductible F+. Some plans may not be available in your state.

Benefits	Plans Available to All Applicants								Medicare first eligible before 2020 only	
	A	B	D	G ¹	K	L	M	N	C	F ¹
	Medicare Part A coinsurance and hospital coverage (up to an additional 365 days after Medicare benefits are used up)	✓	✓	✓	✓	✓	✓	✓	✓	✓
Medicare Part B coinsurance or Copayment	✓	✓	✓	✓	50%	75%	✓	✓ copays apply ³	✓	✓
Blood (first three pints)	✓	✓	✓	✓	50%	75%	✓	✓	✓	✓
Part A hospice care coinsurance or copayment	✓	✓	✓	✓	50%	75%	✓	✓	✓	✓
Skilled nursing facility coinsurance			✓	✓	50%	75%	✓	✓	✓	✓
Medicare Part A deductible		✓	✓	✓	50%	75%	50%	✓	✓	✓
Medicare Part B deductible									✓	✓
Medicare Part B excess charges				✓						✓
Foreign travel emergency (up to plan limits)			✓	✓			✓	✓	✓	✓
Out-of-pocket limit in [2019] ²					[\$5,560] ²	[\$2,780] ²				

¹ Plans F and G also have a high deductible option which require first paying a plan deductible of [\$2300] before the plan begins to pay. Once the plan deductible is met, the plan pays 100% of covered services for the rest of the calendar year. High deductible plan G is only available on or after January 1, 2020, and does not cover the Medicare Part B deductible. However, high deductible plans F and G count your payment of the Medicare Part B deductible toward meeting the plan deductible.

² Plans K and L pay 100% of covered services for the rest of the calendar year once you meet the out-of-pocket yearly limit.

³ Plan N pays 100% of the Part B coinsurance, except for a co-payment of up to \$20 for some office visits and up to a \$50 co-payment for emergency room visits that do not result in an inpatient admission.

PREMIUM INFORMATION [Boldface Type]

We [insert issuer's name] can only raise your premium if we raise the premium for all policies like yours in this state.

DISCLOSURES [Boldface Type]

Use this outline to compare benefits and premiums among policies.

READ YOUR POLICY VERY CAREFULLY [Boldface Type]

This is only an outline describing your policy's most important features. The policy is your insurance contract. You must read the policy itself to understand all of the rights and duties of both you and your insurance company.

RIGHT TO RETURN POLICY [Boldface Type]

If you find that you are not satisfied with your policy, you may return it to [insert issuer's address]. If you send the policy back to us within 30 days after you receive it, we will treat the policy as if it had never been issued and return all of your payments.

POLICY REPLACEMENT [Boldface Type]

If you are replacing another health insurance policy, do NOT cancel it until you have actually received your new policy and are sure you want to keep it.

NOTICE [Boldface Type]

This policy may not fully cover all of your medical costs. [for agents:]
Neither [insert company's name] nor its agents are connected with Medicare. [for direct response:]
[insert company's name] is not connected with Medicare. This outline of coverage does not give all the details of Medicare coverage. Contact your local Social Security Office or consult *Medicare and You* for more details.

COMPLETE ANSWERS ARE VERY IMPORTANT [Boldface Type]

Review the application carefully before you sign it. Be certain that all information has been properly recorded.

[Include for each plan prominently identified in the cover page, a chart showing the services, Medicare payments, plan payments and insured payments for each plan, using the same language, in the same order, using uniform layout and format as shown in the charts below. No more than four plans may be shown on one chart. For purposes of illustration, charts for each plan are included in this regulation. An issuer may use additional benefit plan designations on these charts pursuant to section 58.4(b)(4) of this Part.]

[Include an explanation of any innovative benefits on the cover page and in the chart, in a manner approved by the commissioner.]

PLAN A

MEDICARE (PART A)—HOSPITAL SERVICES—PER BENEFIT PERIOD

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after: —While using 60 lifetime reserve days —Once lifetime reserve days are used: —Additional 365 days (lifetime) —Beyond the additional 365 days	All but \$[1364] All but \$[341] a day All but \$[682] a day \$0 \$0	\$0 \$[341] a day \$[682] a day 100% of Medicare eligible expenses \$0	\$[1364](Part A deductible) \$0 \$0 \$0 All costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare- approved facility within 30 days after leaving the Hospital First 20 days 21 st thru 100th day 101st day and after	All approved amounts All but \$[170.50] a day \$0	\$0 \$0 \$0	\$0 Up to \$[170.50] a day All costs
BLOOD First 3 pints Additional amounts	\$0 100%	3 pints \$0	\$0 \$0
HOSPICE CARE You must meet Medicare's requirements, including a doctor's certification of terminal illness	All but very limited copayment/coinsurance for out-patient drugs and inpatient respite care	Medicare copayment/ coinsurance	\$0

