
NEW YORK STATE

REGISTER

INSIDE THIS ISSUE:

- Use of Force
- Charges for Professional Health Services
- Medical Use of Marihuana

**Notice of Availability of State and Federal Funds
Executive Orders**

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 September 22, 2019
- the 45-day period expires on September 7, 2019
- the 30-day period expires on August 23, 2019

**ANDREW M. CUOMO
GOVERNOR**

**ROSSANA ROSADO
SECRETARY OF STATE**

NEW YORK STATE DEPARTMENT OF STATE

For press and media inquiries call:
(518) 474-0050

For *State Register* production, scheduling and subscription information
call: (518) 474-6957
E-mail: adminrules@dos.ny.gov

For legal assistance with *State Register* filing requirements
call: (518) 474-6740
E-mail: dos.dl.inetcounsel@dos.ny.gov

The *New York State Register* is now available on-line at:
www.dos.ny.gov/info/register.htm



The New York State Register (ISSN 0197 2472) is published weekly. Subscriptions are \$80 per year for first class mailing and \$40 per year for periodical mailing. The *New York State Register* is published by the New York State Department of State, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001. Periodical postage is paid at Albany, New York and at additional mailing offices.

POSTMASTER: Send address changes to NY STATE REGISTER, the Department of State, Division of Administrative Rules, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001

 printed on recycled paper

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

Each paid subscription to the *New York State Register* includes one weekly issue for a full year and four "Quarterly Index" issues. The Quarterly is a cumulative list of actions that shows the status of every rule making action in progress or initiated within a calendar year.

The *Register* costs \$80 a year for a subscription mailed first class and \$40 for periodical (second) class. Prepayment is required. To order, send a check or money order payable to the NYS Department of State to the following address:

NYS Department of State
One Commerce Plaza
99 Washington Avenue
Suite 650
Albany, NY 12231-0001
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

Agriculture and Markets, Department of

1 / Fuels for Use in Automobiles and Motor-Driven Devices and Equipment (P)

Criminal Justice Services, Division of

4 / Use of Force (EP)

Economic Development, Department of

7 / Empire Zones Reform (E)

9 / START-UP NY Program (EP)

Financial Services, Department of

12 / Charges for Professional Health Services (E)

14 / Business Conduct of Mortgage Loan Servicers (E)

Health, Department of

18 / Medical Use of Marihuana (E)

19 / Maximum Contaminant Levels (MCLs) (P)

Public Service Commission

24 / Use of Electric Metering Equipment (P)

25 / To Institute a Voluntary Tier 2(B) Physical Storage Program Under the DDS Program (P)

25 / An Index REC Procurement Mechanism for Tier 1 REC Procurements (P)

State University of New York

26 / State Basic Financial Assistance for the Operating Expenses of Community Colleges Under the Program of SUNY and CUNY (P)

26 / State University of New York Tuition and Fees Schedule (P)

Hearings Scheduled for Proposed Rule Makings / 30

Action Pending Index / 33

Securities Offerings

79 / State Notices

Advertisements for Bidders/Contractors

81 / Sealed Bids

Notice of Availability of State and Federal Funds

87 / Environmental Facilities Corporation

Miscellaneous Notices/Hearings

89 / Notice of Abandoned Property Received by the State Comptroller

89 / Notice of Annulment Of Dissolution of Certain Business Corporations

94 / Notice of Annulment Of Dissolution of Certain Membership Corporation(s)

94 / Notice of Erroneous Inclusion In Dissolution by Proclamation of Certain Business Corporations

95 / Notice of Erroneous Inclusion In Annulment of Authority of Certain Foreign Corporations

95 / Notice of Cancellation Of Annulment of Authority of Certain Foreign Corporations

96 / Public Notice

Executive Orders

- 99 / Executive Order No. 147.22: A Special Prosecutor to Investigate and Prosecute Matters Relating to the Deaths of Civilians Caused by Law Enforcement Officers.
- 99 / Executive Order No. 147.23: A Special Prosecutor to Investigate and Prosecute Matters Relating to the Deaths of Civilians Caused by Law Enforcement Officers.

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.

Department of Agriculture and Markets

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Fuels for Use in Automobiles and Motor-Driven Devices and Equipment

I.D. No. AAM-30-19-00004-P

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

Proposed Action: Amendment of Part 224 of Title 1 NYCRR.

Statutory authority: Agriculture and Markets Law, sections 16(1), 18(6), 179(3)(b), 192-a(1), 192-b(12) and 192-c(13)

Subject: Fuels for use in automobiles and motor-driven devices and equipment.

Purpose: To conform regulations with Federal requirements; to provide standards for, and relieve confusion in the sale of new fuels.

Substance of proposed rule (Full text is posted at the following State website: <https://www.agriculture.ny.gov/Publications.html>): The proposed rule will amend 1 NYCRR Part 224, as follows:

1. Section 224.1 will be amended to add definitions of terms used in amendments to the substantive provisions of Part 224, promulgated pursuant to the proposed rule.

2. Section 224.3 will be amended to require automotive fuel, diesel fuel, and kerosene to comply with current standards developed by the American Society for Testing and Materials (“ASTM”). That section will also be amended to allow for the sale and distribution of gasoline-ethanol blends that have not more than 15%, and not less than 51%, by volume, of ethanol. Furthermore, that section will be amended to set forth standards

for certain fuels; i.e., denatured fuel ethanol, ethanol flex fuels, butanol, butanol blends, biodiesel, and biodiesel blends, for which standards are not presently set forth.

3. Sections 224.4 and 224.7 will be amended to lower the amount of water that may be in the bottom of a retail fuel storage tank from two inches to one inch.

4. Section 224.5 will be repealed and a new section 224.5 added that will set forth disclosure requirements that refiners and distributors of automotive fuels and other petroleum products must furnish to purchasers of bulk shipments of those commodities.

5. Section 224.6 will be amended to, in effect, delete the authority of the Commissioner of Agriculture and Markets to temporarily allow a retailer of petroleum products to sell such products from dispensers that do not set forth the total selling price.

6. Section 224.8 will be amended to require a seller of gasoline that contains more than one percent butanol, by volume, to make certain disclosures.

7. Section 224.9 will be amended to require refiners, producers, distributors, and retailers of gasoline and diesel motor fuel to comply with otherwise-applicable federal regulations relating to octane.

8. Section 224.14 will be amended to conform to presently existing regulations promulgated by the Department of Environmental Conservation, in 6 NYCRR section 613-22, that require retailers to permanently mark “fill ports”, in a specified manner, designed to identify the petroleum products therein.

Text of proposed rule and any required statements and analyses may be obtained from: Mike Sikula, Director, Bureau of Weights & Measures, NYS Dept. of Agriculture and Markets, 10B Airline Drive, Albany, NY 12235, (518) 457-3146, email: Mike.Sikula@agriculture.ny.gov

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

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

Summary of Regulatory Impact Statement (Full text is posted at the following State website: <https://www.agriculture.ny.gov/Publications.html>):

1. Statutory authority:

The proposed rule is authorized by Agriculture and Markets Law (“AML”) sections 16(1), 18(6), 179(3)(b), 192-a(1), 192-b(12), and 192-c(13).

The proposed rule will, generally, permit a wider range of “alternative” fuels and require those fuels to meet specified standards. Additionally, the proposed rule will require that a person who sells and distributes automotive fuels, including “alternative” fuels, to make certain disclosures, and that retailers of automotive fuels, including “alternative” fuels, must post certain information, in connection with the sale thereof.

2. Legislative objectives:

In the statutes referred to above, the legislature sought to ensure that fuels used in motor vehicles and equipment meet applicable standards and that all persons in the chain of distribution of such fuels are adequately and fully made aware of the most important properties of each such fuel.

3. Needs and benefits:

The proposed rule contains a number of substantive amendments and additions to 1 NYCRR Part 224, as well as certain “house-keeping” changes. The proposed substantive changes and their benefits associated are as follows:

– Subdivisions (a), (b) and (c) of section 224.3 will be amended, and subdivisions (d), (e), (f), (g), (h) and (i) will be added thereto, to incorporate by reference recently-published American Society for Testing and Materials (“ASTM”) standards applicable to gasoline with up to 15% ethanol, gasoline-butanol blends, diesel fuel, kerosene, denatured fuel ethanol, ethanol flex fuels containing 51% – 83% ethanol, butanol, butanol blends, and biodiesel blends.

These amendments are needed because they will establish standards that such fuels will be required to meet. Distributors of such fuels will benefit in that they will have a “level playing field” to compete on and

retail purchasers of such fuels will benefit in that they will be better assured that they have indeed obtained the fuel that they have bargained for.

– Subparagraph (i) of paragraph (2) of subdivision (a) of section 224.3 will be amended to prohibit the sale and distribution of gasoline-ethanol blends greater than 15%, and less than 51% ethanol, by volume, and to permit the sale and distribution of gasoline-butanol blends up to 16%, by volume.

This amendment is needed to accommodate consumer demand for gasoline-ethanol blends of up to and including 15% ethanol by volume (“such flex fuels”). Consumers who own vehicles that were designed to operate with such flex fuels deserve the opportunity to purchase such fuels which, presently, sell for a discount of between four to ten cents/gallon, as compared to flex fuels with a lesser amount of ethanol by volume.

This amendment is also needed to accommodate consumer demand for gasoline-butanol blends of up to and including 16% butanol by volume. Some consumers feel butanol is a superior additive over ethanol because they believe butanol performs better when water is accidentally blended in.

Refiners, producers and distributors of motor fuels will benefit by adoption of the proposed amendment in that they will be allowed to offer new fuels, some or all of which may prove popular with consumers.

In addition, the State’s corn farmers will benefit by adoption of the proposed amendment. Presently, there are two ethanol plants in the State that manufacture, in total, approximately 135,000,000 gallons of ethanol from, approximately, 47,000,000 bushels of corn. While these plants do not use only corn grown in New York, they, nevertheless, will most certainly purchase and use more corn grown in the State than they do presently, if the proposed amendment were adopted.

Finally, the proposed amendment will benefit retailers who offer such flex fuels for sale in that they will be able to attract consumers who want to purchase and use what they believe to be more “environmentally-friendly” fuels.

– Subdivision (f) of section 224.4 and subdivision (c) of section 224.7 will be amended to require that transporters may not deliver motor fuel to a storage tank if the water level in that tank (i.e., the amount of water in the bottom of the tank) is in excess of one inch and that retailers must remove water from a tank when its level exceeds that amount.

This amendment is needed because many retail stations offer gasoline-ethanol blends (e.g. E10) and the ethanol in that fuel readily absorbs water; if a gasoline-ethanol blend has absorbed an excessive amount of water, such fuel can, if pumped into a vehicle, cause that vehicle to perform poorly or can damage its engine.

Retailers and consumers will benefit by the proposed amendment because the motor fuel that is sold and used will better meet consumer acceptance and will likely not cause vehicles or equipment to perform poorly or damage their engines.

– Section 224.5 of 1 NYCRR will be repealed and a new section 224.5 will be added thereto. Many of the provisions of current section 224.5 will be retained in the new section but new provisions will be promulgated, setting disclosure requirements for alternative fuels such as ethanol flex fuels, gasoline-butanol blends, biodiesel, and biodiesel blends.

The proposed new section 224.5 is needed to ensure that retailers are adequately and fully informed of the most important properties of the fuels that they purchase so that they can, in turn, adequately inform retail purchasers of such properties so that they will have more complete information when deciding upon which motor fuel to purchase.

– Subdivision (c) of section 224.8 will be amended to require retailers to post on the dispenser, the maximum amount of butanol in a gasoline-butanol blend if the amount of butanol exceeds 1.0%.

This amendment is needed to provide fuel purchasers important information about the fuel they intend to purchase so they can make informed decisions.

– Subdivisions (a), (b), and (c) of section 224.9 will be repealed and new subdivisions (a), (b), and (c) added to that section, to require refiners, producers, and distributors of automotive fuel to comply with applicable federal requirements, and to require grades of gasoline and gasoline-ethanol blends, such as “regular”, “mid-grade”, and “premium”, to contain a specified octane level.

These amendments are needed to allow the Department to enforce certain federal regulations that refiners, producers, and distributors of automotive fuel are already required to adhere to. Furthermore, these amendments are needed to ensure that consumers, when purchasing a particular grade of gasoline or gasoline-ethanol blend, will receive a product that contains the expected level of octane.

4. Costs:

(a) Costs to regulated parties:

The most significant proposed amendments to 1 NYCRR merely allow the distribution and sale of “new” motor fuels; they do not require a refiner, distributor, wholesaler, or retailer (“sellers”) to provide such products. As such, sellers who choose not to handle such products will incur no costs.

The proposed rule also requires sellers to provide information regarding such new motor fuels, to their customers. Sellers of fuels that are presently regulated are required to make such disclosures and those sellers who choose to provide new motor fuels will not be required to engage in any practice that is more burdensome or costly than they are presently required to engage in, when providing fuels that are presently regulated.

The proposed rule will amend 1 NYCRR sections 224.4 and 224.7 to lower the maximum allowable water level in motor fuel storage tanks, from two inches to one inch. The majority of retailers of motor fuel have automated indicating systems that monitor the water level in their tanks so this amendment should not impose a cost upon them. Those retailers who do not have such a system will need to monitor the water level in their tanks which could cause them to incur an insignificant increase in labor costs.

(b) Costs to the department, the State, and local governments for implementation and continuation of the rule:

There are no anticipated costs to these entities as a result of the proposed regulations.

5. Local government mandates:

The proposed regulations do not impose any new programs, services, duties or responsibilities upon any county, city, town, village, school district, fire district or other special district.

6. Paperwork:

The proposed rule will provide for a new subdivision (c) of section 224.9 to require refiners, producers, distributors, and retailers of automotive fuel to comply with applicable provisions of Title 16 of the Code of Federal Regulations (“16 CFR”) Part 306; that Part contains provisions requiring each refiner, producer, and distributor to prepare and maintain records regarding how automotive fuel ratings were determined and requires each retailer to prepare and maintain such records, if he/she made such determination, as well as delivery tickets or letters of certifications on which an automotive fuel rating was based.

7. Duplication:

The proposed rule will repeal section 224.14 and add a new section 224.14 providing for new requirements applicable to the identification of fill ports of fuel tanks; such new requirements will conform to comparable requirements presently required by and set forth in 6 NYCRR section 613-2.2(a)(4).

The proposed rule will also incorporate by reference provisions of 16 CFR Part 306 which, inter alia, require refiners, importers, producers, distributors, and retailers of automotive fuel to make certain disclosures to purchasers, including the automotive fuel rating of all fuels provided, and will incorporate by reference Title 40 of the Code of Federal Regulations section 80.1501 to require retailers and wholesale purchaser-consumers of permitted gasoline-ethanol blends to affix a label, to each dispenser, that contains certain information, set forth in a specified format.

8. Alternatives:

The Department considered not amending 1 NYCRR Part 224 to allow for and provide standards for “alternative” fuels and also considered allowing and regulating only certain “alternative” fuels. The Department decided, however, to reject each such alternative because it was felt that such “alternative” fuels have met with consumer acceptance in other jurisdictions and have been found to be suitable for use; as such, it was felt that such fuels should be allowed and properly regulated so that the consumers could decide for themselves what fuels best meet their needs.

The Department also considered not amending sections 224.4 and 224.7 to lower the allowable water level in motor fuel storage tanks from two inches to one inch. The Department decided that it would not be advisable to maintain the presently-existing water level requirement because, presently, most motor fuel contains a certain amount of ethanol which readily absorbs water and, where excessive water is present, may lessen the quality of the fuel and potentially cause damage to engines.

The Department also considered repealing most of Part 224 and adopting the requirements in the National Institute of Standards and Technology (NIST) Handbook 130, section G “Uniform Engine Fuels and Automotive Lubricants Regulation”. Although this document is well written and vetted through the National Conference on Weights and Measures (NCWM) it does not completely mirror AML section 192-c and has multiple requirements which are currently not addressed and would put an additional burden on industry.

9. Federal standards:

Section 224.3(a)(2)(i) will be amended to prohibit gasoline-ethanol blends greater than 15% and less than 51% alcohol by volume; 16 CFR Part 306 does not contain that prohibition. The Department decided to allow only certain gasoline-ethanol blends to be sold because allowing retailers to sell multiple fuels could result in consumer confusion, inhibiting accurate and rapid comparison of fuels, and perhaps resulting in consumers purchasing the wrong fuel for their vehicles and/or equipment, thereby resulting in poor performance and possible engine damage. The Department has, since at least 1992, limited the amount of ethanol that is

allowed in gasoline-ethanol blends, as have other states, and the Department has not received any notification that it is exceeding its authority in this regard.

10. Compliance schedule:

The proposed amendments will become effective upon publication of the Notice of Adoption in the New York State Register.

Regulatory Flexibility Analysis

1. Effect of rule:

The proposed rule will not regulate or affect local governments and this Regulatory Flexibility Analysis for Small Businesses and Local Governments will, therefore, not address any impact upon them.

The proposed rule will regulate refiners, distributors, and retailers of automotive gasoline; no refiner meets the definition of "small business", set forth in State Administrative Procedure Act section 102(8), and approximately 2,000 retailers and 25 distributors meet that definition.

2. Compliance requirements:

Retailers who choose to offer for sale gasoline-butanol blends will be required to ensure such blends comply with certain standards; to post the octane rating of such blends; to maintain daily inventory records; to remove excessive water (greater than 1-inch) from storage tanks; to properly post a sign, informing the customer of the maximum butanol content, on the dispenser; and to properly "color-code" fill ports.

Retailers who choose to offer for sale gasoline-ethanol blends up to 15% ethanol by volume (E15) will be required to ensure that such fuel complies with certain standards; to maintain daily inventory records; to remove excessive water (greater than one inch) from storage tanks; to properly post a sign, warning the customer about appropriate use, on the dispenser; and to properly "color-code" fill ports.

All retailers will be required to monitor the water levels in their storage tanks and remove excess water when the level goes above one inch.

3. Professional services:

Retailers who choose to offer for sale gasoline-butanol blends for the first time may need to hire a service to ensure the dispensers, piping and storage tanks are appropriate for butanol. The color coding of fill ports may need to be changed.

Retailers who choose to offer for sale (E15) for the first time may need to hire a service to ensure the dispensers, piping and storage tanks are appropriate for (E15). The color coding of fill ports will need to be changed.

A retailer who owns a retail station, the storage tanks of which are prone to water contamination (rare), may need to hire a service to perform preventive action(s) such as replacing fill port covers or improving the grade so water runoff does not accumulate. In instances where water contamination occurs (greater than one inch), the retailer will need to hire a service to remove excess water from storage tanks.

4. Compliance costs:

a) Initial capital costs to comply with the proposed rule:

The proposed rule imposes no requirement that would require the expenditure of initial capital costs.

b) Annual cost for continuing compliance:

The compliance requirements set forth in paragraph (2) of this Analysis will not require the expenditure of more than a nominal amount.

5. Economic and technological feasibility:

Compliance with the proposed rule is both economically and technologically feasible.

6. Minimizing adverse impact:

The proposed rule does not require the sale and distribution of any particular automotive fuel; as such, a retailer that is a "small business" will not need to comply with any requirement regarding a particular fuel if it chooses not to sell it.

The proposed rule requires retailers to ensure that the water level in a storage tank does not exceed one-inch; the Department considered proposing a lower level but concluded that the one-inch requirement would facilitate compliance while also adequately promoting the objective of compliant fuel.

The proposed rule incorporates by reference certain requirements, set forth in 16 CFR sections 306.8 – 306.9 and sections 306.10 – 306.12, applicable to distributors and retailers, respectively; regarding the requirements set forth in those sections, the proposed rule does not require small businesses covered by those sections to comply with any requirements that they are not already required to comply with.

The proposed rule also incorporates by reference the requirements set forth in 40 CFR section 80.1501, applicable to retailers and wholesale purchaser-consumers of permitted gasoline-ethanol blends; this requirement, also, does not require small businesses to comply with a requirement that they are not already required to comply with.

7. Small business and local government participation:

On or about December 2017 approximately twelve (12) organizations were furnished a list of key points concerning the proposed rule and given the opportunity to comment. In 2018 approximately six (6) additional organizations were furnished the list of key points and given the

opportunity to comment. In February/March of 2019 three (3) workshops were held in different parts of the state where the proposal was distributed, discussed and approximately fifty (50) people participated. Also, in February/March of 2019 the proposal was posted on the Department website and approximately fifteen (15) comments were received as a result. The proposed rule was amended in response to several of those comments.

The organizations referred to above include:

- New York State Association of Service Stations and Repair Shops Inc.
- Gasoline and Automotive Service Dealers Association, Ltd.
- Sunoco, LLC / Sunoco LP
- Sprague Operating Resources LLC
- Ostroff Associates, Inc.
- Northville Industries
- Trucking Association of New York
- New York Farm Bureau
- New York State Energy Research and Development Authority (NYSERDA)
- New York State Department of Environmental Conservation
- New York State Department of Transportation
- New York Association of Convenience Stores
- Stewarts Shops Corp.
- Cumberland Farms
- Arnold & Porter
- Buckeye Partners, LP
- Renewable Fuels Associations
- Western New York Energy
- Fastrac Markets
- Reid Petroleum
- Growth Energy
- NY Fuel Distributors, LLC
- NY Corn & Soybean Growers Association
- Citgo Petroleum Corp.
- Bolla Group

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas:

The proposed rule will, to a lesser or greater extent, regulate refiners, distributors, and retailers of automotive fuel. There are forty-three counties in the State that have a population of less than 200,000; all such counties have retail gasoline stations within their borders. Furthermore, it is believed that there are a number of towns with a population density of less than 150 people/square mile, in "large" counties, that also have retail gasoline stations within their borders.

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

Retailers located in rural areas ("rural area retailers") who choose to offer for sale gasoline-butanol blends will be required to ensure such blends comply with certain standards; to post the octane rating of such blends; to maintain daily inventory records; to remove excessive water (greater than one inch) from storage tanks; to properly post a sign, informing the customer of the maximum butanol content, on the dispenser; and to properly "color-code" fill ports. Those retailers may need to hire a service to ensure the dispensers, piping and storage tanks are appropriate for butanol.

Rural area retailers who choose to offer for sale gasoline-ethanol blends up to 15% ethanol by volume (E15) will be required to ensure such fuel complies with certain standards; to maintain daily inventory records; to remove excessive water (greater than one inch) from storage tanks; to properly post a sign, warning the customer about appropriate use, on the dispenser; and to properly "color-code" fill ports. Those retailers may need to hire a service to ensure the dispensers, piping and storage tanks are appropriate for E15.

All rural area retailers will be required to monitor the water levels in their storage tanks and remove excess water when the level goes above one inch; such retailers may need to hire a service to perform preventive action(s) such as replacing fill port covers or improving the grade so water runoff does not accumulate. In instances where water contamination occurs (greater than one inch) such a retailer will need to hire a service to remove excess water from storage tanks.

3. Costs:

a) Initial capital costs to comply with the proposed rule:

The proposed rule imposes no requirement that would require refiners, distributors or retailers located in rural areas to expend funds for capital projects.

b) Annual cost for continuing compliance:

The compliance requirements set forth in paragraph (2) of this Analysis will not require the refiners, distributors, or retailers located in rural areas to expend more than a nominal amount.

4. Minimizing adverse impact:

The proposed rule does not require the sale and distribution of any par-

ticular automotive fuel; as such, a retailer located in a rural area will not need to comply with any requirement regarding a particular fuel if it chooses not to sell it.

The proposed rule requires retailers, including those located in rural areas, to ensure that the water level in a storage tank does not exceed one-inch; the Department considered proposing a lower level but concluded that the one-inch requirement would facilitate compliance while also adequately promoting the objective of compliant fuel.

The proposed rule incorporates by reference certain requirements, set forth in 16 CFR sections 306.8 – 306.9 and sections 306.10 – 306.12, applicable to, inter alia, distributors and retailers, located in rural areas; regarding the requirements set forth in those sections, the proposed rule does not require such distributors and retailers covered by those sections to comply with any requirements that they are not already required to comply with. The proposed rule also incorporates by reference 40 CFR section 80.1501, applicable to, inter alia, retailers and wholesaler purchaser-consumers of permitted gasoline-ethanol blends, located in rural areas; this requirement, also, does not require such retailers and wholesaler purchaser-consumers to comply with a requirement that they are not already required to comply with.

5. Rural area participation:

On or about December 20, 2017, the Department contacted the New York State Association of Service Stations and Repair Shops, Inc., and the New York Association of Convenience Stores, each of which has members located in rural areas, and furnished each organization with a list of key points concerning the proposed rule and given the opportunity to comment. A number of comments were received and the proposed rule was amended in response to several of those comments.

The Department also conducted, on February 19, February 21, and February 26, 2019, meetings with various organizations interested in the proposed rule; it is believed that some of the organizations have members located in rural areas. At such meetings, comments were received and the proposed rule was further amended, in response thereto.

Job Impact Statement

The proposed rule will not have an adverse impact upon employment opportunities.

The proposed rule will, among other provisions, amend 1 NYCRR Part 224 to allow gasoline-alcohol blends to contain up to fifteen percent ethanol, an increase from the current regulations that permit gasoline-ethanol blends to contain up to ten percent ethanol. As this provision of the proposed rule is permissive and adds no additional requirements on industry participants than found in the current regulations, employment opportunities in businesses that handle automotive fuel, and particularly gasoline-ethanol blends, should not be affected by the proposed rule. Indeed, this provision of the proposed rule may have a positive indirect impact upon employment opportunities. Currently, there are at least two manufacturing plants in the State that manufacture ethanol from, at least in part, plant matter grown or harvested in the State. To the extent that gasoline-ethanol blends “use” more ethanol in such blends than is currently used, employment opportunities on farms and in ethanol manufacturing plants in the State that presently exist or that may be built could very well increase.

The proposed rule will, also, amend 1 NYCRR Part 224 to update requirements applicable to certain automotive fuels and octane testing thereof; to require that certain alternative fuels (i.e., denatured fuel ethanol, ethanol flex fuels, butanol, gasoline-butanol blends, and E-85) must meet generally accepted standards; to require that all those in the chain of distribution of certain automotive fuels must make certain disclosures to purchasers and consumers; and to require that fuel storage tanks not contain an excessive amount of water – none of these requirements will negatively affect employment opportunities in businesses that handle or use automotive fuel.

Division of Criminal Justice Services

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Use of Force

I.D. No. CJS-30-19-00010-EP

Filing No. 644

Filing Date: 2019-07-09

Effective Date: 2019-07-11

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

Proposed Action: Addition of Part 6058 to Title 9 NYCRR.

Statutory authority: Executive Law, section 837-t; Executive Law, section 837(13)

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

Specific reasons underlying the finding of necessity: At the forefront of the national discussion involving policing in America is law enforcement’s use of force, and the lack of statistical data to analyze use of force incidents.

The proposed rule sets forth reporting and recordkeeping procedures, regarding use of force pursuant to section 837-t of the Executive Law, to be followed by the chief of every police department, each county sheriff, and the Superintendent of State Police which employs police officers or peace officers, and by the Division of Criminal Justice Services (Division). The proposed regulations require such employers of police and peace officers to report, to the Division, any instance or occurrence where a police or peace officer employs use of force. In addition, on an annual basis, the Commissioner of the Division is required to conspicuously publish on the Division’s website a comprehensive report including the use of force information received.

Repeated and highly publicized incidents of police use of force, and lack of data about these incidents, leaves an impression that there is a lack of accountability by police officers in these cases. The proposed rule provides a mechanism to produce a comprehensive view of use of force incidents reported, including the circumstances, subjects, and officers involved in such incidents. This data can subsequently assist with improving policies and procedures regarding use of force, providing better analyses of reported incidents, and increasing public awareness. This is necessary for the preservation of public safety and the general welfare of people of the State of New York, as it will foster better relations between police and the communities they serve.

On the other hand, the failure to promulgate this rule on an emergency basis will undermine public safety, as the use of force by police, especially if excessive and unchecked, is unsafe for the community, and detrimental to its general welfare. For that reason, it would, in this case, be contrary to public interest to adhere to the normal requirements of the regulation and rule proposal process.

Subject: Use of Force.

Purpose: Set forth use of force reporting and recordkeeping procedures.

Text of emergency/proposed rule: Part 6058 - USE OF FORCE DATA COLLECTION, ANALYSIS AND REPORTING

6058.1 Purpose.

At the forefront of the national discussion involving policing in America is law enforcement use of force, and the lack of statistical data to analyze use of force incidents.

The purpose of this Part is to set forth reporting and recordkeeping procedures, regarding use of force pursuant to section 837-t of the Executive Law, to be followed by the chief of every police department, each county sheriff, and the superintendent of state police which employs police officers or peace officers, and by the Division of Criminal Justice Services.

6058.2 Definitions.

As used in this Part, the following terms shall have the following meanings:

(a) *Division* means the Division of Criminal Justice Services.

(b) *Commissioner* means the Commissioner of the Division of Criminal Justice Services, or his or her designee.

(c) *FBI means the Federal Bureau of Investigation.*

(d) *Employer means the chief of every police department, each county sheriff, and the superintendent of state police which employs police officers or peace officers.*

(e) *Police officer means a person designated as such in section 1.20(34) of the Criminal Procedure Law.*

(f) *Peace officer means a person designated as such in section 2.10 of the Criminal Procedure Law.*

(g) *Use of force means when a police officer or peace officer does the following:*

(1) *brandishes, uses or discharges a firearm at or in the direction of another person; or*

(2) *uses a chokehold or similar restraint that applies pressure to the throat or windpipe of a person in a manner that may hinder breathing or reduce intake of air; or*

(3) *displays, uses or deploys a chemical agent, including, but not limited to, oleoresin capsicum, pepper spray or tear gas; or*

(4) *brandishes, uses or deploys an impact weapon, including, but not limited to, a baton or billy; or*

(5) *brandishes, uses or deploys an electronic control weapon, including, but not limited to, an electronic stun gun, flash bomb or long-range acoustic device; or*

(6) *engages in conduct which results in the death or serious bodily injury of another person.*

(h) *Serious bodily injury means a bodily injury that involves a substantial risk of death, unconsciousness, protracted and obvious disfigurement, or protracted loss of impairment of the function of a bodily member, organ or mental faculty.*

6058.3 Employer Reporting Requirements.

(a) *Each employer shall, in the form and manner set forth in section 6058.4 of this Part, submit or cause to be submitted any instance or occurrence where a police or peace officer employed by it employs use of force.*

(b) *Each employer shall, in the form and manner set forth in section 6058.4 of this Part, with respect to each use of force event reported, submit or cause to be submitted the following:*

(1) *the type of use of force;*

(2) *the date of the event;*

(3) *village, town, or city, and county location of the event;*

(4) *the law enforcement agencies involved;*

(5) *a description of the circumstances of the event;*

(6) *the race, sex, ethnicity, and age (or, if unknown, approximate age) of all persons engaging in the use of force; and*

(7) *the race, sex, ethnicity, and age (or, if unknown, approximate age) of all persons suffering an injury from the use of force.*

(c) *Each employer shall, in the form and manner set forth in section 6058.4 of this Part, submit or cause to be submitted any additional information the commissioner may require the employer to report, including, but not limited to, use of force events and incident information, subject information, and officer information related to each event as required by the FBI in coordination with the FBI's Uniform Crime Reporting ("UCR") Program.*

6058.4 Employer Reporting Form.

Each employer shall submit all information required to be reported in accordance with section 6058.3 of this Part to the division in the form and manner as prescribed by the division.

6058.5 Division Reporting Requirements.

(a) *On an annual basis, the commissioner shall conspicuously publish on the division's website a comprehensive report including the use of force information received under section 6058.3 of this Part during the preceding year.*

(b) *Such reports shall not identify the names of the individuals involved, but for each use of force event reported, shall list the following in accordance with section 837-t of the executive law:*

(1) *the type of use of force;*

(2) *the date of the event;*

(3) *the location of the event disaggregated by county and law enforcement agencies involved;*

(4) *the town or city where the event occurred;*

(5) *any additional relevant location information;*

(6) *a description of the circumstances of the event;*

(7) *the race, sex, ethnicity, age (or, if unknown, approximate age) of all persons engaging in the use of force; and*

(8) *the race, sex, ethnicity, age (or, if unknown, approximate age) of all persons suffering an injury from the use of force.*

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 6, 2019.

Text of rule and any required statements and analyses may be obtained from: Natasha Harvin-Locklear, Esq., Division of Criminal Justice Services, 80 S. Swan St., Albany, NY 12210, (518) 457-8413, email: dcjslegalrulemaking@dcjs.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 for the promulgation of these regulations is contained in Executive Law § 837-t and Executive Law § 837(13).

Executive Law § 837-t sets forth use of force reporting procedures to be followed by the chief of every police department, each county sheriff, and the Superintendent of State Police which employs police officers or peace officers, and by the Division of Criminal Justice Services (Division).

Executive Law § 837(13) authorizes the Division to adopt, amend or rescind regulations "as may be necessary or convenient to the performance of the functions, powers and duties of the [D]ivision."

2. **Legislative objectives:** Chapter 55 of the Laws of 2019 added Executive Law § 837-t. Pursuant to that section, the chief of every police department, each county sheriff, and the Superintendent of State Police is required to report, to the Division, any instance or occurrence in which one of its police officers or peace officers employs use of force. This includes the following:

(a) brandishes, uses or discharges a firearm at or in the direction of another person; or

(b) uses a chokehold or similar restraint that applies pressure to the throat or windpipe of a person in a manner that may hinder breathing or reduce intake of air; or

(c) displays, uses or deploys a chemical agent, including, but not limited to, oleoresin capsicum, pepper spray or tear gas; or

(d) brandishes, uses or deploys an impact weapon, including, but not limited to, a baton or billy; or

(e) brandishes, uses or deploys an electronic control weapon, including, but not limited to, an electronic stun gun, flash bomb or long-range acoustic device; or

(f) engages in conduct which results in the death or serious bodily injury of another person.

In addition, on an annual basis, the Commissioner of the Division is required to conspicuously publish on the Division's website a comprehensive report including the use of force information received, such as:

(a) the type of use of force;

(b) the date of the event;

(c) the location of the event disaggregated by county and law enforcement agencies involved;

(d) the town or city where the event occurred;

(e) any additional relevant location information;

(f) a description of the circumstances of the event;

(g) the race, sex, ethnicity, age (or, if unknown, approximate age) of all persons engaging in the use of force; and

(h) the race, sex, ethnicity, age (or, if unknown, approximate age) of all persons suffering an injury from such use of force.

3. **Needs and benefits:** At the forefront of the national discussion involving policing in America is law enforcement's use of force, and the lack of statistical data to analyze use of force incidents.

The proposed rule sets forth reporting and recordkeeping procedures, regarding use of force pursuant to section 837-t of the Executive Law, to be followed by the chief of every police department, each county sheriff, and the Superintendent of State Police which employs police officers or peace officers, and by the Division. The proposed regulations require such employers of police and peace officers to report, to the Division, any instance or occurrence where a police or peace officer employs use of force. In addition, on an annual basis, the Commissioner of the Division is required to conspicuously publish on the Division's website a comprehensive report including the use of force information received.

Repeated and highly publicized incidents of police use of force, and lack of data about these incidents, leaves an impression that there is a lack of accountability by police officers in these cases. The proposed rule provides a mechanism to produce a comprehensive view of use of force incidents reported, including the circumstances, subjects, and officers involved in such incidents. This data can subsequently assist with improving policies and procedures regarding use of force, providing better analyses of reported incidents, and increasing public awareness. This is necessary for the preservation of public safety and the general welfare of people of the State of New York, as it will foster better relations between police and the communities they serve.

4. **Costs:** No funds were appropriated in the Budget to offset any costs to regulated parties, the agency, or State and local governments for the implementation of and continuing compliance with the rule. However, the costs (and potential savings) are undetermined, but are expected to include:

- the training of police officers and peace officers on the new use of force reporting requirements;

- the creation/modification of use of force reporting forms and/or systems;

- professional services to create/update use of force forms and/or systems;
- professional services to update websites, and website hosting and maintenance fees;
- the use of existing resources; and
- the fact that most, if not all, of the information that must be reported is already gathered or reported for other purposes.

5. Local government mandates: The proposed regulations will require employers of police and peace officers to report, to the Division, any instance or occurrence where a police or peace officer employed by it employs use of force.

6. Paperwork: The employers may have paperwork within its agency. However, each employer shall submit all information required to be reported to the Division electronically.

7. Duplication: The FBI established the National Use of Force Data Collection. However, participation by law enforcement is voluntary.

8. Alternatives: There are no alternatives. The proposed rule is pursuant to legislation.

9. Federal standards: The National Use of Force Data Collection includes three types of events:

- when use of force by a law enforcement officer causes a fatality;
- when use of force by a law enforcement officer causes serious bodily injury; and
- in the absence of either death or serious bodily injury, when a law enforcement officer discharges a firearm at or in the direction of a person.

The National Use of Force Data Collection also includes extensive incident information, subject information, and officer information related to each event.

10. Compliance schedule: Regulated parties are expected to be able to achieve compliance with the proposed rule as soon as it is adopted.

Regulatory Flexibility Analysis

1. Effect of rule: The proposed rule applies to every police department and sheriff's office in New York State, and the New York State Police. The proposal does not apply to small businesses.

2. Compliance requirements: The proposed rule implements Executive Law § 837-t, which requires the chief of every police department, each county sheriff, and the Superintendent of State Police to report, to the Division of Criminal Justice Services (Division), any instance or occurrence in which one of its police officers or peace officers employs use of force. This includes the following:

- brandishes, uses or discharges a firearm at or in the direction of another person; or
- uses a chokehold or similar restraint that applies pressure to the throat or windpipe of a person in a manner that may hinder breathing or reduce intake of air; or
- displays, uses or deploys a chemical agent, including, but not limited to, oleoresin capsicum, pepper spray or tear gas; or
- brandishes, uses or deploys an impact weapon, including, but not limited to, a baton or billy; or
- brandishes, uses or deploys an electronic control weapon, including, but not limited to, an electronic stun gun, flash bomb or long-range acoustic device; or
- engages in conduct which results in the death or serious bodily injury of another person.

In addition, on an annual basis, the Commissioner of the Division is required to conspicuously publish on the Division's website a comprehensive report including the use of force information received, such as:

- the type of use of force;
- the date of the event;
- the location of the event disaggregated by county and law enforcement agencies involved;
- the town or city where the event occurred;
- any additional relevant location information;
- a description of the circumstances of the event;
- the race, sex, ethnicity, age (or, if unknown, approximate age) of all persons engaging in the use of force; and
- the race, sex, ethnicity, age (or, if unknown, approximate age) of all persons suffering an injury from the use of force.

3. Professional services: Professional printing and/or IT services will be needed to comply with the proposed rule.

4. Compliance costs: No funds were appropriated in the Budget to offset any costs to regulated parties, the agency, or State and local governments for the implementation of and continuing compliance with the rule. However, the costs (and potential savings) are undetermined, but are expected to include:

- the training of police officers and peace officers on the new use of force reporting requirements;
- the creation/modification of use of force reporting forms and/or systems;
- professional services to create/update use of force forms and/or systems;

- professional services to update websites, and website hosting and maintenance fees;
- the use of existing resources; and
- the fact that most, if not all, of the information that must be reported is already gathered or reported for other purposes.

5. Economic and technological feasibility: No economic or technological impediments to compliance have been identified.

6. Minimizing adverse impact: The mandates on local governments are minimal as law enforcement agencies already submit crime reports to the Division. Each employer is required to submit all information to the Division electronically.

7. Small business and local government participation: Use of force has long been a topic of discussion. A Use of Force Model Policy that references the new reporting requirements of Executive Law § 837-t, which are codified in the proposed regulations, was discussed and approved by the Municipal Police Training Council, which consists of members who are sheriffs, chiefs of police or commissioners of police, and the commissioner of New York City. The proposal does not apply to small businesses.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas: The rule applies to every police department and sheriff's office in New York State, and the New York State Police. Many law enforcement agencies are located in rural areas.

