
NEW YORK STATE
REGISTER

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

For notices published in this issue:

- the 60-day period expires on December 1, 2019
- the 45-day period expires on November 16, 2019
- the 30-day period expires on November 1, 2019

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NEW YORK STATE DEPARTMENT OF STATE

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NEW YORK STATE REGISTER

Be a part of the rule making process!

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

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

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

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

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

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

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

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

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

Office of Children and Family Services

EMERGENCY RULE MAKING

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

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

Filing No. 840

Filing Date: 2019-09-17

Effective Date: 2019-09-17

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) When a residential program [makes a determination] *determines* that a person is eligible for admission and admits such person into the program, it must provide notice [by telephone] of such admission to the social services district where the person resided at the time of the domestic violence incident. Such notice must be given on or before the first working day following admission; *provided, however, that personally identifying information may only be disclosed to a social services district if the program has received written, informed and time-limited consent from the victim of domestic violence and head of household to share that*

information. If the residential program is not located in the social services district in which the victim of domestic violence resided at the time the domestic violence incident occurred, the person may submit an application for public assistance and care to the district in which the program is located. In such a case, notice [by telephone] of admission must also be given by the residential program to the social services district in which the residential program is located on or before the first working day following such admission. The social services district in which the residential program is located must forward the completed application, within five days of its receipt, to the social services district in which the person resided at the time of the domestic violence incident in accordance with section 311.4(b) of this Title.

Section 408.5 of Title 18 is renamed as follows:

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

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

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

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

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

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

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

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

(12)4 The social services district in which the victim of domestic violence was residing at the time of the domestic violence incident is responsible for determining the victim's financial eligibility for public assistance and care, *if the victim chooses to apply for public assistance and care, pursuant to subdivision (b) of this section [...] or otherwise providing payment for the costs of emergency shelter and services provided to a victim of domestic violence at the daily reimbursement rate determined by the Office of Children and Family Services pursuant to section 131-u of the Social Services Law reduced by the sum of any other reimbursement available for such costs.*

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

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

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

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

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

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

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

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

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

(13)2 The social services district in which the victim of domestic violence was residing at the time of the domestic violence incident is responsible for determining the victim's eligibility for public assistance and care, *if such victim chooses to apply for public assistance and care, pursuant to Parts 351, 352, and 369 or 370 or 372 of this Title. Such social services district cannot require the public assistance applicant or recipi-*

ent to apply any earned or unearned income toward the unmet shelter cost after the public assistance benefit is applied toward the cost of housing. To the extent that funds are appropriated and a social services district has exhausted its allocation under Title XX of the Federal Social Security Act that is required to be spent on adult protective or domestic violence services, such payments made by a social services district will be subject to the applicable state reimbursement.

(14)3 Persons who are receiving public assistance and care at the time of entry into a residential program for victims of domestic violence must notify the social services district providing such assistance of the change in their circumstances. *Upon receiving written, informed and time-limited consent of a victim of domestic violence who was receiving public assistance and care at the time of entry into the residential program for victims of domestic violence, or chooses to apply for public assistance and care during the time of residing in such program and is found eligible for public assistance and care, a social services district must apply the shelter allowance portion of the victim of domestic violence's public assistance benefit, up to the daily reimbursement rate determined by the Office of Children and Family Services pursuant to section 131-u of the Social Services Law reduced by the sum of any other reimbursement available for such costs, to reimburse a residential program for victims of domestic violence for the costs of emergency shelter and services.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. CFS-20-19-00001-EP, Issue of May 15, 2019. The emergency rule will expire October 2, 2019.

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

Regulatory Impact Statement

1. Statutory authority:

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

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

2. Legislative objectives:

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

3. Needs and benefits:

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

4. Costs:

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

5. Local government mandates:

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

6. Paperwork:

The regulations do not recreate any new reporting requirements. The regulations clarify that victims of domestic violence may decide to apply for public assistance, however, they are no longer required to apply for public assistance, which may reduce the need to complete an application for public assistance. The regulations require two new forms. The regulations clarify that residential programs for victims of domestic violence and social services districts must provide victims of domestic violence with written information so that they may make an informed choice about whether to apply for public assistance. Additionally, the regulations require the use of a consent form by a residential program for victims of domestic violence to share personally identifying information to a social services district. The regulations clarify that residential programs for victims of domestic violence may only disclose personally identifying information to a social services district only when such program has received the informed, written, time-limited consent from the victim of domestic violence for whom the information pertains. Lastly, the regulations clarify what non-personally identifying information a residential program for victims of domestic violence may share with a social services district for the purpose of payment of the established per diem rate.