PLAN A

MEDICARE (PART B)—MEDICAL SERVICES—PER CALENDAR YEAR

* Once you have been billed \$[185] of Medicare-approved amounts for covered services (which are noted with an asterisk), your part B deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES— IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as Physician’s services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$[185] of Medicare Approved Amounts* Remainder of Medicare Approved Amounts	 \$0 Generally 80%	 \$0 Generally 20%	 \$[185] (Part B deductible) \$0
Part B Excess Charges (Above Medicare Approved Amounts)	\$0	\$0	All costs
BLOOD First 3 pints Next \$[185] of Medicare Approved Amounts* Remainder of Medicare Approved Amounts	 \$0 \$0 80%	 All costs \$0 20%	 \$0 \$[185] (Part B deductible) \$0
CLINICAL LABORATORY SERVICES—TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

PLAN A
PARTS A & B

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOME HEALTH CARE MEDICARE APPROVED SERVICES —Medically necessary skilled care services and medical Supplies	100%	\$0	\$0
—Durable medical equipment First \$[185] of Medicare Approved Amounts*	\$0	\$0	\$[185] (Part B deductible)
Remainder of Medicare Approved Amounts	80%	20%	\$0

PLAN B

MEDICARE (PART A)—HOSPITAL SERVICES—PER BENEFIT PERIOD

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
<p>HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days</p> <p>61st thru 90th day 91st day and after: —While using 60 lifetime reserve days —Once lifetime reserve days are used: —Additional 365 days (lifetime) —Beyond the additional 365 days</p>	<p>All but \$[1364]</p> <p>All but \$[341] a day</p> <p>All but \$[682] a day</p> <p>\$0</p> <p>\$0</p>	<p>\$[1364](Part A deductible) \$[341] a day</p> <p>\$[682] a day</p> <p>100% of Medicare eligible expenses</p> <p>\$0</p>	<p>\$0</p> <p>\$0</p> <p>\$0</p> <p>\$0</p> <p>All costs</p>
<p>SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days</p> <p>21st thru 100th day</p> <p>101st day and after</p>	<p>All approved amounts</p> <p>All but \$[170.50] a day</p> <p>\$0</p>	<p>\$0</p> <p>\$0</p> <p>\$0</p>	<p>\$0</p> <p>Up to \$[170.50] a day</p> <p>All costs</p>
<p>BLOOD First 3 pints Additional amounts</p>	<p>\$0</p> <p>100%</p>	<p>3 pints</p> <p>\$0</p>	<p>\$0</p> <p>\$0</p>
<p>HOSPICE CARE You must meet Medicare's requirements, including a doctor's certification of terminal illness</p>	<p>All but very limited copayment/coinsurance for out-patient drugs and inpatient respite care</p>	<p>Medicare copayment/coinsurance</p>	<p>\$0</p>

PLAN B

MEDICARE (PART B)—MEDICAL SERVICES—PER CALENDAR YEAR

* Once you have been billed \$[185] of Medicare-approved amounts for covered services (which are noted with an asterisk), your part B deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES— IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$[185] of Medicare Approved Amounts*	\$0	\$0	\$[185] (Part B deductible)
Remainder of Medicare Approved Amounts	Generally 80%	Generally 20%	\$0
Part B Excess Charges (Above Medicare Approved Amounts)	\$0	\$0	All costs
BLOOD First 3 pints	\$0	All costs	\$0
Next \$[185] of Medicare Approved Amounts*	\$0	\$0	\$[185] (Part B deductible)
Remainder of Medicare Approved Amounts	80%	20%	\$0
CLINICAL LABORATORY SERVICES—TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

PARTS A & B

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOME HEALTH CARE MEDICARE APPROVED SERVICES —Medically necessary skilled care services and medical supplies	100%	\$0	\$0
—Durable medical equipment First \$[185] of Medicare Approved Amounts*	\$0	\$0	\$[185] (Part B deductible)
Remainder of Medicare Approved Amounts	80%	20%	\$0

PLAN C

MEDICARE (PART A)—HOSPITAL SERVICES—PER BENEFIT PERIOD

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
<p>HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days</p> <p>61st thru 90th day 91st day and after: —While using 60 lifetime reserve days —Once lifetime reserve days are used: —Additional 365 days (lifetime) —Beyond the additional 365 days</p>	<p>All but \$[1364]</p> <p>All but \$[341] a day</p> <p>All but \$[682] a day</p> <p>\$0</p> <p>\$0</p>	<p>\$[1364](Part A deductible) \$[341] a day</p> <p>\$[682] a day</p> <p>100% of Medicare eligible expenses</p> <p>\$0</p>	<p>\$0</p> <p>\$0</p> <p>\$0</p> <p>\$0</p> <p>All costs</p>
<p>SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days</p> <p>21st thru 100th day</p> <p>101st day and after</p>	<p>All approved amounts</p> <p>All but \$[170.50] a day</p> <p>\$0</p>	<p>\$0</p> <p>Up to \$[170.50] a day</p> <p>\$0</p>	<p>\$0</p> <p>\$0</p> <p>All costs</p>
<p>BLOOD First 3 pints Additional amounts</p>	<p>\$0</p> <p>100%</p>	<p>3 pints \$0</p>	<p>\$0</p> <p>\$0</p>
<p>HOSPICE CARE You must meet Medicare's requirements, including a doctor's certification of terminal illness</p>	<p>All but very limited copayment/coinsurance for out-patient drugs and inpatient respite care</p>	<p>Medicare copayment/coinsurance</p>	<p>\$0</p>