2. Reporting, recordkeeping and other compliance requirements; and professional services: The proposed rule implements Executive Law § 837-t, which requires the chief of every police department, each county sheriff, and the Superintendent of State Police to report, to the Division of Criminal Justice Services (Division), any instance or occurrence in which one of its police officers or peace officers employs use of force. This includes the following:

- brandishes, uses or discharges a firearm at or in the direction of another person; or
- uses a chokehold or similar restraint that applies pressure to the throat or windpipe of a person in a manner that may hinder breathing or reduce intake of air; or
- displays, uses or deploys a chemical agent, including, but not limited to, oleoresin capsicum, pepper spray or tear gas; or
- brandishes, uses or deploys an impact weapon, including, but not limited to, a baton or billy; or
- brandishes, uses or deploys an electronic control weapon, including, but not limited to, an electronic stun gun, flash bomb or long-range acoustic device; or
- engages in conduct which results in the death or serious bodily injury of another person.

In addition, on an annual basis, the Commissioner of the Division is required to conspicuously publish on the Division's website a comprehensive report including the use of force information received, such as:

- the type of use of force;
- the date of the event;
- the location of the event disaggregated by county and law enforcement agencies involved;
- the town or city where the event occurred;
- any additional relevant location information;
- a description of the circumstances of the event;
- the race, sex, ethnicity, age (or, if unknown, approximate age) of all persons engaging in the use of force; and
- the race, sex, ethnicity, age (or, if unknown, approximate age) of all persons suffering an injury from the use of force.

Each employer is required to submit all information as part of the employer's monthly crime reports to the Division. Thus, the mandates on local governments are minimal as law enforcement agencies already report incident data to the Division.

Professional printing and/or IT services will be needed to comply with the proposed rule.

3. Costs: No funds were appropriated in the Budget to offset any costs to regulated parties, the agency, or State and local governments for the implementation of and continuing compliance with the rule. However, the costs (and potential savings) are undetermined, but are expected to include:

- the training of police officers and peace officers on the new use of force reporting requirements;
- the creation/modification of use of force reporting forms and/or systems;
- professional services to create/update use of force forms and/or systems;
- professional services to update websites, and website hosting and maintenance fees;
- the use of existing resources; and
- the fact that most, if not all, of the information that must be reported is already gathered or reported for other purposes.

4. Minimizing adverse impact: The mandates on local governments are

minimal as law enforcement agencies already submit crime reports to the Division. Each employer is required to submit all information to the Division electronically.

5. Rural area participation: Use of force has long been a topic of discussion. A Use of Force Model Policy that references the new reporting requirements of Executive Law § 837-t, which are codified in the proposed regulations, was discussed and approved by the Municipal Police Training Council, which consists of members who are sheriffs, chiefs of police or commissioners of police, and the commissioner of New York City.

Job Impact Statement

A Job Impact Statement is not being submitted with this Notice of Emergency Adoption and Proposed Rule Making because it is evident from the subject matter of the regulation that it will have no adverse impact on jobs or employment opportunities.

The proposed rule merely sets forth use of force reporting procedures to be followed by the chief of every police department, each county sheriff, and the Superintendent of State Police which employs police officers or peace officers, and by the Division of Criminal Justice Services.

Department of Economic Development

EMERGENCY RULE MAKING

Empire Zones Reform

I.D. No. EDV-30-19-00002-E

Filing No. 639

Filing Date: 2019-07-08

Effective Date: 2019-07-08

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

Action taken: Amendment of Parts 10 and 11; renumbering and amendment of Parts 12 through 14 to Parts 13, 15 and 16; and addition of new Parts 12 and 14 to Title 5 NYCRR.

Statutory authority: General Municipal Law, art. 18-B, section 959; L. 2000, ch. 63; L. 2005, ch. 63; L. 2009, ch. 57

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

Specific reasons underlying the finding of necessity: Regulatory action is needed immediately to implement the statutory changes contained in chapter 57 of the Laws of 2009. The emergency rule also clarifies the administrative procedures of the program, improves efficiency and helps make it more cost-effective and accountable to the State's taxpayers, particularly in light of New York's current fiscal climate. It bears noting that General Municipal Law section 959(a), as amended by chapter 57 of the Laws of 2009, expressly authorizes the Commissioner of Economic Development to adopt emergency regulations to govern the program.

Subject: Empire Zones reform.

Purpose: Allow department to continue implementing Zones reforms and adopt changes that would enhance program's strategic focus.

Substance of emergency rule: The emergency rule is the result of changes to Article 18-B of the General Municipal Law pursuant to Chapter 63 of the Laws of 2000, Chapter 63 of the Laws of 2005, and Chapter 57 of the Laws of 2009. These laws, which authorize the empire zones program, were changed to make the program more effective and less costly through higher standards for entry into the program and for continued eligibility to remain in the program. Existing regulations fail to address these requirements and the existing regulations contain several outdated references. The emergency rule will correct these items.

The rule contained in 5 NYCRR Parts 10 through 14 (now Parts 10-16 as amended), which governs the empire zones program, is amended as follows:

1. The emergency rule, tracking the requirements of Chapter 63 of the Laws of 2005, requires placement of zone acreage into "distinct and separate contiguous areas."

2. The emergency rule updates several outdated references, including: the name change of the program from Economic Development Zones to Empire Zones, the replacement of Standard Industrial Codes with the North American Industrial Codes, the renaming of census-tract zones as investment zones, the renaming of county-created zones as development

zones, and the replacement of the Job Training Partnership Act (and private industry councils) with the Workforce Investment Act (and local workforce investment boards).

3. The emergency rule adds the statutory definition of "cost-benefit analysis" and provides for its use and applicability.

4. The emergency rule also adds several other definitions (such as applicant municipality, chief executive, concurring municipality, empire zone capital tax credits or zone capital tax credits, clean energy research and development enterprise, change of ownership, benefit-cost ratio, capital investments, single business enterprise and regionally significant project) and conforms several existing regulatory definitions to statutory definitions, including zone equivalent areas, women-owned business enterprise, minority-owned business enterprise, qualified investment project, zone development plans, and significant capital investment projects. The emergency rule also clarifies regionally significant project eligibility. Additionally, the emergency rule makes reference to the following tax credits and exemptions: the Qualified Empire Zone Enterprise ("QEZE") Real Property Tax Credit, QEZE Tax Reduction Credit, and the QEZE Sales and Use Tax Exemption. The emergency rule also reflects the eligibility of agricultural cooperatives for Empire Zone tax credits and the QEZE Real Property Tax Credit.

5. The emergency rule requires additional statements to be included in an application for empire zone designation, including (i) a statement from the applicant and local economic development entities pertaining to the integration and cooperation of resources and services for the purpose of providing support for the zone administrator, and (ii) a statement from the applicant that there is no viable alternative area available that has existing public sewer or water infrastructure other than the proposed zone.

6. The emergency rule amends the existing rule in a manner that allows for the designation of nearby lands in investment zones to exceed 320 acres, upon the determination by the Department of Economic Development that certain conditions have been satisfied.

7. The emergency rule provides a description of the elements to be included in a zone development plan and requires that the plan be resubmitted by the local zone administrative board as economic conditions change within the zone. Changes to the zone development plan must be approved by the Commissioner of Economic Development ("the Commissioner").

Also, the rule adds additional situations under which a business enterprise may be granted a shift resolution.

8. The emergency rule grants discretion to the Commissioner to determine the contents of an empire zone application form.

9. The emergency rule tracks the amended statute's deletion of the category of contributions to a qualified Empire Zone Capital Corporation from those businesses eligible for the Zone Capital Credit.

10. The emergency rule reflects statutory changes to the process to revise a zone's boundaries. The primary effect of this is to limit the number of boundary revisions to one per year.

11. The emergency rule describes the amended certification and decertification processes. The authority to certify and decertify now rests solely with the Commissioner with reduced roles for the Department of Labor and the local zone. Local zone boards must recommend projects to the State for approval. The labor commissioner must determine whether an applicant firm has been engaged in substantial violations, or pattern of violations of laws regulating unemployment insurance, workers' compensation, public work, child labor, employment of minorities and women, safety and health, or other laws for the protection of workers as determined by final judgment of a judicial or administrative proceeding. If such applicant firm has been found in a criminal proceeding to have committed any such violations, the Commissioner may not certify that firm.

12. The emergency rule describes new eligibility standards for certification. The new factors which may be considered by the Commissioner when deciding whether to certify a firm is (i) whether a non-manufacturing applicant firm projects a benefit-cost ratio of at least 20:1 for the first three years of certification, (ii) whether a manufacturing applicant firm projects a benefit-cost ratio of at least 10:1 for the first three years of certification, and (iii) whether the business enterprise conforms with the zone development plan.

13. The emergency rule adds the following new justifications for decertification of firms: (a) the business enterprise, that has submitted at least three years of business annual reports, has failed to provide economic returns to the State in the form of total remuneration to its employees (i.e. wages and benefits) and investments in its facility greater in value to the tax benefits the business enterprise used and had refunded to it; (b) the business enterprise, if first certified prior to August 1, 2002, caused individuals to transfer from existing employment with another business enterprise with similar ownership and located in New York State to similar employment with the certified business enterprise or if the enterprise acquired, purchased, leased, or had transferred to it real property previously owned by an entity with similar ownership, regardless of form of

incorporation or organization; (c) change of ownership or moving out of the Zone, (d) failure to pay wages and benefits or make capital investments as represented on the firm's application, (e) the business enterprise makes a material misrepresentation of fact in any of its business annual reports, and (f) the business enterprise fails to invest in its facility substantially in accordance with the representations contained in its application. In addition, the regulations track the statute in permitting the decertification of a business enterprise if it failed to create new employment or prevent a loss of employment in the zone or zone equivalent area, and deletes the condition that such failure was not due to economic circumstances or conditions which such business could not anticipate or which were beyond its control. The emergency rule provides that the Commissioner shall revoke the certification of a firm if the firm fails the standard set forth in (a) above, or if the Commissioner makes the finding in (b) above, unless the Commissioner determines in his or her discretion, after consultation with the Director of the Budget, that other economic, social and environmental factors warrant continued certification of the firm. The emergency rule further provides for a process to appeal revocations of certifications based on (a) or (b) above to the Empire Zones Designation Board. The emergency rule also provides that the Commissioner may revoke the certification of a firm upon a finding of any one of the other criteria for revocation of certification set forth in the rule.

14. The emergency rule adds a new Part 12 implementing record-keeping requirements. Any firm choosing to participate in the empire zones program must maintain and have available, for a period of six years, all information related to the application and business annual reports.

15. The emergency rule clarifies the statutory requirement from Chapter 63 of the Laws of 2005 that development zones (formerly county zones) create up to three areas within their reconfigured zones as investment (formerly census tract) zones. The rule would require that 75% of the acreage used to define these investment zones be included within an eligible or contiguous census tract. Furthermore, the rule would not require a development zone to place investment zone acreage within a municipality in that county if that particular municipality already contained an investment zone, and the only eligible census tracts were contained within that municipality.

16. The emergency rule tracks the statutory requirements that zones reconfigure their existing acreage in up to three (for investment zones) or six (for development zones) distinct and separate contiguous areas, and that zones can allocate up to their total allotted acreage at the time of designation. These reconfigured zones must be presented to the Empire Zones Designation Board for unanimous approval. The emergency rule makes clear that zones may not necessarily designate all of their acreage into three or six areas or use all of their allotted acreage; the rule removes the requirement that any subsequent additions after their official redesignation by the Designation Board will still require unanimous approval by that Board.

17. The emergency rule clarifies the statutory requirement that certain defined "regionally significant" projects can be located outside of the distinct and separate contiguous areas. There are four categories of projects: (i) a manufacturer projecting the creation of fifty or more net new jobs in the State of New York; (ii) an agri-business or high tech or biotech business making a capital investment of ten million dollars and creating twenty or more net new jobs in the State of New York, (iii) a financial or insurance services or distribution center creating three hundred or more net new jobs in the State of New York, and (iv) a clean energy research and development enterprise. Other projects may be considered by the empire zone designation board. Only one category of projects, manufacturers projecting the creation of 50 or more net new jobs, are allowed to progress before the identification of the distinct and separate contiguous areas and/or the approval of certain regulations by the Empire Zones Designation Board. Regionally significant projects that fall within the four categories listed above must be projects that are exporting 60% of their goods or services outside the region and export a substantial amount of goods or services beyond the State.

18. The emergency rule clarifies the status of community development projects as a result of the statutory reconfiguration of the zones.

19. The emergency rule clarifies the provisions under Chapter 63 of the Laws of 2005 that allow for zone-certified businesses which will be located outside of the distinct and separate contiguous areas to receive zone benefits until decertified. The area which will be "grandfathered" shall be limited to the expansion of the certified business within the parcel or portion thereof that was originally located in the zone before redesignation. Each zone must identify any such business by December 30, 2005.

20. The emergency rule elaborates on the "demonstration of need" requirement mentioned in Chapter 63 of the Laws of 2005 for the addition (for both investment and development zones) of an additional distinct and separate contiguous area. A zone can demonstrate the need for a fourth or, as the case may be, a seventh distinct and separate contiguous area if (1) there is insufficient existing or planned infrastructure within the three (or

six) distinct and separate contiguous areas to (a) accommodate business development and there are other areas of the applicant municipality that can be characterized as economically distressed and/or (b) accommodate development of strategic businesses as defined in the local development plan, or (2) placing all acreage in the other three or six distinct and separate contiguous areas would be inconsistent with open space and wetland protection, or (3) there are insufficient lands available for further business development within the other distinct and separate contiguous areas.

The full text of the emergency rule is available at www.empire.state.ny.us

This notice is intended to serve only as an emergency adoption, to be valid for 90 days or less. This rule expires October 5, 2019.

Text of rule and any required statements and analyses may be obtained from: Thomas P Regan, Department of Economic Development, 625 Broadway, Albany NY 12245, (518) 292-5123, email: thomas.regan@esd.ny.gov

Regulatory Impact Statement

STATUTORY AUTHORITY:

Section 959(a) of the General Municipal Law authorizes the Commissioner of Economic Development to adopt on an emergency basis rules and regulations governing the criteria of eligibility for empire zone designation, the application process, the certification of a business enterprises as to eligibility of benefits under the program and the decertification of a business enterprise so as to revoke the certification of business enterprises for benefits under the program.

LEGISLATIVE OBJECTIVES:

The rulemaking accords with the public policy objectives the Legislature sought to advance because the majority of such revisions are in direct response to statutory amendments and the remaining revisions either conform the regulations to existing statute or clarify administrative procedures of the program. These amendments further the Legislative goals and objectives of the Empire Zones program, particularly as they relate to regionally significant projects, the cost-benefit analysis, and the process for certification and decertification of business enterprises. The proposed amendments to the rule will facilitate the administration of this program in a more efficient, effective, and accountable manner.

NEEDS AND BENEFITS:

The emergency rule is required in order to implement the statutory changes contained in Chapter 57 of the Laws of 2009. The emergency rule also clarifies the administrative procedures of the program, improves efficiency and helps make it more cost-effective and accountable to the State's taxpayers, particularly in light of New York's current fiscal climate.

COSTS:

A. Costs to private regulated parties: None. There are no regulated parties in the Empire Zones program, only voluntary participants.

B. Costs to the agency, the State, and local governments: There will be additional costs to the Department of Economic Development associated with the emergency rule making. These costs pertain to the addition of personnel that may need to be hired to implement the Empire Zones program reforms. There may be savings for the Department of Labor associated with the streamlining of the State's administration and concentration of authority within the Department of Economic Development. There is no additional cost to local governments.

C. Costs to the State government: None. There will be no additional costs to New York State as a result of the emergency rule making.

LOCAL GOVERNMENT MANDATES:

None. Local governments are not mandated to participate in the Empire Zones program. If a local government chooses to participate, there is a cost associated with local administration that local government officials agreed to bear at the time of application for designation as an Empire Zone. One of the requirements for designation was a commitment to local administration and an identification of local resources that would be dedicated to local administration.

This emergency rule does not impose any additional costs to the local governments for administration of the Empire Zones program.

PAPERWORK:

The emergency rule imposes new record-keeping requirements on businesses choosing to participate in the Empire Zones program. The emergency rule requires all businesses that participate in the program to establish and maintain complete and accurate books relating to their participation in the Empire Zones program for a period of six years.

DUPLICATION:

The emergency rule conforms to provisions of Article 18-B of the General Municipal Law and does not otherwise duplicate any State or Federal statutes or regulations.

ALTERNATIVES:

No alternatives were considered with regard to amending the regulations in response to statutory revisions.

FEDERAL STANDARDS:

There are no federal standards in regard to the Empire Zones program. Therefore, the emergency rule does not exceed any Federal standard.

COMPLIANCE SCHEDULE:

The period of time the State needs to assure compliance is negligible, and the Department of Economic Development expects to be compliant immediately.

Regulatory Flexibility Analysis

1. Effect of rule

The emergency rule imposes new record-keeping requirements on small businesses and large businesses choosing to participate in the Empire Zones program. The emergency rule requires all businesses that participate in the program to establish and maintain complete and accurate books relating to their participation in the Empire Zones program for a period of six years. Local governments are unaffected by this rule.

2. Compliance requirements

Each small business and large business choosing to participate in the Empire Zones program must establish and maintain complete and accurate books, records, documents, accounts, and other evidence relating to such business's application for entry into the Empire Zone program and relating to existing annual reporting requirements. Local governments are unaffected by this rule.

3. Professional services

No professional services are likely to be needed by small and large businesses in order to establish and maintain the required records. Local governments are unaffected by this rule.

4. Compliance costs

No initial capital costs are likely to be incurred by small and large businesses choosing to participate in the Empire Zones program. Annual compliance costs are estimated to be negligible for both small and large businesses. Local governments are unaffected by this rule.

5. Economic and technological feasibility

The Department of Economic Development ("DED") estimates that complying with this record-keeping is both economically and technologically feasible. Local governments are unaffected by this rule.

6. Minimizing adverse impact

DED finds no adverse economic impact on small or large businesses with respect to this rule. Local governments are unaffected by this rule.

7. Small business and local government participation

DED is in full compliance with SAPA Section 202-b(6), which ensures that small businesses and local governments have an opportunity to participate in the rulemaking process. DED has conducted outreach within the small and large business communities and maintains continuous contact with small businesses and large businesses with regard to their participation in this program. Local governments are unaffected by this rule.

Rural Area Flexibility Analysis

The Empire Zones program is a statewide program. Although there are municipalities and businesses in rural areas of New York State that are eligible to participate in the program, participation by the municipalities and businesses is entirely at their discretion. The emergency rule imposes no additional reporting, record keeping or other compliance requirements on public or private entities in rural areas. Therefore, the emergency rule will not have a substantial adverse economic impact on rural areas or reporting, record keeping or other compliance requirements on public or private entities in such rural areas. Accordingly, a rural area flexibility analysis is not required and one has not been prepared.

Job Impact Statement

The emergency rule relates to the Empire Zones program. The Empire Zones program itself is a job creation incentive, and will not have a substantial adverse impact on jobs and employment opportunities. In fact, the emergency rule, which is being promulgated as a result of statutory reforms, will enable the program to continue to fulfill its mission of job creation and investment for economically distressed areas. Because it is evident from its nature that this emergency rule will have either no impact or a positive impact on job and employment opportunities, no further affirmative steps were needed to ascertain that fact and none were taken. Accordingly, a job impact statement is not required and one has not been prepared.

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

START-UP NY Program

I.D. No. EDV-30-19-00003-EP

Filing No. 640

Filing Date: 2019-07-08

Effective Date: 2019-07-08

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

Proposed Action: Addition of Part 220 to Title 5 NYCRR.

Statutory authority: Economic Development Law, art. 21, sections 435-436; L. 2013, ch. 68

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

Specific reasons underlying the finding of necessity: On June 24, 2013, Governor Andrew Cuomo signed into law the SUNY Tax-free Areas to Revitalize and Transform UPstate New York (START-UP NY) program, which offers an array of tax benefits to eligible businesses and their employees that locate in facilities affiliated with New York universities and colleges. The START-UP NY program will leverage these tax benefits to attract innovative start-ups and high tech industries to New York so as to create jobs and promote economic development.

Regulatory action is required to implement the START-UP NY program. The legislation creating the START-UP NY program delegated to the Department of Economic Development the establishment of procedures for the implementation and execution of the START-UP NY program. Without regulatory action by the Department of Economic Development, procedures will not be in place to accept applications from institutions of higher learning desiring to create Tax-Free Areas, or businesses wishing to participate in the START-UP NY program.

Adoption of this rule will enable the State to begin accepting applications from businesses to participate in the START-UP NY program, and represent a step towards the realization of the strategic objectives of the START-UP NY program: attracting and retaining cutting-edge start-up companies, and positioning New York as a global leader in high tech industries.

Subject: START-UP NY Program.

Purpose: Establish procedures for the implementation and execution of START-UP NY program.

Substance of emergency/proposed rule (Full text is posted at the following State website: <https://startup.ny.gov/university-and-college-resources>): START-UP NY is a new program designed to stimulate economic development and promote employment of New Yorkers through the creation of tax-free areas that bring together educational institutions, innovative companies, and entrepreneurial investment.

1) The regulation defines key terms, including: "business in the formative stage," "campus," "competitor," "high tech business," "net new job," "new business," and "underutilized property."

2) The regulation establishes that the Commissioner shall review and approve plans from State University of New York (SUNY) colleges, City University of New York (CUNY) colleges, and community colleges seeking designation of Tax-Free NY Areas, and report on important aspects of the START-UP NY program, including eligible space for use as Tax-Free Areas and the number of employees eligible for personal income tax benefits.

3) The regulation creates the START-UP NY Approval Board, composed of three members appointed by the Governor, Speaker of the Assembly and Temporary President of the Senate, respectively. The START-UP NY Approval Board reviews and approves plans for the creation of Tax-Free NY Areas submitted by private universities and colleges, as well as certain plans from SUNY colleges, CUNY colleges, and community colleges, and designates Strategic State Assets affiliated with eligible New York colleges or universities. START-UP NY Approval Board members may designate representatives to act on their behalf during their absence. START-UP NY Approval Board members must remain disinterested, and recuse themselves where appropriate.

4) The regulation establishes eligibility criteria for Tax-Free Areas. Eligibility of vacant land and space varies based on whether it is affiliated with a SUNY college, CUNY college, community college, or private college, and whether the land or space in question is located upstate, downstate, or in New York City. The regulation prohibits any allocation of land or space that would result in the closure or relocation of any program or service associated with a university or college that serves students, faculty, or staff.

5) The regulation establishes eligibility requirements for businesses to participate in the START-UP program, and enumerates excluded industries. To be eligible, a business must: be a new business to the State at the time of its application, subject to exceptions for NYS incubators, businesses restoring previously relocated jobs, and businesses the Commissioner has determined will create net new jobs; comply with applicable worker protection, environmental, and tax laws; align with the academic mission of the sponsoring institution (the Sponsor); demonstrate that it will create net new jobs in its first year of operation; and not be engaged in the same line of business that it conducted at any time within the last five years in New York without the approval of the Commissioner. Businesses locating downstate must be in the formative stages of development, or engaged in a high tech business. To remain eligible, the business must, at a minimum, maintain net new jobs and the average number of jobs that existed with the business immediately before entering the program.

6) The regulation describes the process for approval of Tax-Free Areas. An eligible institution may submit a plan to the Commissioner identifying land or space to be designated as a Tax-Free Area. This plan must: identify precisely the location of the applicable land or space; describe business activities to be conducted on the land or space; establish that the business activities in question align with the mission of the institution; indicate how the business would generate positive community and economic benefits; summarize the Sponsor's procedures for attracting businesses; include a copy of the institution's conflict of interest guidelines; attest that the proposed Tax-Free Area will not jeopardize or conflict with any existing tax-exempt bonds used to finance the Sponsor; and certify that the Sponsor has not relocated or eliminated programs serving students, faculty, or staff to create the vacant land. Applications by private institutions require approval by both the Commissioner and START-UP NY Approval Board. The START-UP NY Approval Board is to approve applications so as to ensure balance among rural, urban and suburban areas throughout the state.

7) A sponsor applying to create a Tax-Free Area must provide a copy of its plan to the chief executive officer of any municipality in which the proposed Tax-Free Area is located, local economic development entities, the applicable university or college faculty senate, union representatives and the campus student government. Where the plan includes land or space outside of the campus boundaries of the university or college, the institution must consult with the chief executive officer of any municipality in which the proposed Tax-Free Area is to be located, and give preference to underutilized properties identified through this consultation. The Commissioner may enter onto any land or space identified in a plan, or audit any information supporting a plan application, as part of his or her duties in administering the START-UP program.

8) The regulation provides that amendments to approved plans may be made at any time through the same procedures as such plans were originally approved. Amendments that would violate the terms of a lease between a sponsor and a business in a Tax-Free Area will not be approved. Sponsors may amend their plans to reallocate vacant land or space in the case that a business, located in a Tax-Free Area, is disqualified from the program but elects to remain on the property.

9) The regulation describes application and eligibility requirements for businesses to participate in the START-UP program. Businesses are to submit applications to sponsoring universities and colleges by 12/31/20. An applicant must: (1) authorize the Department of Labor (DOL) and Department of Taxation and Finance (DTF) to share the applicant's tax information with the Department of Economic Development (DED); (2) allow DED to monitor the applicant's compliance with the START-UP program and agree to submit an annual report in such form as the Commissioner shall require; (3) provide to DED, upon request, information related to its business organization, tax returns, investment plans, development strategy, and non-competition with any businesses in the community but outside of the Tax-Free Area; (4) certify efforts to ascertain that the business would not compete with another business in the same community but outside the Tax-Free Area, including an affidavit that notice regarding the application was published in a daily publication no fewer than five consecutive days; (5) include a statement of performance benchmarks as to new jobs to be created through the applicant's participation in START-UP; (6) provide a statement of consequences for non-conformance with the performance benchmarks, including proportional recovery of tax benefits when the business fails to meet job creation benchmarks in up to three years of a ten-year plan, and removal from the program for failure to meet job creation benchmarks in at least four years of a ten-year plan; (7) identify information submitted to DED that the business deems confidential, proprietary, or a trade secret. Sponsors forward applications deemed to meet eligibility requirements to the Commissioner for further review. The Commissioner shall reject any application that does not satisfy the START-UP program eligibility requirements or purpose, and provide written notice of the rejection to the Sponsor. The Commissioner may approve an application any time after receipt; if the Commissioner approves the

application, the business applicant is deemed accepted into the START-UP NY Program and can locate to the Sponsor's Tax-Free NY Area. Applications not rejected will be deemed accepted after sixty days. The Commissioner is to provide documentation of acceptance to successful applicants.

10) The regulation allows a business to amend a successful application at any time in accordance with the procedure of its original application. No amendment will be approved that would contain terms in conflict with a lease between a business and a SUNY college when the lease was included in the original application.

11) The regulation permits a business that has been rejected from the START-UP program to locate within a Tax-Free Area without being eligible for START-UP program benefits, or to reapply within sixty days via a written request identifying the reasons for rejection and offering verified factual information addressing the reasoning of the rejection. Failure to reapply within sixty days waives the applicant's right to resubmit. Upon receipt of a timely resubmission, the Commissioner may use any resources to assess the claim, and must notify the applicant of his or her determination within sixty days. Disapproval of a reapplication is final and non-appealable.

12) With respect to audits, the regulation requires businesses to provide access to DED, DTF, and DOL to all records relating to facilities located in Tax-Free Areas at a business location within the State during normal business hours. DED, DTF, and DOL are to take reasonable steps to prevent public disclosure of information pursuant to Section 87 of the Public Officers Law where the business has timely informed the appropriate officials, the records in question have been properly identified, and the request is reasonable.

13) The regulation provides for the removal of a business from the program under a variety of circumstances, including violation of New York law, material misrepresentation of facts in its application to the START-UP program, or relocation from a Tax-Free Area. Upon removing a business from the START-UP program, the Commissioner is to notify the business and its Sponsor of the decision in writing. This removal notice provides the basis for the removal decision, the effective removal date, and the means by which the affected business may appeal the removal decision. A business shall be deemed served three days after notice is sent. Following a final decision, or waiver of the right to appeal by the business, DED is to forward a copy of the removal notice to DTF, and the business is not to receive further tax benefits under the START-UP program.

14) To appeal removal from the START-UP program, a business must send written notice of appeal to the Commissioner within thirty days from the mailing of the removal notice. The notice of appeal must contain specific factual information and all legal arguments that form the basis of the appeal. The appeal is to be adjudicated in the first instance by an appeal officer who, in reaching his or her decision, may seek information from outside sources, or require the parties to provide more information. The appeal officer is to prepare a report and make recommendations to the Commissioner. The Commissioner shall render a final decision based upon the appeal officer's report, and provide reasons for any findings of fact or law that conflict with those of the appeal officer.

15) With regard to disclosure authorization, businesses applying to participate in the START-UP program authorize the Commissioner to disclose any information contained in their application, including the projected new jobs to be created.

16) In order to assess business performance under the START-UP program, the Commissioner may require participating businesses to submit annual reports on or before March 15 of each year describing the businesses' continued satisfaction of eligibility requirements, jobs data, an accounting of wages paid to employees in net new jobs, and any other information the Commissioner may require. Information contained in businesses' annual reports may be made public by the Commissioner.

17) The Freedom of Information Law is applicable to the START-UP program, subject to disclosure waivers to protect certain proprietary information submitted in support of an application to the START-UP program.

18) All businesses must keep relevant records throughout their participation in the START-UP program, plus three years. DED has the right to inspect all such documents upon reasonable notice.

19) If the Commissioner determines that a business has acted fraudulently in connection with its participation in the START-UP program, the business shall be immediately terminated from the program, subject to criminal penalties, and liable for taxes that would have been levied against the business during the current year.

20) The regulation requires participating universities and colleges to maintain a conflict of interest policy relevant to issues that may arise during the START-UP program, and to report violations of said policies to the Commissioner for publication.

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 5, 2019.

Text of rule and any required statements and analyses may be obtained from: Thomas Regan, Department of Economic Development, 625 Broadway, Albany NY 12207, (518) 292-5120, email: thomas.regan@esd.ny.gov

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

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

Regulatory Impact Statement

STATUTORY AUTHORITY:

Chapter 68 of the Laws of 2013 requires the Commissioner of Economic Development to promulgate rules and regulations to establish procedures for the implementation and execution of the SUNY Tax-free Areas to Revitalize and Transform Upstate New York program (START-UP NY). These procedures include, but are not limited to, the application processes for both academic institutions wishing to create Tax-Free NY Areas and businesses wishing to participate in the START-UP NY program, standards for evaluating applications, and any other provisions the Commissioner deems necessary and appropriate.

LEGISLATIVE OBJECTIVES:

The proposed rule is in accord with the public policy objectives the New York State Legislature sought to advance by enacting the START-UP NY program, which provides an incentive to businesses to locate critical high-tech industries in New York State as opposed to other competitive markets in the U.S. and abroad. It is the public policy of the State to establish Tax-Free Areas affiliated with New York universities and colleges, and to afford significant tax benefits to businesses, and the employees of those businesses, that locate within these Tax-Free Areas. The tax benefits are designed to attract and retain innovative start-ups and high-tech industries, and secure for New York the economic activity they generate. The proposed rule helps to further such objectives by establishing the application process for the program, clarifying the nature of eligible businesses and facilities, and describing key provisions of the START-UP NY program.

NEEDS AND BENEFITS:

The emergency rule is necessary in order to implement the statute contained in Article 21 of the Economic Development Law, creating the START-UP NY program. The statute directs the Commissioner of Economic Development to establish procedures for the implementation and execution of the START-UP NY program.

Upstate New York has faced longstanding economic challenges due in part to the departure of major business actors from the region. This divestment from upstate New York has left the economic potential of the region unrealized, and left many upstate New Yorkers unemployed.

START-UP NY will promote economic development and job creation in New York, particularly the upstate region, through tax benefits conditioned on locating business facilities in Tax-Free NY Areas. Attracting start-ups and high-tech industries is critical to restoring the economy of upstate New York, and to positioning the state as a whole to be competitive in a globalized economy. These goals cannot be achieved without first establishing procedures by which to admit businesses into the START-UP NY program.

The proposed regulation establishes procedures and standards for the implementation of the START-UP program, especially rules for the creation of Tax-Free NY Areas, application procedures for the admission of businesses into the program, and eligibility requirements for continued receipt of START-UP NY benefits for admitted businesses. These rules allow for the prompt and efficient commencement of the START-UP NY program, ensure accountability of business participants, and promote the general welfare of New Yorkers.

COSTS:

I. Costs to private regulated parties (the business applicants): None. The proposed regulation will not impose any additional costs to eligible business applicants.

II. Costs to the regulating agency for the implementation and continued administration of the rule: None.

III. Costs to the State government: None.

IV. Costs to local governments: None.

LOCAL GOVERNMENT MANDATES:

The rule establishes certain property tax benefits for businesses locating in Tax-Free NY Areas that may impact local governments. However, as described in the accompanying statement in lieu of a regulatory flexibility analysis for small businesses and local governments, the program is expected to have a net-positive impact on local government.

PAPERWORK:

The rule establishes application and eligibility requirements for Tax-Free NY Areas proposed by universities and colleges, and participating businesses. These regulations establish paperwork burdens that include materials to be submitted as part of applications, documents that must be submitted to maintain eligibility, and information that must be retained for auditing purposes.

DUPLICATION:

The proposed rule will create a new section of the existing regulations of the Commissioner of Economic Development, Part 220 of 5 NYCRR. Accordingly, there is no risk of duplication in the adoption of the proposed rule.

ALTERNATIVES:

No alternatives were considered in regard to creating a new regulation in response to the statutory requirement. The regulation implements the statutory requirements of the START-UP NY program regarding the application process for creation of Tax-Free NY Areas and certification as an eligible business. This action is necessary in order to clarify program participation requirements and is required by the legislation establishing the START-UP NY program.

FEDERAL STANDARDS:

There are no federal standards applicable to the START-UP NY program; it is purely a State program that offers tax benefits to eligible businesses and their employees. Therefore, the proposed rule does not exceed any federal standard.

COMPLIANCE SCHEDULE:

The affected State agency (Department of Economic Development) and the business applicants will be able to achieve compliance with the regulation as soon as it is implemented.

Regulatory Flexibility Analysis

Participation in the START-UP NY program is entirely at the discretion of qualifying business that may choose to locate in Tax-Free NY Areas. Neither statute nor the proposed regulations impose any obligation on any business entity to participate in the program. Rather than impose burdens on small business, the program is designed to provide substantial tax benefits to start-up businesses locating in New York, while providing protections to existing businesses against the threat of tax-privileged start-up companies locating in the same community. Local governments may not be able to collect tax revenues from businesses locating in certain Tax-Free NY Areas. However, the regulation is expected to have a net-positive impact on local governments in light of the substantial economic activity associated with businesses locating their facilities in these communities.

Because it is evident from the nature of the proposed rule that it will have a net-positive impact on small businesses and local government, no further affirmative steps were needed to ascertain that fact and none were taken. Accordingly, a regulatory flexibility analysis for small businesses and local government is not required and one has not been prepared.

Rural Area Flexibility Analysis

The START-UP NY program is open to participation from any business that meets the eligibility requirements, and is organized as a corporation, partnership, limited liability company, or sole proprietorship. A business's decision to locate its facilities in a Tax-Free NY Area associated with a rural university or college would be no impediment to participation; in fact, START-UP NY allocates space for Tax-Free NY Areas specifically to the upstate region which contains many of New York's rural areas. Furthermore, START-UP NY specifically calls for the balanced allocation of space for Tax-Free NY Areas between eligible rural, urban, and suburban areas in the state. Thus, the regulation will not have a substantial adverse economic impact on rural areas, and instead has the potential to generate significant economic activity in upstate rural areas designated as Tax-Free NY Areas. Accordingly, a rural flexibility analysis is not required and one has not been prepared.

Job Impact Statement

The regulation establishes procedures and standards for the administration of the START-UP NY program. START-UP NY creates tax-free areas designed to attract innovative start-ups and high-tech industries to New York so as to stimulate economic activity and create jobs. The regulation will not have a substantial adverse impact on jobs and employment opportunities; rather, the program is focused on creating jobs. Because it is evident from the nature of the rulemaking that it will have either no impact or a positive impact on job and employment opportunities, no further affirmative steps were needed to ascertain that fact and none were taken. Accordingly, a job impact statement is not required and one has not been prepared.

Department of Financial Services

EMERGENCY RULE MAKING

Charges for Professional Health Services

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

Filing No. 638

Filing Date: 2019-07-05

Effective Date: 2019-07-05

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

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

Specific reasons underlying the finding of necessity: Chapter 892 of the Laws of 1977 recognized the necessity of establishing schedules of maximum permissible charges for professional health services payable as no-fault insurance benefits to contain the costs of no-fault insurance. To that end, and in accordance with Insurance Law section 5108(b), the Superintendent of Financial Services (“Superintendent”) adopted medical fee schedules promulgated by the Chairman of the Workers’ Compensation Board (the “Chair”). In addition, the Superintendent, after consulting with the Chair and the Commissioner of Health, established fee schedules for those services for which the Chair has not prepared and established fee schedules.

The Chair’s medical fee schedules initially adopted in 1977 underwent annual revisions until the mid-1990s to reflect inflationary increases and to incorporate other necessary enhancements. In turn, the Superintendent adopted those fee schedules through amendments to Insurance Regulation 83. However, in 2002, the Superintendent promulgated an amendment to Insurance Regulation 83, which prescribed that any changes the Chair made to the workers’ compensation fee schedules automatically would apply to no-fault, and as such, no longer necessitated adoption of the workers’ compensation fee schedules as changes were made to them.

In December 2018, the Chair adopted expansive amendments to its fee schedules for medical, chiropractic, behavioral health (otherwise known as the psychological fee schedule), and podiatric services (collectively the “medical fee schedules”) to take effect on April 1, 2019. The Chair contended in its Regulatory Impact Statement, published in the December 26, 2018 issue of the New York State Register, that such changes were necessary to ensure that treating providers are paid a reasonable fee for their services so that injured workers may receive high quality medical care in the workers’ compensation system.

Although the expansive changes to the fee schedules may be necessary to maintain quality health services for the workers’ compensation system, the automatic adoption of such sweeping changes for use in the no-fault system within a relatively short period (April 1, 2019) would have a significant adverse impact on insurers’ ability to absorb the health-service-related costs resulting from those changes within that timeframe. Those changes will result in a substantial overall increase (at least 10% increase has been reported) in total loss payments for no-fault-related health services, which insurers could not have anticipated. Because health service payments account for more than 90% of the total loss costs in no-fault, insurers will need time to carefully study the impact of the changes in the workers’ compensation medical fee schedules on no-fault in order to appropriately adjust no-fault premium rates to absorb the noticeable increase in no-fault claims costs. Furthermore, pursuant to Insurance Law Sections 3425 and 3426, there is a one-year “required policy period” for automobile policies, which may not be canceled during that period unless as prescribed in the statutes; therefore, policies that are already in effect could not be altered to reflect the sudden increase in loss costs. The Superintendent, therefore, deems it necessary to delay for 18 months the adoption of the medical fee schedules that the Chair has prepared and established, to take effect on April 1, 2019, and so those fee schedules will take effect on October 1, 2020 for use in no-fault pursuant to Insurance Law 5108.

For the reasons stated above, emergency action is necessary for the preservation of the general welfare.

Subject: Charges for Professional Health Services.