7. Duplication:

They do not duplicate any other State or federal requirements.

8. Alternatives:

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

9. Federal standards:

The regulatory amendments do not conflict with any federal standards.

10. Compliance schedule:

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

Regulatory Flexibility Analysis

1. Effect of the rule:

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

2. Compliance requirements:

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

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

3. Professional services:

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

4. Compliance costs:

The impact of compliance costs is unknown. The changes in statute

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

5. Economic and technological feasibility:

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

6. Minimizing adverse impact:

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

7. Small business and local government participation:

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

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

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas:

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

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

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

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

3. Costs:

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

4. Minimizing adverse impact:

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

5. Rural area participation:

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

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

Job Impact Statement

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

Nature of Impact:

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

Categories and Numbers Affected:

There are no changes in categories or numbers.

Regions of Adverse Impact:

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

Self-Employment Opportunities:

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

Assessment of Public Comment

In response to Part J of Chapter 56 of the Laws of 2019, amendments to Social Services Law sections, 131-U and 459-f, the Office of Children and Family Services (OCFS) filed Emergency Regulations amending sections 408.4, 408.5, 452.9 and 452.10 of Title 18 NYCRR. OCFS received comments from three commenters. The comments are grouped below by the relevant section of regulations they address.

Subdivision 408.4(c)(1)**Comments:**

1. One commenter questioned whether it is necessary that a residential program for victims of domestic violence notify the applicable social services district of an admission into their program within one business day? The commenter suggests that residential domestic violence programs notify the applicable social services district on a monthly basis.

2. One commenter suggested OCFS reiterate the conditions by which a residential program for victims of domestic violence may share personally identifying information (PII) when that program is not located within same social services district that the victim was residing at the time of the incident that necessitated the need for residential domestic violence services.

Response:

1. This is existing language. OCFS has considered this suggestion and has not made any changes to the regulation at this time.

2. OCFS has not made changes to the regulations in response to this suggestion.

Section 408.5

Comment: One commenter stated that New York State should abolish the per diem reimbursement model.

Response: OCFS has not made any changes to the regulation at this time. The per diem reimbursement structure is set in statute.

Subdivision 408.5(a)(2)

Comment: One commenter expressed concern that residential programs for victims of domestic violence would be in violation of the provision to provide victims of domestic violence with written information related to their right to apply for public assistance, and other relevant information so that the victim can make an informed choice whether to apply.

Response: OCFS is committed to providing technical assistance, and is working to provide information to the field. A policy directive and an informational brochure has been developed in conjunction with OTDA and will be issued imminently so that DV providers can easily access the applicable information and share it with DV victims seeking shelter.

Subdivision 408.5(a)(4)

Comment: One commenter requested that OCFS specify what "other reimbursement" may be available to social services districts.

Response: The wording, "other reimbursement," is statutory language found in Social Services Law Section 131-u. Presently, the other reimbursement available to LDSS for DV costs is reimbursement available under Title XX.

Subdivision 408.5(b)(1)(i-iii)

Comment: One commenter does not support the changes to this provision related to funding streams within public assistance.

Response: This regulation was last amended in 1992. The changes made to this section reflect current funding streams for various types of public assistance. As indicated in the text of the regulation, further information can be found in 18 NYCRR Parts 369, 370, and 372.

Subdivision 408.5(b)(2)

Comment: Two commenters both noted that there were two amendments in Section 408.5(b)(2), which result in the second amendment to paragraph (2) canceling the first.

The first:

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

The second:

"Paragraph (2) of subdivision (b) of Section 408.5 of Title 18 is repealed, and subsequent Paragraphs (3) and (4) are renumbered and amended as follows:

([3]2) The social services district..."

Response: OCFS intended for the language of the first version of 18 NYCRR 408.5(b)(2) to be effective. The reference to repealing Paragraph (2) of subdivision (b) of Section 408.5 of Title 18 is an error. We have corrected this error by removing the reference to repealing 18 NYCRR 408.5(b)(2), and renumbered the subsequent paragraphs.