PLAN C

MEDICARE (PART B)—MEDICAL SERVICES—PER CALENDAR YEAR

* Once you have been billed \$[185] of Medicare-approved amounts for covered services (which are noted with an asterisk), your part B deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES— IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$[185] of Medicare Approved Amounts*	\$0	\$[185] (Part B deductible)	\$0
Remainder of Medicare Approved Amounts	Generally 80%	Generally 20%	\$0
Part B Excess Charges (Above Medicare Approved Amounts)	\$0	\$0	All costs
BLOOD First 3 pints	\$0	All costs	\$0
Next \$[185] of Medicare Approved Amounts*	\$0	\$[185] (Part B deductible)	\$0
Remainder of Medicare Approved Amounts	80%	20%	\$0
CLINICAL LABORATORY SERVICES—TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

PLAN C

PARTS A & B

HOME HEALTH CARE MEDICARE APPROVED SERVICES —Medically necessary skilled care services and medical supplies	100%	\$0	\$0
—Durable medical equipment First \$[185] of Medicare Approved Amounts*	\$0	\$[185](Part B deductible)	\$0
Remainder of Medicare Approved Amounts	80%	20%	\$0

OTHER BENEFITS—NOT COVERED BY MEDICARE

FOREIGN TRAVEL— NOT COVERED BY MEDICARE Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA			
First \$250 each calendar year	\$0	\$0	\$250
Remainder of Charges	\$0	80% to a lifetime maxi- mum benefit of \$50,000	20% and amounts over the \$50,000 lifetime maximum

PLAN D

MEDICARE (PART A)—HOSPITAL SERVICES—PER BENEFIT PERIOD

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after: —While using 60 lifetime reserve days —Once lifetime reserve days are used: —Additional 365 days (lifetime) —Beyond the additional 365 days	All but \$[1364] All but \$[341] a day All but \$[682] a day \$0 \$0	\$[1364] (Part A deductible) \$[341] a day \$[682] a day \$0 100% of Medicare eligible expenses \$0	\$0 \$0 \$0 \$0 All costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21 st thru 100th day 101st day and after	All approved amounts All but \$[170.50] a day \$0	\$0 Up to \$[170.50] a day \$0	\$0 \$0 All costs
BLOOD First 3 pints Additional amounts	\$0 100%	3 pints \$0	\$0 \$0
HOSPICE CARE You must meet Medicare's requirements, including a doctor's certification of terminal illness	All but very limited copayment/coinsurance for out-patient drugs and inpatient respite care	Medicare copayment/coinsurance	\$0

PLAN D
MEDICARE (PART B)—MEDICAL SERVICES—PER CALENDAR YEAR

* Once you have been billed \$[185] of Medicare-approved amounts for covered services (which are noted with an asterisk), your part B deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES— IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as physician’s services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$[185] of Medicare Approved Amounts* Remainder of Medicare Approved Amounts	\$0 Generally 80%	\$0 Generally 20%	\$[185] (Part B deductible) \$0
Part B Excess Charges (Above Medicare Approved Amounts)	\$0	\$0	All costs
BLOOD First 3 pints Next \$[185] of Medicare Approved Amounts* Remainder of Medicare Approved Amounts	\$0 \$0 80%	All costs \$0 20%	\$0 \$[185] (Part B deductible) \$0
CLINICAL LABORATORY SERVICES—TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

(continued)

**PLAN D
PARTS A & B**

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOME HEALTH CARE MEDICARE APPROVED SERVICES —Medically necessary skilled care services and medical supplies	100%	\$0	\$0
—Durable medical equipment First \$[185] of Medicare Approved Amounts*	\$0	\$0	\$[185] (Part B deductible)
Remainder of Medicare Approved Amounts	80%	20%	\$0

OTHER BENEFITS—NOT COVERED BY MEDICARE

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
FOREIGN TRAVEL—NOT COVERED BY MEDICARE Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA			
First \$250 each calendar year	\$0	\$0	\$250
Remainder of charges	\$0	80% to a lifetime maxi- mum benefit of \$50,000	20% and amounts over the \$50,000 lifetime maximum

PLAN F or HIGH DEDUCTIBLE PLAN F+

MEDICARE (PART A) – HOSPITAL SERVICES – PER BENEFIT PERIOD

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

[**This high deductible plan pays the same benefits as Plan F after you have paid a calendar year \$[2300] deductible. Benefits from the high deductible plan F will not begin until out-of-pocket expenses are \$[2300]. Out-of-pocket expenses for this deductible are expenses that would ordinarily be paid by the policy. This includes the Medicare deductibles for Part A and Part B, but does not include the plan’s separate foreign travel emergency deductible.]