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

Text of emergency rule: Section 68.1(a) and (b)(1) is amended to read as follows:

§ 68.1 Adoption of certain workers’ compensation schedules

(a)(1) The existing fee schedules prepared and established by the [chairman] chair of the Workers’ Compensation Board for industrial accidents are hereby adopted by the Superintendent of Financial Services with appropriate modification so as to adapt such schedules for use pursuant to the provisions of [section 5108 of the] Insurance Law section 5108.

(2)(i) Notwithstanding paragraph (1) of this subdivision, and except as provided in subparagraph (ii) of this paragraph, the amendments to the fee schedules set forth in Parts 329, 333, 343, and 348 of 12 NYCRR that were promulgated by the chair of the Workers’ Compensation Board on December 11, 2018, shall take effect for purposes of Insurance Law section 5108 on October 1, 2020, and shall only apply to all charges for health services performed on or after October 1, 2020.

(ii) The following ground rules in the amendments to the fee schedules set forth in Parts 329, 333, 343, and 348 of 12 NYCRR that were promulgated by the chair of the Workers’ Compensation Board on December 11, 2018, shall take effect for purposes of Insurance Law section 5108 on April 1, 2019, and shall apply to all charges for health services performed on or after April 1, 2019:

(a) General Ground Rule 10 in the Workers’ Compensation Chiropractic Fee Schedule set forth in 12 NYCRR 348;

(b) General Ground Rule 19 in the Workers’ Compensation Medical Fee Schedule set forth in 12 NYCRR 329;

(c) General Ground Rule 13 in the Workers’ Compensation Behavioral Health Fee Schedule (formerly the Psychology Fee Schedule) set forth in 12 NYCRR 333, and;

(d) General Ground Rule 16 in the Workers’ Compensation Podiatry Fee Schedule set forth in 12 NYCRR 343.

(b)(1) The charges for services specified in [paragraph one of subsection (a) of section 5102 of the] Insurance Law section 5102(a)(1) and any further health service charges [which] that are incurred as a result of the injury and [which] that are in excess of basic economic loss, shall not exceed the charges permissible under the schedules prepared and established by the chair of the Workers’ Compensation Board for industrial accidents that are in effect for purposes of no-fault at the time the charges are incurred. However, references to workers’ compensation reporting and procedural requirements in such schedules do not apply to no-fault, e.g., requirements that provide for authorization to perform surgical procedures[, is not applicable to no-fault]. The general instructions and ground rules in the workers’ compensation fee schedules apply, but those rules [which] that refer to workers’ compensation claim forms, pre-authorization approval, time limitations within which health services must be performed, enhanced reimbursement for providers of certain designated services, and dispute resolution guidelines do not apply, unless specified in this Part.

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. DFS-08-19-00003-P, Issue of February 20, 2019. The emergency rule will expire September 2, 2019.

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

Regulatory Impact Statement

1. Statutory authority: Financial Services Law Sections 202 and 302, and Insurance Law Sections 301, 2601, 5221, and Article 51.

Insurance Law Section 301 and Financial Services Law Sections 202 and 302 authorize the Superintendent of Financial Services (the “Superintendent”) to prescribe regulations interpreting the provisions of the Insurance Law, and effectuate any power granted to the Superintendent under the Insurance Law.

Insurance Law Section 2601 prohibits insurers from engaging in unfair claim settlement practices and requires insurers to adopt and implement reasonable standards for the prompt investigation of claims arising under insurance policies.

Insurance Law Section 5221 specifies the duties and obligations of the Motor Vehicle Accident Indemnification Corporation with respect to the payment of no-fault benefits to qualified persons.

Article 51 of the Insurance Law contains the provisions authorizing the establishment of a no-fault reparations system for persons injured in motor vehicle accidents. Section 5108(b) specifically authorizes the Superintendent to adopt the fee schedules prepared and established by the Chairman of the Workers’ Compensation Board (the “Chair”) or to promulgate fee schedules for health care benefits payable under the no-fault system for any services for which the Chair has not prepared and established; and subsection (c) prohibits a provider of health services, as defined in Article

51, in addition to the amount authorized pursuant to Insurance Law Section 5108.

2. Legislative objectives: Chapter 892 of the Laws of 1977 recognized the necessity of establishing schedules of maximum permissible charges for professional health services payable as no-fault insurance benefits to contain the costs of no-fault insurance. To that end, and pursuant to Insurance Law Section 5108(b), the Superintendent adopted those fee schedules promulgated by the Chair. In addition, the Superintendent, after consulting with the Chair and the Commissioner of Health, established fee schedules for those services for which the Chair has not prepared and established fee schedules.

Since 1977, the workers' compensation fee schedules underwent annual revisions until the mid-1990s to reflect inflationary increases and to incorporate other necessary enhancements. In turn, the Superintendent adopted those fee schedules through amendments to Insurance Regulation 83. However, in 2002, the Superintendent promulgated an amendment to Insurance Regulation 83, which prescribed that any changes the Chair made to the workers' compensation fee schedules automatically would apply to no-fault, and therefore, no longer necessitated adoption of the workers' compensation fee schedules as changes were made to them.

3. Needs and benefits: In December 2018, The Chair adopted expansive amendments to its fee schedules for medical, chiropractic, behavioral health (otherwise known as the psychological fee schedule), and podiatric services (collectively the "medical fee schedules") to take effect on April 1, 2019. The Chair contended, in its Regulatory Impact Statement in the December 26, 2018 issue of the New York State Register, that such changes were necessary to ensure that treating providers are paid a reasonable fee for their services so that injured workers may receive high quality medical care in the workers' compensation system.

Although the expansive changes to the fee schedules may be necessary to maintain quality health services for the workers' compensation system, the automatic adoption of such sweeping changes for use in the no-fault system within a relatively short period (April 1, 2019) would have a significant adverse impact on insurers' ability to absorb the health-service-related costs resulting from those changes within that timeframe. Those changes will result in a substantial overall increase (at least a 10% increase has been reported) in total loss payments for no-fault-related health services, which insurers could not have anticipated. Because health service payments account for more than 90% of the total loss costs in no-fault, insurers will need time to carefully study the impact of the changes in the medical fee schedules on no-fault to appropriately adjust no-fault premium rates to absorb the noticeable increase in no-fault claims costs.

Furthermore, pursuant to Insurance Law Sections 3425 and 3426, there is a one-year "required policy period" for automobile policies, which may not be canceled during that period unless as prescribed in the statutes; therefore, policies that are already in effect could not be altered to reflect the sudden increase in loss costs. The Superintendent therefore, deems it necessary to delay for 18 months the adoption of the medical fee schedules that the Chair has prepared and established to take effect on April 1, 2019, and so those fee schedules will take effect on October 1, 2020 for use in no-fault pursuant to Insurance Law 5108.

However, this amendment to Insurance Regulation 83 will exclude certain workers' compensation ground rules from the 18-month delay, to wit: General Ground Rule 10 in the Workers' Compensation Chiropractic Fee Schedule, General Ground Rule 13 in the Workers' Compensation Behavioral Health Fee Schedule, and General Ground Rule 16 in the Workers' Compensation Podiatry Fee Schedule, which prohibit providers to whom these fee schedules apply from billing under current procedural terminology ("CPT") codes not listed in their respective fee schedules; and General Ground Rule 19 in the Workers' Compensation Medical Fee Schedule, which prohibits any chiropractor, podiatrist or provider of behavioral health services from billing under CPT codes in the medical fee schedule. Per the Chair, these rules are not new but clarification of existing rules; therefore, the Superintendent determined it was not necessary to delay their implementation.

Insurance Regulation 83 also is being amended to provide that any references in any workers' compensation ground rules regarding time limitations within which health services must be performed, as well as any enhanced reimbursement for providers of certain designated services, are inapplicable to no-fault. Insurance Law Section 5102(a) specifically prescribes any time limitations on receiving necessary health-related services. With respect to enhanced reimbursement for providers (20% in addition to the fee schedule rate), the Chair, in General Ground Rule 17 of the Workers' Compensation Medical Fee Schedule, stated that this enhancement was necessary to increase the number of Board-authorized providers in the general medicine specialties. There is no requirement that providers be authorized by the Department to treat no-fault patients, nor is there a shortage of no-fault treating providers in general medicine specialties. Therefore, the Superintendent determined an additional 20% reimbursement increase solely for general medicine specialty providers of

no-fault-related health services is unwarranted, and will not be adopted for use pursuant to Insurance Law Section 5108.

4. Costs: This amendment should have no compliance cost impact on applicants for no-fault benefits, insurers, self-insurers, or state and local governments. With respect to any cost impact to health service providers not regulated by the Department, participation in the no-fault system is optional, and the Department has imposed no preauthorization or reporting requirements on these applicants for no-fault benefits. Notwithstanding, this rule only delays the adoption of changes that the Chair has made to the workers' compensation fee schedules, which the Department is required to adopt pursuant to Insurance Law Section 5108.

5. Local government mandates: This rule does not impose any requirement upon a city, town, village, school district, or fire district.

6. Paperwork: This rule does not impose any additional paperwork on any persons affected by the rule.

7. Duplication: This rule will not duplicate any existing state or federal rule.

8. Alternatives: The Superintendent carefully evaluated alternatives to the 18-month delay in adopting the workers' compensation medical fee schedules. The Superintendent determined that delaying only increases and not decreases in the fee schedules would cause significant systems issues for both insurers and health service providers, from having to utilize separate fee schedules and apply different ground rules. The Superintendent also considered a shorter implementation delay period, but determined, based on the Superintendent's expertise as insurance regulator, that an 18-month delay was most appropriate to permit insurers sufficient time to study the cost impact of the fee schedule changes to determine when and how to adjust their rates.

9. Federal standards: There are no minimum federal standards for the same or similar subject areas. The rule is consistent with federal standards or requirements.

10. Compliance schedule: This amendment shall take effect upon filing with the Department of State. However, the 18-month delay in adopting the Chair's amended medical fee schedules shall commence on April 1, 2019, the effective date of those fee schedules.

Regulatory Flexibility Analysis

1. Effect of rule: This rule affects no-fault insurers authorized to do business in New York State and self-insurers, none of which fall within the definition of "small business" as defined in State Administrative Procedure Act Section 102(8), because none are both independently owned and have less than one hundred employees. Self-insurers are typically large enough to have the financial ability to self-insure losses and the Department of Financial Services (the "Department") does not have any information to indicate that any self-insurers are small businesses.

Local government units make independent determinations on the feasibility of becoming self-insured for no-fault benefits or having these benefits provided by authorized insurers. There are no requirements under the State's financial security laws requiring local governments to report to the Department or the Department of Motor Vehicles that they are self-insured. Therefore, the Department has no way of estimating how many local government units are self-insured for no-fault benefits.

The types of small businesses affected by this rule are applicants for no-fault benefits, who are typically health service providers not regulated by the Department. Their participation in the no-fault system, however, is optional and the Department has established no preauthorization or reporting requirements with respect to these small businesses. Further, because the Department does not maintain records of either the number of applicants licensed in this state or the number of applicants providing services to injured persons eligible for no-fault benefits, it cannot provide the number of these entities that will be affected by this rule. Notwithstanding, this rule only delays for 18 months the adoption of the most recent amendments to the workers' compensation fee schedules, which are required to be utilized in the no-fault system pursuant to Insurance Law Section 5108. Although this amendment may have a temporary impact on small businesses in that they may not bill at the higher fee schedule rate for their services until October 1, 2020, such an impact is outweighed by the need to give no-fault insurers time to study the impact the fee schedule changes will have on loss costs so they may appropriately adjust premiums to cover those costs.

2. Compliance requirements: This amendment will not impose any additional reporting, recordkeeping or other compliance requirements on any small businesses or self-insured local governments affected by this rule.

3. Professional services: This rule does not require the use of professional services.

4. Compliance costs: This amendment does not impose any additional compliance costs on small businesses or self-insured local governments.

5. Economic and technological feasibility: There should not be any issues pertaining to economic or technological feasibility because this rule only delays the adoption of the most recent amendments to the workers'

compensation fee schedules for use in no-fault pursuant to Insurance Law Section 5108.

6. Minimizing adverse impact: This rule should have no adverse impact on small businesses or local governments affected by this amendment because the amendment only delays the adoption of the most recent amendments to the workers' compensation fee schedules for use pursuant to Insurance Law Section 5108. The Department anticipates that no small businesses subject to the rule, if any, or self-insured local governments will experience any cost increase because of this amendment.

7. Small business and local government participation: Interested parties, including small businesses and local governments, will be given an opportunity to review and comment on the rulemaking once it is published in the New York State Register.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas: Health service providers, insurers, and self-insurers affected by this regulation do business in every county in this state, including rural areas as defined in State Administrative Procedure Act Section 102(10). Some government entities that are self-insurers for no-fault benefits may be located in rural areas.

2. Reporting, recordkeeping and other compliance requirements; and professional services: This amendment will not impose any additional reporting, recordkeeping or other compliance requirements on insurers, self-insurers, self-insured local governments, and health service providers affected by this rule.

Insurers, self-insurers, self-insured local governments, and health service providers affected by this rule should not need to retain professional services to comply with this rule. This rule only delays for 18 months the adoption of the most recent amendments to the workers' compensation fee schedules, which are required to be utilized in the no-fault system pursuant to Insurance Law Section 5108.

3. Costs: This amendment does not impose any additional costs on no-fault insurers, self-insurers, self-insured local governments, and health service providers, because this rule only delays for 18 months the adoption of the most recent amendments to the workers' compensation fee schedules, which are required to be utilized in the no-fault system pursuant to Insurance Law Section 5108.

4. Minimizing adverse impact: This rule uniformly affects insurers, self-insurers, self-insured local governments, and health service providers throughout New York State. Therefore, it does not impose any adverse impact on rural areas.

5. Rural area participation: Interested parties, including those located in rural areas, will be given an opportunity to review and comment on the rulemaking once it is published in the New York State Register.

Job Impact Statement

This rule should not adversely impact jobs or employment opportunities in New York State. The amendment only delays for 18 months the adoption of the workers' compensation fee schedules for use pursuant to Insurance Law Section 5108.

Assessment of Public Comment

The agency received no public comment.

EMERGENCY RULE MAKING

Business Conduct of Mortgage Loan Servicers

I.D. No. DFS-30-19-00005-E

Filing No. 641

Filing Date: 2019-07-09

Effective Date: 2019-07-09

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

Action taken: Addition of Part 419 to Title 3 NYCRR.

Statutory authority: Banking Law, art. 12-D

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

Specific reasons underlying the finding of necessity: The legislature required the registration of mortgage loan servicers as part of the Mortgage Lending Reform Law of 2008 (Ch. 472, Laws of 2008, hereinafter, the "Mortgage Lending Reform Law") to help address the existing foreclosure crisis in the state. By registering servicers and requiring that servicers engage in the business of mortgage loan servicing in compliance with rules and regulations adopted by the Superintendent, the legislature intended to help ensure that servicers conduct their business in a manner that protects homeowners. Part 419 is intended to provide clear guidance to mortgage loan servicers as to the procedures and standards they should

follow with respect to loan delinquencies. The rules impose a duty of fair dealing on loan servicers in their communications, transactions and other dealings with borrowers. In addition, the rule sets standards with respect to the handling of loan delinquencies and loss mitigation. The rule further requires specific reporting on the status of delinquent loans with the Department so that it has the information necessary to assess loan servicers' performance.

In addition to addressing mortgage loan delinquencies and loss mitigation, the rule addresses other areas of significant concern to homeowners, including the handling of borrower complaints and inquiries, the payment of taxes and insurance, crediting of payments and handling of late payments, payoff balances and servicer fees.

Fair and effective account management and loss mitigation practices are necessary to protect borrowers in the home mortgage lending market. Accordingly, it is imperative that Part 419 of the Superintendent's Regulations be promulgated on an emergency basis for the public's general welfare.

Subject: Business conduct of mortgage loan servicers.

Purpose: To implement the purpose and provisions of the Mortgage Lending Reform Law of 2008 with respect to mortgage loan servicers.

Substance of emergency rule (Full text is posted at the following State website: https://www.dfs.ny.gov/industry_guidance/regulations/emergency_banking): Section 419.1 contains definitions of terms that are used in Part 419 and not otherwise defined in Part 418, including "Servicer", "Qualified Written Request" and "Loan Modification".

Section 419.2 establishes a duty of fair dealing for Servicers in connection with their transactions with borrowers, which includes a duty to pursue loss mitigation with the borrower as set forth in Section 419.11.

Section 419.3 requires compliance with other State and Federal laws relating to mortgage loan servicing, including Banking Law Article 12-D, RESPA, and the Truth-in-Lending Act.

Section 419.4 describes the requirements and procedures for handling to consumer complaints and inquiries.

Section 419.5 describes the requirements for a servicer making payments of taxes or insurance premiums for borrowers.

Section 419.6 describes requirements for crediting payments from borrowers and handling late payments.

Section 419.7 describes the requirements of an annual account statement which must be provided to borrowers in plain language showing the unpaid principal balance at the end of the preceding 12-month period, the interest paid during that period and the amounts deposited into and disbursed from escrow. The section also describes the Servicer's obligations with respect to providing a payment history when requested by the borrower or borrower's representative.

Section 419.8 requires a late payment notice be sent to a borrower no later than 17 days after the payment remains unpaid.

Section 419.9 describes the required provision of a payoff statement that contains a clear, understandable and accurate statement of the total amount that is required to pay off the mortgage loan as of a specified date.

Section 419.10 sets forth the requirements relating to fees permitted to be collected by Servicers and also requires Servicers to maintain and update at least semi-annually a schedule of standard or common fees on their website.

Section 419.11 sets forth the Servicer's obligations with respect to handling of loan delinquencies and loss mitigation, including an obligation to make reasonable and good faith efforts to pursue appropriate loss mitigation options, including loan modifications. This Section includes requirements relating to procedures and protocols for handling loss mitigation, providing borrowers with information regarding the Servicer's loss mitigation process, decision-making and available counseling programs and resources.

Section 419.12 describes the quarterly reports that the Superintendent may require Servicers to submit to the Superintendent, including information relating to the aggregate number of mortgages serviced by the Servicer, the number of mortgages in default, information relating to loss mitigation activities, and information relating to mortgage modifications.

Section 419.13 describes the books and records that Servicers are required to maintain as well as other reports the Superintendent may require Servicers to file in order to determine whether the Servicer is complying with applicable laws and regulations. These include books and records regarding loan payments received, communications with borrowers, financial reports and audited financial statements.

Section 419.14 sets forth the activities prohibited by the regulation, including engaging in misrepresentations or material omissions and placing insurance on a mortgage property without written notice when the Servicer has reason to know the homeowner has an effective policy in place.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt this emergency rule as a permanent rule and

will publish a notice of proposed rule making in the *State Register* at some future date. The emergency rule will expire October 6, 2019.

Text of rule and any required statements and analyses may be obtained from: George Bogdan, Department of Financial Services, One State Street, New York, New York 10004-1417, (212) 480-4758, email: george.bogdan@dfs.ny.gov

Regulatory Impact Statement

1. Statutory Authority.

Article 12-D of the Banking Law, as amended by the Legislature in the Mortgage Lending Reform Law of 2008 (Ch. 472, Laws of 2008, hereinafter, the "Mortgage Lending Reform Law"), creates a framework for the regulation of mortgage loan servicers. Mortgage loan servicers are individuals or entities which engage in the business of servicing mortgage loans for residential real property located in New York. That legislation also authorizes the adoption of regulations implementing its provisions. (See, e.g., Banking Law Sections 590(2) (b-1) and 595-b.)

Subsection (1) of Section 590 of the Banking Law was amended by the Mortgage Lending Reform Law to add the definitions of "mortgage loan servicer" and "servicing mortgage loans". (Section 590(1)(h) and Section 590(1)(i).)

A new paragraph (b-1) was added to Subdivision (2) of Section 590 of the Banking Law. This new paragraph prohibits a person or entity from engaging in the business of servicing mortgage loans without first being registered with the Superintendent. The registration requirements do not apply to an "exempt organization," licensed mortgage banker or registered mortgage broker.

This new paragraph also authorizes the Superintendent to refuse to register an MLS on the same grounds as he or she may refuse to register a mortgage broker under Banking Law Section 592-a(2).

Subsection (3) of Section 590 was amended by the Subprime Law to clarify the power of the banking board to promulgate rules and regulations and to extend the rulemaking authority regarding regulations for the protection of consumers and regulations to define improper or fraudulent business practices to cover mortgage loan servicers, as well as mortgage bankers, mortgage brokers and exempt organizations. The functions and powers of the banking board have since been transferred to the Superintendent of Financial Services, pursuant to Part A of Chapter 62 of the Laws of 2011, Section 89.

New Paragraph (d) was added to Subsection (5) of Section 590 by the Mortgage Lending Reform Law and requires mortgage loan servicers to engage in the servicing business in conformity with the Banking Law, such rules and regulations as may be promulgated by the Banking Board or prescribed by the Superintendent, and all applicable federal laws, rules and regulations.

New Subsection (1) of Section 595-b was added by the Mortgage Lending Reform Law and requires the Superintendent to promulgate regulations and policies governing the grounds to impose a fine or penalty with respect to the activities of a mortgage loan servicer. Also, the Mortgage Lending Reform Law amends the penalty provision of Subdivision (1) of Section 598 to apply to mortgage loan servicers as well as to other entities.

New Subdivision (2) of Section 595-b was added by the Mortgage Lending Reform Law and authorizes the Superintendent to prescribe regulations relating to disclosure to borrowers of interest rate resets, requirements for providing payoff statements, and governing the timing of crediting of payments made by the borrower.

Section 596 was amended by the Mortgage Lending Reform Law to extend the Superintendent's examination authority over licensees and registrants to cover mortgage loan servicers. The provisions of Banking Law Section 36(10) making examination reports confidential are also extended to cover mortgage loan servicers.

Similarly, the books and records requirements in Section 597 covering licensees, registrants and exempt organizations were amended by the Mortgage Lending Reform Law to cover servicers and a provision was added authorizing the Superintendent to require that servicers file annual reports or other regular or special reports.

The power of the Superintendent to require regulated entities to appear and explain apparent violations of law and regulations was extended by the Mortgage Lending Reform Law to cover mortgage loan servicers (Subdivision (1) of Section 39), as was the power to order the discontinuance of unauthorized or unsafe practices (Subdivision (2) of Section 39) and to order that accounts be kept in a prescribed manner (Subdivision (5) of Section 39).

Finally, mortgage loan servicers were added to the list of entities subject to the Superintendent's power to impose monetary penalties for violations of a law, regulation or order. (Paragraph (a) of Subdivision (1) of Section 44).

The fee amounts for mortgage loan servicer registration and branch applications are established in accordance with Banking Law Section 18-a.

2. Legislative Objectives.

The Mortgage Lending Reform Law was intended to address various problems related to residential mortgage loans in this State. The law reflects the view of the Legislature that consumers would be better protected by the supervision of mortgage loan servicing. Even though mortgage loan servicers perform a central function in the mortgage industry, there had previously been no general regulation of servicers by the state or the Federal government.

The Mortgage Lending Reform Law requires that entities be registered with the Superintendent in order to engage in the business of servicing mortgage loans in this state. The new law further requires mortgage loan servicers to engage in the business of servicing mortgage loans in conformity with the rules and regulations promulgated by the Banking Board and the Superintendent.

The mortgage servicing statute has two main components: (i) the first component addresses the registration requirement for persons engaged in the business of servicing mortgage loans; and (ii) the second authorizes the Superintendent to promulgate appropriate rules and regulations for the regulation of servicers in this state.

Part 418 of the Superintendent's Regulations, initially adopted on an emergency basis on July 1 2009, addresses the first component of the mortgage servicing statute by setting standards and procedures for applications for registration as a mortgage loan servicer, for approving and denying applications to be registered as a mortgage loan servicer, for approving changes of control, for suspending, terminating or revoking the registration of a mortgage loan servicer as well as setting financial responsibility standards for mortgage loan servicers.

Part 419 addresses the business practices of mortgage loan servicers in connection with their servicing of residential mortgage loans. This part addresses the obligations of mortgage loan servicers in their communications, transactions and general dealings with borrowers, including the handling of consumer complaints and inquiries, handling of escrow payments, crediting of payments, charging of fees, loss mitigation procedures and provision of payment histories and payoff statements. This part also imposes certain recordkeeping and reporting requirements in order to enable the Superintendent to monitor servicers' conduct and prohibits certain practices such as engaging in deceptive business practices.

Collectively, the provisions of Part 418 and 419 implement the intent of the Legislature to register and supervise mortgage loan servicers.

3. Needs and Benefits.

The Mortgage Lending Reform Law adopted a multifaceted approach to the lack of supervision of the mortgage loan industry, particularly with respect to servicing and foreclosure. It addressed a variety of areas in the residential mortgage loan industry, including: i. loan originations; ii. loan foreclosures; and iii. the conduct of business by residential mortgage loans servicers.

Until July 1, 2009, when the mortgage loan servicer registration provisions first became effective, the Department regulated the brokering and making of mortgage loans, but not the servicing of these mortgage loans. Servicing is vital part of the residential mortgage loan industry; it involves the collection of mortgage payments from borrowers and remittance of the same to owners of mortgage loans; to governmental agencies for taxes; and to insurance companies for insurance premiums. Mortgage servicers also act as agents for owners of mortgages in negotiations relating to loss mitigation when a mortgage becomes delinquent. As "middlemen," moreover, servicers also play an important role when a property is foreclosed upon. For example, the servicer may typically act on behalf of the owner of the loan in the foreclosure proceeding.

Further, unlike in the case of a mortgage broker or a mortgage lender, borrowers cannot "shop around" for loan servicers, and generally have no input in deciding what company services their loans. The absence of the ability to select a servicer obviously raises concerns over the character and viability of these entities given the central part of they play in the mortgage industry. There also is evidence that some servicers may have provided poor customer service. Specific examples of these activities include: pyramiding late fees; misapplying escrow payments; imposing illegal prepayment penalties; not providing timely and clear information to borrowers; erroneously force-placing insurance when borrowers already have insurance; and failing to engage in prompt and appropriate loss mitigation efforts.

More than 2,000,000 loans on residential one-to-four family properties are being serviced in New York. Of these over 9% were seriously delinquent as of the first quarter of 2012. Despite various initiatives adopted at the state level and the creation of federal programs such as Making Home Affordable to encourage loan modifications and help at risk homeowners, the number of loans modified, have not kept pace with the number of foreclosures. Foreclosures impose costs not only on borrowers and lenders but also on neighboring homeowners, cities and towns. They drive down home prices, diminish tax revenues and have adverse social consequences and costs.

As noted above, Part 418, initially adopted on an emergency basis on

July 1 2009, relates to the first component of the mortgage servicing statute – the registration of mortgage loan servicers. It was intended to ensure that only those persons and entities with adequate financial support and sound character and general fitness will be permitted to register as mortgage loan servicers. It also provided for the suspension, revocation and termination of licensees involved in wrongdoing and establishes minimum financial standards for mortgage loan servicers.

Part 419 addresses the business practices of mortgage loan servicers and establishes certain consumer protections for homeowners whose residential mortgage loans are being serviced. These regulations provide standards and procedures for servicers to follow in their course of dealings with borrowers, including the handling of borrower complaints and inquiries, payment of taxes and insurance premiums, crediting of borrower payments, provision of annual statements of the borrower's account, authorized fees, late charges and handling of loan delinquencies and loss mitigation. Part 419 also identifies practices that are prohibited and imposes certain reporting and record-keeping requirements to enable the Superintendent to determine the servicer's compliance with applicable laws, its financial condition and the status of its servicing portfolio.

Since the adoption of Part 418, 67 entities have been approved for registration or have pending applications and nearly 400 entities have indicated that they are a mortgage banker, broker, bank or other organization exempt from the registration requirements.

All Exempt Organizations, mortgage bankers and mortgage brokers that perform mortgage loan servicing with respect to New York mortgages must notify the Superintendent that they do so, and are required to comply with the conduct of business and consumer protection rules applicable to mortgage loan servicers.

These regulations will improve accountability and the quality of service in the mortgage loan industry and will help promote alternatives to foreclosure in the state.

4. Costs.

The requirements of Part 419 do not impose any direct costs on mortgage loan servicers. Although mortgage loan servicers may incur some additional costs as a result of complying with Part 419, the overwhelming majority of mortgage loan servicers are banks, operating subsidiaries or affiliates of banks, large independent servicers or other financial services entities that service millions, and even billions, of dollars in loans and have the experience, resources and systems to comply with these requirements. Moreover, any additional costs are likely to be mitigated by the fact that many of the requirements of Part 419, including those relating to the handling of residential mortgage delinquencies and loss mitigation (419.11) and quarterly reporting (419.12), are consistent with or substantially similar to standards found in other federal or state laws, federal mortgage modification programs or servicers own protocols.

For example, Fannie Mae and Freddie Mac, which own or insure approximately 90% of the nation's securitized mortgage loans, have similar guidelines governing various aspects of mortgage servicing, including handling of loan delinquencies. In addition, over 100 mortgage loan servicers participate in the federal Making Home Affordable (MHA) program which requires adherence to standards for handling of loan delinquencies and loss mitigation similar to those contained in these regulations. Those servicers not participating in MHA have, for the most part, adopted programs which parallel many components of MHA.

Reporting on loan delinquencies and loss mitigation has likewise become increasingly common. The OCC publishes quarterly reports on credit performance, loss mitigation efforts and foreclosures based on data provided by national banks and thrifts. And, states such as Maryland and North Carolina have adopted similar reporting requirements to those contained in section 419.12.

Many of the other requirements of Part 419 such as those related to handling of taxes, insurance and escrow payments, collection of late fees and charges, crediting of payments derive from federal or state laws and reflect best industry practices. The periodic reporting and bookkeeping and record keeping requirements are also standard among financial services businesses, including mortgage bankers and brokers (see, for example section 410 of the Superintendent's Regulations).

The ability by the Department to regulate mortgage loan servicers is expected to reduce costs associated with responding to consumers' complaints, decrease unnecessary expenses borne by mortgagors, and should assist in decreasing the number of foreclosures in this state.

The regulations will not result in any fiscal implications to the State. The Department is funded by the regulated financial services industry. Fees charged to the industry will be adjusted periodically to cover Department expenses incurred in carrying out this regulatory responsibility.

5. Local Government Mandates.

None.

6. Paperwork.

Part 419 requires mortgage loan servicers to keep books and records related to its servicing for a period of three years and to produce quarterly

reports and financial statements as well as annual and other reports requested by the Superintendent. It is anticipated that the quarterly reporting relating to mortgage loan servicing will be done electronically and would therefore be virtually paperless. The other recordkeeping and reporting requirements are consistent with standards generally required of mortgage bankers and brokers and other regulated financial services entities.

7. Duplication.

The regulation does not duplicate, overlap or conflict with any other regulations. The various federal laws that touch upon aspects of mortgage loan servicing are noted in Section 9 "Federal Standards" below.

8. Alternatives.

The Mortgage Lending Reform Law required the registration of mortgage loan servicers and empowered the Superintendent to prescribe rules and regulations to guide the business of mortgage servicing. The purpose of the regulation is to carry out this statutory mandate to register mortgage loan servicers and regulate the manner in which they conduct business. The Department circulated a proposed draft of Part 419 and received comments from and met with industry and consumer groups. The current Part 419 reflects the input received. The alternative to these regulations is to do nothing or to wait for the newly created federal bureau of consumer protection to promulgate national rules, which could take years, may not happen at all or may not address all the practices covered by the rule. Thus, neither of those alternatives would effectuate the intent of the legislature to address the current foreclosure crisis, help at-risk homeowners vis-à-vis their loan servicers and ensure that mortgage loan servicers engage in fair and appropriate servicing practices.

9. Federal Standards.

Currently, mortgage loan servicers are not required to be registered by any federal agencies, and there are no comprehensive federal rules governing mortgage loan servicing. Federal laws such as the Real Estate Settlement Procedures Act of 1974, 12 U.S.C. § 2601 et seq. and regulations adopted thereunder, 24 C.F.R. Part 3500, and the Truth-in-Lending Act, 15 U.S.C. section 1600 et seq. and Regulation Z adopted thereunder, 12 C.F.R. section 226 et seq., govern some aspects of mortgage loan servicing, and there have been some recent amendments to those laws and regulations regarding mortgage loan servicing. For example, Regulation Z, 12 C.F.R. section 226.36(c), was recently amended to address the crediting of payments, imposition of late charges and the provision of payoff statements. In addition, the recently enacted Dodd-Frank Wall Street Reform and Protection Act of 2010 (Dodd-Frank Act) establishes requirements for the handling of escrow accounts, obtaining force-placed insurance, responding to borrower requests and providing information related to the owner of the loan.

Additionally, the newly created Bureau of Consumer Financial Protection established by the Dodd-Frank Act may soon propose additional regulations for mortgage loan servicers.

10. Compliance Schedule.

Similar emergency regulations first became effective on October 1, 2010.

Regulatory Flexibility Analysis

1. Effect of Rule:

The rule will not have any impact on local governments. The Mortgage Lending Reform Law of 2008 (Ch. 472, Laws of 2008, hereinafter, the "Mortgage Lending Reform Law") requires all mortgage loan servicers, whether registered or exempt from registration under the law, to service mortgage loans in accordance with the rules and regulations promulgated by the Banking Board or Superintendent. The functions and powers of the Banking Board have since been transferred to the Superintendent of Financial Services, pursuant to Part A of Chapter 62 of the Laws of 2011, Section 89. Of the 67 entities which have been approved for registration or have pending applications and the nearly 400 entities which have indicated that they are exempt from the registration requirements, it is estimated that very few are small businesses.

2. Compliance Requirements:

The provisions of the Mortgage Lending Reform Law relating to mortgage loan servicers has two main components: it requires the registration by the Department of servicers who are not a bank, mortgage banker, mortgage broker or other exempt organizations (the "MLS Registration Regulations"), and it authorizes the Department to promulgate rules and regulations that are necessary and appropriate for the protection of consumers, to define improper or fraudulent business practices, or otherwise appropriate for the effective administration of the provisions of the Mortgage Lending Reform Law relating to mortgage loan servicers (the "Mortgage Loan Servicer Business Conduct Regulations").

The provisions of the Mortgage Lending Reform Law requiring registration of mortgage loan servicers which are not mortgage bankers, mortgage brokers or exempt organizations became effective on July 1, 2009. Part 418 of the Superintendent's Regulations, initially adopted on an emergency basis on July 1 2009, sets for the standards and procedures for

applications for registration as a mortgage loan servicer, for approving and denying applications to be registered as a mortgage loan servicer, for approving changes of control, for suspending, terminating or revoking the registration of a mortgage loan servicer as well as the financial responsibility standards for mortgage loan servicers.

Part 419 implements the provisions of the Mortgage Lending Reform Law by setting the standards by which mortgage loan servicers conduct the business of mortgage loan servicing. The rule sets the standards for handling complaints, payments of taxes and insurance, crediting of borrower payments, late payments, account statements, delinquencies and loss mitigation, fees and recordkeeping.

3. Professional Services:

None.

4. Compliance Costs:

The requirements of Part 419 do not impose any direct costs on mortgage loan servicers. Although mortgage loan servicers may incur some additional costs as a result of complying with Part 419, the overwhelming majority of mortgage loan servicers are banks, operating subsidiaries or affiliates of banks, large independent servicers or other financial services entities that service millions, and even billions, of dollars in loans and have the experience, resources and systems to comply with these requirements. Moreover, any additional costs are likely to be mitigated by the fact that many of the requirements of Part 419, including those relating to the handling of residential mortgage delinquencies and loss mitigation (419.11) and quarterly reporting (419.12), are consistent with or substantially similar to standards found in other federal or state laws, federal mortgage modification programs or servicers own protocols.

For example, Fannie Mae and Freddie Mac, which own or insure approximately 90% of the nation's securitized mortgage loans, have similar guidelines governing various aspects of mortgage servicing, including handling of loan delinquencies. In addition, over 100 mortgage loan servicers participate in the federal Making Home Affordable (MHA) program which requires adherence to standards for handling of loan delinquencies and loss mitigation similar to those contained in these regulations. Those servicers not participating in MHA have, for the most part, adopted programs which parallel many components of MHA.

Reporting on loan delinquencies and loss mitigation has likewise become increasingly common. The OCC publishes quarterly reports on credit performance, loss mitigation efforts and foreclosures based on data provided by national banks and thrifts. And, states such as Maryland and North Carolina have adopted similar reporting requirements to those contained in section 419.12.

Many of the other requirements of Part 419 such as those related to handling of taxes, insurance and escrow payments, collection of late fees and charges, crediting of payments derive from federal or state laws and reflect best industry practices. The periodic reporting and bookkeeping and record keeping requirements are also standard among financial services businesses, including mortgage bankers and brokers (see, for example section 410 of the Superintendent's Regulations).

Compliance with the rule should improve the servicing of residential mortgage loans in New York, including the handling of mortgage delinquencies, help prevent unnecessary foreclosures and reduce consumer complaints regarding the servicing of residential mortgage loans.

5. Economic and Technological Feasibility:

For the reasons noted in Section 4 above, the rule should impose no adverse economic or technological burden on mortgage loan servicers that are small businesses.

6. Minimizing Adverse Impact:

As noted in Section 1 above, most servicers are not small businesses. Many of the requirements contained in the rule derive from federal or state laws, existing servicer guidelines utilized by Fannie Mae and Freddie Mac and best industry practices.

Moreover, the ability by the Department to regulate mortgage loan servicers is expected to reduce costs associated with responding to consumers' complaints, decrease unnecessary expenses borne by mortgagors, help borrowers at risk of foreclosure and decrease the number of foreclosures in this state.

7. Small Business and Local Government Participation:

The Department distributed a draft of proposed Part 419 to industry representatives, received industry comments on the proposed rule and met with industry representatives in person. The Department likewise distributed a draft of proposed Part 419 to consumer groups, received their comments on the proposed rule and met with consumer representatives to discuss the proposed rule in person. The rule reflects the input received from both industry and consumer groups.

Rural Area Flexibility Analysis

Types and Estimated Numbers of Rural Areas: Since the adoption of the Mortgage Lending Reform Law of 2008 (Ch. 472, Laws of 2008, hereinafter, the "Mortgage Lending Reform Law"), which required mortgage loan servicers to be registered with the Department unless exempted under

the law, 67 entities have pending applications or have been approved for registration and nearly 400 entities have indicated that they are a mortgage banker, broker, bank or other organization exempt from the registration requirements. Only one of the non-exempt entities applying for registration is located in New York and operating in a rural area. Of the exempt organizations, all of which are required to comply with the conduct of business contained in Part 419, approximately 400 are located in New York, including several in rural areas. However, the overwhelming majority of exempt organizations, regardless of where located, are banks or credit unions that are already regulated and are thus familiar with complying with the types of requirements contained in this regulation.

Compliance Requirements: The provisions of the Mortgage Lending Reform Law relating to mortgage loan servicers has two main components: it requires the registration by the Department of servicers that are not a bank, mortgage banker, mortgage broker or other exempt organization (the "MLS Registration Regulations"), and it authorizes the Department to promulgate rules and regulations that are necessary and appropriate for the protection of consumers, to define improper or fraudulent business practices, or otherwise appropriate for the effective administration of the provisions of the Mortgage Lending Reform Law relating to mortgage loan servicers (the "MLS Business Conduct Regulations").

The provisions of the Mortgage Lending Reform Law of 2008 requiring registration of mortgage loan servicers which are not mortgage bankers, mortgage brokers or exempt organizations became effective on July 1, 2009. Part 418 of the Superintendent's Regulations, initially adopted on an emergency basis on July 1, 2010, sets forth the standards and procedures for applications for registration as a mortgage loan servicer, for approving and denying applications to be registered as a mortgage loan servicer, for approving changes of control, for suspending, terminating or revoking the registration of a mortgage loan servicer as well as the financial responsibility standards for mortgage loan servicers.