Subdivision 408.5(b)(3)

Comments: One commenter suggested that OCFS elaborate that consent for PII to be shared in this provision is written, informed and time-limited.

Response: OCFS agrees with this suggestion and has added clarifying language indicating that consent must be written, informed and time-limited.

Subdivision 408.5(c)(1)**Comments:**

1. One commenter noted that subdivision (c) of Section 408.5 of Title 18 reads: "To the extent funds are appropriated and a social services district has exhausted its allocation under Title XX of the federal Social Security Act that is required to be spent on adult protective or domestic violence services, such expenditures made by a social services district will be subject to applicable State reimbursement." However, they noted that the italicized word did not appear in the current regulations, which read "... such expenditures made by a social services district will be subject to 50 percent State reimbursement." Since "applicable" isn't underscored as new in the amended language, and "50 percent" has been omitted from the amended language without the use of brackets, the intended changes were unclear.

2. Another commenter also noted that any change which would lower reimbursement to social services districts would create a financial burden for social services districts and ultimately affect reimbursement to residential domestic violence providers.

Response:

1. OCFS intended to bracket "50 percent" and underline the addition of "applicable." This was an oversight, and OCFS will make the applicable corrections.

2. The removal of "50 percent" is to align the regulations with the provisions of which removed reference to a specific percentage. Part J of Chapter 56 of the Laws of 2019 make it clear a social services district is still obligated to pay the per diem rate. New York State is not in a position to abolish the current per diem reimbursement model.

Subdivision 452.9(a)(7)(xii)

Comment: One commenter does not see the need to reiterate providing victims with information related to public assistance so that the victim can make an informed choice whether to apply for public assistance in this section related to victim's rights.

Response: OCFS disagrees and notes that this is a separate Part of the regulations.

Subdivision 452.9(b)(2)

Comment: One commenter points out the data as described in section 452.10(a)(4)(ii)(c) is not statistical in nature and recommends using the term "aggregate" instead.

Response: OCFS has not made changes based upon this suggestion.

Subdivision 452.10(a)(4)(ii)(c)(1-7)

Comments: Two commenters had a question related to the amendment to clause (c) of subparagraph (ii) of paragraph (4) of subdivision (a) of Section 452.10 of Title 18. In the Register, the amended text for the (6) of subparagraph (c), just below the addition of a new (6), reads: "[6](7) other relevant information which identifies a resident's service and safety needs;" However, the text of the existing regulation reads: "other relevant information which identifies a resident's service and safety needs and which is necessary to ensure the provision of appropriate services to the resident." Because the italicized text has been omitted from the amended language without the use of brackets, it is unclear if it was intended to be deleted or if it was dropped inadvertently.

Response:

1. OCFS has another regulatory package filed in late 2018, which proposed the new language as originally drafted in this emergency regulatory package. OCFS intended to bracket out and remove the italicized language. Additional changes are made to this language in the adopted regulations, as follows: "... for the purposes of reimbursing a residential program for victims of domestic violence the approved per diem rate for those victims that choose not to apply for public assistance and care, the following non-personally identifying information." In addition, subparagraph (7) is removed.

Another subparagraph is added that contains the original language in 452.10(a)(4)(ii)(c). This becomes a new 452.10(a)(4)(ii)(d). The new subparagraph (d) reads as follows:

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

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

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

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

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

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

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

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

Procedures for Addressing Children Absent Without Consent from Foster Care, Conditional Releases and Searches

I.D. No. CFS-19-19-00006-ERP

Filing No. 832

Filing Date: 2019-09-13

Effective Date: 2019-09-13

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

Action Taken: Amendment of sections 431.8, 431.19, 431.20, 431.21, 441.2, 441.18 and 441.23 of Title 18 NYCRR.