SERVICES	MEDICARE PAYS	[AFTER YOU PAY \$[2300] DEDUCTIBLE,**] PLAN PAYS	[IN ADDITION TO \$[2300] DEDUCTIBLE,**] YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies			
First 60 days	All but \$[1364]	\$[1364] (Part A deductible)	\$0
61st thru 90th day	All but \$[341] a day	\$[341] a day	\$0
91st day and after: - While using 60 lifetime reserve days - Once lifetime reserve days are used:	All but \$[682] a day	\$[682] a day	\$0
— Additional 365 days	\$0	100% of Medicare eligible expenses	\$0
— Beyond the additional 365 days	\$0	\$0	All costs

PLAN F or HIGH DEDUCTIBLE PLAN F+

MEDICARE (PART A) – HOSPITAL SERVICES – PER BENEFIT PERIOD (cont.)

SERVICES	MEDICARE PAYS	[AFTER YOU PAY \$[2300] DEDUCTIBLE,**] PLAN PAYS	[IN ADDITION TO \$[2300] DEDUCTIBLE,**] YOU PAY
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare- approved facility within 30 days after leaving the hospital			
First 20 days	All approved amounts	\$0	\$0
21st thru 100th day	All but \$[170.50] a day	Up to \$[170.50] a day	\$0
101 st day and after	\$0	\$0	All costs
BLOOD			
First 3 pints	\$0	3 pints	\$0
Additional amounts	100%	\$0	\$0
HOSPICE CARE You must meet Medicare's requirements, including a doctor's certification of terminal illness	All but very limited co- payment/ coinsurance for out- patient drugs and inpatient respite care	Medicare co-payment/ coinsurance	\$0

PLAN F or HIGH DEDUCTIBLE PLAN F+

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$[185] of Medicare-approved amounts for covered services (which are noted with an asterisk), your Part B deductible will have been met for the calendar year.

[**This high deductible plan pays the same benefits as Plan F after you have paid a calendar year \$[2300] deductible. Benefits from the high deductible plan F will not begin until out-of-pocket expenses are \$[2300]. Out-of-pocket expenses for this deductible are expenses that would ordinarily be paid by the policy. This includes the Medicare deductibles for Part A and Part B, but does not include the plan’s separate foreign travel emergency deductible.]

SERVICES	MEDICARE PAYS	[AFTER YOU PAY \$[2300] DEDUCTIBLE,*] PLAN PAYS	[IN ADDITION TO \$[2300] DEDUCTIBLE,**] YOU PAY
MEDICAL EXPENSES IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as physician’s services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment	\$0	\$[185] (Part B deductible)	\$0
First \$[185] of Medicare Approved amounts*	Generally 80%	Generally 20%	\$0
Remainder of Medicare Approved amounts			
Part B excess charges (Above Medicare Approved Amounts)	\$0	100%	\$0
BLOOD			
First 3 pints	\$0	All costs	\$0
Next\$[185] of Medicare Approved amounts*	\$0	\$[185] (Part B deductible)	\$0
Remainder of Medicare Approved amounts	80%	20%	\$0

PLAN F or HIGH DEDUCTIBLE PLAN F+

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR (cont.)

SERVICES	MEDICARE PAYS	[AFTER YOU PAY \$[2300] DEDUCTIBLE,*] PLAN PAYS	[IN ADDITION TO \$[2300] DEDUCTIBLE,**] YOU PAY
CLINICAL LABORATORY SERVICES—TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

PARTS A & B

SERVICES	MEDICARE PAYS	[AFTER YOU PAY \$[2300] DEDUCTIBLE,**] PLAN PAYS	[IN ADDITION TO \$[2300] DEDUCTIBLE,**] YOU PAY
HOME HEALTH CARE MEDICARE APPROVED SERVICES Medically necessary skilled care services and medical supplies Durable medical equipment -First \$[185] of Medicare Approved Amounts* -Remainder of Medicare — Approved Amounts	100% \$0 80%	\$0 \$[185] (Part B deductible) 20%	\$0 \$0 \$0

PLAN F or HIGH DEDUCTIBLE PLAN F+

OTHER BENEFITS - NOT COVERED BY MEDICARE

SERVICES	MEDICARE PAYS	[AFTER YOU PAY \$[2300] DEDUCTIBLE,**] PLAN PAYS	[IN ADDITION TO \$[2300] DEDUCTIBLE,**] YOU PAY
<p>FOREIGN TRAVEL - NOT COVERED BY MEDICARE Medically necessary emergency careservices beginning during the first 60 days of each trip outside the USA</p>			
First \$250 each calendar year	\$0	\$0	\$250
Remainder of charges	\$0	80% to a lifetime maximum benefit of \$50,000	20% and amounts over the \$50,000 lifetime maximum

PLAN G or HIGH DEDUCTIBLE PLAN G

MEDICARE (PART A) – HOSPITAL SERVICES – PER BENEFIT PERIOD

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

[**This high deductible plan pays the same benefits as Plan G after you have paid a calendar year \$[2300] deductible. Benefits from the high deductible plan G will not begin until out-of-pocket expenses are \$[2300]. Out-of-pocket expenses for this deductible include expenses for the Medicare Part B deductible, and expenses that would ordinarily be paid by the policy. This does not include the plan’s separate foreign travel emergency deductible.]