Part 419 implements the provisions of the Mortgage Lending Reform Law of 2008 by setting the standards by which mortgage loan servicers conduct the business of mortgage loan servicing. The rule sets the standards for handling complaints, payments of taxes and insurance, crediting borrower payments, late payments, account statements, delinquencies and loss mitigation and fees. This part also imposes certain recordkeeping and reporting requirements in order to enable the Superintendent to monitor services' conduct and prohibits certain practices such as engaging in deceptive business practices.

Costs: The requirements of Part 419 do not impose any direct costs on mortgage loan servicers. The periodic reporting requirements of Part 419 are consistent with those imposed on other regulated entities. In addition, many of the other requirements of Part 419, such as those related to the handling of loan delinquencies, taxes, insurance and escrow payments, collection of late fees and charges and crediting of payments, derive from federal or state laws, current federal loan modification programs, servicing guidelines utilized by Fannie Mae and Freddie Mac or servicers' own protocols. Although mortgage loan servicers may incur some additional costs as a result of complying with Part 419, the overwhelming majority of mortgage loan servicers are banks, credit unions, operating subsidiaries or affiliates of banks, large independent servicers or other financial services entities that service millions, and even billions, of dollars in loans and have the experience, resources and systems to comply with these requirements. Of the 67 entities that have been approved for registration or that have pending applications, only one is located in a rural area of New York State. Of the few exempt organizations located in rural areas of New York, virtually all are banks or credit unions. Moreover, compliance with the rule should improve the servicing of residential mortgage loans in New York, including the handling of mortgage delinquencies, help prevent unnecessary foreclosures and reduce consumer complaints regarding the servicing of residential mortgage loans.

Minimizing Adverse Impact: As noted in the "Costs" section above, while mortgage loan servicers may incur some higher costs as a result of complying with the rules, the Department does not believe that the rule will impose any meaningful adverse economic impact upon private or public entities in rural areas.

In addition, it should be noted that Part 418, which establishes the application and financial requirements for mortgage loan servicers, authorizes the Superintendent to reduce or waive the otherwise applicable financial responsibility requirements in the case of mortgage loans servicers that service not more than 12 mortgage loans or more than \$5,000,000 in aggregate mortgage loans in New York and which do not collect tax or insurance payments. The Superintendent is also authorized to reduce or waive the financial responsibility requirements in other cases for good cause. The Department believes that this will ameliorate any burden on mortgage loan servicers operating in rural areas.

Rural Area Participation: The Department issued a draft of Part 419 in December 2009 and held meetings with and received comments from industry and consumer groups following the release of the draft rule. The

Department also maintains continuous contact with large segments of the servicing industry through its regulation of mortgage bankers and brokers and its work in the area of foreclosure prevention. The Department likewise maintains close contact with a variety of consumer groups through its community outreach programs and foreclosure mitigation programs. The Department has utilized this knowledge base in drafting the regulation.

Job Impact Statement

Article 12-D of the Banking Law, as amended by the Mortgage Lending Reform Law (Ch. 472, Laws of 2008), requires persons and entities which engage in the business of servicing mortgage loans after July 1, 2009 to be registered with the Superintendent. Part 418 of the Superintendent's Regulations, initially adopted on an emergency basis on July 1, 2009, sets forth the application, exemption and approval procedures for registration as a mortgage loan servicer, as well as financial responsibility requirements for applicants, registrants and exempted persons.

Part 419 addresses the business practices of mortgage loan servicers in connection with their servicing of residential mortgage loans. Thus, this part addresses the obligations of mortgage loan servicers in their communications, transactions and general dealings with borrowers, including the handling of consumer complaints and inquiries, handling of escrow payments, crediting of payments, charging of fees, loss mitigation procedures and provision of payment histories and payoff statements. This part also imposes certain recordkeeping and reporting requirements in order to enable the Superintendent to monitor services' conduct and prohibits certain practices such as engaging in deceptive business practices.

Compliance with Part 419 is not expected to have a significant adverse effect on jobs or employment activities within the mortgage loan servicing industry. The vast majority of mortgage loan servicers are sophisticated financial entities that service millions, if not billions, of dollars in loans and have the experience, resources and systems to comply with the requirements of the rule. Moreover, many of the requirements of the rule reflect derive from federal or state laws and reflect existing best industry practices.

Department of Health

EMERGENCY RULE MAKING

Medical Use of Marihuana

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

Filing No. 637

Filing Date: 2019-07-03

Effective Date: 2019-07-03

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

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

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

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

Specific reasons underlying the finding of necessity: Section 3364(3) of the Public Health Law (PHL) requires each registered organization to contract with an independent laboratory to test medical marihuana produced by the registered organization. These independent laboratories must be approved by the commissioner. Under the current regulations, laboratories must obtain a federally-recognized Drug Enforcement Administration (DEA) registration, in addition to Environmental Laboratory Approval Program (ELAP) approval, to conduct testing on medical marihuana. Currently, the Wadsworth Center is the only laboratory in New York state that meets the regulatory requirements to perform testing on medical marihuana.

The DEA has recently stated that it will only authorize analytical laboratories to receive samples of controlled substances for analysis from other DEA registrants. Due to the fact that organizations that manufacture medical marihuana are not registered with the DEA, the DEA will not approve or register any commercial laboratories as an Analytical Laboratory for purposes of testing marihuana at this time.

The proposed regulations are necessary to immediately allow independent analytical laboratories to obtain ELAP approval to test medical marijuana in New York State. Without removal of this requirement, the

Wadsworth Center would be the only laboratory capable of testing medical marijuana products. As more patients qualify to use medical marihuana through the addition of serious conditions, and as more registered organizations become operational and offer additional dosage forms, the capacity to test products in a timely manner will diminish, resulting in delays in access for patients. Denying certified patients access to medical marihuana, or forcing them to abruptly discontinue using medical marihuana until products can be laboratory tested, poses an immediate risk to the health and safety of these patients, some of whom are terminally ill.

Subject: Medical Use of Marihuana.

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

Text of emergency rule: Section 1004.14 is amended to read as follows:

(a) Medical marihuana products produced by a registered organization shall be examined in a laboratory located in New York State that is licensed by the [Federal Drug Enforcement Administration (DEA)] *department's Bureau of Narcotic Enforcement* and approved for the analysis of medical marihuana by the department in accordance with article 5 of the Public Health Law and Subpart 55-2 of this Title.

* * *

(g) Testing for contaminants in the final medical marihuana product shall include but shall not be limited to those analytes listed below. The department shall make available a list of required analytes and their acceptable limits as determined by the commissioner.

Analyte:
E. coli
Pseudomonas (for products to be vaporized)
Salmonella species
Enterococcus species
Bile tolerant gram negative bacteria, specifically including Klebsiella species
Clostridium botulinum
Aspergillus species
Mucor species
Penicillium species
Thermophilic Actinomycetes species
[Aflatoxins A1,] Aflatoxins B1, B2, G1, G2
Ochratoxin A
Antimony
Arsenic
Cadmium
Chromium
Copper
Lead
Nickel
Zinc
Mercury
Any pesticide used during production of the medical marihuana product
Any growth regulator used during production of the medical marihuana product

Any other analyte as required by the commissioner

(h) *laboratories performing final product testing pursuant to this section must report all results to the department, in a manner and timeframe prescribed by the department.*

([h]i) Stability testing shall be performed on each brand and form of medical marihuana product as follows:

(1) For testing of open products, stability testing shall be performed for each extract lot, at time zero when opened and then, at a minimum, at 60 days from the date of first analysis. This shall establish use of the product lot within a specified time once opened.

(2) For testing of unopened products, until stability studies have been completed, a registered organization may assign a tentative expiration date based on available stability information. The registered organization must concurrently have stability studies conducted by an approved laboratory to determine the actual expiration date of an unopened product.

(3) For stability testing of both opened and unopened products, each brand shall retain a total THC and total CBD concentration in milligrams per single dose that is consistent with section 1004.11(c)(3) of this Part. If stability testing demonstrates that a product no longer retains a consistent concentration of THC and CBD pursuant to section 1004.11(a)(2) of this Part, the product shall be deemed no longer suitable for dispensing or consumption. The department may request further stability testing of a brand to demonstrate the ongoing stability of the product produced over time.

(4) The department may waive any of the requirements of this subdivision upon good cause shown.

(i) The laboratory shall track and use an approved method to dispose of any quantity of medical marihuana product that is not consumed in samples used for testing. Disposal of medical marihuana shall mean that the medical marihuana has been rendered unrecoverable and beyond reclamation.

(j) Any submitted medical marihuana products that are deemed unsuitable for testing shall be returned to the registered organization under chain of custody.

Subdivision (b) of section 55-2.15 is amended to read as follows:

(b)(1) Prior to performing testing for any medical marihuana, medical marihuana product or final medical marihuana product, a laboratory physically located within New York State shall submit a request to the department, and receive an initial or revised certificate of approval that includes the specialty of medical marihuana testing and the approved method(s) the laboratory is authorized to employ as stipulated in sections 55-2.1 and 55-2.5 of this Subpart, in addition to a valid [and federally-recognized Drug Enforcement Administration registration] *Class 8 Analytical Laboratory license, issued by the department's Bureau of Narcotic Enforcement*. The certificate of approval shall also list the specific subcategories, analytes, and approved methods included in the approval. No laboratory shall examine a sample related to medical marihuana without certification of approval specific to this category and meeting all other provisions within this Subpart; and

(2) the department may withhold or limit its approval if the department is not satisfied that:

(i) the laboratory has in place adequate policies, procedures, and facility security (physical and cyber security) to ensure proper: collection; labeling; accessioning; preparation; analysis; result reporting for; and disposal of and storage of medical marihuana, medical marihuana product or final medical marihuana product as defined in section 55-2.15(a) of this Subpart; or

(ii) the laboratory is able to meet the requirements applicable to it as set forth in title V-A of article 33 of the Public Health Law, and section 1004.14 of this Title.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. HLT-17-19-00002-P, Issue of April 24, 2019. The emergency rule will expire August 31, 2019.

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

Regulatory Impact Statement

Statutory Authority:

The Commissioner is authorized pursuant to Section 3369-a of the Public Health Law (PHL) to promulgate rules and regulations necessary to effectuate the provisions of Title V-A of Article 33 of the PHL. Pursuant to Section 502 of the PHL, the Commissioner is authorized to promulgate rules and regulations necessary to effectuate the provisions and purpose of Title I of Article 5 of the PHL.

Legislative Objectives:

The legislative objective of Title V-A is to comprehensively regulate the manufacture, sale and use of medical marihuana, by striking a balance between potentially relieving the pain and suffering of those individuals with serious medical conditions, as defined in Section 3360(7) of the Public Health Law, and protecting the public against risks to its health and safety. The legislative objective of Section 502 of the PHL is to regulate the approval of environmental laboratories and the examination of samples or specimens that could contribute to pollution or be contaminated.

Needs and Benefits:

The proposed regulations are necessary to remove the requirement that laboratories seeking Environmental Laboratory Approval Program (ELAP) certification to test medical marihuana products in New York State be registered by the Drug Enforcement Administration (DEA). The DEA recently indicated that it is not registering commercial laboratories to perform testing in state regulated medical marihuana programs. Therefore, the removal of this requirement is necessary in order for an independent commercial laboratory to obtain ELAP approval to perform medical marihuana testing in New York State. A failure to certify independent laboratories to perform such testing could result in delays in medical marihuana availability to patients suffering from serious conditions. The amended regulations also clarify that laboratories seeking to perform medical marihuana testing must first obtain a class 8 analytical laboratory license from the Department of Health's Bureau of Narcotics Enforcement (BNE), in addition to meeting all other ELAP standards. The amended regulations also fix the spelling of the word "Aflatoxins" and remove the

requirement for testing of Aflatoxin A1. Finally, the amended regulations will require medical marihuana testing laboratories to report all results to the Department.

Costs:

Costs to the Regulated Entity:

Laboratories seeking ELAP approval to test medical marihuana will benefit from the removal of the DEA registration requirement, as there are costs associated with obtaining such registration.

Costs to Local Government:

The proposed rule does not require the local government to perform any additional tasks; therefore, it is not anticipated to have an adverse fiscal impact.

Costs to the Department of Health:

The proposed rule does not require the Department of Health to perform any additional tasks; therefore, it is not anticipated to have an adverse fiscal impact.

Local Government Mandates:

The proposed amendments do not impose any new programs, services, duties or responsibilities on local government.

Paperwork:

Laboratories performing final product testing will be required to report all test results to the department, in a manner and timeframe prescribed by the department. It is anticipated that this reporting will be performed electronically to the department so that no additional paperwork would be required.

Duplication:

No relevant rules or legal requirements of the Federal and State governments duplicate, overlap or conflict with this rule.

Alternatives:

The Department's Wadsworth Center could continue to be the sole provider responsible for conducting all testing for medical marihuana. However, this option is not viable given that the Wadsworth Center's capacity to conduct all of the necessary testing on every medical marihuana product is diminishing as the medical marihuana program expands with additional registered organizations and expanded product offerings.

Federal Standards:

Federal requirements do not include provisions for a medical marihuana program.

Compliance Schedule:

There is no compliance schedule imposed by these amendments, which shall be effective upon filing with the Secretary of State.

Regulatory Flexibility Analysis

No regulatory flexibility analysis is required pursuant to section 202-b(3)(a) of the State Administrative Procedure Act. The proposed amendment does not impose an adverse economic impact on small businesses or local governments, and it does not impose reporting, record keeping or other compliance requirements on small businesses or local governments.

Cure Period:

Chapter 524 of the Laws of 2011 requires agencies to include a "cure period" or other opportunity for ameliorative action to prevent the imposition of penalties on the party or parties subject to enforcement under the proposed regulation. The regulatory amendment clarifying laboratory requirements does not mandate a laboratory to participate or register with the medical marihuana program. Hence, no cure period is necessary.

Rural Area Flexibility Analysis

No Rural Area Flexibility Analysis is required pursuant to Section 202-bb(4)(a) of the State Administration Procedure Act (SAPA). It is apparent from the nature of the proposed regulation that it will not impose any adverse impact on rural areas, and the rule does not impose any new reporting, recordkeeping or other compliance requirements on public or private entities in rural areas.

Job Impact Statement

No job impact statement is required pursuant to Section 201-a(2)(a) of the State Administrative Procedure Act. It is apparent, from the nature of the proposed amendment, that it will not have an adverse impact on jobs and employment opportunities.

Assessment of Public Comment

The agency received no public comment.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Maximum Contaminant Levels (MCLs)

I.D. No. HLT-30-19-00006-P

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

Proposed Action: Amendment of Subpart 5-1 of Title 10 NYCRR.

Statutory authority: Public Health Law, section 225

Subject: Maximum Contaminant Levels (MCLs).

Purpose: Incorporating MCLs for perfluorooctanoic acid (PFOA), perfluorooctanesulfonic acid (PFOS) and 1,4-dioxane.

Text of proposed rule: Section 5-1.52, Table 3 is amended to read as follows:

Table 3. Organic Chemicals Maximum Contaminant Level Determination

Contaminants	MCL (mg/L)	Type of water system	Determination of MCL violation
General organic chemicals	0.005	Community, NTNC and Noncommunity	If the results of a monitoring sample analysis exceed the MCL, the supplier of water shall collect one to three more samples from the same sampling point, as soon as practical, but within 30 days. An MCL violation occurs when at least one of the confirming samples is positive ¹ and the average of the initial sample and all confirming samples exceeds the MCL.
Principal organic contaminant (POC)	0.05		
Unspecified organic contaminant (UOC)	0.1		
Total POCs and UOCs			
Disinfection byproducts ^{2,3}	0.080	Community and NTNC	For systems required to monitor quarterly, the results of all analyses at each monitoring location per quarter shall be arithmetically averaged and shall be reported to the State within 30 days of the public water system's receipt of the analyses. A violation occurs if the average of the four most recent sets of quarterly samples at a particular monitoring location (12-month locational running annual average (LRAA)) exceeds the MCL. If a system collects more than one sample per quarter at a monitoring location, the system shall average all samples taken in the quarter at that location to determine a quarterly average to be used in the LRAA calculation. If a system fails to complete four consecutive quarters of monitoring, compliance with the MCL will be based on an average of the available data from the most recent four quarters. An MCL violation for systems on annual or less frequent monitoring that have been increased to quarterly monitoring as outlined in Table 9A, is determined after four quarterly samples are taken.
Total trihalomethanes	0.060		
Haloacetic acids		Transient non-community	Not applicable.

Contaminants	MCL (mg/L)	Type of water system	Determination of MCL violation
Specific Organic Chemicals	0.002	Community, NTNC and Noncommunity	If the results of a monitoring sample analysis exceed the MCL, the supplier of water shall collect one to three more samples from the same sampling point, as soon as practical, but within 30 days. An MCL violation occurs when at least one of the confirming samples is positive ¹ and the average of the initial sample and all confirming samples exceeds the MCL.
Alachlor	0.003		
Aldicarb	0.002		
Aldicarb sulfone	0.004		
Aldicarb sulfoxide	0.003		
Atrazine ⁴	0.0002		
Benzo(a)pyrene	0.04		
Carbofuran	0.002		
Chlordane	0.006		
Di(2-ethylhexyl) phthalate	0.0002		
Dibromochloropropane (DBCP)	0.05		
2,4-D	0.007		
Dinoseb	0.0010		
1,4-Dioxane	0.02		
Diquat	0.002		
Endrin	0.001		
Ethylene dibromide (EDB)	0.000100		
Heptachlor	0.000100		
Heptachlor epoxide	0.0005		
Hexachloro benzene	1.0		
Lindane	0.004		
Methoxychlor	0.003		
Methyl-tertiary-butyl-ether (MTBE)	0.01		
Pentachlorophenol	0.0000003		
Perfluorooctane-sulfonic acid (PFOS)	0.002		
Perfluorooctanoic acid (PFOA)			
Polychlorinated biphenyls (PCBs) ⁵			
Propylene glycol			
Simazine			
Toxaphene			
2,4,5-TP (Silvex)			
2,3,7,8-TCDD (Dioxin)			
Vinyl chloride			

¹ A sample is considered positive when the quantity reported by the State approved laboratory is greater than or equal to the method detection limit.

² For systems monitoring yearly or less frequently, the sample results for each monitoring location is considered the LRAA for that monitoring location. Systems required to conduct monitoring at a frequency that is less than quarterly shall monitor in the calendar month identified in the monitoring plan developed under section 5- 1.51(c). Compliance calculations shall be made beginning with the first compliance sample taken after the compliance date.

³ Systems that are demonstrating compliance with the avoidance criteria in section 5-1.30(c), shall comply with the TTHM and HAA5 LRAA MCLs; however the LRAA MCLs are not considered for avoidance purposes. For avoidance purposes, TTHMs and HAA5s are based on a running annual average of analyses from all monitoring locations.

⁴ Syngenta Method AG-625, "Atrazine in Drinking Water by Immunoassay," February 2001, available from Syngenta Crop Protection, Inc., 410 Swing Road, P.O. Box 18300, Greensboro, NC 27419. Telephone: 336-632-6000, may not be used for the analysis of atrazine in any system where chlorine dioxide is used for drinking water treatment. In samples from all other systems, any result for atrazine generated by Method AG-625 that is greater than one-half the maximum contaminant level (MCL) (in other words, greater than 0.0015mg/L or 1.5 µg/L) must be confirmed using another approved method for this contaminant and should use ad-

ditional volume of the original sample collected for compliance monitoring. In instances where a result from Method AG-625 triggers such confirmatory testing, the confirmatory result is to be used to determine compliance.

⁵ If PCBs (as one of seven Aroclors) are detected in any sample analyzed using EPA Method 505 or 508, the system shall reanalyze the sample using EPA Method 508A to quantitate PCBs (as decachlorobiphenyl). Compliance with the PCB MCL shall be determined based upon the quantitative results of analyses using Method 508A.

Section 5-1.52, Table 9C is repealed and replaced with the following:
Table 9C. Additional Organic Chemicals - Minimum Monitoring Requirements

Contaminant	Type of water system	Initial requirement ¹	Continuing requirement where detected ^{1,2,3,4}	Continuing requirement where not detected ¹
Alachlor	Ethylene	Community and	Quarterly sample per source, for one year	Quarterly
Aldicarb	Dibromide	Nontransient Non-	Quarterly samples per entry point, for one year ^{6,7,8}	Quarterly
Aldicarb sulfone	Glyphosate	community	per entry point, for one year ^{6,7,8}	Quarterly State discretion ⁹
Aldicarb sulfoxide	Heptachlor epoxide	Noncommunity	Quarterly samples per entry point, for one year ^{6,7,8}	Quarterly State discretion ⁹
Aldrin	Hexachlorobenzene	community	per entry point, for one year ^{6,7,8}	Quarterly State discretion ⁹
Atrazine	Hexachlorocyclopentadiene	Noncommunity	Quarterly samples per entry point, for one year ^{6,7,8}	Quarterly State discretion ⁹
Benzo(a)pyrene	3-Hydroxy carbofuran	community	per entry point, for one year ^{6,7,8}	Quarterly State discretion ⁹
Butachlor	Lindane	Noncommunity	Quarterly samples per entry point, for one year ^{6,7,8}	Quarterly State discretion ⁹
Carbaryl	Methomyl	community	per entry point, for one year ^{6,7,8}	Quarterly State discretion ⁹
Carbofuran	Methoxychlor	Noncommunity	Quarterly samples per entry point, for one year ^{6,7,8}	Quarterly State discretion ⁹
Chlordane	Metolachlor	community	per entry point, for one year ^{6,7,8}	Quarterly State discretion ⁹
Dalapon	Metribuzin	Noncommunity	per entry point, for one year ^{6,7,8}	Quarterly State discretion ⁹
Di(2-ethylhexyl) adipate	Oxamyl (vydate)	community	per entry point, for one year ^{6,7,8}	Quarterly State discretion ⁹
Di(2-ethylhexyl) phthalate	Pentachloro propane	Noncommunity	per entry point, for one year ^{6,7,8}	Quarterly State discretion ⁹
Dibromochloro propane	phenol	community	per entry point, for one year ^{6,7,8}	Quarterly State discretion ⁹
Dicamba	Perfluorooctane sulfonic acid (PFOS)	Noncommunity	per entry point, for one year ^{6,7,8}	Quarterly State discretion ⁹
2,4-D	Perfluorooctanoic acid (PFOA)	community	per entry point, for one year ^{6,7,8}	Quarterly State discretion ⁹
Dieldrin	Picloram	Noncommunity	per entry point, for one year ^{6,7,8}	Quarterly State discretion ⁹
Dinoseb	Polychlorinated biphenyls	community	per entry point, for one year ^{6,7,8}	Quarterly State discretion ⁹
1,4-Dioxane	Propachlor	Noncommunity	per entry point, for one year ^{6,7,8}	Quarterly State discretion ⁹
Diquat	Simazine	community	per entry point, for one year ^{6,7,8}	Quarterly State discretion ⁹
Endothall	2,3,7,8-TCDD (Dioxin)	Noncommunity	per entry point, for one year ^{6,7,8}	Quarterly State discretion ⁹
Endrin	2,4,5-TP (Silvex)	community	per entry point, for one year ^{6,7,8}	Quarterly State discretion ⁹
	Toxaphene	Noncommunity	per entry point, for one year ^{6,7,8}	Quarterly State discretion ⁹
		excluding NTNC		

¹ The location for sampling of each ground water source of supply shall be between the individual well and at or before the first service connection and before mixing with other sources, unless otherwise specified by the State to be at the entry point representative of the individual well. Public water systems which take water from a surface water body or watercourse shall sample at points in the distribution system representative of each source or at entry point or points to the distribution system after any water treatment plant.

² The State may decrease the quarterly monitoring requirement to annually provided that system is reliably and consistently below the MCL based on a minimum of two quarterly samples from a ground water source and four quarterly samples from a surface water source. Systems which monitor annually must monitor during the quarter that previously yielded the highest analytical result. Systems serving fewer than 3,300 persons and which have three consecutive annual samples without detection may apply to the State for a waiver in accordance with footnote 6.

³ If a contaminant is detected, repeat analysis must include all analytes contained in the approved analytical method for the detected contaminant.

⁴ Detected as used in the table shall be defined as reported by the State approved laboratory to be greater than or equal to the method detection levels.

⁵ The State may allow a system to postpone monitoring for a maximum of two years, if an approved laboratory is not reasonably available to do a required analysis within the scheduled monitoring period.

⁶ The State may waive the monitoring requirement for a public water system that submits information every three years to demonstrate that a contaminant or contaminants was not used, transported, stored or disposed within the watershed or zone of influence of the system.

⁷ The State may reduce the monitoring requirement for a public water system that submits information every three years to demonstrate that the public water system is invulnerable to contamination. If previous use of the contaminant is unknown or it has been used previously, then the following factors shall be used to determine whether a waiver is granted.

a. Previous analytical results.

b. The proximity of the system to a potential point or nonpoint source of contamination. Point sources include spills and leaks of chemicals at or near a water treatment facility or at manufacturing, distribution, or storage facilities, or from hazardous and municipal waste landfills and other waste handling or treatment facilities. Nonpoint sources include the use of pesticides to control insect and weed pests on agricultural areas, forest lands, home and gardens, and other land application uses.

c. The environmental persistence and transport of the pesticide or PCBs.

d. How well the water source is protected against contamination due to such factors as depth of the well and the type of soil and the integrity of the well casing.

e. Elevated nitrate levels at the water supply source.

f. Use of PCBs in equipment used in production, storage or distribution of water.

⁸ The State may allow systems to composite samples in accordance with the conditions in Appendix 5-C of this Title.

⁹ State discretion shall mean requiring monitoring when the State has reason to believe the MCL has been violated, the potential exists for an MCL violation or the contaminant may present a risk to public health.

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

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

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

Summary of Regulatory Impact Statement (Full text is posted at the following State website: www.health.ny.gov/Laws&Regulations/ProposedRulemaking):

Statutory Authority:

The statutory authority for the proposed revisions is set forth in Public Health Law (PHL) sections 201 and 225. Section 201(1)(l) of the PHL establishes the powers and duties of the New York State Department of Health (Department), which include the supervision and regulation of the sanitary aspects of public water systems. Section 225 of the PHL sets forth the powers and duties of the Public Health and Health Planning Council (PHHPC), which include the authority to establish, amend and repeal sanitary regulations to be known as the State Sanitary Code (SSC), subject to the approval of the Commissioner of Health. Further, section 225(5)(a) of the PHL allows the SSC to deal with any matter affecting the security of life or health, or the preservation or improvement of public health, in New York State.

Legislative Objectives:

The legislative objective of sections 201 and 225 of the PHL is to ensure that PHHPC, in conjunction with the Commissioner of Health, protect public health by adopting drinking water sanitary standards. In accordance with that objective, this regulation amends the SSC by revising Part 5 to enhance current protections governing public water systems. Furthermore, this amendment will update the SSC in accordance with the recommendations of the Drinking Water Quality Council, by establishing specific maximum contaminant levels (MCLs) for perfluorooctanoic acid (PFOA), perfluorooctanesulfonic acid (PFOS) and 1,4-dioxane.

Needs and Benefits:

In 2017, New York State (NYS) identified PFOA, PFOS and 1,4-dioxane as emerging contaminants in drinking water. That same year, the Drinking Water Quality Council (DWQC) was created, with direction to recommend MCLs for these emerging contaminants. After discussions and deliberations, the DWQC recommended MCLs to the Department for PFOA, PFOS and 1,4-dioxane. Specifically, the DWQC recommended: an MCL of 10.0 parts per trillion (ppt) (or, expressed in different units, 0.0000100 milligrams per liter (mg/L)) for PFOA; 10.0 ppt (or 0.0000100 mg/L) for PFOS; and 1.0 part per billion (ppb) (or 0.0010 mg/L) for 1,4-dioxane.

From 2015 through 2018, the Department coordinated targeted sampling of 278 public water systems for PFOA and PFOS. The 278 public water systems were mainly medium (serving 3,300 to 10,000 persons) to small (serving less than 3,300 persons) community water systems and non-transient noncommunity systems typically with a groundwater source located near a potential source of PFOA and/or PFOS. The results of this testing are shown in Figures 1A and 1B.

Figure 1A.

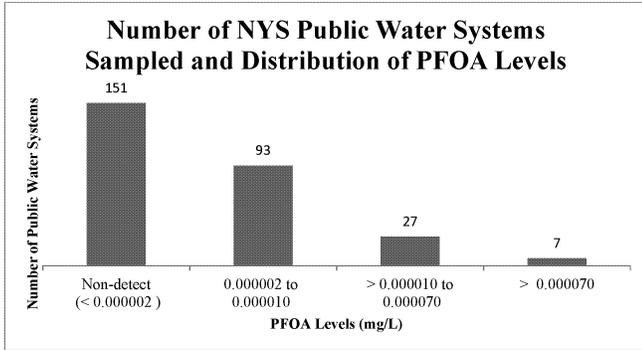
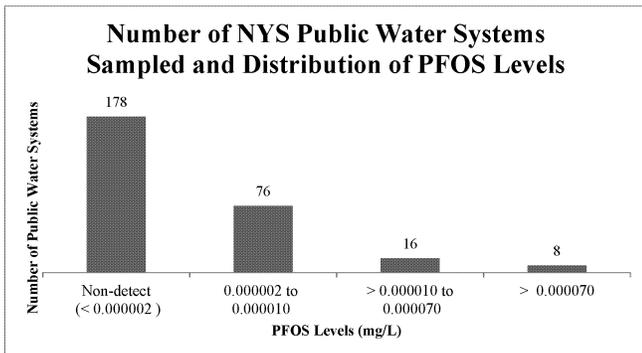
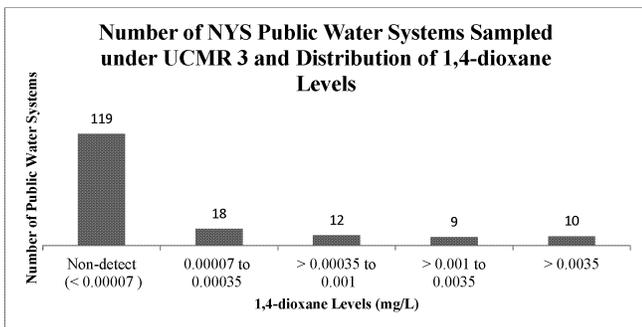


Figure 1B.



From 2013 through 2015 public water systems across NYS, under the United States Environmental Protection Agency (US EPA) Unregulated Contaminant Monitoring Rule 3 (UCMR 3), tested for 1,4-dioxane. All large public water systems (serving 10,000 persons or more) and 32 randomly selected medium and small water systems (serving less than 10,000 persons) in NYS conducted testing. Figure 2 shows that 11 percent (%) of the water systems tested had 1,4-dioxane levels above the DWQC's recommended MCL of 0.0010 mg/L.

Figure 2.



Based on the UCMR3 data, 51% of the samples from Long Island public water systems had levels of 1,4-dioxane above the reporting level of 0.00007 mg/L compared to 6% for NYS excluding Long Island.

The Department provided the DWQC with technical information on a range of health-based drinking water values for PFOA, PFOS and 1,4-dioxane after an evaluation of the available health effects information on the chemicals from toxicological studies. These values included current national and state guidelines and advisory levels, as well as potential health based values developed by the Department. Based on their review of this information, the DWQC recommended an MCL of 0.0000100 mg/L for PFOA and PFOS as individual compounds, which is within the range of the potential health based water values presented to the DWQC by the Department (0.000006 to 0.000070 mg/L for PFOA and 0.000008 to 0.000070 mg/L for PFOS). The DWQC recommended an MCL of 0.0010 mg/L for 1,4-dioxane, which is within the range of current national and state guidelines and advisory levels presented by the Department (0.00035 to 0.2 mg/L).

In the absence of federal regulations governing PFOA, PFOS and 1,4-

dioxane in drinking water, and after consideration of the recommendations provided by the DWQC, the Department is proposing to amend 10 NYCRR Part 5 to establish MCLs for these contaminants. The Department is proposing an MCL of 0.0000100 mg/L for PFOA and PFOS as individual contaminants, and 0.0010 mg/L for 1,4-dioxane. These MCLs will apply to all public water supplies regulated by the Department and provide a sufficient margin of protection against adverse health effects in the most sensitive populations, including fetuses during pregnancy, breastfed infants, and infants bottle fed with formula reconstituted using tap water. In addition, the MCLs provide a sufficient margin of protection for lifetime exposure through drinking water for the general population.

Costs:

Cost to Private Regulated Parties:

There are approximately 7,200 privately owned public water systems in NYS. Of these, an estimated 2,100 systems serve residential suburban areas, manufactured housing communities and apartment buildings, residential and non-residential health care facilities, industrial and commercial buildings, private schools and colleges, and other facilities. The remaining 5,100 privately owned public water systems serve restaurants, convenient stores, motels, campsites and other transient systems. Costs will include initial monitoring, continued routine monitoring and treatment in the event of a MCL exceedance for PFOS, PFOA and/or 1,4-dioxane.

Monitoring and treatment costs for privately-owned public water systems is dependent upon the system size, the number of affected entry points/sources and the concentration of each contaminant. The exact costs for monitoring and treatment of PFOS, PFOA and 1,4-dioxane for public water systems, including privately-owned public water systems, cannot be determined due to several variables. The cost for a single PFOA/PFOS analysis is between \$200-\$300 per sample. The cost of a single 1,4-dioxane analysis is between \$100-\$250.

It is estimated that approximately 21% of all public water systems, including privately-owned public water systems, will have levels of PFOA or PFOS above the proposed MCLs of 0.0000100 mg/L. For small systems serving less than 3,300 persons, capital and annual maintenance costs are estimated to be approximately \$400,000 and \$25,000, respectively. For medium systems (serving 3,300 or more persons but less than 10,000 persons), capital and annual maintenance costs are estimated to be approximately \$2,400,000 and \$125,000, respectively. For large systems (serving 10,000 persons or more), capital and annual maintenance costs are estimated to be approximately \$15,000,000 and \$725,000, respectively.

It is estimated that eighty-nine (89) public water facilities, (a single public water system may be comprised of multiple public water facilities), will have a detection of 1,4-dioxane above the proposed MCL of 0.0010 mg/L. The average cost of treatment for 1,4-dioxane is estimated to be \$3,570,000 per system, with an estimated average annual operation and maintenance cost of approximately \$150,000 per system.

Public water systems will likely make rate adjustments to accommodate these additional capital and operational costs.

Cost to State Government:

State agencies that operate public water systems will be required to comply with the proposed amendments. There are approximately 250 State-owned or operated facilities with a public water system. Examples of such facilities are State-owned schools, buildings, correctional facilities, Thruway services areas, and any other State-owned structure or property that serves an average of at least 25 individuals daily at least 60 days out of the year.

Costs will include initial monitoring for PFOA, PFOS and/or 1,4-dioxane, continued routine monitoring, and treatment in the event of a MCL exceedance. These potential costs will be the same as the costs to private regulated parties.

The proposed regulation will also impose administrative costs to the Department relating to implementation and oversight of the drinking water monitoring requirements including review and approval of sampling schedules; review and reporting of sample results; providing technical assistance to the public water suppliers; review and approval of plans (i.e., treatment plans); and activities associated with enforcement and public notification of MCL exceedances.

Additionally, the Department and NYS Department of Environmental Conservation (NYSDEC) will incur costs associated with the investigation, remediation, and long-term monitoring associated with the release of these contaminants.

Although the proposed regulations do not apply to private wells, costs will be incurred by NYSDEC, as the lead agency for investigating, remediating, and monitoring of contaminated sites, as the MCLs will be used by the NYSDEC as guidance to determine whether a private well in NYS is contaminated by PFOA, PFOS and/or 1,4-dioxane. There are an estimated 800,000 private water supply wells in NYS. At this time, it is not possible to estimate the number of private wells that might be affected by contamination and, therefore, associated costs to NYSDEC cannot be determined.

Cost to Local Government:

The regulations will apply to local governments—including towns, villages, counties, cities, and authorities or area wide improvement districts—which own or operate a public water system subject to this regulation. There are approximately 1,500 public water systems that are owned or operated by local governments.

Costs will include initial monitoring for PFOA, PFOS and/or 1,4-dioxane, continued routine monitoring, and treatment in the event of a MCL exceedance. These potential costs will be the same as the costs to private regulated parties.

Local health departments that regulate drinking water will also incur administrative costs related to local implementation and oversight of the drinking water monitoring requirements including review and approval of sampling schedules; review and reporting of sample results; providing technical assistance to the public water suppliers; review and approval of plans (i.e., treatment plans); and activities associated with enforcement and public notification of MCL exceedances.

Local Government Mandates:

Local governments will be required to comply with this regulation as noted above.

Paperwork:

The additional monitoring, reporting, recordkeeping and paperwork needed for PFOA, PFOS and 1,4-dioxane is expected to be minimal because operators of public water supplies are currently required to keep such records for existing MCLs, and these regulations only add three additional chemicals. The reporting and recordkeeping requirements will increase if MCLs are exceeded and/or treatment is required.

Duplication:

There will be no duplication of existing State or federal regulations.

Alternatives:

One alternative is to maintain the existing MCL of 0.05 mg/L that applies to all unspecified organic chemicals when no chemical-specific MCL exists. Another alternative is to wait for the US EPA to issue a federal MCL. Based on DWQC deliberations and the additional analysis done by the Department it was determined that the current MCL of 0.05 mg/L, which is a generic standard for a broad class of organic chemicals is not protective of public health for these three specific chemicals. Waiting for the US EPA to set a new MCL was impractical due to the prevalence and concerns surrounding PFOA, PFOS and 1,4-dioxane. Therefore, the Department determined that adoption of the DWQC MCL recommendations for PFOA, PFOS and 1,4-dioxane is in the best interest of protecting the public health of NYS residents.

Federal Standards:

There is no federal MCL for PFOA, PFOS or 1,4-dioxane.

Compliance Schedule:

The MCLs will be immediately effective upon publication of a Notice of Adoption in the New York State Register. Public water systems serving 10,000 persons or more must begin monitoring within 60 days of adoption. Water systems serving 3,300 to 9,999 people must begin monitoring within 90 days of adoption and water systems serving less than 3,300 must begin monitoring within 6 months of adoption.

Regulatory Flexibility Analysis**Effect of Rule:**

Many of the public water systems affected by the new regulations are owned or operated by either small businesses or local governments. The Department does not maintain information on the exact number of the public water systems owned by small businesses. There are approximately 1,500 water systems owned by local governments.

Compliance Requirements:

The obligations on small businesses and local governments are the same as for all owners or operators of public water systems. The regulations require additional monitoring, reporting, recordkeeping and public notification requirements for three additional contaminants, PFOA, PFOS and 1,4-dioxane. These requirements will increase if MCLs are exceeded and/or treatment is required.

Local health departments that regulate drinking water will also incur administrative costs related to local implementation and oversight of the drinking water monitoring requirements including review and approval of sampling schedules; review and reporting of sample results; providing technical assistance to the public water suppliers; review and approval of plans (i.e., treatment plans); and activities associated with enforcement and public notification of MCL exceedances.

Professional Services:

Public water systems impacted by the amended regulations will require the services of a laboratory to analyze samples for PFOA, PFOS and 1,4-dioxane. The laboratory must be approved by the Department under its Environmental Laboratory Approval Program (ELAP). Sufficient laboratory capability and capacity is anticipated to be available to process the initial staggered testing demands and future testing. If an MCL is exceeded, a licensed professional will be required to design changes to the public water system to meet the MCL.

Compliance Costs:**Cost to Private Regulated Parties and Local Governments:**

A small business or local government will incur the same costs as other regulated parties. Costs will include initial monitoring, continued routine monitoring, and treatment in the event of a MCL exceedance for PFOS, PFOA and 1,4-dioxane.