Statutory authority: Social Services Law, sections 20(3)(d), 34(3)(f) and 398(3-a)(a)(1)

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

Specific reasons underlying the finding of necessity: The Office of Children and Family Services (Office) has determined that continued adoption of 18 NYCRR §§ 431.8, 431.19, 431.20, 431.21, 441.2, 441.18, and 441.23 on an emergency basis is necessary to protect the health, safety and welfare of youth in care throughout New York State, and specifically to protect youth in care under Chapter 59 of the Laws of 2017 (also known as the Raise the Age legislation). The regulations were initially adopted on an emergency basis on April 17, 2019 and published in the State Register on May 8, 2019. The public comment period closed on July 8, 2019, and the regulations were readopted on an emergency basis on July 15. In response to the public comments received, the Office made a number of revisions to the original proposal. To permit the Office to publish the revised proposed rulemaking for additional public comment prior to final adoption, another emergency adoption is necessary.

These emergency regulations strengthen the Office's ability to monitor the local department of social services' (LDSS) oversight of such youth and provide LDSSs with appropriate standards for the conditional release, revocation and duration of placement of youth in care. In addition, the regulations set appropriate standards for authorized agencies caring for Raise the Age youth and other youth as it related to youth leaving their program without permission, youth privacy rights, searches and contraband.

There are currently 11 programs across the state serving youth placed by the court on a delinquency due to Raise the Age and over 30 programs in New York City serving youth placed on delinquencies. In October 2019, the second phase of the legislation goes into effect and with it authorized agencies, including Close to Home programs, will need these tools and resources to best serve their populations.

Social Services Law (SSL) § 398 (3-a) (a) (1), enacted as part of the Close to Home legislation, (see L. 2012, c. 57, pt. G, subpt. B, § 7; see also SSL § 404), authorizes the conditional release of youth that are adjudicated juvenile delinquents and placed with an LDSS in aftercare provided the conditional release is made in accordance with the Office's regulations. Moreover, SSL § 398 (3-a) (a) (4) authorizes LDSSs, pursuant to the Office's regulations, to revoke a youth's release to the community from care and return the youth to an LDSS facility. Presently, the Office does not have regulations governing the release and revocation of such youth. Adoption of these regulations on an emergency basis is needed to prevent inconsistent standards among LDSSs in the release and revocation of delinquent youth and to promote consistent methods in the calculation of the duration of placement of delinquent youth.

The regulatory proposals are needed to provide guidance to authorized agencies to address the treatment of youth placed in care and who are residing with authorized agencies when those children are absent from the program without consent; the circumstances under which an adjudicated juvenile delinquent may be conditionally released; the circumstances under which searches of persons and property may occur; define contraband; and provide terms and conditions to be imposed on conditional release to promote and enhance the chances for success for youth. The

proposed regulations are needed to promote consistent outcomes for youth and the fundamental interests of youth, such as due process and the right to a hearing when a youth's conditional release is revoked, as well as the prevention of wrongful placement due to the miscalculation of the duration of placement for a delinquent youth.

Subject: Procedures for addressing children absent without consent from foster care, conditional releases and searches.

Purpose: To put in place procedures for addressing children absent without consent from foster care, conditional releases and searches.

Substance of emergency/revised rule (Full text is posted at the following State website: <https://ocfs.ny.gov/main/legal/Regulatory/er/>): 431.8 Procedures in cases of children absent without consent from foster care placement. Amends subdivision (f) by adding a new subparagraph (2) and renumbering the subsequent subparagraphs. References new regulatory sections 431.19 and 431.20 regarding release calculations and placement time, and includes language that youth who are adjudicated delinquent and are over the age of 16 at the time of the delinquent act and receive a restrictive placement may stay in custody through age 23; adds new language to clarify the mechanisms under which youth can be discharged from care if absent and are unable to be found; and makes conforming language changes reflecting the state system of record.

431.19 Conditional Release of Youth Placed Pursuant to a Delinquency Adjudication. This section is added to the foster care regulations that are required by legislation to create the framework for conditional release of youth placed pursuant to a delinquency adjudication by the Close to Home legislation. These regulations are required now due to an increased number of youth anticipated to be placed in the custody of local departments of social services (LDSS) due to Raise the Age, and a new model of delinquency placement which requires a period of supervised release prior to the expiration of the delinquency placement order. This part provides for the following:

Conditions under which a youth may be conditionally released; limits on those releases relative to time out of program due to absence; appropriate release resources; required conditions of release; actions required to be taken by youth, release resource, case worker and LDSS case manager; conditions under which a youth's conditions of release may be modified; conditions for revocation of release; required documentation for revocation; the process for revocation of release including requirements of a revocation hearing and; conditions for a voluntary return to placement.