SERVICES	MEDICARE PAYS	[AFTER YOU PAY \$[2300] DEDUCTIBLE,**] PLAN PAYS	[IN ADDITION TO \$[2300] DEDUCTIBLE,**] YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after: — While using 60lifetime reserve days — Once lifetime reserve days are used: — Additional 365 days — Beyond the additional 365 days	All but \$[1364] All but \$[341] a day All but \$[682] a day \$0 \$0	\$[1364] (Part A deductible) \$[341] a day \$[682] a day 100% of Medicare eligible expenses \$0	\$0 \$0 \$0 \$0 All costs

PLAN G or HIGH DEDUCTIBLE PLAN G

MEDICARE (PART A) – HOSPITAL SERVICES – PER BENEFIT PERIOD (cont.)

SERVICES	MEDICARE PAYS	[AFTER YOU PAY \$[2300] DEDUCTIBLE,**] PLAN PAYS	[IN ADDITION TO \$[2300] DEDUCTIBLE,**] YOU PAY
<p>SKILLED NURSING FACILITY CARE* You must meet Medicare’s requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital</p> <p>First 20 days</p> <p>21st thru 100th day</p> <p>101st day and after</p>	<p>All approved amounts</p> <p>All but \$[170.50] a day</p> <p>\$0</p>	<p>\$0</p> <p>Up to \$[170.50] a day</p> <p>\$0</p>	<p>\$0</p> <p>\$0</p> <p>All costs</p>
<p>BLOOD</p> <p>First 3 pints</p> <p>Additional amounts</p>	<p>\$0</p> <p>100%</p>	<p>3 pints</p> <p>\$0</p>	<p>\$0</p> <p>\$0</p>
<p>HOSPICE CARE You must meet Medicare's requirements, including a doctor's certification of terminal illness.</p>	<p>All but very limited co-payment/ coinsurance for out-patient drugs and inpatient respite care</p>	<p>Medicare co-payment/coinsurance</p>	<p>\$0</p>

PLAN G or HIGH DEDUCTIBLE PLAN G

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed \$[185] of Medicare-approved amounts for covered services (which are noted with an asterisk), your Part B deductible will have been met for the calendar year.

[**This high deductible plan pays the same benefits as Plan G after you have paid a calendar year \$[2300] deductible. Benefits from the high deductible plan G will not begin until out-of-pocket expenses are \$[2300]. Out-of-pocket expenses for this deductible include expenses for the Medicare Part B deductible, and expenses that would ordinarily be paid by the policy. This does not include the plan's separate foreign travel emergency deductible.]

SERVICES	MEDICARE PAYS	[AFTER YOU PAY \$[2300] DEDUCTIBLE,**] PLAN PAYS	[IN ADDITION TO \$[2300] DEDUCTIBLE,**] YOU PAY
MEDICAL EXPENSES —IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment First \$[185] of Medicare Approved amounts* Remainder of Medicare Approved amounts	\$0 Generally 80%	\$0 Generally 20%	\$[185] (Unless Part B deductible has been met) \$0
Part B Excess c Charges (Above Medicare Approved Amounts)	\$0	100%	\$0
BLOOD First 3 pints Next \$[185] of Medicare Approved amounts* Remainder of Medicare Approved amounts	\$0 \$0 80%	All costs \$0 20%	\$0 \$[185] (Unless Part B deductible has been met) \$0

PLAN G or HIGH DEDUCTIBLE PLAN G

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR (cont.)

SERVICES	MEDICARE PAYS	[AFTER YOU PAY \$[2300] DEDUCTIBLE,* **] PLAN PAYS	[IN ADDITION TO \$[2300] DEDUCTIBLE,**] YOU PAY
CLINICAL LABORATORY SERVICES—TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

PLAN G or HIGH DEDUCTIBLE PLAN G PARTS A & B

SERVICES	MEDICARE PAYS	[AFTER YOU PAY \$[2300] DEDUCTIBLE,**] PLAN PAYS	[IN ADDITION TO \$[2300] DEDUCTIBLE,]** YOU PAY
HOME HEALTH CARE MEDICARE APPROVED SERVICES Medically necessary skilled care services and medical supplies Durable medical equipment - First \$[185] of Medicare Approved Amounts* - Remainder of Medicare Approved Amounts	100% \$0 80%	\$0 \$0 20%	\$0 \$[185] (Unless Part B deductible has been met) \$0