Monitoring and treatment costs for small businesses and local government owned public water systems is dependent upon the system size, the number of affected entry points/sources and the concentration of each contaminant. The exact costs for monitoring and treatment of PFOS, PFOA and 1,4-dioxane for public water systems, including privately-owned public water systems, cannot be determined due to several variables. The cost for a single PFOA/PFOS analysis is between \$200-\$300 per sample. The cost of a single 1,4-dioxane analysis is between \$100-\$250. For small systems serving less than 3,300 persons, capital and annual maintenance costs are estimated to be approximately \$400,000 and \$25,000, respectively. For medium systems (serving 3,300 or more persons but less than 10,000 persons), capital and annual maintenance costs are estimated to be approximately \$2,400,000 and \$125,000, respectively. For large systems (serving 10,000 persons or more), capital and annual maintenance costs are estimated to be approximately \$15,000,000 and \$725,000, respectively.

It is estimated that eighty-nine (89) public water facilities, (a single public water system may be comprised of multiple public water facilities), will detect 1,4-dioxane above the MCL of 0.0010 mg/L. The average cost of treatment for 1,4-dioxane is estimated to be \$3,570,000 per system, with an estimated average annual operation and maintenance cost of approximately \$150,000 per system.

Public water systems will likely make rate adjustments to accommodate these additional capital and operational costs.

Local health departments that regulate drinking water will also incur administrative costs related to local implementation and oversight of the drinking water monitoring requirements including review and approval of sampling schedules; review and reporting of sample results; providing technical assistance to the public water suppliers; review and approval of plans (i.e., treatment plans), and activities associated with enforcement, including public notification of MCL exceedances.

Economic and Technological Feasibility:

These regulations are economically and technologically feasible for small businesses and local governments. Analytical methods exist for accurate sample analysis to detect PFOA, PFOS and 1,4-dioxane. There are also technologically feasible treatment solutions for all three contaminants. Treatment may present a greater challenge to smaller systems that typically have less resources including financial and technical expertise than larger systems.

Minimizing Adverse Impact:

The Department has included several provisions that minimize the impacts on regulated parties. Previous testing conducted using an ELAP approved method and laboratory may satisfy some or all of the initial monitoring requirements at the Department's discretion, or the local health department's discretion in consultation with the Department; sampling frequency will decrease after the first year if a contaminant (or the contaminants) is/are not detected at a public water system; the start of initial sampling is proposed to be staggered, requiring large systems to test first (within 60 days of adoption) and providing more time for smaller systems such that water systems serving between 3,300 to 10,000 persons should sample within 90 days of adoption and water systems serving less than 3,300 persons must begin sampling within 6 months of adoption.

In addition, New York State offers programs to support public water systems with infrastructure investments including but not limited to treatment and development/connection to alternate sources of water. Programs include the Drinking Water State Revolving Fund which provides market rate, low to no interest loans and grants available to many municipally and privately-owned public water systems based on need and financial hardship. In addition, the New York State Clean Water Infrastructure Act of 2017 invests \$2.5 billion in clean and drinking water infrastructure projects and water quality protection across the State. It provides funding to the New York State Water Infrastructure Improvement Act of 2017 (WIIA) for grants to assist municipalities with water quality infrastructure. A separate \$200 million has been provided to support grants for drinking water projects that will address emerging contaminants such as PFOA, PFOS or 1,4-dioxane.

Small Business and Local Government Participation:

Small business and local governments were not specifically consulted on this proposal, however the MCLs set forth in this proposed rule were recommendations from the Drinking Water Quality Council (DWQC) which met numerous times in a public forum and were also recorded. The recordings are publicly available on the Department's web-site. During each DWQC meeting, members of the public were allowed to comment, and comments were provided to the Department outside of the meetings.

Based on the information available it is not possible to determine the number of small businesses that participated during the meetings or provided comments, but from sign in sheets at the meetings some businesses did participate in the meetings. All comments provided by the public were made available to the DWQC for their consideration.

Rural Area Flexibility Analysis

Types and Estimated Numbers of Rural Areas:

These regulations apply to rural areas of the state, where approximately 6,400 small public water systems are located, in the same manner as the rest of the state.

Reporting, Recordkeeping and Other Compliance Requirements:

Reporting and Recordkeeping:

The obligations imposed on rural area public water systems are the same as for all owners or operators of public water systems. The regulations require additional monitoring, reporting, recordkeeping and public notification requirements for three additional contaminants, PFOA, PFOS and 1,4-dioxane. These requirements will increase if MCLs are exceeded and/or treatment is required.

Professional Services:

Like all public water systems, rural area public water systems impacted by the amended regulations will require the services of a laboratory to analyze samples for PFOA, PFOS and 1,4-dioxane. The laboratory must be approved by the Department under its Environmental Laboratory Approval Program (ELAP). Sufficient laboratory capability and capacity is anticipated to be available to process the initial staggered testing demands and future testing. If an MCL is exceeded, a licensed professional will be required to design changes to the public water system to meet the MCL.

Costs:

Rural area public water systems will incur the same costs as other regulated parties. Costs will include initial monitoring, continued routine monitoring, and treatment in the event of a MCL exceedance for PFOS, PFOA and 1,4-dioxane. There are approximately 7,200 privately-owned water systems. Of these, an estimated 2,100 systems serve residential suburban areas, manufactured housing communities and apartment buildings, residential and non-residential health care facilities, industrial and commercial buildings, private schools and colleges, and other facilities. The remaining 5,100 privately-owned systems, such as those at restaurants, motels and campsites, serve transient populations.

Monitoring and treatment costs for rural area public water systems is dependent upon the system size, the number of affected entry points/sources and the concentration of each contaminant. The exact costs for monitoring and treatment of PFOS, PFOA and 1,4-dioxane for public water systems, including rural area public water systems, cannot be determined due to several variables. The cost for a single PFOA/PFOS analysis is between \$200-\$300 per sample. The cost of a single 1,4-dioxane analysis is between \$100-\$250. For small systems serving less than 3,300 persons, capital and annual maintenance costs are estimated to be approximately \$400,000 and \$25,000, respectively. For medium systems (serving 3,300 or more persons but less than 10,000 persons), capital and annual maintenance costs are estimated to be approximately \$2,400,000 and \$125,000, respectively. For large systems (serving 10,000 persons or more), capital and annual maintenance costs are estimated to be approximately \$15,000,000 and \$725,000, respectively.

It is estimated that eighty-nine (89) public water facilities, (a single public water system may be comprised of multiple public water facilities), will have a detection of 1,4-dioxane above the MCL of 0.0010 mg/L. The average cost of treatment for 1,4-dioxane is estimated to be \$3,570,000 per system, with an estimated average annual operation and maintenance cost of approximately \$150,000 per system.

Economic and Technological Feasibility:

These regulations are economically and technologically feasible for rural area public water systems. Analytical methods exist for accurate sample analysis to detect PFOA, PFOS and 1,4-dioxane. There are also technologically feasible treatment solutions for all three contaminants. Treatment may present a greater challenge to smaller systems that typically have less resources including financial and technical expertise than larger systems.

Minimizing Adverse Impact:

The Department has included several provisions that minimize the impacts on regulated parties. Previous testing conducted using an ELAP approved method and laboratory may satisfy some or all of the initial monitoring requirements at the Department's discretion, or the local health department's discretion in consultation with the Department; sampling frequency will decrease after the first year if a contaminant (or the contaminants) is/are not detected at a public water system; the start of initial sampling is proposed to be staggered, requiring large systems to test first (within 60 days of adoption) and providing more time for smaller systems such that water systems serving between 3,300 to 10,000 persons should sample within 90 days of adoption and water systems serving less than 3,300 persons must begin sampling within 6 months of adoption.

In addition, New York State offers programs to support public water

systems with infrastructure investments including but not limited to treatment and development/connection to alternate sources of water. Programs include the Drinking Water State Revolving Fund which provides market rate, low to no interest loans and grants available to many municipally and privately-owned public water systems based on need and financial hardship. In addition, the New York State Clean Water Infrastructure Act of 2017 invests \$2.5 billion in clean and drinking water infrastructure projects and water quality protection across the State. It provides funding to the New York State Water Infrastructure Improvement Act of 2017 (WIIA) for grants to assist municipalities with water quality infrastructure. A separate \$200 million has been provided to support grants for drinking water projects that will address emerging contaminants such as PFOA, PFOS or 1,4-dioxane.

Rural Area Participation:

Rural area stakeholders were not specifically consulted on this proposal, however the MCLs set forth in this proposed rule were recommendations from the Drinking Water Quality Council (DWQC) which met numerous times in a public forum and were also recorded. The membership of the DWQC included members from rural areas. The recordings are publicly available on the Department's web-site. During each DWQC meeting, members of the public could comment, and comments were provided to the Department outside of the meetings. Based on the information available it is not possible to determine the exact number of rural stakeholders that participated during the meetings or provided comments, but from sign in sheets at the meetings rural communities attended DWQC meetings. All comments provided by the public were made available to the DWQC for their consideration.

Job Impact Statement

Nature of Impact:

The Department expects there to be a positive impact on jobs or employment opportunities. A subset of public water system owners will likely hire firms or individuals to assist with regulatory compliance. Public water systems impacted by this amendment will require the professional services of a certified or approved laboratory to perform the analyses for PFOA, PFOS and 1,4-dioxane, which may create a need for additional laboratory capability and capacity. Additionally, a subset of owners will require the services of a licensed professional engineer to design facilities to meet the MCLs through treatment, or to access an alternate source.

Categories and Numbers Affected:

The Department anticipates no negative impact on jobs or employment opportunities as a result of the proposed regulations.

Regions of Adverse Impact:

The Department anticipates no negative impact on jobs or employment opportunities in any particular region of the state.

Minimizing Adverse Impact:

Not applicable.

Public Service Commission

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Use of Electric Metering Equipment

I.D. No. PSC-30-19-00007-P

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

Proposed Action: The Public Service Commission is considering a petition filed by Itron, Inc. to use the Itron OpenWay Riva CENTRON Commercial LV HW4.1 CP3SRA Polyphase Meter in commercial electric metering applications.

Statutory authority: Public Service Law, section 67(1)

Subject: Use of electric metering equipment.

Purpose: To ensure that consumer bills are based on accurate measurements of electric usage.

Substance of proposed rule: The Public Service Commission is considering a petition filed by Itron Inc. for approval to use the Itron OpenWay Riva CENTRON Commercial LV HW4.1, CP3SRA Polyphase Meter in commercial electric metering applications.

The Commission requires new types of electric meters, transformers, and auxiliary devices used to measure electric service furnished to customers to be tested and also approved by the Commission before they may be used for the purposes of customer billing.

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

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

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-0489SP1)

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

To Institute a Voluntary Tier 2(B) Physical Storage Program Under the DDS Program

I.D. No. PSC-30-19-00008-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 a proposal filed by Consolidated Edison Company of New York, Inc. to modify its gas tariff schedule, P.S.C. No. 9, to institute the Tier 2(B) Physical Storage Program under the Daily Delivery Service (DDS) for gas marketers.

Statutory authority: Public Service Law, sections 65 and 66

Subject: To institute a voluntary Tier 2(B) Physical Storage Program under the DDS Program.

Purpose: To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.

Substance of proposed rule: The Commission is considering a proposal filed by Consolidated Edison Company of New York, Inc. (Con Edison or the Company) on July 1, 2019, to amend its gas tariff schedule, P.S.C. No. 9. The Company proposes to institute a voluntary Tier 2(B) Physical Storage Program (Program) under the Daily Delivery Service (DDS) Program beginning April 1, 2020.

Pursuant to the proposal, Gas marketers and/or their agents who are interested in participating in the Tier 2(B) Physical Storage Program must notify the Company by February 1 of each program year (April 1 through March 31). Marketers and/or their agents who decide not to continue participating in the Program after one year must return their allotted storage capacity empty by March 31 of the participating year. Those marketers and/or their agents who choose to continue participating in the Program the following year must either (i) empty all of their gas in storage by March 31 or (ii) retain 100% of their remaining gas as of March 31 provided that the remaining gas does not exceed the subsequent year's allocated capacity release minus two dekatherms in each of its allocated storage fields. If a Marketer and/or its Agent fails to do (i) or (ii) above and has gas remaining in storage as of March 31, the Company will purchase the remaining gas at the price specified in the tariff.

The Company also proposes to increase the Tier 2(B) Physical Storage allocation from 12 to 15 percent of the Tier 2 Managed Supply (Storage) assets. The tariff amendments have a proposed effective date of November 1, 2019.

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

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

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

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

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

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

(19-G-0490SP1)

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

An Index REC Procurement Mechanism for Tier 1 REC Procurements

I.D. No. PSC-30-19-00009-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 a petition filed on March 12, 2019 to establish an Index REC procurement mechanism for future Tier 1 REC procurements under the Clean Energy Standard.

Statutory authority: Public Service Law, sections 4(1), 5(2), (10), 66(2); Energy Law, section 6-104(5)(b)

Subject: An Index REC procurement mechanism for Tier 1 REC procurements.

Purpose: To provide a hedge against market volatility, and lower costs to both renewable generators and customers.

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition (Petition) filed by American Wind Energy Association (AWEA) and Alliance for Clean Energy New York (ACE NY) (collectively, Petitioners) on March 12, 2019, that requests a Commission directive that the New York State Energy Research and Development Authority (NYSERDA) implement an Indexed Renewable Energy Credit (REC) procurement mechanism, which may be implemented in conjunction with currently-utilized fixed price REC bids, for future Tier 1 REC procurements under the Clean Energy Standard (CES) program authorized by the Commission in its Order Adopting a Clean Energy Standard, issued on August 1, 2016, in Case 15-E-0302.

The Petitioners suggest the use of a composite index based on New York Independent System Operator, Inc. (NYISO) prices (i.e., an Indexed REC), and assert that the use of such an Indexed REC procurement mechanism would provide various advantages. In particular, Petitioners assert that an Indexed REC would serve as a hedge against market volatility, lower the financing costs for renewable generators and thereby lead to lower REC procurement costs, and also provide lower cost and less volatile prices for ratepayers. Petitioners also claim that an Indexed REC procurement mechanism would avoid a potential "double payment" to renewable generation projects, in the event the NYISO implements a carbon pricing methodology that increases wholesale energy prices.

The petition proposes that bidders into the Tier 1 CES procurements would include a \$/MWh strike price that would become part of the REC contract for any developer that is selected under the procurement. Petitioners suggest that, for each MWh of eligible generation, the generator would be paid a monthly REC price that nets the as-bid strike price against a reference energy price and a \$/MWh-equivalent reference capacity price. Petitioners propose that the reference energy price be calculated using the monthly time-weighted average of NYISO day-ahead prices for the applicable zone. According to Petitioners, the reference capacity price for the Indexed REC should be calculated as: the product of (1) the reference Unforced Capacity (UCAP) price for the zone in which the project is located; (2) the project's CES-eligible installed capacity (MW); and (3) the project's UCAP production factor (decimal fraction), divided by (4) the monthly production (MWh).

Additionally, to ensure that projects are properly evaluated during the procurement selection process, Petitioners suggest that the Indexed REC bids should be compared with each other on a levelized net cost basis. This approach is suggested by Petitioners to account for differences in average prices between zones.

The Commission may also consider regulatory mechanisms necessary to implement an Indexed REC procurement, including, but not limited to, the use of zonal weighting to calculate the reference energy price, the derivation of a Reference Capacity Price, treatment of negative locational based marginal prices, bid evaluation methodology, design considerations necessary to maintain appropriate market signals, and useful and relevant aspects of current procurement programs.

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: October 2, 2019.

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-0302SP39)

State University of New York

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

State Basic Financial Assistance for the Operating Expenses of Community Colleges Under the Program of SUNY and CUNY

I.D. No. SUN-30-19-00001-P

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

Proposed Action: This is a consensus rule making to amend sections 602.8(c) and 602.13 of Title 8 NYCRR.

Statutory authority: Education Law, sections 355(1)(c), 6304(1)(b); L. 2018, ch. 53

Subject: State basic financial assistance for the operating expenses of community colleges under the program of SUNY and CUNY.

Purpose: To modify limitations formula for basic State financial assistance and institute an operating support "floor".

Text of proposed rule: Sections 602.8(c) and 602.13 of said Title 8 are amended to read as follows, subject to the approval of the Director of the Budget (brackets denote old material to be deleted; underlining denote new material to be added):

Section 602.8(c)

(c) Basic State financial assistance.

(1) Full opportunity colleges. The basic State financial assistance for community colleges, implementing approved full opportunity programs, shall be the lowest of the following:

(i) two-fifths (40%) of the net operating budget of the college, or campus of a multiple campus college, as approved by the State University trustees;

(ii) two-fifths (40%) of the net operating costs of the college, or campus of a multiple campus college; or

(iii) for the current college fiscal year the total of the following:

(a) *the greater of (1) the budgeted or actual number (whichever is less) of full-time equivalent students enrolled in programs eligible for State financial assistance multiplied by [\$2,847] \$2,947, or (2) 98 percent of the amount of basic State financial assistance for community colleges approved by the State University of New York Trustees for the 2018/19 academic year; and*

(b) up to one-half (50%) of rental costs for physical space.

(2) Non-full opportunity colleges. The basic State financial assistance for community colleges not implementing approved full opportunity programs shall be the lowest of the following:

(i) one-third (33%) of the net operating budget of the college, or campus of a multiple campus college, as approved by the State University trustees;

(ii) one-third (33%) of the net operating costs of the college, or campus of a multiple campus college; or

(iii) for the college fiscal year current, the total of the following:

(a) *the greater of (1) the budgeted or actual number (whichever is less) of full-time equivalent students enrolled in programs eligible for State financial assistance multiplied by [\$2,373] \$2,457, or (2) 98*

percent of the amount of basic State financial assistance for community colleges approved by the State University of New York Trustees for the 2018/19 academic year; and

(b) up to one-half (50%) of rental cost for physical space.

(3) Notwithstanding the provisions of paragraphs (1) and (2) of this subdivision, a community college or a new campus of a multiple campus community college in the process of formation shall be eligible for basic State financial assistance in the amount of one-third of the net operating budget or one-third of the net operating costs, whichever is the lesser, for those colleges not implementing an approved full opportunity program plan, or two-fifths of the net operating budget or two-fifths of the net operating costs, whichever is the lesser, for those colleges implementing an approved full opportunity program, during the organization year and the first two fiscal years in which students are enrolled.

Section 602.13

(a) Pursuant to section 30 of the General Municipal Law, the annual financial report shall be certified by the chief fiscal officer of the college and shall be filed with the State Comptroller within 60 days after the close of the college fiscal year. The chief fiscal officer is the college treasurer for purposes of this certification.

(b) The annual financial report shall be in compliance with article 126 of the Education Law, this Subchapter, and the manual for community college business offices, and on the forms and in accordance with instructions promulgated by the State Comptroller.

(c) The State University of New York, which shall also receive copies of the annual financial report, shall review the annual financial report for the purpose of the initial determination of the State liability.

(d) Any overpayment in State financial assistance for operating costs, as determined in the review of the annual financial report, shall be deducted from the second quarterly advance payment of State aid for the succeeding college fiscal year *provided, however, that in no case shall the amount of basic state financial assistance for operating costs received in the 2019/20 academic year be less than 98 percent of the amount of basic state financial assistance for operating costs approved by the State University Board of Trustees for the 2018/19 academic year.*

(e) Any underpayment in State financial assistance for operating costs, as determined in the review of the annual financial report, shall be processed in accordance with sections 602.3 and 602.9 of this Part.

(f) The college shall be subject to audit by the Office of the State Comptroller for the purpose of the final determination of the State liability.

Text of proposed rule and any required statements and analyses may be obtained from: Lisa S. Campo, State University of New York, State University Plaza, Albany, NY 12246, (518) 320-1400, email: Lisa.Campo@SUNY.edu

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 State University of New York has determined that no person is likely to object to this rule as written because it provides timely State operating assistance to public community colleges of the State and City Universities of New York and adopts amendments to the tuition regulations for community colleges under the program of the State University of New York for the 2019-2020 fiscal year.

Job Impact Statement

No job impact statement is submitted with this notice because the adoption of this rule does not impose any adverse economic impact on existing jobs, employment opportunities, or self-employment. This rule making governs the financing of community colleges operating under the program of the State University and will not have any adverse impact on the number of jobs or employment opportunities in the state.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

State University of New York Tuition and Fees Schedule

I.D. No. SUN-30-19-00011-P

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

Proposed Action: Amendment of section 302.1(b) of Title 8 NYCRR.

Statutory authority: Education Law, section 355(2)(d) and (h)

Subject: State University of New York Tuition and Fees Schedule.

Purpose: To amend the Tuition and Fees Schedule to increase tuition for students in all programs of the State University of New York.

Text of proposed rule: Section 302.1. Tuition and fees at State-operated units of State University.

(b) Tuition charges as listed in the following table for categories of students, terms and programs, and as modified, amplified or explained in footnotes 1 through 12 are effective with the 201[8]9 fall term and thereafter.

	Charge per Semester		Charge per Semester credit hour ¹ Special Students	
	New York State residents	Out-of-State residents	New York State residents	Out-of-State residents
(1) Students enrolled in degree-granting undergraduate programs leading to an associate degree and non-degree granting programs of at least one regular academic term in duration which have been approved as eligible for Tuition Assistance Program Awards	\$[3,435] \$3,535 \$3,235 ²	[\$8,325] \$8,490 [\$5,370 ³] \$5,520 ³ \$5,420 ⁴ [\$5,430 ⁵] \$5,500 ⁵ [\$5,660 ⁶] \$5,775 ⁶ [\$8,325 ⁷] \$8,490 ⁷ [\$4,120 ⁸] \$4,240 ⁸	[\$286] \$295	[\$694] \$708 [\$448 ³] \$460 ³ \$452 ⁴ [\$453 ⁵] \$458 ⁵ [\$472 ⁶] \$481 ⁶ [\$694 ⁷] \$708 ⁷ [\$343 ⁸] \$353 ⁸ [\$286 ⁹] \$295 ⁹
(2) Students enrolled in degree-granting undergraduate programs leading to a baccalaureate degree and non-degree granting programs of at least one regular academic term in duration which have been approved as eligible for Tuition Assistance Program Awards	\$[3,435] \$3,535 \$3,235 ²	[\$8,325] \$8,490 [\$4,120 ⁸] \$4,240 ⁸ [\$12,270 ¹⁰] \$12,370 ¹⁰ [\$11,855 ¹¹] \$12,330 ¹¹ [\$5,155 ¹²] \$5,305 ¹²	[\$286] \$295	[\$694] \$708 [\$343 ⁸] \$353 ⁸ [\$1,023 ¹⁰] \$1,031 ¹⁰ [\$988 ¹¹] \$1,028 ¹¹ [\$430 ¹²] \$442 ¹²
(3) Students enrolled in graduate programs (other than Masters of Business Administration, Architecture, Social Work or Physician Assistant) leading to a Master's, Doctor's or equivalent degree	[\$5,545] \$5,655	[\$11,325] \$11,550 [\$6,655 ⁸] \$6,785 ⁸ [\$8,320 ¹²] \$8,485 ¹²	[\$462] \$471	[\$944] \$963 [\$555 ⁸] \$565 ⁸ [\$693 ¹²] \$707 ¹²
(4) Students enrolled in a graduate program leading to a Doctorate of Audiology	[\$5,600] \$5,170	[\$11,440] \$11,670	[\$467] \$476	[\$953] \$973
(5) Students enrolled in a graduate program leading to a Masters of Business Administration (MBA)	[\$7,425] \$7,500	\$12,195 [\$8,910 ⁸] \$9,000 ⁸	[\$619] \$625	\$1,016 [\$743 ⁸] \$750 ⁸
(6) Students enrolled in a graduate program leading to a Masters of Architecture	[\$7,095] \$7,310	[\$12,250] \$12,620	[\$591] \$609	[\$1,021] \$1,052
(7) Students enrolled in a graduate program leading to a Masters of Social Work	\$6,540	\$11,105 ⁷ \$7,850 ⁸	\$545	\$925 \$654 ⁸
(8) Students enrolled in a graduate program leading to a Doctorate of Social Work	\$9,600	\$12,600	\$800	\$1,050
(9) Students enrolled in a graduate program leading to a Masters of Health Administration	\$6,985	\$11,550	\$582	\$963
[(8)] Students enrolled in the professional program of pharmacy	\$13,225	\$18,570	\$1,105	\$1,548
[(9)] Students enrolled in the professional program of law	\$12,705	\$14,750	\$1,059	\$1,229
[(10)] Students enrolled in the professional program of medicine	[\$21,510] \$21,835	\$32,580	[\$1,793] \$1,820	\$2,715
[(11)] Students enrolled in the professional program of dentistry	[\$17,915] \$18,450	\$31,475	[\$1,493] \$1,538	\$2,623
[(12)] Students enrolled in the professional program of physical therapy	\$12,195	\$15,350	\$1,016	\$1,279

[(13)] Students enrolled in the professional program of optometry	\$[14,620] \$14,910	[\$25,075] \$25,575	[\$1,218] \$1,243	[\$2,090] \$2,131
[(14)] Students enrolled in the professional program of physician assistant	[\$7,725] \$8,110	[\$14,695] \$14,990	[\$644] \$676	[\$1,225] \$1,249
[(15)] Students enrolled in the professional programs of doctor of nursing practice	\$12,560	\$16,080 [\$15,070 ⁸] \$15,370 ⁸	\$1,047	\$1,340 [\$1,256 ⁸] \$1,281 ⁸

¹ The Chancellor shall determine the equivalent of a credit hour.

² In accordance with Part HHH of Chapter 59 of the Laws of 2017, students who are both eligible for, and recipients of, an Excelsior Scholarship from the State of New York are to be charged the resident undergraduate rate of tuition approved by the Board of Trustees in the 2016/17 academic year.

³ In accordance with chapter 309 of the Laws of 1996, and enabling action by the Board of Trustees, the Colleges of Technology at Alfred, Canton, Cobleskill, Delhi, and Morrisville are authorized to charge a lower rate for non-resident students enrolled in degree-granting programs leading to an associate degree or in non-degree granting programs. This reduced rate does not apply to those students enrolled in degree-granting programs leading to a baccalaureate degree. Alfred is authorized to charge the rate noted effective with the fall 201[8]9 term.

⁴ In accordance with chapter 309 of the Laws of 1996, and enabling action by the Board of Trustees, the Colleges of Technology at Alfred, Canton, Cobleskill, Delhi, and Morrisville are authorized to charge a lower rate for non-resident students enrolled in degree-granting programs leading to an associate degree or in non-degree granting programs. This reduced rate does not apply to those students enrolled in degree-granting programs leading to a baccalaureate degree. Delhi is authorized to charge the rate noted effective with the fall 201[8]9 term.

⁵ In accordance with chapter 309 of the Laws of 1996, and enabling action by the Board of Trustees, the Colleges of Technology at Alfred, Canton, Cobleskill, Delhi, and Morrisville are authorized to charge a lower rate for non-resident students enrolled in degree-granting programs leading to an associate degree or in non-degree granting programs. This reduced rate does not apply to those students enrolled in degree-granting programs leading to a baccalaureate degree. Canton is authorized to charge the rate noted effective with the fall 201[8]9 term.

⁶ In accordance with chapter 309 of the Laws of 1996, and enabling action by the Board of Trustees, the Colleges of Technology at Alfred, Canton, Cobleskill, Delhi, and Morrisville are authorized to charge a lower rate for non-resident students enrolled in degree-granting programs leading to an associate degree or in non-degree granting programs. This reduced rate does not apply to those students enrolled in degree-granting programs leading to a baccalaureate degree. Morrisville is authorized to charge the rate noted effective with the fall 201[8]9 term.

⁷ In accordance with chapter 309 of the Laws of 1996, and enabling action by the Board of Trustees, the Colleges of Technology at Alfred, Canton, Cobleskill, Delhi, and Morrisville are authorized to charge a lower rate for non-resident students enrolled in degree-granting programs leading to an associate degree or in non-degree granting programs. This reduced rate does not apply to those students enrolled in degree-granting programs leading to a baccalaureate degree. Cobleskill is authorized to charge the rate noted effective with the fall 201[8]9 term.

⁸ In accordance with chapter 437 of the Laws of 2015, the Board of Trustees is authorized to establish a new category of tuition for non-resident students enrolled in distance learning courses at SUNY.

⁹ In accordance with chapter 309 of the Laws of 1996, and enabling action by the Board of Trustees, the Colleges of Technology at Alfred, Canton, Cobleskill, Delhi, and Morrisville are authorized to charge this lower rate for special students (part-time) enrolled in degree-granting programs leading to an associate degree or in non-degree granting programs, and taking classes at off-campus locations or during the summer or winter intercessions. This reduced rate does not apply to those students enrolled in degree-granting programs leading to a baccalaureate degree.

¹⁰ In accordance with chapter 54 of the Laws of 2016, the University Centers at Buffalo and Stony Brook are authorized to charge this rate for non-resident undergraduate students.

¹¹ In accordance with chapter 54 of the Laws of 2016, the University Centers at Binghamton and Albany are authorized to charge this rate for non-resident undergraduate students.

¹² As authorized by the Board of Trustees (2010-081), Maritime College is authorized to charge up to this rate for non-resident students from states and commonwealths considered to be in-region (Alabama, Connecticut, Delaware, Florida, Georgia, Louisiana, Mississippi, Maryland, New Jersey, North Carolina, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Virginia, and Washington D.C.).

Text of proposed rule and any required statements and analyses may be obtained from: Lisa S. Campo, State University of New York, State University Plaza, Albany, NY 12246, (518) 320-1400, email: Lisa.Campo@SUNY.edu

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:** Education Law, Sections 355(2)(b) and 355(2)(h). Section 355(2)(b) authorizes the State University Trustees to make and amend rules and regulations for the overall governance of the State University and institutions therein. Section 355(2)(h) authorizes the State University Trustees to regulate the admission of students, tuition charges, other fees and charges, curricula, and all other matters pertaining to the operation and administration of each State-operated institution of the State University.

2. **Legislative Objectives:** The present measure will provide the State-operated campuses limited additional financial support for investment in programmatic offerings, faculty, and a tuition credit, in accordance with Part JJJ of Chapter 59 of the Laws of 2017.

3. **Needs and Benefits:** The present measure adjusts a series of tuition rates in the various degree programs at the State-operated campuses.

Undergraduate Programs

- Resident undergraduate tuition for students enrolled in an associate or baccalaureate degree, but not eligible for the program Excelsior Scholarship Award provided in Section 669-h(2)(b) of Education Law, would increase by \$200 (2.9%) to \$7,070. For resident undergraduate students who receive the Excelsior Scholarship and are enrolled in an associate or baccalaureate degree, tuition will remain at the 2016/17 rate of \$6,470 per Section 669-h(2)(b) of Education Law.

- Non-resident undergraduate tuition at the University Centers would increase by \$950 (4.0%) to \$24,660 for non-resident students at Albany and Binghamton and would increase by \$200 (0.8%) to \$24,740 for non-resident students at Buffalo and Stony Brook.

- The standard non-resident undergraduate tuition would increase by \$330 (2.0%) to \$16,980 for all undergraduate students at the Comprehensive Colleges, Environmental Science and Forestry, Downstate Health Science Center, Upstate Health Science Center, Farmingdale, SUNY Polytechnic, Maritime, and for students enrolled in baccalaureate programs at Alfred, Canton, Cobleskill, Delhi, and Morrisville.

- Non-resident undergraduate tuition would increase for students enrolled in an associates degree or non-degree granting program at Alfred by \$300 (2.8%) to \$11,040; Cobleskill by \$330 (2.0%) to \$16,980; Morrisville by \$230 (2.0%) to \$11,550; and Canton by \$140 (1.3%) to \$11,000.

- Non-resident undergraduate tuition would not increase for students enrolled in an associates degree or non-degree granting program at the College of Technology at Delhi, remaining at \$10,840.

- Non-resident undergraduate tuition for students taking exclusively distance learning courses leading to an associates, baccalaureate, or non-degree granting program, would increase by \$240 (2.9%) to \$8,480. In accordance with Chapter 37 of the Laws of 2015, the Board of Trustees was authorized to establish a new category of tuition for non-resident students enrolled in distance learning courses at SUNY.

- Maritime College tuition for non-resident students who are from a state or territory defined as "in-region" (Alabama, Connecticut, Delaware, Florida, Georgia, Louisiana, Mississippi, Maryland, New Jersey, North Carolina, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Virginia, or Washington D.C.) would increase by \$300 (2.9%) to \$10,610. Tuition for students not from one of the states identified above would increase by \$330 (2.0%) to the standard non-resident rate of \$16,980.

Graduate Programs

- For students enrolled in graduate programs not separately identified, the standard tuition would increase by \$220 (2.0%) to \$11,310 for residents and \$450 (2.0%) to \$23,100 for non-residents.

- Non-resident graduate tuition for students taking exclusively distance learning courses leading to a standard graduate degree would increase by \$260 (2.0%) to \$13,570. In accordance with Chapter 37 of the Laws of 2015, the Board of Trustees was authorized to establish a new category of tuition for non-resident students enrolled in distance learning courses at SUNY.

- For students enrolled in programs leading to a Masters in Business Administration degree, tuition would increase by \$150 (1.0%) to \$15,000 for resident students and would remain at \$24,390 for non-resident students.

- Non-resident graduate tuition for students taking exclusively distance learning courses leading to a Masters in Business Administration degree would increase by \$180 (1.0%) to \$18,000. In accordance with Chapter 37 of the Laws of 2015, the Board of Trustees was authorized to establish a new category of tuition for non-resident students enrolled in distance learning courses at SUNY.

- For students enrolled in programs leading to a Masters in Architecture degree, tuition would increase by \$430 (3.0%) to \$14,620 for resident students and by \$740 (3.0%) to \$25,240 for non-resident students.

- For students enrolled in programs leading to a Masters in Social Work degree, tuition would remain at \$13,080 for resident students and \$22,210 for non-resident students.

- Non-resident graduate tuition for students taking exclusively distance learning courses leading to a Masters in Social Work degree would remain flat at \$15,700. In accordance with Chapter 37 of the Laws of 2015, the Board of Trustees was authorized to establish a new category of tuition for non-resident students enrolled in distance learning courses at SUNY.

- For students enrolled in programs leading to a Master of Health Administration degree, tuition would increase by \$2,880 (26.0%) to \$13,970 for resident students and by \$450 (2.0%) \$23,100 for non-resident students. Students in this degree were previously charged the standard tuition rate for graduate programs.

- For students enrolled in programs leading to a Doctor of Social Work degree, tuition would be set at \$19,200 for resident students and \$25,200 for non-resident students. This is a new degree being offered starting in fall 2019.

- Tuition for the Physicians Assistant graduate masters program at Stony Brook, Downstate, and Upstate would increase by \$770 (5.0%) to \$16,220 for resident students, and would increase by \$590 (2.0%) to \$29,980 for non-resident students.

- Maritime College tuition for non-resident students who are from a state or territory defined as "in-region" (Alabama, Connecticut, Delaware, Florida, Georgia, Louisiana, Mississippi, Maryland, New Jersey, North Carolina, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Virginia, or Washington D.C.) would increase by \$330 (2.0%) to \$16,970. Tuition for students not from one of the states identified would increase by \$450 to the standard non-resident rate of \$23,100.

Professional Programs

- For students enrolled in the Medical Professional Program at the four health science centers, tuition would increase by \$650 (1.5%) to \$43,670 for residents and would remain at \$65,160 for non-residents.

- Tuition for the Dental Professional Program at the universities at Stony Brook and Buffalo would increase by \$1,070 (3.0%) to \$36,900 for residents and would remain at \$62,950 for non-residents.

- Tuition for the Optometry Program at the College of Optometry would increase by \$580 (2.0%) to \$29,820 for residents and by \$1,000 (2.0%) to \$51,150 for non-residents.

- Tuition at the Law School of the University at Buffalo would remain at \$25,410 for resident students and \$29,500 for non-residents.

- Tuition for the School of Pharmacy Professional Program at Binghamton and the University at Buffalo would remain at \$26,450 for residents and \$37,140 for non-residents.

- For students enrolled in programs leading to a Doctor of Audiology degree, tuition would decrease by \$860 (7.7%) to \$10,340 for resident students and increase by \$460 (2.0%) \$23,340 for non-resident students.

- Tuition for the Doctor of Physical Therapy Program would remain at \$24,390 for residents and \$30,700 for non-residents.

- Tuition for the Doctor of Nursing Practice Program would remain at \$25,120 for residents and \$32,160 for non-residents.

- Non-resident professional tuition for students taking exclusively distance learning courses leading to a Doctor of Nursing Practice Program degree would increase by \$600 (2.0%) to \$30,740. In accordance with Chapter 37 of the Laws of 2015, the Board of Trustees was authorized to establish a new category of tuition for non-resident students enrolled in distance learning courses at SUNY.

The recommended modifications do not detrimentally impact the competitiveness of State-operated rates compared to peer institutions in other public university systems.

The tuition rates were last increased in the fall 2018.

4. **Costs:** Students: Tuition rate modifications for students enrolled in these programs of SUNY will range from a decrease of \$860 for resident students enrolled in a Doctor of Audiology degree to an increase of \$2,880 for resident students enrolled in the Master of Health Administration degree. In setting the new tuition schedule, SUNY has examined its appropriation levels, the prevailing tuition rates charged by other public universities, and the status of various State and Federal student financial aid programs.

SUNY: Changes to resident undergraduate rates, when combined with changes in the Tuition Assistance Program (TAP) population will increase the existing SUNY Tuition Assistance Program (SUNY TAP or SUNY Tu-

ition Credit) costs by approximately \$6M to a total projected cost of nearly \$82M annually.

5. Local Government Mandates: There are no local government mandates. The amendment does not affect students enrolled in the community colleges operating under the program of the State University of New York.

6. Paperwork: No parties will experience any new reporting responsibilities. SUNY publications and documents containing notices regarding costs of attendance will need to be revised to reflect these changes.

7. Duplication: None.

8. Alternatives: Other modification levels were considered, however, there is no acceptable alternative to the proposed changes when considering competitiveness, programmatic needs, and anticipated costs.

9. Federal Standards: None.

10. Compliance Schedule: The amendment to the tuition schedule will go into effect for the fall 2019 semester.

Regulatory Flexibility Analysis

No regulatory flexibility analysis is submitted with this notice because the proposed rule does not impose any requirements on small businesses and local governments. This proposed rule making will not impose any adverse economic impact on small businesses and local governments or impose any reporting, recordkeeping or other compliance requirements on small businesses and local governments.

Rural Area Flexibility Analysis

No rural area flexibility analysis is submitted with this notice because the proposed rule does not impose any requirements on rural areas. The rule will not impose any adverse economic impact on rural areas or impose any reporting, recordkeeping, professional services or other compliance requirements on rural areas.

Job Impact Statement

No job impact statement is submitted with this notice because the proposed rule does not impose any adverse economic impact on existing jobs, employment opportunities, or self-employment. This regulation governs tuition charges for State University of New York and will not have any adverse impact on the number of jobs or employment.

**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-22-19-00011-P	Proposed major 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—January 21, 2020, 10:00 a.m. (Evidentiary Hearing)* *On occasion, the evidentiary hearing date may be rescheduled or postponed. In that event, public notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 19-G-0309.
PSC-22-19-00014-P	Proposed major 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—January 21, 2020, 10:00 a.m. (Evidentiary Hearing)* *On occasion, the evidentiary hearing date may be rescheduled or postponed. In that event, public notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 19-G-0310.
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.
State, Department of		
DOS-27-19-00014-P	New York State Uniform Fire Prevention and Building Code (the Uniform Code)	Department of State, 99 Washington Ave., Conference Rm. 505, Albany, NY—September 5, 2019, 10:00 a.m. Department of State, 123 William St., Conference Rm. 231, New York, NY—September 5, 2019, 10:00 a.m. Perry B. Duryea Jr. State Office Bldg., 250 Veterans Memorial Hwy., Rms. 2 and 3, Hauppauge, NY—September 5, 2019, 10:00 a.m. Utica State Office Bldg., 207 Genesee St., 1st Fl., Conference Rm. A, Utica, NY—September 5, 2019, 10:00 a.m. Amherst Town Hall, 5583 Main St., Council Chambers, 2nd Fl., Williamsville, NY—September 5, 2019, 10:00 a.m.
DOS-27-19-00015-P	State Energy Conservation Construction Code (the “Energy Code”)	Department of State, 99 Washington Ave., Conference Rm. 505, Albany, NY—September 5, 2019, 10:00 a.m.