431.20 Interruption of Placement Time. This section is added to address interruptions in placement and effects on calculating placement time.

431.21 Placement Calculation for Youth Placed Pursuant to a Delinquency Adjudication. This section is added to provides requirements to calculate the time in placement, including provisions for any time credit due to time served in detention.

441.2 Definitions. Subdivision (a) is amended to add the term "youth" as part of the definitions for foster care; references article 10-B of the Family Court Act (FCA) for youth reentering care after age 18; allows youth over the age 21 to stay in care if they come into care on an Article 3 of the FCA and were over the age of 16 at the time of the act. Subdivision (p) is added to define "Office" as the Office of Children and Family Services.

441.18 Children's Privacy Rights. Subdivision (d) is repealed and replaced to provide the circumstances under which a youth's property and person may be searched in congregate care settings, setting out a "reasonable cause" standard. It provides limitations on where and how searches shall be conducted including requirements for the child care facility to have a search policy; grounds for facility searches; use of metal detectors or dogs; sets forth parameters for personal searches of a youth limited to pat searches except in programs that serve only youth placed on an Article 3 which allows pat frisks; provides a definition of contraband; requires agencies to have a contraband policy which includes procedures for documenting and disposing of contraband.

441.23 Tobacco product and non-prescribed or non-approved inhaling device use prohibition. Is amended to prohibit use of non-prescribed or non-approved inhaling devices by staff, youth and visitors; and to define unauthorized inhaling devices as contraband for youth and requiring confiscation.

This notice is intended to serve as both a notice of emergency adoption and a notice of revised rule making. The notice of proposed rule making was published in the *State Register* on May 8, 2019, I.D. No. CFS-19-19-00006-EP. The emergency rule will expire December 11, 2019.

Emergency rule compared with proposed rule: Substantial revisions were made in sections 431.19 and 441.18.

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

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

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

Revised Regulatory Impact Statement

1. Statutory authority:

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

Section 34 (3) (f) of the Social Services Law authorizes the Commissioner of the OCFS to establish regulations for administration of public assistance and care within the state.

Section 398 (3-a) (a)(1) of the Social Services Law authorizes the conditional release of any juvenile delinquent placed with a district to aftercare provided that such conditional release shall be made in accordance with OCFS regulations.

2. Legislative objectives:

Enactment of "Raise the Age" (RTA) (Chapter 59 of the Laws of 2017) legislation was an initiative of Governor Andrew Cuomo as New York was one of only two states left that still considered all 16 and 17 year olds automatically criminally responsible. Consistent with adolescent developmental needs and the Prison Rape Elimination Act, the RTA recognizes the potential vulnerability and treatment needs of young persons who are charged with criminal conduct. The RTA law raised the presumptive age of juvenile accountability to 16 year olds as of 10/1/2018 and for 17 year olds effective 10/1/2019, and the vast majority of cases for 16 and 17 year olds will either originate in or be transferred to Family Court from the new Youth Part of the adult criminal court. Youth whose cases are in Family Court, if the youth is to be detained (pretrial or during the pendency of trial), or if placed (post-trial as a disposition), will be housed in OCFS-operated or OCFS-licensed authorized agencies.

3. Needs and benefits:

The proposed regulations provide uniform guidance to clarify the Raise the Age law as it applies to authorized agencies and county departments of social services.

The regulatory proposals which add provisions to Part 431 of the Social Services regulations for the "Care and Protection of Children" are needed to provide guidance to authorized agencies to address the circumstances under which an adjudicated juvenile delinquent may be conditionally released and provides for terms and conditions to be imposed on such a conditional release so as to promote and enhance the chances for success for the youth. There is also a provision for a hearing for the youth where the conditional release is revoked. Other regulations are proposed for Part 431 to address the calculation of a placement for a youth placed on a delinquency adjudication and the effect of an interruption of that placement.

The regulatory proposals in Article 3 – "Child Care Agencies" in the Part 441 General provisions of the Social Services regulations expands the definition of a "child or youth" to comply with the language in the Raise the Age law. A new subdivision is added to provide guidance to authorized agencies for circumstances in which searches of a child's or youth's property or person may be searched and requires agencies to have written policies about searches that must be in accord with the regulations. Another proposed regulation adds a prohibition of non-prescribed or non-approved inhaling devices.