PLAN G or HIGH DEDUCTIBLE PLAN G

OTHER BENEFITS - NOT COVERED BY MEDICARE

SERVICES	MEDICARE PAYS	[AFTER YOU PAY \$[2300] DEDUCTIBLE,**] PLAN PAYS	[IN ADDITION TO \$[2300] DEDUCTIBLE,]** YOU PAY
FOREIGN TRAVEL - NOT COVERED BY MEDICARE Medically necessary Emergency care services Beginning during the first 60 days of each trip outside the USA			
First \$250 each calendar year	\$0	\$0	\$250
Remainder of charges	\$0	80% to a lifetime maximum benefit of \$50,000	20% and amounts over the \$50,000 lifetime maximum

PLAN K

* You will pay half the cost-sharing of some covered services until you reach the annual out-of-pocket limit of \$[4620] each calendar year. The amounts that count toward your annual limit are noted with diamonds (♦) in the chart below. Once you reach the annual limit, the plan pays 100% of your Medicare copayment and coinsurance for the rest of the calendar year. **However, this limit does NOT include charges from your provider that exceed Medicare-approved amounts (these are called “Excess Charges”) and you will be responsible for paying this difference in the amount charged by your provider and the amount paid by Medicare for the item or service.**

MEDICARE (PART A)—HOSPITAL SERVICES—PER BENEFIT PERIOD

** A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY*
HOSPITALIZATION** Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61 st thru 90th day 91st day and after: —While using 60 lifetime reserve days —Once lifetime reserve days are used: —Additional 365 days (lifetime) —Beyond the additional 365 days	All but \$[1364] All but \$[341] a day All but \$[682] a day \$0 \$0	\$[682](50% of Part A deductible) \$[341] a day \$[682] a day 100% of Medicare eligible expenses \$0	\$[682](50% of Part A deductible)♦ \$0 \$0 \$0 All costs
SKILLED NURSING FACILITY CARE** You must meet Medicare’s requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21 st thru 100th day 101st day and after	All approved amounts All but \$[170.50] a day \$0	\$0 Up to \$[85.25] a day \$0	\$0 Up to \$[85.25] a day ♦ All costs
BLOOD First 3 pints Additional amounts	\$0 100%	50% \$0	50%♦ \$0
HOSPICE CARE You must meet Medicare's requirements, including a doctor's certification of terminal illness	All but very limited copayment/coinsurance for outpatient drugs and inpatient respite care	50% of copayment/coinsurance	50% of Medicare copayment/coinsurance♦

PLAN K

MEDICARE (PART B)—MEDICAL SERVICES—PER CALENDAR YEAR

**** Once you have been billed \$[185] of Medicare-approved amounts for covered services (which are noted with an asterisk), your part B deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY*
MEDICAL EXPENSES— IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as physician’s services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment. First \$[185] of Medicare Approved Amounts****	\$0	\$0	\$[185] (Part B deductible)**** ♦
Preventive Benefits for Medicare covered services	Generally 80% or more of Medicare approved amounts	Remainder of Medicare approved amounts	All costs above Medicare approved amounts
Remainder of Medicare Approved Amounts	Generally 80%	Generally 10%	Generally 10% ♦
Part B Excess Charges (Above Medicare Approved Amounts)	\$0	\$0	All costs (and they do not count toward annual out-of-pocket limit of \$[5560])*
BLOOD First 3 pints	\$0	50%	50%♦
Next \$[185] of Medicare Approved Amounts****	\$0	\$0	\$[185] (Part B deductible)**** ♦
Remainder of Medicare Approved Amounts	Generally 80%	Generally 10%	Generally 10% ♦
CLINICAL LABORATORY SERVICES—TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

(continued)

* This plan limits your annual out-of-pocket payments for Medicare-approved amounts to \$[5560] per year. **However, this limit does NOT include charges from your provider that exceed Medicare-approved amounts (these are called “Excess Charges”) and you will be responsible for paying this difference in the amount charged by your provider and the amount paid by Medicare for the item or service.**

PLAN K
PARTS A & B

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY*
HOME HEALTH CARE			
MEDICARE APPROVED SERVICES			
—Medically necessary skilled care services and medical supplies	100%	\$0	\$0
—Durable medical equipment			
First \$[185] of Medicare Approved Amounts*****	\$0	\$0	\$[185] (Part B deductible) ♦
Remainder of Medicare Approved Amounts	80%	10%	10%♦

*****Medicare benefits are subject to change. Please consult the latest *Guide to Health Insurance for People with Medicare*.