Department of State, 123 William St., Conference Rm. 231, New York, NY—September 5, 2019, 10:00 a.m.

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

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

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

Department of State, 99 Washington Ave., Rm. 505, Albany, NY—September 16, 2019, 10:00 a.m.

DOS-29-19-00015-EP New York State Uniform Fire Prevention and Building Code (the Uniform Code)

ACTION PENDING INDEX

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

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

For additional information concerning any of the proposals

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

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
-----------------	---------	----------------	-------------------

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-18-19-00001-P	..... 04/30/20	Incorporation by reference of the 2017 edition of the Grade A Pasteurized Milk Ordinance ("PMO").	To require certain producers, processors and manufacturers of milk and milk products to comply with the 2017 edition of the PMO.
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.

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-19-19-00009-EP	..... exempt	Child Care Market Rates	To adjust child care market rates in accordance with the results of the most recent cost of care market survey
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-14-19-00003-P	..... 04/02/20	Supplemental military leave benefits	To extend the availability of supplemental military leave benefits for certain New York State employees until December 31, 2019
CVS-15-19-00001-P	..... 04/09/20	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-15-19-00002-P	..... 04/09/20	Jurisdictional Classification	To delete a position from and classify a position in the non-competitive class
CVS-15-19-00003-P	..... 04/09/20	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-15-19-00004-P	..... 04/09/20	Jurisdictional Classification	To delete positions from and classify positions in the exempt class and to delete a position from the non-competitive class
CVS-15-19-00005-P	..... 04/09/20	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-15-19-00006-P	..... 04/09/20	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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
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
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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
CRIMINAL JUSTICE SERVICES, DIVISION OF			
CJS-20-19-00003-P	05/14/20	Certified Instructors and Course Directors	Establish/maintain effective procedures governing certified instructors and course directors who deliver MPTC-approved courses
CJS-21-19-00004-P	05/21/20	Changes the accrediting authority to the ANSI-ASQ National Accreditation Board.	To change the accrediting authority to the ANSI-ASQ National Accreditation Board.
CJS-30-19-00010-EP	07/23/20	Use of Force	Set forth use of force reporting and recordkeeping procedures
ECONOMIC DEVELOPMENT, DEPARTMENT OF			
EDV-30-19-00003-EP	07/23/20	START-UP NY Program	Establish procedures for the implementation and execution of START-UP NY program
EDUCATION DEPARTMENT			
EDU-40-18-00010-RP	10/03/19	Professional development plans and other related requirements for school districts and BOCES	To improve the quality of teaching and learning for teachers and leaders for professional growth
EDU-52-18-00005-P	12/26/19	Annual professional performance reviews.	To extend the transition period for an additional year (until 2019-2020).
EDU-05-19-00008-P	01/30/20	Protecting Personally Identifiable Information	To implement the provisions of Education Law section 2-d
EDU-05-19-00017-ERP	01/30/20	Assessments and Student Official Transcripts and Permanent Records	To continue the effectiveness of Part AA, Subpart B of Ch.56 L.2014 as amended by Section 35 of Part CCC of Ch. 56 L.2018
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-17-19-00005-EP	04/23/20	Extension of the Educational Technology Specialist Content Specialty Test Safety Net	Safety net enables candidates to take either the revised Educational Technology Specialist CST or the predecessor CST
EDU-17-19-00006-P	04/23/20	Registration requirements for school counselor programs and certification requirements for school counselors	To amend requirements for registered school counselor programs and the certification requirements for school counselors
EDU-17-19-00007-P	04/23/20	Extension of the edTPA Safety Net for Candidates Who Receive a Failing Score on the Library Specialist edTPA	The safety net enables candidates to be held harmless during the handbook revision process

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
EDU-17-19-00008-P	04/23/20	To require study in language acquisition and literacy development of English language learners in certain teacher preparation	To ensure that newly certified teachers enter the workforce fully prepared to serve our ELL population
EDU-21-19-00007-EP	05/21/20	The Certification of Manufacturers and Wholesalers for Export Purposes	To clarify who may issue free sale certificates to New York State registered manufacturers or wholesalers
EDU-21-19-00008-P	05/21/20	Continuing Teacher and Leader Education (CTLE) for Educators in nonpublic schools.	To make technical amendments to the CTLE regulations for educators employed in nonpublic schools.
EDU-21-19-00009-P	05/21/20	Creation of safety nets for the science Content Specialty Tests (CSTs)	Allow candidates to be held harmless during a one-year transition period from the predecessor CSTs to the revised CST's
EDU-21-19-00010-P	05/21/20	Conditional initial certificate requirements.	Provides that candidates may be eligible for an Initial certificate even after their conditional initial certificate expires.
EDU-21-19-00011-P	05/21/20	Educational Broadcast Councils and Radio Stations	Reduce costs incurred by each Council and Radio Station for redundant annual certified audits & to streamline reporting process
EDU-21-19-00012-P	05/21/20	Requirements for Transitional D Programs that Lead to School District Leader Certification	Certificate enables the candidates to work in a school dist. /BOCES as a school dist. leader while they complete their requireme
EDU-25-19-00014-EP	06/18/20	Eligibility Requirements for the Endorsement Pathway for Certification as an Educator in the Classroom Teaching Service	To provide candidates with more flexibility to be eligible for the endorsement pathway
EDU-25-19-00015-EP	06/18/20	Statement of continued eligibility for certain teachers of students with disabilities	Extends the deadline to apply for a statement of continued eligibility for certain teachers of students with disabilities
EDU-26-19-00001-P	06/25/20	Reports of child abuse in an educational setting	To implement the provisions of Chapter 363 of the Laws of 2018 relating to reports of child abuse in an educational setting
EDU-27-19-00010-P	07/02/20	Substantially Equivalent Instruction for Nonpublic School Students	Provide guidance to local school authorities to assist them in fulfilling their responsibilities under the Compulsory Ed Law
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
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
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
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-P	09/05/19	Professional Bail Agents; Managing General Agents; et al	To provide greater protection to consumers, and raise the standards of integrity in the bail business.
DFS-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
FINANCIAL SERVICES, DEPARTMENT OF			
DFS-08-19-00003-P	02/20/20	Charges for Professional Health Services	To delay the effective date of the Workers' Compensation fee schedule increases for no-fault reimbursement
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

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.
SGC-17-19-00009-P	04/23/20	Pick-six jackpot wager for Thoroughbred racing	To improve Thoroughbred pari-mutuel wagering and generate reasonable revenue for the support of government

HEALTH, DEPARTMENT OF

*HLT-14-94-00006-P	exempt	Payment methodology for HIV/AIDS outpatient services	To expand the current payment to incorporate pricing for services
HLT-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
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
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
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 o flow-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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.
LABOR, DEPARTMENT OF			
*LAB-17-18-00005-P	07/11/19	Hours Worked, 24-Hour Shifts	To clarify that hours worked may exclude meal periods and sleep times for employees who work shifts of 24 hours or more
LAW, DEPARTMENT OF			
LAW-41-18-00021-P	10/10/19	Arbitration program regulations for defective farm equipment	To set forth the procedures for the operation of an alternative arbitration mechanism for defective farm equipment disputes
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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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
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
NIAGARA FRONTIER TRANSPORTATION AUTHORITY			
NFT-18-19-00004-P	04/30/20	Procurement Guidelines of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc.	To amend Procurement Guidelines to reflect changes in law, clarifying provisions and change in signing authority.
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-20-19-00007-P	05/14/20	Site Based Prevocational Services	To make technical corrections
PDD-22-19-00010-P	05/28/20	Person Centered Planning: Care Management and Home and Community Based Services	To ensure consistency with person-centered planning regulations
PDD-23-19-00002-EP	06/04/20	Enrollment in Medicare Prescription Drug Plans and Fully Integrated Duals Advantage Plans for IDD	To allow individuals to be enrolled in a FIDA-IDD plan when individuals are unable to enroll themselves

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-22-04-00013-P	..... exempt	Major gas rate increase by Consolidated Edison Company of New York, Inc.	To increase annual gas revenues
*PSC-22-04-00016-P	..... exempt	Master metering of water by South Liberty Corporation	To waive the requirement for installation of separate water meters
*PSC-25-04-00012-P	..... exempt	Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P.	To amend the agreement
*PSC-27-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-27-04-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-28-04-00006-P	..... exempt	Approval of loans by Dunkirk & Fredonia Telephone Company and Cassadaga Telephone Corporation	To authorize participation in the parent corporation's line of credit
*PSC-31-04-00023-P	..... exempt	Distributed generation service by Consolidated Edison Company of New York, Inc.	To provide an application form
*PSC-34-04-00031-P	..... exempt	Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc.	To set appropriate level of permanent rates
*PSC-35-04-00017-P	..... exempt	Application form for distributed generation by Orange and Rockland Utilities, Inc.	To establish a new supplementary application form for customers
*PSC-43-04-00016-P	..... exempt	Accounts recievable by Rochester Gas and Electric Corporation	To include in its tariff provisions for the purchase of ESCO accounts recievable
*PSC-46-04-00012-P	..... exempt	Service application form by Consolidated Edison Company of New York, Inc.	To revise the form and make housekeeping changes
*PSC-46-04-00013-P	..... exempt	Rules and guidelines governing installation of metering equipment	To establish uniform statewide business practices
*PSC-02-05-00006-P	..... exempt	Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc.	To consider imposing remedial actions against the company and its owners, officers and directors
*PSC-09-05-00009-P	..... exempt	Submetering of natural gas service by Hamlet on Olde Oyster Bay	To consider submetering of natural gas to a commercial customer
*PSC-14-05-00006-P	..... exempt	Request for deferred accounting authorization by Freeport Electric Inc.	To defer expenses beyond the end of the fiscal year
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-27-05-00018-P	..... exempt	Annual reconciliation of gas costs by New York State Electric & Gas Corporation	To consider the manner in which the gas cost incentive mechanism has been applied
*PSC-41-05-00013-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities	To consider the filings
*PSC-45-05-00011-P	..... exempt	Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation	To defer certain costs
*PSC-46-05-00015-P	..... exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale
*PSC-47-05-00009-P	..... exempt	Transferral of gas supplies by Corning Natural Gas Corporation	To approve the transfer
*PSC-50-05-00008-P	..... exempt	Long-term debt by Saratoga Glen Hollow Water Supply Corp.	To obtain long-term debt
*PSC-04-06-00024-P	..... exempt	Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc.	To approve of the transfer
*PSC-06-06-00015-P	..... exempt	Gas curtailment policies and procedures	To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established
*PSC-07-06-00009-P	..... exempt	Modification of the current Environmental Disclosure Program	To include an attributes accounting system
*PSC-22-06-00019-P	..... exempt	Hourly pricing by National Grid	To assess the impacts
*PSC-22-06-00020-P	..... exempt	Hourly pricing by New York State Electric & Gas Corporation	To assess the impacts
*PSC-22-06-00021-P	..... exempt	Hourly pricing by Rochester Gas & Electric Corporation	To assess the impacts
*PSC-22-06-00022-P	..... exempt	Hourly pricing by Consolidated Edison Company of New York, Inc.	To assess the impacts
*PSC-22-06-00023-P	..... exempt	Hourly pricing by Orange and Rockland Utilities, Inc.	To assess the impacts
*PSC-24-06-00005-EP	..... exempt	Supplemental home energy assistance benefits	To extend the deadline to Central Hudson's low-income customers
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-37-06-00017-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-43-06-00014-P	..... exempt	Electric delivery services by Strategic Power Management, Inc.	To determine the proper mechanism for the rate-recovery of costs
*PSC-04-07-00012-P	..... exempt	Petition for rehearing by Orange and Rockland Utilities, Inc.	To clarify the order
*PSC-06-07-00015-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for electric service
*PSC-06-07-00020-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for gas service
*PSC-11-07-00010-P	..... exempt	Investigation of the electric power outages by the Consolidated Edison Company of New York, Inc.	To implement the recommendations in the staff's investigation
*PSC-11-07-00011-P	..... exempt	Storm-related power outages by Consolidated Edison Company of New York, Inc.	To modify the company's response to power outages, the timing for any such changes and other related matters
*PSC-17-07-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc.	To amend the agreement
*PSC-18-07-00010-P	..... exempt	Existing electric generating stations by Independent Power Producers of New York, Inc.	To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation
*PSC-20-07-00016-P	..... exempt	Tariff revisions and making rates permanent by New York State Electric & Gas Corporation	To seek rehearing
*PSC-21-07-00007-P	..... exempt	Natural Gas Supply and Acquisition Plan by Corning Natural Gas Corporation	To revise the rates, charges, rules and regulations for gas service
*PSC-22-07-00015-P	..... exempt	Demand Side Management Program by Consolidated Edison Company of New York, Inc.	To recover incremental program costs and lost revenue
*PSC-23-07-00022-P	..... exempt	Supplier, transportation, balancing and aggregation service by National Fuel Gas Distribution Corporation	To explicitly state in the company's tariff that the threshold level of elective upstream transmission capacity is a maximum of 112,600 Dth/day of marketer-provided upstream capacity
*PSC-24-07-00012-P	..... exempt	Gas Efficiency Program by the City of New York	To consider rehearing a decision establishing a Gas Efficiency Program
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-45-07-00005-P	..... exempt	Customer incentive programs by Orange and Rockland Utilities, Inc.	To establish a tariff provision
*PSC-02-08-00006-P	..... exempt	Additional central office codes in the 315 area code region	To consider options for making additional codes
*PSC-03-08-00006-P	..... exempt	Rehearing of the accounting determinations	To grant or deny a petition for rehearing of the accounting determinations
*PSC-04-08-00010-P	..... exempt	Granting of easement rights on utility property by Central Hudson Gas & Electric Corporation	To grant easement rights to Millennium Pipeline Company, L.L.C.
*PSC-04-08-00012-P	..... exempt	Marketing practices of energy service companies by the Consumer Protection Board and New York City Department of Consumer Affairs	To consider modifying the commission's regulation over marketing practices of energy service companies
*PSC-08-08-00016-P	..... exempt	Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al.	To consider the transfer
*PSC-12-08-00019-P	..... exempt	Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-12-08-00021-P	..... exempt	Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-13-08-00011-P	..... exempt	Waiver of commission policy and NYSEG tariff by Turner Engineering, PC	To grant or deny Turner's petition
*PSC-13-08-00012-P	..... exempt	Voltage drops by New York State Electric & Gas Corporation	To grant or deny the petition
*PSC-23-08-00008-P	..... exempt	Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project	To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project
*PSC-25-08-00007-P	..... exempt	Policies and procedures regarding the selection of regulatory proposals to meet reliability needs	To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs
*PSC-25-08-00008-P	..... exempt	Report on Callable Load Opportunities	Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-36-08-00019-P	..... exempt	Land Transfer in the Borough of Manhattan, New York	To consider petition for transfer of real property to NYPH
*PSC-39-08-00010-P	..... exempt	RG&E's economic development plan and tariffs	Consideration of the approval of RG&E's economic development plan and tariffs
*PSC-40-08-00010-P	..... exempt	Loans from regulated company to its parent	To determine if the cash management program resulting in loans to the parent should be approved
*PSC-41-08-00009-P	..... exempt	Transfer of control of cable TV franchise	To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved
*PSC-43-08-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-46-08-00008-P	..... exempt	Property transfer in the Village of Avon, New York	To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York
*PSC-46-08-00010-P	..... exempt	A transfer of indirect ownership interests in nuclear generation facilities	Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities
*PSC-46-08-00014-P	..... exempt	The attachment of cellular antennae to an electric transmission tower	To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower
*PSC-48-08-00005-P	..... exempt	A National Grid high efficiency gas heating equipment rebate program	To expand eligibility to customers converting from oil to natural gas
*PSC-48-08-00008-P	..... exempt	Petition for the master metering and submetering of electricity	To consider the request of Bay City Metering, to master meter & submeter electricity at 345 E. 81st St., New York, New York
*PSC-48-08-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of PCV/ST to submeter electricity at Peter Cooper Village & Stuyvesant Town, New York, New York
*PSC-50-08-00018-P	..... exempt	Market Supply Charge	A study on the implementation of a revised Market Supply Charge
*PSC-51-08-00006-P	..... exempt	Commission's October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458	To consider a Petition for rehearing of the Commission's October 27, 2008 Order in Case 07-M-0458
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-01-09-00015-P	..... exempt	FCC decision to redefine service area of Citizens/Frontier	Review and consider FCC proposed redefinition of Citizens/Frontier service area
*PSC-02-09-00010-P	..... exempt	Competitive classification of independent local exchange company, and regulatory relief appropriate thereto	To determine if Chazy & Westport Telephone Corporation more appropriately belongs in scenario 1 rather than scenario 2
*PSC-05-09-00008-P	..... exempt	Revenue allocation, rate design, performance metrics, and other non-revenue requirement issues	To consider any remaining non-revenue requirement issues related to the Company's May 9, 2008 tariff filing
*PSC-05-09-00009-P	..... exempt	Numerous decisions involving the steam system including cost allocation, energy efficiency and capital projects	To consider the long term impacts on steam rates and on public policy of various options concerning the steam system
*PSC-06-09-00007-P	..... exempt	Interconnection of the networks between Frontier Comm. and WVT Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier Comm. and WVT Comm.
*PSC-07-09-00015-P	..... exempt	Transfer certain utility assets located in the Town of Montgomery from plant held for future use to non-utility property	To consider the request to transfer certain utility assets located in the Town of Montgomery to non-utility assets
*PSC-07-09-00017-P	..... exempt	Request for authorization to defer the incremental costs incurred in the restoration work resulting from the ice storm	To allow the company to defer the incremental costs incurred in the restoration work resulting from the ice storm
*PSC-07-09-00018-P	..... exempt	Whether to permit the submetering of natural gas service to an industrial and commercial customer at Cooper Union, New York, NY	To consider the request of Cooper Union, to submeter natural gas at 41 Cooper Square, New York, New York
*PSC-12-09-00010-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-12-09-00012-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-13-09-00008-P	..... exempt	Options for making additional central office codes available in the 718/347 numbering plan area	To consider options for making additional central office codes available in the 718/347 numbering plan area
*PSC-14-09-00014-P	..... exempt	The regulation of revenue requirements for municipal utilities by the Public Service Commission	To determine whether the regulation of revenue requirements for municipal utilities should be modified
*PSC-16-09-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of AMPS on behalf of Park Imperial to submeter electricity at 230 W. 56th Street, in New York, New York
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-17-09-00012-P	..... exempt	Petition for the submetering of gas at commercial property	To consider the request of Turner Construction, to submeter natural gas at 550 Short Ave., & 10 South St., Governors Island, NY
*PSC-17-09-00014-P	..... exempt	Benefit-cost framework for evaluating AMI programs prepared by the DPS Staff	To consider a benefit-cost framework for evaluating AMI programs prepared by the DPS Staff
*PSC-17-09-00015-P	..... exempt	The construction of a tower for wireless antennas on land owned by National Grid	To approve, reject or modify the petition to build a tower for wireless antennas in the Town of Onondaga
*PSC-18-09-00012-P	..... exempt	Petition for rehearing of Order approving the submetering of electricity	To consider the request of Frank Signore to rehear petition to submeter electricity at One City Place in White Plains, New York
*PSC-18-09-00013-P	..... exempt	Petition for the submetering of electricity	To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York
*PSC-18-09-00017-P	..... exempt	Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers	To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower
*PSC-20-09-00016-P	..... exempt	The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc	To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with it's AMI pilots etc
*PSC-20-09-00017-P	..... exempt	The recovery of, and accounting for, costs associated with CHG&E's AMI pilot program	To consider a filing of CHG&E as to the recovery of, and accounting for, costs associated with it's AMI pilot program
*PSC-22-09-00011-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-25-09-00005-P	..... exempt	Whether to grant, deny, or modify, in whole or in part, the petition	Whether to grant, deny, or modify, in whole or in part, the petition
*PSC-25-09-00006-P	..... exempt	Electric utility implementation plans for proposed web based SIR application process and project status database	To determine if the proposed web based SIR systems are adequate and meet requirements needed for implementation
*PSC-25-09-00007-P	..... exempt	Electric rates for Consolidated Edison Company of New York, Inc	Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc
*PSC-27-09-00011-P	..... exempt	Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access.	To review the terms and conditions of the negotiated agreement between Vernon and tw telecom of new york l.p.
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-32-09-00009-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-34-09-00016-P	..... exempt	Recommendations made in the Management Audit Final Report	To consider whether to take action or recommendations contained in the Management Audit Final Report
*PSC-34-09-00017-P	..... exempt	To consider the transfer of control of Plattsburgh Cablevision, Inc. d/b/a Charter Communications to CH Communications, LLC	To allow the Plattsburgh Cablevision, Inc. to distribute its equity interest in CH Communications, LLC
*PSC-36-09-00008-P	..... exempt	The increase in the non-bypassable charge implemented by RG&E on June 1, 2009	Considering exemptions from the increase in the non-bypassable charge implemented by RG&E on June 1, 2009
*PSC-37-09-00015-P	..... exempt	Sale of customer-generated steam to the Con Edison steam system	To establish a mechanism for sale of customer-generated steam to the Con Edison steam system
*PSC-37-09-00016-P	..... exempt	Applicability of electronic signatures to Deferred Payment Agreements	To determine whether electronic signatures can be accepted for Deferred Payment Agreements
*PSC-39-09-00015-P	..... exempt	Modifications to the \$5 Bill Credit Program	Consideration of petition of National Grid to modify the Low Income \$5 Bill Credit Program
*PSC-39-09-00018-P	..... exempt	The offset of deferral balances with Positive Benefit Adjustments	To consider a petition to offset deferral balances with Positive Benefit Adjustments
*PSC-40-09-00013-P	..... exempt	Uniform System of Accounts - request for deferral and amortization of costs	To consider a petition to defer and amortize costs
*PSC-51-09-00029-P	..... exempt	Rules and guidelines for the exchange of retail access data between jurisdictional utilities and eligible ESCOs	To revise the uniform Electronic Data Interchange Standards and business practices to incorporate a contest period
*PSC-51-09-00030-P	..... exempt	Waiver or modification of Capital Expenditure condition of merger	To allow the companies to expend less funds for capital improvement than required by the merger
*PSC-52-09-00006-P	..... exempt	ACE's petition for rehearing for an order regarding generator-specific energy deliverability study methodology	To consider whether to change the Order Prescribing Study Methodology
*PSC-52-09-00008-P	..... exempt	Approval for the New York Independent System Operator, Inc. to incur indebtedness and borrow up to \$50,000,000	To finance the renovation and construction of the New York Independent System Operator, Inc.'s power control center facilities
*PSC-05-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-07-10-00009-P	..... exempt	Petition to revise the Uniform Business Practices	To consider the RESA petition to allow rescission of a customer request to return to full utility service
*PSC-08-10-00007-P	..... exempt	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847
*PSC-08-10-00009-P	..... exempt	Consolidated Edison of New York, Inc. energy efficiency programs	To modify approved energy efficiency programs
*PSC-12-10-00015-P	..... exempt	Recommendations made by Staff intended to enhance the safety of Con Edison's gas operations	To require that Con Edison implement the Staff recommendations intended to enhance the safety of Con Edison's gas operations
*PSC-14-10-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of 61 Jane Street Owners Corporation to submeter Electricity at 61 Jane Street, Manhattan, NY
*PSC-16-10-00005-P	..... exempt	To consider adopting and expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-16-10-00007-P	..... exempt	Interconnection of the networks between TDS Telecom and PAETEC Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between TDS Telecom and PAETEC Communications
*PSC-16-10-00015-P	..... exempt	Interconnection of the networks between Frontier and Choice One Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier and Choice One Communications
*PSC-18-10-00009-P	..... exempt	Electric utility transmission right-of-way management practices	To consider electric utility transmission right-of-way management practices
*PSC-19-10-00022-P	..... exempt	Whether National Grid should be permitted to transfer a parcel of property located at 1 Eddy Street, Fort Edward, New York	To decide whether to approve National Grid's request to transfer a parcel of vacant property in Fort Edward, New York
*PSC-22-10-00006-P	..... exempt	Requirement that Noble demonstrate that its affiliated electric corporations operating in New York are providing safe service	Consider requiring that Noble demonstrate that its affiliated electric corporations in New York are providing safe service
*PSC-22-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of 48-52 Franklin Street to submeter electricity at 50 Franklin Street, New York, New York
*PSC-24-10-00009-P	..... exempt	Verizon New York Inc. tariff regulations relating to voice messaging service	To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff
*PSC-25-10-00012-P	..... exempt	Reassignment of the 2-1-1 abbreviated dialing code	Consideration of petition to reassign the 2-1-1 abbreviated dialing code
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-34-10-00005-P	..... exempt	Approval of a contract for \$250,000 in tank repairs that may be a financing	To decide whether to approve a contract between the parties that may be a financing of \$250,000 for tank repairs
*PSC-34-10-00006-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-36-10-00010-P	..... exempt	Central Hudson's procedures, terms and conditions for an economic development plan	Consideration of Central Hudson's procedures, terms and conditions for an economic development plan
*PSC-40-10-00014-P	..... exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by National Grid
*PSC-40-10-00021-P	..... exempt	Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall	To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall
*PSC-41-10-00018-P	..... exempt	Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter	Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers
*PSC-41-10-00022-P	..... exempt	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY
*PSC-42-10-00011-P	..... exempt	Petition for the submetering of electricity	To consider the request of 4858 Group, LLC to submeter electricity at 456 Main Street, Buffalo, New York
*PSC-43-10-00016-P	..... exempt	Utility Access to Ducts, Conduit Facilities and Utility Poles	To review the complaint from Optical Communications Group
*PSC-44-10-00003-P	..... exempt	Third and fourth stage gas rate increase by Corning Natural Gas Corporation	To consider Corning Natural Gas Corporation's request for a third and fourth stage gas rate increase
*PSC-51-10-00018-P	..... exempt	Commission proceeding concerning three-phase electric service by all major electric utilities	Investigate the consistency of the tariff provisions for three-phase electric service for all major electric utilities
*PSC-11-11-00003-P	..... exempt	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service
*PSC-13-11-00005-P	..... exempt	Exclude the minimum monthly bill component from the earnings test calculation	Exclude the minimum monthly bill component from the earnings test calculation
*PSC-14-11-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-20-11-00013-P	..... exempt	Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges	To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable
*PSC-22-11-00004-P	..... exempt	Whether to permit the use of the Sensus accWAVE for use in residential gas meter applications	To permit gas utilities in New York State to use the Sensus accWAVE diaphragm gas meter
*PSC-26-11-00007-P	..... exempt	Water rates and charges	To approve an increase in annual revenues by about \$25,266 or 50%
*PSC-26-11-00009-P	..... exempt	Petition for the submetering of electricity at commercial property	To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York
*PSC-26-11-00012-P	..... exempt	Waiver of generation retirement notice requirements	Consideration of waiver of generation retirement notice requirements
*PSC-29-11-00011-P	..... exempt	Petition requesting the Commission reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order.	To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing.
*PSC-35-11-00011-P	..... exempt	Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8	Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters
*PSC-36-11-00006-P	..... exempt	To consider expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-38-11-00002-P	..... exempt	Operation and maintenance procedures pertaining to steam trap caps	Adopt modified steam operation and maintenance procedures
*PSC-38-11-00003-P	..... exempt	Waiver of certain provisions of the electric service tariffs of Con Edison	Consideration of waiver of certain provisions of the electric service tariffs of Con Edison
*PSC-40-11-00010-P	..... exempt	Participation of regulated local exchange carriers in the New York Data Exchange, Inc. (NYDE)	Whether to partially modify its order requiring regulated local exchange carriers' participation NYDE
*PSC-40-11-00012-P	..... exempt	Granting of transfer of plant in-service to a regulatory asset	To approve transfer and recovery of unamortized plant investment
*PSC-42-11-00018-P	..... exempt	Availability of telecommunications services in New York State at just and reasonable rates	Providing funding support to help ensure availability of affordable telecommunications service throughout New York
*PSC-43-11-00012-P	..... exempt	Transfer of outstanding shares of stock	Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC
*PSC-47-11-00007-P	..... exempt	Remedying miscalculations of delivered gas as between two customer classes	Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-01-12-00007-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-01-12-00008-P	..... exempt	Transfer of real property and easements from NMPNS to NMP3	Consideration of the transfer of real property and easements from NMPNS to NMP3
*PSC-01-12-00009-P	..... exempt	Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove	To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered
*PSC-11-12-00002-P	..... exempt	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff
*PSC-11-12-00005-P	..... exempt	Transfer of land and water supply assets	Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman
*PSC-13-12-00005-P	..... exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-19-12-00023-P	..... exempt	Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than \$100,000	To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc.
*PSC-21-12-00006-P	..... exempt	Tariff filing requirements and refunds	To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted
*PSC-21-12-00011-P	..... exempt	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47
*PSC-23-12-00007-P	..... exempt	The approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility	To consider the approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility
*PSC-23-12-00009-P	..... exempt	Over earnings sharing between rate payers and shareholders	To establish an Earnings Sharing Mechanism to be applied following the conclusion of Corning's rate plan
*PSC-27-12-00012-P	..... exempt	Implementation of recommendations made in a Management Audit Report	To consider implementation of recommendations made in a Management Audit Report
*PSC-28-12-00013-P	..... exempt	Exemption of reliability reporting statistics for the purpose of the 2012 Reliability Performance Mechanism	Consideration of Orange and Rockland Utilities request for exemption of the 2012 reliability reporting statistics
*PSC-29-12-00019-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Hamden to waive certain preliminary franchising procedures to expedite the franchising process.
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-37-12-00009-P	..... exempt	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers
*PSC-42-12-00009-P	..... exempt	Regulation of Gipsy Trail Club, Inc.'s long-term financing agreements	To exempt Gipsy Trail Club, Inc. from Commission regulation of its financing agreements
*PSC-45-12-00008-P	..... exempt	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff
*PSC-45-12-00010-P	..... exempt	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District
*PSC-50-12-00003-P	..... exempt	Affiliate standards for Corning Natural Gas Corporation	To resolve issues raised by Corning Natural Gas Corporation in its petition for rehearing
*PSC-04-13-00006-P	..... exempt	Expansion of mandatory day ahead hourly pricing for customers of Orange and Rockland Utilities with demands above 100 kW	To consider the expansion of mandatory day ahead hourly pricing for customers with demands above 100 kW
*PSC-04-13-00007-P	..... exempt	Authorization to transfer certain real property.	To decide whether to approve the transfer of certain real property.
*PSC-06-13-00008-P	..... exempt	Verizon New York Inc.'s retail service quality	To investigate Verizon New York Inc.'s retail service quality
*PSC-08-13-00012-P	..... exempt	Filing requirements for certain Article VII electric facilities	To ensure that applications for certain electric transmission facilities contain pertinent information
*PSC-08-13-00014-P	..... exempt	Uniform System of Accounts - Request for Accounting Authorization	To allow the company to defer an item of expense or capital beyond the end of the year in which it was incurred
*PSC-12-13-00007-P	..... exempt	Protecting company water mains	To allow the company to require certain customers to make changes to the electrical grounding system at their homes
*PSC-13-13-00008-P	..... exempt	The potential waiver of 16 NYCRR 255.9221(d) completion of integrity assessments for certain gas transmission lines.	To determine whether a waiver of the timely completion of certain gas transmission line integrity assessments should be granted.
*PSC-18-13-00007-P	..... exempt	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes
*PSC-21-13-00003-P	..... exempt	To consider policies that may impact consumer acceptance and use of electric vehicles	To consider and further develop policies that may impact consumer acceptance and use of electric vehicles
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-21-13-00009-P	..... exempt	Reporting requirements for natural gas local distribution companies	To help ensure efficient and economic expansion of the natural gas system as appropriate
*PSC-22-13-00009-P	..... exempt	On remand from New York State court litigation, determine the recovery of certain deferred amounts owed NFG by ratepayers	On remand, to determine the recovery of certain deferral amounts owed NFG from ratepayers
*PSC-23-13-00005-P	..... exempt	Waiver of partial payment, directory database distribution, service quality reporting, and service termination regulations	Equalize regulatory treatment based on level of competition and practical considerations
*PSC-25-13-00008-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-25-13-00009-P	..... exempt	Provision by utilities of natural gas main and service lines.	To help ensure efficient and economic expansion of the natural gas system as appropriate.
*PSC-25-13-00012-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-27-13-00014-P	..... exempt	Columbia Gas Transmission Corporation Cost Refund	For approval for temporary waiver of tariff provisions regarding its Columbia Gas Transmission Corporation cost refund.
*PSC-28-13-00014-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-28-13-00016-P	..... exempt	The request of NGT for lightened regulation as a gas corporation.	To consider whether to approve, reject, or modify the request of Niagara gas transport of Lockport, NY LLC.
*PSC-28-13-00017-P	..... exempt	The request by TE for waiver of regulations requiring that natural gas be odorized in certain gathering line segments	Consider the request by TE for waiver of regulations that gas be odorized in certain lines
*PSC-32-13-00009-P	..... exempt	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices
*PSC-32-13-00012-P	..... exempt	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion
*PSC-33-13-00027-P	..... exempt	Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines.	Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines.
*PSC-33-13-00029-P	..... exempt	Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy.	To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy.
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-43-13-00015-P	..... exempt	Petition for submetering of electricity	To consider the request of 2701 Kingsbridge Terrace L.P. to submeter electricity at 2701 Kingsbridge Terrace, Bronx, N.Y.
*PSC-45-13-00021-P	..... exempt	Investigation into effect of bifurcation of gas and electric utility service on Long Island.	To consider a Petition for an investigation into effect of bifurcation of gas and electric utility service on Long Island.
*PSC-45-13-00022-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00023-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00024-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4); waiver of filing deadlines.	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00025-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-47-13-00009-P	..... exempt	Petition for submetering of electricity.	To consider the request of Hegeman Avenue Housing L.P. to submeter electricity at 39 Hegeman Avenue, Brooklyn, N.Y.
*PSC-47-13-00012-P	..... exempt	Conditioning, restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.	Consideration of conditioning, restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.
*PSC-49-13-00008-P	..... exempt	Authorization to transfer all of Crystal Water Supply Company, Inc. stocks to Essel Infra West Inc.	To allow Crystal Water Supply Company, Inc to transfer all of its issued and outstanding stocks to Essel Infra West Inc.
*PSC-51-13-00009-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00010-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00011-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-52-13-00012-P	..... exempt	The development of reliability contingency plan(s) to address the potential retirement of Indian Point Energy Center (IPEC).	To address the petition for rehearing and reconsideration/motion for clarification of the IPEC reliability contingency plan(s).
*PSC-52-13-00015-P	..... exempt	To enter into a loan agreement with the banks for up to an amount of \$94,000.	To consider allowing Knolls Water Company to enter into a long-term loan agreement.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-07-14-00012-P	..... exempt	Water rates and charges	Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project
*PSC-08-14-00015-P	..... exempt	Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities	To improve Verizon New York Inc.'s service quality and the Customer Trouble Report Rate levels at certain central office entities
*PSC-10-14-00006-P	..... exempt	Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance	To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance
*PSC-11-14-00003-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-16-14-00014-P	..... exempt	Whether to order NYSEG to provide gas service to customers when an expanded CPCN is approved and impose PSL 25-a penalties.	To order gas service to customers in the Town of Plattsburgh after approval of a town wide CPCN and to impose penalties.
*PSC-16-14-00015-P	..... exempt	Whether Central Hudson should be permitted to defer obligations of the Order issued on October 18, 2013 in Case 13-G-0336.	Consideration of the petition by Central Hudson to defer reporting obligations of the October 18, 2013 Order in Case 13-G-0336
*PSC-17-14-00003-P	..... exempt	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism
*PSC-17-14-00004-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00007-P	..... exempt	To consider petitions for rehearing, reconsideration and/or clarification	To consider petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00008-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-19-14-00014-P	..... exempt	Market Supply Charge	To make tariff revisions to the Market Supply Charge for capacity related costs
*PSC-19-14-00015-P	..... exempt	Whether to permit the use of the Sensus accuWAVE for use in residential and commercial gas meter applications	To permit gas utilities in New York State to use the Sensus accuWAVE 415TC gas meter
*PSC-22-14-00013-P	..... exempt	Petition to transfer and merge systems, franchises and assets.	To consider the Comcast and Time Warner Cable merger and transfer of systems, franchises and assets.
*PSC-23-14-00010-P	..... exempt	Whether to permit the use of the GE Dresser Series B3-HPC 11M-1480 rotary gas met for use in industrial gas meter applications	To permit gas utilities in New York State to use the GE Dresser Series B3-HPC 11M-1480 rotary gas meter
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-26-14-00020-P	..... exempt	New electric utility backup service tariffs and standards for interconnection may be adopted.	To encourage development of microgrids that enhance the efficiency, safety, reliability and resiliency of the electric grid.
*PSC-26-14-00021-P	..... exempt	Consumer protections, standards and protocols pertaining to access to customer data may be established.	To balance the need for the information necessary to support a robust market with customer privacy concerns.
*PSC-28-14-00014-P	..... exempt	Petition to transfer systems, franchises and assets.	To consider the Comcast and Charter transfer of systems, franchise and assets.
*PSC-30-14-00023-P	..... exempt	Whether to permit the use of the Sensus iPERL Fire Flow Meter.	Pursuant to 16 NYCRR Part 500.3 , it is necessary to permit the use of the Sensus iPERL Fire Flow Meter.
*PSC-30-14-00026-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of Renaissance Corporation of to master meter electricity at 100 Union Drive,Albany, NY.
*PSC-31-14-00004-P	..... exempt	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross
*PSC-32-14-00012-P	..... exempt	Whether to grant or deny, in whole or in part, the Connect New York Coalition's petition	To consider the Connect New York Coalition's petition seeking a formal investigation and hearings
*PSC-35-14-00004-P	..... exempt	Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY	To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY
*PSC-35-14-00005-P	..... exempt	Whether to permit the use of the Sensus iConA electric meter	Pursuant to 16 NYCRR Parts 92 and 93, Commission approval is necessary to permit the use of the Sensus iConA electric meter
*PSC-36-14-00009-P	..... exempt	Modification to the Commission's Electric Safety Standards.	To consider revisions to the Commission's Electric Safety Standards.
*PSC-38-14-00003-P	..... exempt	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.
*PSC-38-14-00004-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00005-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-38-14-00007-P	..... exempt	Whether to expand Con Edison's low income program to include Medicaid recipients.	Whether to expand Con Edison's low income program to include Medicaid recipients.
*PSC-38-14-00008-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00010-P	..... exempt	Inter-carrier telephone service quality standard and metrics and administrative changes.	To review recommendations from the Carrier Working Group and incorporate appropriate modifications to the existing Guidelines.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-38-14-00012-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-39-14-00020-P	..... exempt	Whether to permit the use of the Mueller Systems 400 Series and 500 Series of water meters	Pursuant to 16 NYCRR section 500.3, whether to permit the use of the Mueller Systems 400, and 500 Series of water meters
*PSC-40-14-00008-P	..... exempt	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.
*PSC-40-14-00009-P	..... exempt	Whether to permit the use of the Itron Open Way Centron Meter with Hardware 3.1 for AMR and AMI functionality.	Pursuant to 16 NYCRR Parts 93, is necessary to permit the use of the Itron Open Way Centron Meter with Hardware 3.1.
*PSC-40-14-00011-P	..... exempt	Late Payment Charge.	To modify Section 7.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-40-14-00013-P	..... exempt	Regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.	To consider regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.
*PSC-40-14-00014-P	..... exempt	Waiver of 16 NYCRR Sections 894.1 through 894.4(b)(2)	To allow the Town of Goshen, NY, to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-40-14-00015-P	..... exempt	Late Payment Charge.	To modify Section 6.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-42-14-00003-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-42-14-00004-P	..... exempt	Winter Bundled Sales Service Option	To modify SC-11 to remove language relating to fixed storage charges in the determination of the Winter Bundled Sales charge
*PSC-48-14-00014-P	..... exempt	Considering the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.	To consider the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.
*PSC-52-14-00019-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of 614 South Crouse Avenue, LLC to master meter electricity at 614 South Crouse Avenue, Syracuse, NY..
*PSC-01-15-00014-P	..... exempt	State Universal Service Fund Disbursements	To consider Edwards Telephone Company's request for State Universal Service Fund disbursements
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-10-15-00007-P	..... exempt	Notification concerning tax refunds	To consider Verizon New York Inc.'s partial rehearing or reconsideration request regarding retention of property tax refunds
*PSC-10-15-00008-P	..... exempt	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes
*PSC-13-15-00024-P	..... exempt	Whether Leatherstocking should be permitted to recover a shortfall in earnings	To decide whether to approve Leatherstocking's request to recover a shortfall in earnings
*PSC-13-15-00026-P	..... exempt	Whether to permit the use of the Sensus Smart Point Gas AMR/AMI product	To permit the use of the Sensus Smart Point Gas AMR/AMI product
*PSC-13-15-00027-P	..... exempt	Whether to permit the use of the Measurlogic DTS 310 electric submeter	To permit the use of the Measurlogic DTS 310 submeter
*PSC-13-15-00028-P	..... exempt	Whether to permit the use of the SATEC EM920 electric meter	To permit necessary to permit the use of the SATEC EM920 electric meter
*PSC-13-15-00029-P	..... exempt	Whether to permit the use the Triacta Power Technologies 6103, 6112, 6303, and 6312 electric submeters	To permit the use of the Triacta submeters
*PSC-17-15-00007-P	..... exempt	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million
*PSC-18-15-00005-P	..... exempt	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism
*PSC-19-15-00011-P	..... exempt	Gas Safety Performance Measures and associated negative revenue adjustments	To update the performance measures applicable to KeySpan Gas East Corporation d/b/a National Grid
*PSC-22-15-00015-P	..... exempt	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)
*PSC-23-15-00005-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-23-15-00006-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-25-15-00008-P	..... exempt	Notice of Intent to Submeter electricity.	To consider the request of 165 E 66 Residences, LLC to submeter electricity at 165 East 66th Street, New York, New York.
*PSC-29-15-00025-P	..... exempt	Joint Petition for authority to transfer real property located at 624 West 132nd Street, New York, NY	Whether to authorize the proposed transfer of real property located at 624 West 132nd Street, New York, NY
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-33-15-00012-P	..... exempt	Remote net metering of a Community Solar Demonstration Project.	To consider approval of remote net metering of a Community Solar Demonstration Project.
*PSC-34-15-00021-P	..... exempt	Petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs	To consider the petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs
*PSC-35-15-00014-P	..... exempt	Consideration of consequences against Light Power & Gas, LLC for violations of the UBP	To consider consequences against Light Power & Gas, LLC for violations of the UBP
*PSC-37-15-00007-P	..... exempt	Submetered electricity	To consider the request of 89 Murray Street Ass. LLC, for clarification of the submetering order issued December 20, 2007
*PSC-40-15-00014-P	..... exempt	Whether to permit the use of the Open Way 3.5 with cellular communications	To consider the use of the Open Way 3.5 electric meter, pursuant to 16 NYCRR Parts 92 and 93
*PSC-42-15-00006-P	..... exempt	Deferral of incremental expenses associated with NERC's new Bulk Electric System (BES) compliance requirements approved by FERC.	Consideration of Central Hudson's request to defer incremental expenses associated with new BES compliance requirements.
*PSC-44-15-00028-P	..... exempt	Deferral of incremental expenses associated with new compliance requirements	Consideration of Central Hudson's request to defer incremental expenses associated with new compliance requirements
*PSC-47-15-00013-P	..... exempt	Whitepaper on Implementing Lightened Ratemaking Regulation.	Consider Whitepaper on Implementing Lightened Ratemaking Regulation.
*PSC-48-15-00010-P	..... exempt	Lightened and incidental regulation of a 55 MW electric and steam generating facility.	Consider the lightened and incidental regulation of a 55 MW electric and steam generating facility.
*PSC-48-15-00011-P	..... exempt	Proposal to retire Huntley Units 67 and 68 on March 1, 2016.	Consider the proposed retirement of Huntley Units 67 and 68.
*PSC-50-15-00006-P	..... exempt	The reduction of rates.	To consider the reduction of rates charged by Independent Water Works, Inc.
*PSC-50-15-00009-P	..... exempt	Notice of Intent to submeter electricity.	To consider the request to submeter electricity at 31-33 Lincoln Road and 510 Flatbush Avenue, Brooklyn, New York.
*PSC-51-15-00010-P	..... exempt	Modification of the EDP	To consider modifying the EDP
*PSC-01-16-00005-P	..... exempt	Proposed amendment to Section 5, Attachment 1.A of the Uniform Business Practices	To consider amendment to Section 5, Attachment 1.A of the Uniform Business Practices
*PSC-04-16-00007-P	..... exempt	Whether Hamilton Municipal Utilities should be permitted to construct and operate a municipal gas distribution facility.	Consideration of the petition by Hamilton Municipal Utilities to construct and operate a municipal gas distribution facility.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-06-16-00013-P	..... exempt	Continued deferral of approximately \$16,000,000 in site investigation and remediation costs.	To consider the continued deferral of approximately \$16,000,000 in site investigation and remediation costs.
*PSC-06-16-00014-P	..... exempt	MEGA's proposed demonstration CCA program.	To consider MEGA's proposed demonstration CCA program.
*PSC-14-16-00008-P	..... exempt	Resetting retail markets for ESCO mass market customers.	To ensure consumer protections with respect to residential and small non-residential ESCO customers.
*PSC-18-16-00013-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00014-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00015-P	..... exempt	Petitions for rehearing of the Order Resetting Retail Energy Markets and Establishing Further Process.	To ensure consumer protections for ESCO customers.
*PSC-18-16-00016-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00018-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-20-16-00008-P	..... exempt	Consideration of consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).	To consider consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).
*PSC-20-16-00010-P	..... exempt	Deferral and recovery of incremental expense.	To consider deferring costs of conducting leak survey and repairs for subsequent recovery.
*PSC-20-16-00011-P	..... exempt	Enetics LD-1120 Non-Intrusive Load Monitoring Device in the Statewide Residential Appliance Metering Study.	To consider the use of the Enetics LD-1120 Non-Intrusive Load Monitoring Device.
*PSC-24-16-00009-P	..... exempt	Petition to submeter gas service.	To consider the Petition of New York City Economic Development Corp. to submeter gas at Pier 17, 89 South Street, New York, NY.
*PSC-25-16-00009-P	..... exempt	To delay Companies' third-party assessments of customer personally identifiable information until 2018.	To extend the time period between the Companies' third-party assessments of customer personally identifiable information.
*PSC-25-16-00025-P	..... exempt	Acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.	To consider acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.
*PSC-25-16-00026-P	..... exempt	Use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter, in residential fire service applications.	To consider the use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter in fire service applications.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-32-16-00012-P	..... exempt	Benefit-Cost Analysis Handbooks.	To evaluate proposed methodologies of benefit-cost evaluation.
*PSC-33-16-00001-EP	..... exempt	Use of escrow funds for repairs.	To authorize the use of escrow account funds for repairs.
*PSC-33-16-00005-P	..... exempt	Exemption from certain charges for delivery of electricity to its Niagara Falls, New York facility.	Application of System Benefits Charges, Renewable Portfolio Standard charges and Clean Energy Fund surcharges.
*PSC-35-16-00015-P	..... exempt	NYSRC's revisions to its rules and measurements	To consider revisions to various rules and measurements of the NYSRC
*PSC-36-16-00004-P	..... exempt	Recovery of costs for installation of electric service.	To consider the recovery of costs for installation of electric service.
*PSC-40-16-00025-P	..... exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP).	To consider whether to impose consequences on Smart One for its apparent non-compliance with Commission requirements.
*PSC-47-16-00009-P	..... exempt	Petition to use commercial electric meters	To consider the petition of Itron, Inc. to use the Itron CP2SO and CP2SOA in commercial electric meter applications
*PSC-47-16-00010-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00013-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00014-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00016-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-02-17-00010-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for RG&E.
*PSC-02-17-00012-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for NYSEG.
*PSC-14-17-00017-P	..... exempt	Petition for Full-Scale Deployment of AMI and to Establish an AMI Surcharge.	To consider the petition for Full-Scale Deployment of AMI and to Establish an AMI Surcharge.
*PSC-18-17-00024-P	..... exempt	A petition for rehearing or reconsideration of the Order Addressing Public Policy Transmission Need for AC Transmission Upgrades	To determine whether Public Policy Transmission Need/Public Policy Requirements continue to exist.
*PSC-18-17-00026-P	..... exempt	Revisions to the Dynamic Load Management surcharge.	To consider revisions to the Dynamic Load Management surcharge.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-20-17-00010-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid regarding the potential for adoption of compressed natural gas as a motor fuel.
*PSC-21-17-00013-P	..... exempt	The establishment and implementation of Earnings Adjustment Mechanisms.	To consider the establishment and implementation of Earnings Adjustment Mechanisms.
*PSC-21-17-00018-P	..... exempt	Proposed agreement for the provision of water service by Saratoga Water Services, Inc.	To consider a waiver and approval of terms of a service agreement.
*PSC-22-17-00004-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives	To consider the proposed Interconnection Survey Process and Earnings Adjustment Mechanisms
*PSC-23-17-00022-P	..... exempt	Changes in regulation of ESCOs, including restrictions on or prohibitions of marketing or offering certain products or services.	To ensure consumer protection for ESCO customers.
*PSC-24-17-00006-P	..... exempt	Development of the Utility Energy Registry.	Improved data access.
*PSC-26-17-00005-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 125 Waverly Street, Yonkers, New York.
*PSC-34-17-00011-P	..... exempt	Waiver to permit Energy Cooperative of America to serve low-income customers	To consider the petition for a waiver
*PSC-37-17-00005-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives.	To consider the revised Interconnection Survey Process and Earnings Adjustment Mechanisms.
*PSC-37-17-00006-P	..... exempt	Petition to submeter electricity.	To consider the petition of ACC OP (Park Point SU) LLC to submeter electricity at 417 Comstock Avenue, Syracuse, New York.
*PSC-39-17-00011-P	..... exempt	Whether to direct New York State Electric & Gas to complete electric facility upgrades at no charge to Hanehan.	To determine financial responsibility between NYSEG and Hanehan for the electric service upgrades to Hanehan.
*PSC-40-17-00006-P	..... exempt	The aggregation of electric service for the Empire State Plaza and the Sheridan Avenue Steam Plant	To consider a waiver of National Grid's tariff provision requiring all electric delivery points to be on the same premises
*PSC-42-17-00010-P	..... exempt	Petition for rehearing of negative revenue adjustment and contents of annual Performance Report.	To consider NFGD's petition for rehearing.
*PSC-48-17-00015-P	..... exempt	Low Income customer options for affordable water bills.	To consider the Low Income Bill Discount and/or Energy Efficiency Rebate Programs.
*PSC-50-17-00017-P	..... exempt	New Wave Energy Corp.'s petition for rehearing.	To consider the petition for rehearing filed by New Wave Energy Corp.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-50-17-00021-P	..... exempt	Disposition of tax refunds and other related matters.	To consider the disposition of tax refunds and other related matters.
*PSC-50-17-00022-P	..... exempt	Data protection rules for DER suppliers.	To determine the appropriate regulatory framework for DER suppliers.
*PSC-51-17-00011-P	..... exempt	Petition for recovery of certain costs related to the implementation of a Non-Wires Alternative Project.	To consider Con Edison's petition for the recovery of costs for implementing the JFK Project.
*PSC-04-18-00005-P	..... exempt	Notice of intent to submeter electricity.	To consider the notice of intent of Montante/Morgan Gates Circle LLC to submeter electricity.
*PSC-05-18-00004-P	..... exempt	Lexington Power's ZEC compliance obligation.	To promote and maintain renewable and zero-emission electric energy resources.
*PSC-06-18-00012-P	..... exempt	To consider further proposed amendments to the original criteria to grandfathering established in the Transition Plan	To modify grandfathering criteria
*PSC-06-18-00017-P	..... exempt	Merger of NYAW and Whitlock Farms Water Corp.	To consider the merger of NYAW and Whitlock Farms Water Company into a single corporate entity
*PSC-07-18-00015-P	..... exempt	The accuracy and reasonableness of National Grid's billing for certain interconnection upgrades.	To consider AEC's petition requesting resolution of their billing dispute with National Grid.
*PSC-11-18-00004-P	..... exempt	New York State Lifeline Program.	To consider TracFone's petition seeking approval to participate in Lifeline.
*PSC-13-18-00015-P	..... exempt	Eligibility of an ESCO to market to and enroll residential customers.	To consider whether Astral should be allowed to market to and enroll residential customers following a suspension.
*PSC-13-18-00023-P	..... exempt	Reconciliation of property taxes.	To consider NYAW's request to reconcile property taxes.
*PSC-14-18-00006-P	..... exempt	Petition for abandonment	To consider the abandonment of Willsboro Bay Water Company's water system
*PSC-15-18-00008-P	..... exempt	Amendments to the Uniform Business Practices.	Consideration of revised consumer protections and business practices of energy service companies.
*PSC-17-18-00010-P	..... exempt	Petition for use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
*PSC-18-18-00009-P	..... exempt	Transfer of control of Keene Valley Video Inc.	To ensure performance in accordance with applicable cable laws, regulations and standards and the public interest
*PSC-23-18-00006-P	..... exempt	Whether to impose consequences on Aspurity for its non-compliance with Commission requirements.	To ensure the provision of safe and adequate energy service at just and reasonable rates.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-24-18-00013-P	..... exempt	Implementation of program rules for Renewable Energy Standard and ZEC requirements.	To promote and maintain renewable and zero-emission electric energy resources.
*PSC-28-18-00011-P	..... exempt	Storm Hardening Collaborative Report.	To ensure safe and adequate gas service.
PSC-29-18-00008-P	..... exempt	Participation in Targeted Accessibility Fund	To encourage enhanced services for low-income consumers
PSC-29-18-00009-P	..... exempt	Overvaluing real property tax expense recovery in water rates	To prevent unjust and unreasonable water rates
PSC-30-18-00004-P	..... exempt	Ownership of St. Lawrence Gas Company, Inc.	To consider whether a proposed transfer of ownership interests in St. Lawrence Gas Company, Inc. is in the public interest.
PSC-31-18-00011-P	..... exempt	Petition for the use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
PSC-34-18-00011-P	..... exempt	Compensation of distributed energy resources.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-34-18-00015-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and energy efficiency protections are in place.
PSC-34-18-00016-P	..... exempt	Deferral of pre-staging and mobilization storm costs.	To ensure just and reasonable rates for ratepayers and utility recovery of unexpected, prudently incurred costs.
PSC-35-18-00003-P	..... exempt	Con Edison's 2018 DSIP and BCA Handbook Update.	To continue Con Edison's transition to a modern utility serving as a Distributed System Platform Provider.
PSC-35-18-00005-P	..... exempt	NYSEG and RG&E's 2018 DSIP and BCA Handbook Update.	To continue NYSEG and RG&E's transition to modern utilities acting as Distributed System Platform Providers.
PSC-35-18-00006-P	..... exempt	National Grid's 2018 DSIP and BCA Handbook Update.	To continue National Grid's transition to a modern utility serving as a Distributed System Platform Provider.
PSC-35-18-00008-P	..... exempt	Central Hudson's 2018 DSIP and BCA Handbook Update.	To continue Central Hudson's transition to a modern utility serving as a Distributed System Platform Provider.
PSC-35-18-00010-P	..... exempt	O&R's 2018 DSIP and BCA Handbook Update.	To continue O&R's transition to a modern utility acting as a Distributed System Platform Provider.
PSC-36-18-00005-P	..... exempt	Permanent operator of gas wells and certain gas facilities.	To resolve ownership of overlapping gas facilities associated with wells transferred to two gas companies.
PSC-39-18-00005-P	..... exempt	Participation in New York State Lifeline Program.	To encourage enhanced services for low-income customers.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-42-18-00014-P	..... exempt	The disposition of a refund from NYPA to the Village of Solvay of \$733,000 for overcharge for electricity over several years.	To determine whether the proposed disposition of the NYPA refund is just and reasonable.
PSC-44-18-00012-P	..... exempt	Petition for approval of gas metering equipment.	To ensure that customer bills are based on accurate measurements of gas usage.
PSC-44-18-00013-P	..... exempt	Petition for approval of gas metering equipment.	To ensure that customer bills are based on accurate measurements of gas usage.
PSC-44-18-00016-P	..... exempt	Petition for approval of gas metering equipment.	To ensure that customer bills are based on accurate measurements of gas usage.
PSC-45-18-00004-P	..... exempt	Proposed transfer of two natural gas pipeline operating companies, and for lightened and incidental regulation	To consider transfer if there is no market power or ratepayer harm, incidental regulation, and continuing lightened regulation
PSC-45-18-00005-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place
PSC-46-18-00005-P	..... exempt	Proposed rate filing to increase annual revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-47-18-00007-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-47-18-00008-P	..... exempt	Proposed Public Policy Transmission Needs/ Public Policy Requirements, as defined under the NYISO tariff.	To identify any proposed Public Policy Transmission Needs/Public Policy Requirements for referral to the NYISO.
PSC-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-01-19-00007-P	..... exempt	Northbrook Lyons Falls LLC's 3 hydro facilities with a combined capacity of 8.59 MW located in Mill, Gouldtown, and Kosterville.	To promote and maintain renewable electric energy resources.
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-02-19-00009-P	..... exempt	The 2018 Electric Emergency Response Plans for electric utilities.	To consider the adequacy of the 2018 Electric Emergency Response Plans.
PSC-02-19-00014-P	..... exempt	Petition for use of electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
PSC-03-19-00002-P	..... exempt	DPS Staff White Paper for who must be trained in 16 NYCRR Part 753 requirements and how the Commission will approve trainings.	To reduce damage to underground utility facilities by requiring certain training and approving training curricula.
PSC-04-19-00004-P	..... exempt	Con Edison's petition for the Gas Innovation Program and associated budget.	To pursue programs that continue service reliability and meet customer energy needs while aiding greenhouse gas reduction goals.
PSC-04-19-00011-P	..... exempt	Update of revenue targets.	To ensure NYAW's rates are just and reasonable and accurately reflect the needed revenues.
PSC-05-19-00009-P	..... exempt	Transfer of street lighting facilities	To consider whether the transfer of certain street lighting facilities is in the public interest
PSC-06-19-00005-P	..... exempt	Consideration of the Joint Utilities' proposed BDP Program.	To to expand opportunities for low-income households to participate in Community Distributed Generation (CDG) projects.
PSC-07-19-00009-P	..... exempt	Whether to impose consequences on AAA for its non-compliance with Commission requirements.	To insure the provision of safe and adequate energy service at just and reasonable rates.
PSC-07-19-00010-P	..... exempt	The rates and charges for non-roadway LED service offerings for outdoor lighting customers.	To determine whether to amend National Grid's P.S.C. No. 214 - Outdoor Lighting Tariff to provide new LED service offerings.
PSC-07-19-00016-P	..... exempt	Participation in New York State Lifeline Program.	To encourage enhanced services for low-income customers.
PSC-09-19-00007-P	..... exempt	Exemptions from standby rates.	To consider whether the standby rate exemptions proposed by the City of New York are reasonable and in the public interest.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-11-19-00002-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-13-19-00014-P	..... exempt	Eligibility for annual per-plug incentives for DCFC stations.	To increase electric vehicle infrastructure penetration to accomplish New York's Zero Emission Vehicle adoption mandate.
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-14-19-00008-P	..... exempt	Residential meter reading	To establish provisions for a special meter read for when service is discontinued to residential customers
PSC-15-19-00008-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-15-19-00009-P	..... exempt	Cancellation of Society's tariff.	To consider whether cancellation of Society's tariff is in the public service.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-15-19-00010-P	..... exempt	Tariff provisions for Interruptible and Off-Peak Firm Service Customers.	To amend certain penalties for non-compliant Interruptible and Off-Peak Firm Customers.
PSC-16-19-00001-P	..... exempt	Waiver of certain rules, i.e., 5-year buildout and 7-day installation requirements pertaining to cable television franchise.	To determine whether to waive any rules and regulations.
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-16-19-00004-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-16-19-00006-P	..... exempt	Waiver of certain rules, i.e., 5-year buildout and 7-day installation requirements pertaining to cable television franchise.	To determine whether to waive any rules and regulations.
PSC-16-19-00007-P	..... exempt	Recommencement of the levelization surcharge, changes to the System Improvement Charge, and a one-year stay-out.	To address the issues in NYAW's petition dated February 25, 2019.
PSC-16-19-00008-P	..... exempt	Proposed major rate increase in Con Edison's gas delivery revenues of approximately \$210 million (or 9.1% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-17-19-00010-P	..... exempt	Waiver of tariff rules and a related Commission regulation.	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest.
PSC-17-19-00011-P	..... exempt	Purchased power adjustment.	To ensure existing customers are not harmed by an increase in rates attributable to any incremental supply.
PSC-17-19-00012-P	..... exempt	Establishment of a consumer awareness program to encourage renewable energy resources and energy efficiencies in Westchester.	To encourage clean energy development in Westchester.
PSC-17-19-00013-P	..... exempt	Tariff amendments regarding minimum monthly storage inventory levels.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-19-19-00011-P	..... exempt	To consider a settlement agreement.	Modification of Network Expansion Condition.
PSC-19-19-00012-P	..... exempt	Minor rate filing.	To ensure that the Village of Silver Spring provides safe and adequate service and that its rates are just and reasonable.
PSC-19-19-00013-P	..... exempt	Proposed merger of three water utilities into one corporation.	To determine if the proposed merger is in the public interest.
PSC-19-19-00014-P	..... exempt	Establishment of the regulatory regime applicable to an approximately 124 MW electric generating facility.	Consideration of a lightened regulatory regime for an approximately 124 MW electric generating facility.
PSC-19-19-00015-P	..... exempt	Establishment of the regulatory regime applicable to an energy storage facility of up to 316 MW.	Consideration of a lightened regulatory regime for an energy storage facility of up to 316 MW
PSC-19-19-00016-P	..... exempt	Establishment of the regulatory regime applicable to an approximately 242 MW electric generating facility.	Consideration of a lightened regulatory regime for an approximately 242 MW electric generating facility.
PSC-20-19-00008-P	..... exempt	Reporting on energy sources	To ensure accurate reporting and encourage clean energy purchases
PSC-20-19-00009-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-20-19-00010-P	..... exempt	Compensation policies for certain CHP projects	To consider appropriate rules for compensation of certain CHP resources
PSC-20-19-00011-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-20-19-00012-P	..... exempt	Waiver of 16 NYCRR Section 894.4(b)(2) pertaining to publishing notice of the RFP in national publications	To determine whether to waive any rules and regulations
PSC-20-19-00013-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place
PSC-20-19-00014-P	..... exempt	Transfer of street lighting facilities	To consider the transfer of street lighting facilities to the City of Oneonta

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-22-19-00011-P	..... exempt	Proposed major 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-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-22-19-00014-P	..... exempt	Proposed major rate increase in KEDLI's gas delivery revenues by \$49.4 million (4.1% increase in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-23-19-00003-P	..... exempt	Ownership interest in poles.	To consider the transfer of ownership interest in certain poles from NYSEG to Verizon.
PSC-23-19-00004-P	..... exempt	Individually negotiated contracts.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-23-19-00005-P	..... exempt	Proposed major rate increase in SWNY's annual base revenues of approximately \$31.5 million (or 19.8% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-24-19-00003-P	..... exempt	Three-year pilot for inspecting gas services at intervals longer than existing regulations require.	To use risk-based reasoning for gas service lines inspection intervals on a pilot basis.
PSC-24-19-00004-P	..... exempt	Municipal Gross Receipts Taxes.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-24-19-00005-P	..... exempt	Non-Firm Demand Response service classes.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-24-19-00006-P	..... exempt	Municipal Gross Receipts Taxes.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-24-19-00007-P	..... exempt	Municipal Gross Receipts Taxes.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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.
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
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

SECURITIES OFFERINGS

STATE NOTICES

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

DEALERS; BROKERS

Actera Partners III L.P.
Lime Grove House, Green St., St. Helier, Jersey JE1 2ST
Partnership — Actera Partners III GP Limited

AG Asia Realty IV Co-Investment 1, L.P.
c/o Angelo, Gordon & Co., L.P., 245 Park Ave., New York, NY 10167
Partnership — AG Asia IV LLC

Algo Tracker Fund LP
2972 Webb Bridge Rd., Alpharetta, GA 30009
Partnership — Algo Capital GP LLC

BioTrack Capital Fund I, LP
c/o Mourant Governance Services (Cayman) Ltd., 94 Solaris Ave., PO
Box 1348, Camana Bay, Grand Cayman, Cayman Islands, KY1-1108
Partnership — BioTrack Fund I GP, LP

BlackPoint Multi-Series Fund, LLC, Series A
595 Shrewsbury Ave., Suite 203, Shrewsbury, NJ 07702
Partnership — Sky View Investment Advisors, LLC

BlackPoint Select Alternatives Fund, LLC, Series A
595 Shrewsbury Ave., Suite 203, Shrewsbury, NJ 07702
Partnership — Sky View Investment Advisors, LLC

Blue Newt Software Technologies, LLC
415 N. 5th Ave., Fl. 2, Ann Arbor, MI 48104
State or country in which incorporated — Michigan

Boris and Horton, Inc.
195 Avenue A, New York, NY 10009
State or country in which incorporated — Delaware

ByHeart, Inc.
689 Fifth Ave., 14th Fl., New York, NY 10022
State or country in which incorporated — Delaware

Castle Harlan SHC Partners, L.P.
150 E. 58th St., New York, NY 10155
Partnership — Castle Harlan SHC GP, LLC

CentriCap Select Fund, LLC
Six Landmark Sq., Third Fl., Stamford, CT 06901
Partnership — CentriCap SF Management, LLC

Chauner Securities, Inc.
666 Dundee Rd., Suite 903, Northbrook, IL 60062
State or country in which incorporated — Illinois

CX Reagan Crossing Depositor, LLC
4890 W. Kennedy Blvd., Suite 825, Tampa, FL 33609
State or country in which incorporated — Delaware

Dominus Capital Coinvestment III, L.P.
135 W. 50th St., 19th Fl., New York, NY 10020
Partnership — Dominus Capital GP, LLC

ERC Homebuilders 1, Inc.
2738 Falkenburg Rd. S, Riverview, FL 33578
State or country in which incorporated — Delaware

FlowStone Opportunity Fund
444 W. Lake St., Suite 4700, Chicago, IL 60606
State or country in which incorporated — Delaware

GWFS Equities, Inc.
8525 E. Orchard Rd., 2T3, Greenwood Village, CO 80111-5002
State or country in which incorporated — Delaware

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

Kaleidoscope Early Learning
6369 Catina St., New Orleans, LA 70124
State or country in which incorporated — Louisiana

KCB Real Estate VII LP
117 E. Colorado Blvd., Suite 400, Pasadena, CA 91105
Partnership — KCB Real Estate Management VII LLC

Levine Leichtman Capital Partners Europe II SCSp
345 N. Maple Dr., Suite 300, Beverly Hills, CA 90210
Partnership — LLC Partners Europe II GP, L.P.

Local Farms Fund - NY Foodshed, LLC
c/o Trellis Capital L3C, 175 10th St., Providence, RI 02906
State or country in which incorporated — New York

Marnell Management Fund, L.P.
30445 Northwestern Hwy., Suite 146, Farmington Hills, MI 48334
Partnership — Marnell Capital LLC

MDS Securities, LLC
603 Stanwix St., Unit 1750, Pittsburgh, PA 15222
State or country in which incorporated — Pennsylvania limited li-
ability company

Namco Tour Co. Inc.
c/o National Artists Tour Management Group, Inc., 165 W. 46th St.,
Suite 1202, New York, NY 10036
State or country in which incorporated — New York

Northlane Capital Partners II LP
Two Bethesda Metro Center, Suite 1510, Bethesda, MD 20814
Partnership — Northlane Capital Partners II GP LP

Private Advisors Small Co Private Equity Fund IX, LP
Riverfront Plaza W, 901 E. Byrd St., Richmond, VA 23219
Partnership — PASCPEF IX GP, LLC

Quasar Distributors, LLC
777 E. Wisconsin Ave., Milwaukee, WI 53202
State or country in which incorporated — Wisconsin

Rheia, LLC
2214 Liberty Ave., Pittsburgh, PA 15222
State or country in which incorporated — Pennsylvania

Rollins MRP III, LLC
10110 Molecular Dr., Suite 300, Rockville, MD 20850
State or country in which incorporated — Maryland

SaveMySales, Inc.
1001 Massachusetts Ave., Cambridge, MA 02138
State or country in which incorporated — Delaware

SEI Investment Distributions Co.
One Freedom Valley Dr., Oaks, PA 19456
State or country in which incorporated — Delaware

Taïm Holdings LLC
45 Spring St., New York, NY 10012
State or country in which incorporated — Delaware

To The Stars Academy of Arts and Science Inc.
315 S. Coast Hwy. 101, Suite U38, Encinitas, CA 92024
State or country in which incorporated — Delaware

Tree of Life Seeds, Inc.
1523 S. Bowman Rd., Suite H, Little Rock, AR 72211
State or country in which incorporated — Delaware

Tricap Hoover Associates LLC
171 N. Aberdeen St., Suite 400, Chicago, IL 60607
State or country in which incorporated — Illinois

Troy Laundry, LLC
133 N. Jefferson St., 4th Fl., Chicago, IL 60661
Partnership — Troy Laundry Manager LLC

Troy Laundry Fund LLC
133 N. Jefferson St., 4th Fl., Chicago, IL 60661
Partnership — Troy Laundry Manager LLC

Valor M33 III L.P.
875 N. Michigan Ave., Suite 3214, Chicago, IL 60611
Partnership — Valor M33 III Management L.P.

Valor M33 III-A L.P.
875 N. Michigan Ave., Suite 3214, Chicago, IL 60611
Partnership — Valor M33 III Management L.P.

Valor M33 IV L.P.
875 N. Michigan Ave., Suite 3214, Chicago, IL 60611
Partnership — Valor M33 IV Management L.P.

Vista Equity Endeavor Fund II, L.P.
Four Embarcadero Center, 20th Fl., San Francisco, CA 94111
Partnership — Vista Equity Endeavor Fund II GP, L.P.

Vista Equity Endeavor Fund II-A, L.P.
Four Embarcadero Center, 20th Fl., San Francisco, CA 94111
Partnership — Vista Equity Endeavor Fund II GP, L.P.

Voyager Investors, LP
865 S. Figueroa St., Suite 700, Los Angeles, CA 90017
Partnership — Oakmont Corporation, general partner

Westside Westshore Partners, LP
c/o Jakub Hejl, 701 Brickell Ave., Suite 1550, Miami, FL 33131
Partnership — Westside Westshore LP, general partner

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

PROVIDE
LEAD MITIGATION
State Armory
Geneseo, Livingston County

Sealed bids for Project No. 45727-C, for Construction Work, Provide Lead Mitigation, State Armory, 34 Avon Street, Geneseo (Livingston County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Division of Military and Naval Affairs, until 2:00 p.m. on Wednesday, July 24, 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 \$76,400 for C.

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$2,000,000 and \$3,000,000 for C.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting, on the OGS website, in a newspaper of general circulation, or in the Contract Reporter of written notice, advertisement or solicitation of offers through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Jessica Hoffman, Carl Ruppert and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John 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 457 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 15, 2019 at the State Armory, 34 Avon Rd. Geneseo NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without

proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

Phone the office of Caroline Tuttle (585-986-4006) a minimum of 24 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority- and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs). The total contract goal can be obtained by utilizing any combination of MBE and /or WBE participation for subcontracting and supplies acquired under this Contract.

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

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

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

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

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

PROVIDE
LEAD MITIGATION
State Armory
Horseheads, Chemung County

Sealed bids for Project No. 45730-C, for Construction Work, Provide Lead Mitigation, State Armory, 128 Colonial Drive, Horseheads (Chemung 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, July 24, 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 \$53,200 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 \$1,000,000 and \$2,000,000 for C.

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

The substantial completion date for this project is 559 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 11, 2019 at State Armory, 128 Colonial Dr., Horseheads 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 Lara Franzese (607-734-0592) 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

PROVIDE
LEAD MITIGATION
State Armory
Lockport, Niagara County

Sealed bids for Project No. 45733-C, for Construction Work, Provide Lead Mitigation, State Armory, 158 Willow Street, Lockport (Niagara 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, July 24, 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 \$57,400 for C.

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$1,000,000 and \$2,000,000 for C.

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

The substantial completion date for this project is 489 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 12, 2019 at the State Armory, 158 Willow Street, Lockport, 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

**PROVIDE
LEAD MITIGATION
State Armory
Auburn, Cayuga County**

Sealed bids for Project No. 45734-C, for Construction Work, Provide Lead Mitigation, State Armory, 174 South Street, Auburn (Cayuga 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, July 24, 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 \$63,700 for C.

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$1,000,000 and \$2,000,000 for C.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting, on the OGS website, in a newspaper of general circulation, or in the Contract Reporter of written notice, advertisement or solicitation of offers through final award and approval of the contract by OGS D&C and the Office of the State Comptroller (“Restricted Period”) to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Jessica Hoffman, Carl Ruppert and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes.

Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://www.ogs.ny.gov/aboutOGS/regulations/defaultAdvisoryCouncil.html>

The substantial completion date for this project is 559 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 11, 2019 at the State Armory, 174 South Street, Auburn, 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 Rob Kalpin (914-490-8389) 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

**PROVIDE
EMERGENCY GENERATOR
Camp Smith Training Site
Cortlandt Manor, Westchester County**

Sealed bids for Project No. 46013-E for Electrical Work, Provide Emergency Generator, Buildings 32, 501, 503, 504, 505 and 506, Camp Smith Training Site, 11 Bear Mountain Bridge Rd, Cortlandt Manor (Westchester County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Division of Military and Naval Affairs, until 2:00 p.m. on Wednesday, July 31, 2019, when they will be publicly opened and read. Each bid must be prepared and

submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of \$38,600 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 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 331 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 18, 2019, at the Camp Smith Training Site, 11 Bear Mountain Bridge Road, Cortlandt Manor, 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 Barbara Pena (914-474-5573) 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

PROVIDE
PARKING LOT AND SITE IMPROVEMENTS
Camp Smith Training Site
Cortlandt Manor, Westchester County

Sealed bids for Project No. 46035-C, comprising a contract for Construction Work Provide Parking Lot and Site Improvements, Camp Smith Training Site, 11 Bear Mountain Bridge Road, Cortlandt Manor (Westchester County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Division of Military & Naval Affairs, until 2:00 p.m. on Wednesday, July 24, 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 \$27,000 for C.

Further, Wicks Exempt Projects require a completed form BDC 59 (Wicks Exempt List of Contractors) be filled out and submitted (included in a separate, sealed envelope) in accordance with Document 002220, Supplemental Instructions to Bidders – Wicks Exempt. Failure to submit this form correctly will result in a disqualification of the bid.

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

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

The substantial completion date for this project is 252 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 12, 2019 at Camp Smith Training Center, 11 Bear Mountain Bridge Road, Cortlandt Manor, 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 Barbara Pena (914-474-5373) a minimum of 24 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority- and Women-owned Business Enterprises (“MWBEs”) and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises (“MBE”) participation and 15% for Women-Owned Business Enterprises (“WBE”) participation (based on the current availability of qualified MBEs and WBEs). The total contract goal can be obtained by utilizing any combination of MBE and /or WBE participation for subcontracting and supplies acquired under this Contract.

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

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

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

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

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

NOTICE OF AVAILABILITY OF STATE AND FEDERAL FUNDS

Environmental Facilities Corporation
625 Broadway
Albany, NY 12207-2997

MUNICIPALITIES OF NEW YORK STATE

New York State Water Infrastructure Improvement Act Grants and New York State Intermunicipal Water Infrastructure Grants Program

The New York State Environmental Facilities Corporation (EFC) is pleased to announce the availability of \$350 million in grant funding through the New York State Water Infrastructure Improvement Act and New York State Intermunicipal Water Infrastructure Grants Program.

This funding is for municipalities with infrastructure projects that protect or improve public health and/or water quality. Grant eligible critical water infrastructure projects include those that combat emerging contaminants such as PFOA, PFOS and 1,4 dioxane with system upgrades and innovative pilot technologies, and those that address combined and/or sanitary sewer overflow impacts from flooding.

New York State Water Infrastructure Improvement Act (WIIA)

Pursuant to WIIA, EFC provides grants to assist municipalities in funding infrastructure projects for the protection of public health and water quality. WIIA grants will be awarded to water quality infrastructure projects for the replacement or repair of infrastructure or for compliance with environmental and public health laws and regulations related to water quality. EFC will evaluate projects based on factors including protection of public health and water quality, and readiness of the project to proceed expeditiously.

A clean water project may be eligible for a WIIA grant in the amount of the lesser of 25% of the total eligible project cost after deducting other grant funds awarded for the project or:

- 1) A project less than \$50 million: \$5 million;
- 2) A project equal to or greater than \$50 million but less than \$100 million: \$12.5 million; or
- 3) A project projects equal to or greater than \$100 million: \$25 million.

If a project is awarded more than \$5 million as described above, the grant will be allocated over multiple years in increments not to exceed \$5 million.

A drinking water project may be eligible for a WIIA grant of up to the lesser of 60% of the total eligible project cost after deducting other grant funds awarded for the project or \$3 million.

New York State Intermunicipal Water Infrastructure Grants Program (IMG)

Pursuant to the IMG, EFC will provide grants for infrastructure projects to be undertaken by two or more cooperating municipalities. IMG funding will be awarded for construction, replacement or repair of a drinking water or sewage treatment infrastructure project that serves multiple municipalities, such as shared water quality infrastructure that protects public health, the environment or results in compliance with environmental and public health laws and regulations related to water quality.

EFC will evaluate projects based on factors including protection of public health and water quality, and the readiness of the project to proceed expeditiously. To be eligible to apply for a grant, cooperating municipalities must have a valid and binding Intermunicipal Agreement related to the financing of the project.

A clean or drinking water project may be eligible for IMG funding of up to the lesser of 40% of the total eligible project cost after deducting other grant funds awarded for the project or \$10 million.

Background

EFC administers the Clean Water State Revolving Fund (CWSRF) and co-administers the Drinking Water State Revolving Fund (DWSRF) with the NYS Department of Health. The SRF Programs provide subsidized financial assistance to qualified municipalities to undertake eligible water infrastructure projects. You do not need to obtain financial assistance from the CWSRF or DWSRF program to receive a WIIA grant or IMG grant and do not need to be listed on the CWSRF or DWSRF Intended Use Plan to apply for a WIIA grant or IMG grant.