PLAN L

* You will pay one-fourth of the cost-sharing of some covered services until you reach the annual out-of-pocket limit of \$[2780] each calendar year. The amounts that count toward your annual limit are noted with diamonds (♦) in the chart below. Once you reach the annual limit, the plan pays 100% of your Medicare copayment and coinsurance for the rest of the calendar year. **However, this limit does NOT include charges from your provider that exceed Medicare-approved amounts (these are called “Excess Charges”) and you will be responsible for paying this difference in the amount charged by your provider and the amount paid by Medicare for the item or service.**

MEDICARE (PART A)—HOSPITAL SERVICES—PER BENEFIT PERIOD

** A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY*
HOSPITALIZATION** Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days	All but \$[1364]	\$[1023] (75% of Part A deductible)	\$[341] (25% of Part A deductible)♦
61st thru 90th day	All but \$[341] a day	\$[341] a day	\$0
91st day and after: —While using 60 lifetime reserve days	All but \$[682] a day	\$[682] a day	\$0
—Once lifetime reserve days are used: —Additional 365 days (lifetime)	\$0	100% of Medicare eligible expenses	\$0
—Beyond the additional 365 days	\$0	\$0	All costs
SKILLED NURSING FACILITY CARE** You must meet Medicare’s requirements, including having been in a hospital for at least 3 days and entered a Medicare- approved facility within 30 days after leaving the hospital			
First 20 days	All approved amounts	\$0	\$0
21 st thru 100th day	All but \$[170.50] a day	Up to \$[127.88] a day	Up to \$[42.63] a day♦
101st day and after	\$0	\$0	All costs
BLOOD			
First 3 pints	\$0	75%	25%♦
Additional amounts	100%	\$0	\$0
HOSPICE CARE You must meet Medicare's requirements, including a doctor's certification of terminal illness	All but very limited copayment/coinsurance for outpatient drugs and inpatient respite care	75% of copayment/coinsurance	25% of copayment/coinsurance ♦

(continued)

PLAN L

MEDICARE (PART B)—MEDICAL SERVICES—PER CALENDAR YEAR

**** Once you have been billed \$[185] of Medicare-approved amounts for covered services (which are noted with an asterisk), your part B deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY*
MEDICAL EXPENSES— IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as physician’s services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$[185] of Medicare Approved Amounts****	\$0	\$0	\$[185] (Part B deductible)**** ♦
Preventive Benefits for Medicare covered services	Generally 80% or more of Medicare approved amounts	Remainder of Medicare approved amounts	All costs above Medicare approved amounts
Remainder of Medicare Approved Amounts	Generally 80%	Generally 15%	Generally 5% ♦
Part B Excess Charges (Above Medicare Approved Amounts)	\$0	\$0	All costs (and they do not count toward annual out-of-pocket limit of \$[2780])*
BLOOD First 3 pints	\$0	75%	25%♦
Next \$[185] of Medicare Approved Amounts****	\$0	\$0	\$[185] (Part B deductible) ♦
Remainder of Medicare Approved Amounts	Generally 80%	Generally 15%	Generally 5%♦
CLINICAL LABORATORY SERVICES—TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

(continued)

* This plan limits your annual out-of-pocket payments for Medicare-approved amounts to \$[2780] per year. However, this limit does NOT include charges from your provider that exceed Medicare-approved amounts (these are called “Excess Charges”) and you will be responsible for paying this difference in the amount charged by your provider and the amount paid by Medicare for the item or service.

**PLAN L
PARTS A & B**

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY*
HOME HEALTH CARE MEDICARE APPROVED SERVICES			
—Medically necessary skilled care services and medical supplies	100%	\$0	\$0
—Durable medical equipment First \$[185] of Medicare Approved Amounts*****	\$0	\$0	\$[185] (Part B deductible) ♦
Remainder of Medicare Approved Amounts	80%	15%	5% ♦

*****Medicare benefits are subject to change. Please consult the latest *Guide to Health Insurance for People with Medicare*.

PLAN M

MEDICARE (PART A)—HOSPITAL SERVICES—PER BENEFIT PERIOD

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
<p>HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61st thru 90th day 91st day and after: —While using 60 lifetime reserve days —Once lifetime reserve days are used: —Additional 365 days (lifetime) —Beyond the additional 365 days</p>	<p>All but \$[1364] All but \$[341] a day All but \$[682] a day \$0 \$0</p>	<p>\$(682)(50% of Part A deductible) \$[341] a day \$[682] a day 100% of Medicare eligible expenses \$0</p>	<p>\$(682)(50% of Part A deductible) \$0 \$0 \$0 All costs</p>
<p>SKILLED NURSING FACILITY CARE* You must meet Medicare’s requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after</p>	<p>All approved amounts All but \$[170.50] a day \$0</p>	<p>\$0 Up to \$[170.50] a day \$0</p>	<p>\$0 \$0 All costs</p>
<p>BLOOD First 3 pints Additional amounts</p>	<p>\$0 100%</p>	<p>3 pints \$0</p>	<p>\$0 \$0</p>
<p>HOSPICE CARE You must meet Medicare’s requirements, including a doctor’s certification of terminal illness</p>	<p>All but very limited copayment/coinsurance for outpatient drugs and inpatient respite care</p>	<p>Medicare copayment/ coinsurance</p>	<p>\$0</p>