A WIIA grant or IMG grant is available only to a municipality, which is defined to include a county, city, town, village, district corporation, county or town improvement district, school district, Indian nation or tribe recognized by the state or the United States with a reservation wholly or partly within the boundaries of New York State, any public benefit corporation or public authority established pursuant to the laws of New York or any agency of the State that is empowered to construct and operate a water quality infrastructure project.

Application Due Date: Applications must be submitted to: NYSWaterGrants@efc.ny.gov by 5:00 p.m., September 13, 2019. Applications are available at www.efc.ny.gov/WIIA and www.efc.ny.gov/IMG. It is expected that submission of additional documents with the application will be required.

WEBINAR: EFC will host webinars to present the WIIA and IMG programs on July 30, 2019 at 11:00 am and August 15, 2019 at 2:00 pm. These events will provide an overview of WIIA and IMG, as well as guidance on how to apply for grant funds. There will also be an opportunity to ask questions. You may register for either webinar on EFC's website at: www.efc.ny.gov/WIIA and www.efc.ny.gov/IMG

CONTACTS:

If you have questions on either program, please email: NYSWaterGrants@efc.ny.gov or *contact:* Dwight Brown, Division of Engineering & Program Management at the above address, or call (518) 402-6924, FAX (518) 402-6954

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.

NOTICE OF ANNULMENT OF DISSOLUTION OF CERTAIN BUSINESS CORPORATIONS

Under the Provisions of Section 203-a of the Tax Law, as Amended The Secretary of State hereby provides notice that the following corporations, which were duly dissolved in the manner prescribed by Section 203-a of the Tax Law, have complied with the provisions of subdivision (7) of Section 203-a of the Tax Law, annulling all of the proceedings theretofore taken for the dissolution of each such corporation. The appropriate entries have been made on the records of the Department of State.

COUNTY: ALBANY

ENTITY NAME: QURESHI'S TRADING USA INC.
REINSTATE: 05/30/19
DIS BY PROC: 10/26/16

ENTITY NAME: S.P. REMODELING INC.
REINSTATE: 06/07/19
DIS BY PROC: 06/29/16

COUNTY: BRONX

ENTITY NAME: A. SUNA & CO. INC.
REINSTATE: 04/08/19
DIS BY PROC: 09/28/94

ENTITY NAME: C & N EXTERMINATING CO., INC.
REINSTATE: 04/08/19
DIS BY PROC: 04/27/11

ENTITY NAME: EAST COAST MOTOR CLUB MARKETING INC.
REINSTATE: 05/29/19
DIS BY PROC: 06/27/01

ENTITY NAME: LEROY'S PHARMACY CORP.
REINSTATE: 06/25/19
DIS BY PROC: 06/29/16

ENTITY NAME: LKL HAULERS INC.
REINSTATE: 06/19/19
DIS BY PROC: 06/29/16

ENTITY NAME: NY FINEST DELI INC.
REINSTATE: 04/24/19
DIS BY PROC: 08/31/16

ENTITY NAME: QUALITY STARTERS & ALTERNATERS, INC.
REINSTATE: 06/10/19
DIS BY PROC: 06/29/16

ENTITY NAME: SILHOUETTE RESTAURANT LOUNGE CORP
REINSTATE: 05/30/19
DIS BY PROC: 04/25/12

ENTITY NAME: TOLTECAS AUTO ELECTRICAL SERVICE, CORP
REINSTATE: 06/18/19
DIS BY PROC: 09/24/97

COUNTY: CATTARAUGUS

ENTITY NAME: PETERS AND MORIARTY, P.C.
REINSTATE: 04/12/19
DIS BY PROC: 10/26/16

COUNTY: DUTCHESS

ENTITY NAME: REGH BOWS, LTD.
REINSTATE: 05/24/19
DIS BY PROC: 06/29/16

COUNTY: ERIE

ENTITY NAME: AN ENCHANTED TASTE AND MORE, INC.
REINSTATE: 04/30/19
DIS BY PROC: 08/31/16

ENTITY NAME: SPORTSPLEX, INC.
REINSTATE: 05/29/19
DIS BY PROC: 01/25/12

ENTITY NAME: SYLVITE PROPERTIES, INC.
REINSTATE: 04/29/19
DIS BY PROC: 12/27/00

COUNTY: JEFFERSON

ENTITY NAME: NORTH STAR TRANSPORTATION OF PAMELIA, INC.
REINSTATE: 05/20/19
DIS BY PROC: 01/25/12

COUNTY: KINGS

ENTITY NAME: ABAID & PATSALIS, O.D., P.C.
 REINSTATE: 06/18/19
 DIS BY PROC: 04/27/11

ENTITY NAME: ALI'S REALTY CORP.
 REINSTATE: 05/01/19
 DIS BY PROC: 10/28/09

ENTITY NAME: ALLTERIOR CONTRACTING CORP.
 REINSTATE: 04/16/19
 DIS BY PROC: 07/27/11

ENTITY NAME: BESIKTAS SECURITY INC.
 REINSTATE: 04/30/19
 DIS BY PROC: 10/26/16

ENTITY NAME: BP AND MP REALTY CORP
 REINSTATE: 04/19/19
 DIS BY PROC: 10/26/16

ENTITY NAME: DEALS AND MORE CORP.
 REINSTATE: 04/08/19
 DIS BY PROC: 10/26/16

ENTITY NAME: ENF CONSTRUCTIONS, INC.
 REINSTATE: 05/13/19
 DIS BY PROC: 06/29/16

ENTITY NAME: EXCELLENT PHARMACY SOLUTIONS INC.
 REINSTATE: 05/23/19
 DIS BY PROC: 08/31/16

ENTITY NAME: FUTUROLOGICAL STRATEGIES, INC.
 REINSTATE: 06/20/19
 DIS BY PROC: 06/25/03

ENTITY NAME: GET GO BROKERAGE INC
 REINSTATE: 06/12/19
 DIS BY PROC: 08/31/16

ENTITY NAME: HOSIERAMA INC.
 REINSTATE: 05/21/19
 DIS BY PROC: 07/27/11

ENTITY NAME: IOLANTA'S WORLD, INC.
 REINSTATE: 05/16/19
 DIS BY PROC: 06/29/16

ENTITY NAME: JABARI'S INC.
 REINSTATE: 04/25/19
 DIS BY PROC: 10/26/16

ENTITY NAME: JOMAR TRADING INC.
 REINSTATE: 05/31/19
 DIS BY PROC: 10/26/16

ENTITY NAME: LIBERTY ROOFING CORP.
 REINSTATE: 04/17/19
 DIS BY PROC: 06/29/16

ENTITY NAME: LIN'S MIX & MAX NYC, INC
 REINSTATE: 04/22/19
 DIS BY PROC: 08/31/16

ENTITY NAME: M & S BAKERY INC.
 REINSTATE: 05/03/19
 DIS BY PROC: 01/25/12

ENTITY NAME: MEDCENA ADVANCED HEALTHCARE, P.C.
 REINSTATE: 05/30/19
 DIS BY PROC: 06/29/16

ENTITY NAME: MONSANTO REALTY CORP.
 REINSTATE: 06/19/19
 DIS BY PROC: 07/28/10

ENTITY NAME: MR.Q'S GOURMET INC
 REINSTATE: 05/30/19
 DIS BY PROC: 10/26/16

ENTITY NAME: TEE CEE REALTY CORP.
 REINSTATE: 06/04/19
 DIS BY PROC: 09/29/93

ENTITY NAME: WORLDWIDE AUTOMOTIVE TRANSMIS-
 SIONS INC.
 REINSTATE: 05/06/19
 DIS BY PROC: 06/29/16

ENTITY NAME: ZHANG & ZHAO REALTY INC.
 REINSTATE: 05/20/19
 DIS BY PROC: 10/26/16

ENTITY NAME: 103 ERASMUS CORPORATION
 REINSTATE: 06/27/19
 DIS BY PROC: 04/27/11

ENTITY NAME: 1227 HALAL LIVE POULTRY INC.
 REINSTATE: 05/29/19
 DIS BY PROC: 08/31/16

COUNTY: MONTGOMERY

ENTITY NAME: POLAR DEVELOPMENT CO., INC.
 REINSTATE: 05/15/19
 DIS BY PROC: 10/26/16

COUNTY: NASSAU

ENTITY NAME: AJR AUTO APPRAISALS, INC.
 REINSTATE: 05/06/19
 DIS BY PROC: 01/25/12

ENTITY NAME: AQUATECH ENGINEERING P.C.
 REINSTATE: 04/03/19
 DIS BY PROC: 10/26/16

ENTITY NAME: CARISMA DOMINICANA RESTAURANT CORP.
 REINSTATE: 05/22/19
 DIS BY PROC: 01/25/12

ENTITY NAME: DRACHMAN STRUCTURALS, INC.
 REINSTATE: 05/02/19
 DIS BY PROC: 12/31/03

ENTITY NAME: EMIDDLETON, INC.
 REINSTATE: 05/14/19
 DIS BY PROC: 08/31/16

ENTITY NAME: JD KINGS, INC.
 REINSTATE: 05/03/19
 DIS BY PROC: 10/26/16

ENTITY NAME: KIDL REALTY CORP.
 REINSTATE: 04/12/19
 DIS BY PROC: 10/27/10

ENTITY NAME: KOKIS & ASSOCIATES, P.C.
 REINSTATE: 04/08/19
 DIS BY PROC: 08/31/16

ENTITY NAME: LASALLE DISTRIBUTORS CORP.
 REINSTATE: 06/24/19
 DIS BY PROC: 08/31/16

ENTITY NAME: LE ROUGE SALON AND HAIR SUPPLY, INC.
 REINSTATE: 06/05/19
 DIS BY PROC: 06/29/16

ENTITY NAME: LINDEN MANAGEMENT, INC.
 REINSTATE: 04/23/19
 DIS BY PROC: 01/27/10

ENTITY NAME: MARC PARNES D.O., P.C.
 REINSTATE: 04/30/19
 DIS BY PROC: 10/26/11

ENTITY NAME: NEW GARDEN CUISINE, INC.
 REINSTATE: 04/04/19
 DIS BY PROC: 08/31/16

COUNTY: NEW YORK

ENTITY NAME: ADAMFOREVER, INC.
 REINSTATE: 06/24/19
 DIS BY PROC: 07/27/11

ENTITY NAME: ALL SURFACE ENTERTAINMENT, INC.
 REINSTATE: 06/12/19
 DIS BY PROC: 06/29/16

ENTITY NAME: BROOKSIDE PAPERS INC.
 REINSTATE: 04/22/19
 DIS BY PROC: 06/29/16

ENTITY NAME: CHIN CANO REALTY CORP.
 REINSTATE: 04/19/19
 DIS BY PROC: 06/23/93

ENTITY NAME: CPLC FLUSHING, INC.
 REINSTATE: 04/30/19
 DIS BY PROC: 10/26/16

ENTITY NAME: D TOUR INC.
 REINSTATE: 06/24/19
 DIS BY PROC: 06/29/16

ENTITY NAME: DERING CREEK CORP.
 REINSTATE: 04/10/19
 DIS BY PROC: 06/29/16

ENTITY NAME: DISENO PORTENO, LTD.
 REINSTATE: 04/01/19
 DIS BY PROC: 01/25/12

ENTITY NAME: FINE FALCON CONSTRUCTION CORP.
 REINSTATE: 06/12/19
 DIS BY PROC: 08/31/16

ENTITY NAME: GAR LING REALTY CORP.
 REINSTATE: 06/12/19
 DIS BY PROC: 01/25/12

ENTITY NAME: GRAMERCY PARK REALTY CORP.
 REINSTATE: 04/10/19
 DIS BY PROC: 06/29/16

ENTITY NAME: HAPWORTH PSYCHIATRIC SERVICES P.C.
 REINSTATE: 06/14/19
 DIS BY PROC: 10/26/16

ENTITY NAME: HOUSE OF DINOIA INC.
 REINSTATE: 06/19/19
 DIS BY PROC: 10/26/16

ENTITY NAME: ISAKO INC.
 REINSTATE: 06/03/19
 DIS BY PROC: 01/26/11

ENTITY NAME: JACK M. DODICK, M.D., P.C.
 REINSTATE: 06/18/19
 DIS BY PROC: 01/25/12

ENTITY NAME: KAVARA CORP.
 REINSTATE: 06/18/19
 DIS BY PROC: 01/25/12

ENTITY NAME: NOLA GLOBAL ENTERTAINMENT, INC.
 REINSTATE: 06/28/19
 DIS BY PROC: 10/26/16

ENTITY NAME: PATISSART USA, INC.
 REINSTATE: 04/19/19
 DIS BY PROC: 10/26/16

ENTITY NAME: PRETTY CHIN UP PRODUCTIONS, INC.
 REINSTATE: 05/10/19
 DIS BY PROC: 06/29/16

ENTITY NAME: RED HAWK PROPERTY MANAGEMENT, INC.
 REINSTATE: 06/27/19
 DIS BY PROC: 04/27/11

ENTITY NAME: SAMFRIENDS DEVELOPMENT & CONSTRUCTION INC.
 REINSTATE: 06/11/19
 DIS BY PROC: 10/26/16

ENTITY NAME: SUSHIL REALTY INC.
 REINSTATE: 06/18/19
 DIS BY PROC: 10/26/11

ENTITY NAME: TARABLOS TAXI CORP.
 REINSTATE: 04/19/19
 DIS BY PROC: 01/27/10

ENTITY NAME: THE LAW OFFICES OF DR. HONG TANG, PROFESSIONAL CORPORATION
 REINSTATE: 06/05/19
 DIS BY PROC: 06/29/16

ENTITY NAME: WEST 70TH OWNERS CORP.
 REINSTATE: 04/23/19
 DIS BY PROC: 06/29/16

ENTITY NAME: 170 HENRY STREET REALTY CORP.
 REINSTATE: 05/20/19
 DIS BY PROC: 06/23/99

ENTITY NAME: 2 DEGREES CONSULTING, INC.
 REINSTATE: 04/17/19
 DIS BY PROC: 08/31/16

ENTITY NAME: 598 STUDIOS INC.
 REINSTATE: 04/08/19
 DIS BY PROC: 10/26/16

ENTITY NAME: 86TH STREET CAPITAL CORP.
REINSTATE: 06/18/19
DIS BY PROC: 06/29/16

COUNTY: ONEIDA

ENTITY NAME: AMERICAN METAL STAMPING & SPINNING,
INC.
REINSTATE: 06/27/19
DIS BY PROC: 12/27/00

COUNTY: ONONDAGA

ENTITY NAME: D. MEYER'S ASSOCIATES, INC.
REINSTATE: 04/25/19
DIS BY PROC: 06/29/16

ENTITY NAME: EVENT CATERING, INC.
REINSTATE: 04/12/19
DIS BY PROC: 12/16/98

COUNTY: ORANGE

ENTITY NAME: FEDERAL BLOCK CORP.
REINSTATE: 04/12/19
DIS BY PROC: 01/25/12

ENTITY NAME: GOLDEN OAK CONTRACTING, INC.
REINSTATE: 06/27/19
DIS BY PROC: 06/29/16

ENTITY NAME: HAMPTONBURGH PROPERTIES, CORP.
REINSTATE: 06/18/19
DIS BY PROC: 10/27/10

ENTITY NAME: KIDS' N COLOR INC.
REINSTATE: 05/17/19
DIS BY PROC: 10/26/16

ENTITY NAME: MACK BROS. LTD.
REINSTATE: 06/25/19
DIS BY PROC: 10/26/16

ENTITY NAME: MIBEL VENTURES INCORPORATED
REINSTATE: 04/12/19
DIS BY PROC: 10/26/16

ENTITY NAME: MK RECORDING STUDIOS INC.
REINSTATE: 04/11/19
DIS BY PROC: 06/29/16

ENTITY NAME: POTENT POTENTIAL CORP.
REINSTATE: 04/30/19
DIS BY PROC: 08/31/16

COUNTY: PUTNAM

ENTITY NAME: INNER MOTIVES, LTD.
REINSTATE: 04/30/19
DIS BY PROC: 01/25/12

ENTITY NAME: INNOVATIVE QUALITY SOLUTIONS, INC.
REINSTATE: 06/03/19
DIS BY PROC: 04/27/11

ENTITY NAME: WALSH CARPENTRY SERVICES INC.
REINSTATE: 05/01/19
DIS BY PROC: 10/26/16

COUNTY: QUEENS

ENTITY NAME: CAMP BNOS YEHUDA, INC.
REINSTATE: 05/20/19
DIS BY PROC: 09/28/94

ENTITY NAME: CARIB MEDIA CORP.
REINSTATE: 06/18/19
DIS BY PROC: 10/26/16

ENTITY NAME: CLKS CORPORATION
REINSTATE: 05/15/19
DIS BY PROC: 03/26/97

ENTITY NAME: FIRST MANHATTAN FINANCIAL NETWORK
CORP.
REINSTATE: 04/22/19
DIS BY PROC: 10/26/16

ENTITY NAME: GLOBAL ASHTECH INC.
REINSTATE: 06/26/19
DIS BY PROC: 06/29/16

ENTITY NAME: GLOBALLY LINKED INCORPORATED
REINSTATE: 04/11/19
DIS BY PROC: 10/26/16

ENTITY NAME: GOLDEN - TOWN CAR AND LIMOUSINE SER-
VICE INC.
REINSTATE: 04/25/19
DIS BY PROC: 10/26/16

ENTITY NAME: HELPING HANDS STAFFING INC
REINSTATE: 04/11/19
DIS BY PROC: 10/26/11

ENTITY NAME: HOPE BANGLADESH INC
REINSTATE: 05/17/19
DIS BY PROC: 10/26/16

ENTITY NAME: INNOVATION OFFICE PRODUCTS, INC.
REINSTATE: 04/18/19
DIS BY PROC: 06/27/01

ENTITY NAME: KOSPAK USA CORPORATION
REINSTATE: 04/11/19
DIS BY PROC: 08/31/16

ENTITY NAME: MAZ HEALTH CONCEPTS INC.
REINSTATE: 05/22/19
DIS BY PROC: 06/29/16

ENTITY NAME: MBN ENTERPRISES INC.
REINSTATE: 05/22/19
DIS BY PROC: 06/29/16

ENTITY NAME: MERIT MULTISERVICES INCORPORATED
REINSTATE: 06/05/19
DIS BY PROC: 08/31/16

ENTITY NAME: ONEWAY AUTO CENTER INC.
REINSTATE: 06/12/19
DIS BY PROC: 07/28/10

ENTITY NAME: R & S MICA, INC.
REINSTATE: 05/28/19
DIS BY PROC: 09/28/94

ENTITY NAME: SRB TRADING CORP.
 REINSTATE: 04/30/19
 DIS BY PROC: 01/27/10

ENTITY NAME: THE ERIC JASON CORP.
 REINSTATE: 06/13/19
 DIS BY PROC: 01/27/10

ENTITY NAME: U & F FOODS, INC.
 REINSTATE: 06/19/19
 DIS BY PROC: 10/27/10

ENTITY NAME: USA TAX & ACCOUNTING SERVICES, INC.
 REINSTATE: 06/03/19
 DIS BY PROC: 08/31/16

ENTITY NAME: VALENTINI CONSTRUCTION INC.
 REINSTATE: 06/10/19
 DIS BY PROC: 10/26/16

ENTITY NAME: WELLERSTEIN LAW GROUP, P.C.
 REINSTATE: 04/16/19
 DIS BY PROC: 10/26/16

ENTITY NAME: WISE CONTRACTING, INC.
 REINSTATE: 05/24/19
 DIS BY PROC: 01/26/11

COUNTY: RENSSELAER

ENTITY NAME: CRISTO BROTHERS, INC.
 REINSTATE: 06/06/19
 DIS BY PROC: 03/24/93

COUNTY: RICHMOND

ENTITY NAME: EXPO SALON OF 18 AVE INC.
 REINSTATE: 06/14/19
 DIS BY PROC: 06/29/16

COUNTY: ROCKLAND

ENTITY NAME: BIG TOWS AUTOMOTIVE, INC.
 REINSTATE: 06/21/19
 DIS BY PROC: 01/27/10

ENTITY NAME: UMINCO LTD
 REINSTATE: 06/24/19
 DIS BY PROC: 04/25/12

ENTITY NAME: VIRAL EVOLUTION MEDIA INC.
 REINSTATE: 06/21/19
 DIS BY PROC: 01/25/12

COUNTY: SCHENECTADY

ENTITY NAME: RENMO SCOTIA ENTERPRISES, INC.
 REINSTATE: 04/04/19
 DIS BY PROC: 06/29/16

ENTITY NAME: STORAGE SOLUTIONS OF NEW YORK, INC.
 REINSTATE: 06/26/19
 DIS BY PROC: 07/27/11

COUNTY: SUFFOLK

ENTITY NAME: ALL AMERICAN DESIGN INC.
 REINSTATE: 04/26/19
 DIS BY PROC: 10/26/16

ENTITY NAME: BIRDSALL HOTSHOE INC.
 REINSTATE: 06/11/19
 DIS BY PROC: 10/26/11

ENTITY NAME: CYBER DILIGENCE, INC.
 REINSTATE: 05/29/19
 DIS BY PROC: 06/29/16

ENTITY NAME: FORDHAM HOUSE INC.
 REINSTATE: 06/24/19
 DIS BY PROC: 08/31/16

ENTITY NAME: LEOPLUS USA INC.
 REINSTATE: 06/19/19
 DIS BY PROC: 08/31/16

ENTITY NAME: MBG MEDIA SALES INC.
 REINSTATE: 05/02/19
 DIS BY PROC: 06/29/16

ENTITY NAME: RAINBOW CHARTERS INC.
 REINSTATE: 04/22/19
 DIS BY PROC: 01/25/12

ENTITY NAME: ROCKAWAY QSR INC.
 REINSTATE: 04/30/19
 DIS BY PROC: 08/31/16

ENTITY NAME: SELECT 100,000, INC.
 REINSTATE: 05/07/19
 DIS BY PROC: 08/31/16

ENTITY NAME: WHALE ROCK INC.
 REINSTATE: 06/27/19
 DIS BY PROC: 04/29/09

ENTITY NAME: XCEL PLUMBING & HEATING OF NEW YORK INC.
 REINSTATE: 06/20/19
 DIS BY PROC: 08/31/16

COUNTY: ULSTER

ENTITY NAME: KOTZIAS REALTY CORP.
 REINSTATE: 06/14/19
 DIS BY PROC: 12/27/00

ENTITY NAME: S.T. USED CARS, INC.
 REINSTATE: 05/20/19
 DIS BY PROC: 01/26/11

COUNTY: WAYNE

ENTITY NAME: G.P. SMITH EXCAVATING, INC.
 REINSTATE: 05/03/19
 DIS BY PROC: 06/29/16

COUNTY: WESTCHESTER

ENTITY NAME: AGORA GOURMET FOODS, INC.
 REINSTATE: 06/17/19
 DIS BY PROC: 01/25/12

ENTITY NAME: CAPPETTA INCORPORATED
 REINSTATE: 04/01/19
 DIS BY PROC: 08/31/16

ENTITY NAME: GEBERTH ELECTRIC INC.
 REINSTATE: 06/20/19
 DIS BY PROC: 10/26/16

ENTITY NAME: KINGS SOUTHERN DELIGHT CORP.
 REINSTATE: 06/20/19
 DIS BY PROC: 10/26/11

ENTITY NAME: LUITON REALTY CORP.
 REINSTATE: 05/02/19
 DIS BY PROC: 09/27/95

ENTITY NAME: MILRENT, INC.
 REINSTATE: 05/22/19
 DIS BY PROC: 01/25/12

ENTITY NAME: MT. VERNON 20, INC.
 REINSTATE: 04/29/19
 DIS BY PROC: 08/31/16

ENTITY NAME: NO. 2 COLUMBUS AVE. VALHALLA, INC.
 REINSTATE: 04/25/19
 DIS BY PROC: 09/23/92

ENTITY NAME: NORWALK CONVENIENCE MART, INC.
 REINSTATE: 04/29/19
 DIS BY PROC: 06/29/16

ENTITY NAME: PLAZA CONCEPTS INC.
 REINSTATE: 06/12/19
 DIS BY PROC: 07/27/11

ENTITY NAME: PORTCHESTER EYECARE INC.
 REINSTATE: 04/18/19
 DIS BY PROC: 01/25/12

ENTITY NAME: PREOWNED CARS, INC.
 REINSTATE: 06/27/19
 DIS BY PROC: 01/27/10

ENTITY NAME: SCHULTZ ROAD CORP.
 REINSTATE: 04/05/19
 DIS BY PROC: 10/26/11

ENTITY NAME: Z E GRAPHICS, INC.
 REINSTATE: 06/27/19
 DIS BY PROC: 12/29/99

COUNTY: WYOMING

ENTITY NAME: DANIELS FAMILY CHIROPRACTIC, P.C.
 REINSTATE: 04/12/19
 DIS BY PROC: 06/29/16

**NOTICE OF ANNULMENT
 OF DISSOLUTION OF
 CERTAIN MEMBERSHIP CORPORATION(S)**

Under the Provisions of Section 1012 of the Not-for-Profit Corporation Law, as Amended

On the fifteenth of October, nineteen hundred fifty-two, the following corporation(s) was/were dissolved in the manner prescribed by Section 57 of the Membership Corporations Law, as amended.

The Secretary of State hereby provides notice that the following corporation(s) has/have filed in the Department a certificate pursuant to Section 1012, subdivision(a), of the Not-for-Profit Corporation Law annulling all of the proceedings theretofore taken for the dissolution of each such corporation. The appropriate entries have been made on the records of the Department of State.

COUNTY: BROOME

ENTITY NAME: MAINE FIRE COMPANY NO. 1 INC.
 REINSTATE: 04/29/19
 DIS BY PROC: 10/15/52

COUNTY: SUFFOLK

ENTITY NAME: EAST BRENTWOOD FIRE CO., INC.
 REINSTATE: 04/29/19
 DIS BY PROC: 10/15/52

**NOTICE OF ERRONEOUS INCLUSION
 IN DISSOLUTION BY PROCLAMATION OF
 CERTAIN BUSINESS CORPORATIONS**

Under the Provisions of Section 203-a of the Tax Law, as Amended

The Secretary of State hereby provides notice that the following corporations were erroneously included in proclamations declaring certain business corporations dissolved. The State Tax Commission has duly certified to the Secretary of State that the names of these corporations were erroneously included in such proclamations. The appropriate entries have been made on the records of the Department of State.

COUNTY: BRONX

ENTITY NAME: ADVANCED PROMO AND PRINTING CORPORATION
 REINSTATE: 05/15/19
 DIS BY PROC: 10/26/16

COUNTY: ERIE

ENTITY NAME: GREEN FROG LAWN CARE, INC.
 REINSTATE: 05/10/19
 DIS BY PROC: 06/29/16

COUNTY: NASSAU

ENTITY NAME: THE RMD GROUP INC.
 REINSTATE: 04/02/19
 DIS BY PROC: 10/26/16

ENTITY NAME: 100 15TH CORP.
 REINSTATE: 06/06/19
 DIS BY PROC: 06/25/03

COUNTY: NEW YORK

ENTITY NAME: C. LAVIGNE MANAGEMENT INC
 REINSTATE: 05/22/19
 DIS BY PROC: 10/26/16

ENTITY NAME: SSG CONSULTING INC.
 REINSTATE: 04/01/19
 DIS BY PROC: 04/27/11

ENTITY NAME: THE CHICAGO MANAGEMENT COMPANY, INC.
 REINSTATE: 05/20/19
 DIS BY PROC: 12/27/00

COUNTY: OSWEGO

ENTITY NAME: NORA'S MINI MART, INC.
 REINSTATE: 05/28/19
 DIS BY PROC: 01/25/12

COUNTY: SUFFOLK

ENTITY NAME: WINDOWRAMA OF PATCHOGUE NY, INC.
 REINSTATE: 06/11/19
 DIS BY PROC: 10/26/16

COUNTY: WESTCHESTER

ENTITY NAME: SUE ZHOU PHYSICIAN P.C.
 REINSTATE: 04/12/19
 DIS BY PROC: 08/31/16

ENTITY NAME: THE GREENHOUSE FOR PSYCHIATRIC DEVELOPMENT, P.C.
 REINSTATE: 05/29/19
 DIS BY PROC: 08/31/16

**NOTICE OF ERRONEOUS INCLUSION
 IN ANNULMENT OF AUTHORITY OF
 CERTAIN FOREIGN CORPORATIONS**

Under the Provisions of Section 203-b of the Tax Law, as Amended
 The Secretary of State hereby provides notice that the following foreign corporations were erroneously included in proclamations declaring their authority to do business in this state annulled. The State Tax Commission has duly certified to the Secretary of State that the names of the following foreign corporations were erroneously included in such proclamations. The appropriate entries have been made on the records of the Department of State.

COUNTY: ALBANY

ENTITY NAME: INTEGRATION INTERNATIONAL, INC.
 JURIS: DELAWARE
 REINSTATE: 06/24/19
 ANNUL OF AUTH: 10/26/16

ENTITY NAME: INTELLIMAR, INC.
 JURIS: MARYLAND
 REINSTATE: 05/21/19
 ANNUL OF AUTH: 10/26/16

COUNTY: KINGS

ENTITY NAME: NG IMPORTS
 FICT NAME: MILANO WIGS
 JURIS: CALIFORNIA
 REINSTATE: 04/15/19
 ANNUL OF AUTH: 10/26/11

COUNTY: NEW YORK

ENTITY NAME: JCM AMERICAN CORPORATION
 JURIS: NEVADA
 REINSTATE: 04/19/19
 ANNUL OF AUTH: 08/31/16

ENTITY NAME: PUBLICIS HAWKEYE, INC.
 FICT NAME: PUBLICIS (DELAWARE)
 JURIS: DELAWARE
 REINSTATE: 05/02/19
 ANNUL OF AUTH: 08/31/16

COUNTY: QUEENS

ENTITY NAME: RAY PALMER ASSOCIATES, INC.
 JURIS: NEW JERSEY
 REINSTATE: 05/17/19
 ANNUL OF AUTH: 04/27/11

**NOTICE OF CANCELLATION
 OF ANNULMENT OF AUTHORITY OF
 CERTAIN FOREIGN CORPORATIONS**

Under the Provisions of Section 203-b of the Tax Law, as Amended
 The Secretary of State hereby provides notice that the following foreign corporations, which had their authority to do business in this

state annulled in the manner prescribed by Section 203-b of the Tax Law, have complied with the provisions of subdivision (7) of Section 203-b of the Tax Law, annulling all of the proceedings theretofore taken for the annulment of authority of each such corporation. The appropriate entries have been made on the records of the Department of State.

COUNTY: ALBANY

ENTITY NAME: RPA ENERGY INC.
 JURIS: DELAWARE
 REINSTATE: 04/26/19
 ANNUL OF AUTH: 10/26/16

ENTITY NAME: TRISTAR BENEFIT ADMINISTRATORS, INC.
 JURIS: CALIFORNIA
 REINSTATE: 04/05/19
 ANNUL OF AUTH: 10/26/16

ENTITY NAME: TRISTAR MANAGED CARE, INC.
 JURIS: CALIFORNIA
 REINSTATE: 04/24/19
 ANNUL OF AUTH: 08/31/16

COUNTY: KINGS

ENTITY NAME: MORNINGSIDE CONSULTING GROUP INC.
 JURIS: DELAWARE
 REINSTATE: 06/11/19
 ANNUL OF AUTH: 06/29/16

COUNTY: MONROE

ENTITY NAME: INSULATED PANEL COMPANY
 JURIS: ILLINOIS
 REINSTATE: 06/12/19
 ANNUL OF AUTH: 10/26/16

ENTITY NAME: SYNERGY ENVIRONMENTAL, INC.
 JURIS: PENNSYLVANIA
 REINSTATE: 05/22/19
 ANNUL OF AUTH: 01/25/12

COUNTY: NASSAU

ENTITY NAME: BHARAT ELECTRONICS LIMITED
 JURIS: INDIANA
 REINSTATE: 06/05/19
 ANNUL OF AUTH: 09/27/95

COUNTY: NEW YORK

ENTITY NAME: ABD INSURANCE AND FINANCIAL SERVICES, INC.
 JURIS: DELAWARE
 REINSTATE: 04/24/19
 ANNUL OF AUTH: 10/26/16

ENTITY NAME: ARCTEC ELEVATOR SERVICE, INC.
 JURIS: NEW JERSEY
 REINSTATE: 04/30/19
 ANNUL OF AUTH: 07/29/09

ENTITY NAME: DERBY GRANGE CORPORATION
 JURIS: CALIFORNIA
 REINSTATE: 05/17/19
 ANNUL OF AUTH: 06/29/16

ENTITY NAME: HORIZON PHARMA USA, INC.
 JURIS: DELAWARE
 REINSTATE: 04/23/19
 ANNUL OF AUTH: 08/31/16

ENTITY NAME: HUDSON SHORE GROUP INC
 JURIS: NEW JERSEY
 REINSTATE: 05/30/19
 ANNUL OF AUTH: 08/31/16

ENTITY NAME: MCCAMON-HUNT INSURANCE AGENCY, INC.
 JURIS: OHIO
 REINSTATE: 05/07/19
 ANNUL OF AUTH: 01/26/11

ENTITY NAME: SIGNS CAD CORP
 JURIS: NEW JERSEY
 REINSTATE: 06/13/19
 ANNUL OF AUTH: 08/31/16

COUNTY: ONTARIO

ENTITY NAME: CBT PAYROLL SERVICES, INC.
 JURIS: OHIO
 REINSTATE: 05/31/19
 ANNUL OF AUTH: 10/26/11

COUNTY: SUFFOLK

ENTITY NAME: APPLIED ENERGY GROUP INC.
 JURIS: DELAWARE
 REINSTATE: 06/26/19
 ANNUL OF AUTH: 08/31/16

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.

2019-0332 Matter of Mark D. Geiselman, Architect, PC, PO Box 871, Long Beach, NY 11561 for a variance concerning fire safety requirements, including ceiling heights. Involved is an existing dwelling located at 2125 Smith Street, Town of Hempstead, County of Nassau, State of New York.

2019-0389 Matter of Haute Architecture DPC, 134 W. 29th Street, Rm 806, New York, NY 10001, for a variance concerning emergency escape and rescue opening requirements. Involved is an existing dwelling located at Five North Drive, Incorporated Village of Kensington, County of Nassau, State of New York.

2019-0401 Matter of Gloria Stanzione, 2776 Clubhouse Road, Merrick, NY 11566 for a variance concerning pool barrier requirements. Involved is a swimming pool accessory to a one family dwelling located at 2776 Clubhouse Road, Town of Hempstead, County of Nassau, State of New York.

2019-0366 Matter of Helen Bogdanos Pe, 121 Newbridge Road, Hicksville, NY 11801, for a variance concerning plumbing requirements, including the number of toilet room facilities. Involved is a medical office located at 935 Northern Boulevard, Suite 100, Town of North Hempstead, County of Nassau, State of New York.

2019-0367 Matter of Yin Chen, 30 Brook Street, Lindenhurst, NY

11757, for a variance concerning flood requirements, including the freeboard. Involved is a dwelling located at 30 Brook Street, Incorporated Village of Lindenhurst, County of Suffolk, State of New York.

2019-0403 Matter of Scott Tirone, 75 Albertson Avenue, Albertson, NY 11507 for a variance concerning fire safety requirements, including ceiling heights. Involved is an existing dwelling located at Five Star Lane, Town of Hempstead, County of Nassau, State of New York.

2019-0387 Matter of Manuel Mendez, 143 Leverich Street, Hempstead, NY 11550 for a variance concerning fire safety requirements, including ceiling heights. Involved is an existing dwelling located at 143 Leverich Street, Incorporated Village of Hempstead, County of Nassau, State of New York.

2019-0363 Matter of David Vander Wal, 49 West 38th Street, Ninth Floor, New York, NY 10018 for a variance concerning fire safety requirements, including stairway enclosure. Involved is a parking garage located at Scally Place nearby the Westbury Train Station, County of Nassau, State of New York.

2019-0388 Matter of Edna Guilor, 17 Ravine Road, Great Neck, NY 11023 for a variance concerning fire safety requirements, including stairway profile. Involved is an existing dwelling located at 15 Shore Park Road, Town of North 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.

2019-0379 Matter of Jared Mandel Architect P.C., Jared Mandel, 25 Hillside Avenue, Williston Park, NY 11596, for a variance concerning safety requirements, including required height under a girder/soffit. Involved is an existing one family dwelling located at 26 Irving Lane, Town of North Hempstead, NY 11040, County of Nassau, State of New York.

2019-0380 Matter of Nassau Expeditors Inc., Scott Tirone, 75 Albertson Avenue, Albertson, NY 11507, for a variance concerning safety requirements, including required ceiling height and height under a girder/soffit. Involved is an existing one family dwelling located at 15 Colonial Road, Town of North Hempstead, NY 11040, 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.

2019-0402 In the matter of Deborah Dietrich, 297 Bundy Road, Ithaca, NY for a variance concerning building code and fire safety requirements including a variance to omit the code required thermal barrier over foam insulation.

Involved is the application of a paint based product for use as the thermal barrier in an existing residential occupancy, one stories in height, located at 297 Bundy Road, Town of Ithaca, County of Tompkins, New York.

PUBLIC NOTICE

Department of State
Uniform Code Variance / Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2019-0409 In the matter of the Dewitt Mall, LLC., Jason Shank, 214 North Cayuga Street, Ithaca, NY 14850 concerning safety requirements including a variance for reduction in required height of existing interior handrails and guardrails.

Involved is the certificate of compliance inspection of an existing five story mixed use and residential occupancies, known as Dewitt Mall, LLC., located at 215 North Cayuga Street, City of Ithaca, County of Tompkins, New York.

EXECUTIVE ORDERS

Executive Order No. 147.22: A Special Prosecutor to Investigate and Prosecute Matters Relating to the Deaths of Civilians Caused by Law Enforcement Officers.

In view of the request of Attorney General Letitia James, my order and requirement, embodied in Executive Order Number one hundred and forty-seven, dated July 8, 2015, is hereby amended to include an additional paragraph to the penultimate paragraph as amended by Executive Order Numbers 147.1 - 147.21 to read as follows:

FURTHER, the requirement imposed on the Special Prosecutor by this Executive Order shall include the investigation, and if warranted, prosecution:

(v) of any and all unlawful acts or omissions or alleged unlawful acts or omissions by any law enforcement officer, as listed in subdivision 34 of section 1.20 of the Criminal Procedure Law, arising out of, relating to or in any way connected with the death of Michael Rizzetta on November 17, 2018, in Rockland County.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany this sixteenth day of May in the year two thousand nineteen.

BY THE GOVERNOR
/S/ Andrew M. Cuomo
/s/ Melissa DeRosa
Secretary to the Governor

Executive Order No. 147.23: A Special Prosecutor to Investigate and Prosecute Matters Relating to the Deaths of Civilians Caused by Law Enforcement Officers.

In view of the request of Attorney General Letitia James, my order and requirement, embodied in Executive Order Number one hundred and forty-seven, dated July 8, 2015, is hereby amended to include an additional paragraph to the penultimate paragraph as amended by Executive Order Numbers 147.1 - 147.22 to read as follows:

FURTHER, the requirement imposed on the Special Prosecutor by this Executive Order shall include the investigation, and if warranted, prosecution:

(w) of any and all unlawful acts or omissions or alleged unlawful acts or omissions by any law enforcement officer, as listed in subdivision 34 of section 1.20 of the Criminal Procedure Law, arising out of, relating to or in any way connected with the death of Lillian Weyanna on December 8, 2018, in Monroe County.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany this sixteenth day of May in the year two thousand nineteen.

BY THE GOVERNOR
/S/ Andrew M. Cuomo
/s/ Melissa DeRosa
Secretary to the Governor