PLAN M

MEDICARE (PART B)—MEDICAL SERVICES—PER CALENDAR YEAR

* Once you have been billed \$[185] of Medicare-approved amounts for covered services (which are noted with an asterisk), your part B deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES— IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment First \$[185] of Medicare Approved Amounts* Remainder of Medicare Approved Amounts	 \$0 Generally 80%	 \$0 Generally 20%	 \$[185] (Part B deductible) \$0
Part B Excess Charges (Above Medicare Approved Amounts)	\$0	\$0	All costs
BLOOD First 3 pints Next \$[185] of Medicare Approved Amounts* Remainder of Medicare Approved Amounts	 \$0 \$0 80%	 All costs \$0 20%	 \$0 \$[185] (Part B deductible) \$0
CLINICAL LABORATORY SERVICES—TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

PLAN M
PARTS A & B

HOME HEALTH CARE MEDICARE APPROVED SERVICES			
—Medically necessary skilled care services and medical supplies	100%	\$0	\$0
—Durable medical equipment First \$[185] of Medicare Approved Amounts*	\$0	\$0	\$[185] (Part B deductible)
Remainder of Medicare Approved Amounts	80%	20%	\$0

OTHER BENEFITS—NOT COVERED BY MEDICARE

FOREIGN TRAVEL— NOT COVERED BY MEDICARE			
Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA			
First \$250 each calendar year	\$0	\$0	\$250
Remainder of Charges	\$0	80% to a lifetime maxi- mum benefit of \$50,000	20% and amounts over the \$50,000 lifetime maximum

PLAN N

MEDICARE (PART A)—HOSPITAL SERVICES—PER BENEFIT PERIOD

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days 61 st thru 90th day 91 st day and after: —While using 60 lifetime reserve days —Once lifetime reserve days are used: —Additional 365 days (lifetime) —Beyond the additional 365 days	All but \$[1364] All but \$[341] a day All but \$[682] a day \$0 \$0	\$[1364](Part A deductible) \$[341] a day \$[682] a day 100% of Medicare eligible expenses \$0	\$0 \$0 \$0 \$0 All costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21 st thru 100th day 101st day and after	All approved amounts All but \$[170.50] a day \$0	\$0 Up to \$[170.50] a day \$0	\$0 \$0 All costs
BLOOD First 3 pints Additional amounts	\$0 100%	3 pints \$0	\$0 \$0
HOSPICE CARE You must meet Medicare's requirements, including a doctor's certification of terminal illness	All but very limited copayment/coinsurance for outpatient drugs and inpatient respite care	Medicare copayment/coinsurance	\$0

PLAN N

MEDICARE (PART B)—MEDICAL SERVICES—PER CALENDAR YEAR

* Once you have been billed \$[185] of Medicare-approved amounts for covered services (which are noted with an asterisk), your part B deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
<p>MEDICAL EXPENSES— IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as physician’s services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment First \$[185] of Medicare Approved Amounts* Remainder of Medicare Approved Amounts</p>	<p>\$0 Generally 80%</p>	<p>\$0 Balance, other than up to \$20 per office visit and up to \$50 per emergency room visit. The copayment of up to \$50 is waived if the insured is admitted to any hospital and the emergency visit is covered as a Medicare Part A expense.</p>	<p>\$[185] (Part B deductible) Up to \$20 per office visit and up to \$50 per emergency room visit. The copayment of up to \$50 is waived if the insured is admitted to any hospital and the emergency visit is covered as a Medicare Part A expense.</p>
<p>Part B Excess Charges (Above Medicare Approved Amounts)</p>	<p>\$0</p>	<p>\$0</p>	<p>All costs</p>
<p>BLOOD First 3 pints Next \$[185] of Medicare Approved Amounts* Remainder of Medicare Approved Amounts</p>	<p>\$0 \$0 80%</p>	<p>All costs \$0 20%</p>	<p>\$0 \$[185] (Part B deductible) \$0</p>
<p>CLINICAL LABORATORY SERVICES—TESTS FOR DIAGNOSTIC SERVICES</p>	<p>100%</p>	<p>\$0</p>	<p>\$0</p>

PLAN N

PARTS A & B

HOME HEALTH CARE MEDICARE APPROVED SERVICES			
—Medically necessary skilled care services and medical supplies	100%	\$0	\$0
—Durable medical equipment First \$[185] of Medicare Approved Amounts*	\$0	\$0	\$[185] (Part B deductible)
Remainder of Medicare Approved Amounts	80%	20%	\$0

OTHER BENEFITS—NOT COVERED BY MEDICARE

FOREIGN TRAVEL— NOT COVERED BY MEDICARE			
Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA			
First \$250 each calendar year	\$0	\$0	\$250
Remainder of Charges	\$0	80% to a lifetime maxi- mum benefit of \$50,000	20% and amounts over the \$50,000 lifetime maximum