4. Costs:

The authorized child care agencies may have increased staffing needs due to more, older youth being placed pursuant to juvenile delinquency adjudications, resulting in higher costs for the agencies. Also, any youth whose conditional release is revoked is entitled to a revocation hearing and as such, there may be an increase in hearing of this nature. This may result in increased costs for the counties, however, these costs are likely to be covered by the Raise the Age law appropriation at 100 percent provided that the county is within the tax cap or proves hardship.

5. Local government mandates:

Proposed regulation 18 NYCRR § 431.19 imposes the following mandates on a local department of social services (LDSS):

1. Subdivision (e) requires the LDSS to remain responsible for a youth conditionally released pursuant to a delinquency adjudication; and

2. Subdivision (g) (4) requires that any proposed modification to the conditions of release must be reviewed and approved by the aftercare worker supervisor in consultation with the LDSS case manager; and

3. Subdivision (j) (2) requires that a written recommendation of a youth's conditional release revocation to be reviewed by the youth's LDSS case manager, and

4. Subdivision (k) requires the LDSS to provide the youth with timely notice and an opportunity to be heard when there is a revocation of the youth's conditional release.

6. Paperwork:

There will be paperwork generated in order to comply with the above-stated mandates for notices required to be given by the LDSS.

Proposed regulation 18 NYCRR § 431.19 requires all conditions of a

conditional release, as well as any modifications or revocations thereof to be written. There is paperwork associated with any revocation hearing.

Proposed regulation 18 NYCRR § 441.18 pertaining to searches will require authorized agencies to have written policies for searches and each search conducted and/or contraband confiscated as a result thereof will have to be documented pursuant to the regulation.

7. Duplication:

These proposed regulations do not duplicate any existing State or federal requirements.

8. Alternatives:

There were no significant alternative proposals to these regulations considered.

9. Federal standards:

The proposed rules do not exceed federal standards.

10. Compliance schedule:

These provisions should be complied with upon filing of the emergency and adoption of the final rule.

Revised Regulatory Flexibility Analysis

1. Effect of rule:

Small businesses and local (other than county) governments are not impacted by this rule. County government probation departments and departments of social services must comply with the rules.

2. Compliance requirements:

These regulations add no additional requirements on small businesses or local governments. These rules clarify the requirements in statute and add no additional burdens beyond the statutory requirements.

3. Professional services:

No additional professional services are necessary for compliance with these rules.

4. Compliance costs:

The proposed rule imposes no additional costs on local government or small businesses because it clarifies the statutory requirements of the Raise the Age law.

5. Economic and technological feasibility:

Small business and local government will have no additional economic or technological burden due to this rulemaking.

6. Minimizing adverse impact:

The proposed rule minimizes adverse impact by providing 100% reimbursement for qualified expenses under Raise the Age.

7. Small business and local government participation:

There has been extensive outreach and local work by OCFS, DCJS and other key participants to educate persons on the law and to listen to concerns from those impacted. Additionally, the regulatory proposal will be available to affected parties for comment and will be thoroughly addressed through statewide trainings and guidance documentation distributed to affected parties and counties, including those that serve rural communities, departments of social services, authorized agencies and facilities.

Revised Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas:

The proposed rulemaking will have minimal impact on rural areas. Potentially each rural area could be home to youth impacted by Raise the Age. However, State estimates of youth likely to be placed do not indicate that there is likely to be a large flow of youth into the system, therefore the impact is expected to be a minimal.

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

These regulations impose no new requirements but clarify requirements in statute. As is currently required, the county departments of social service and voluntary authorized agencies impacted by Raise the Age will use the state system of record (CONNECTIONS) and the Juvenile Justice Information Systems-Child Welfare (JJIS-CW). State estimates of youth likely to be placed do not indicate that there is likely to be a large flow of youth into the foster care system, therefore the impact is expected to be a minimal increase.

3. Costs:

There are some costs associated with these requirements however costs for youth who are in placement in a Raise the Age program are 100 percent reimbursable provided the county is within the tax cap or is approved for a hardship and includes those costs in their approved Raise the Age plan. There may be a cost to county government associated with hearings that may be needed if a youth's conditional release is being revoked.

4. Minimizing adverse impact:

It is anticipated that rural counties will have relatively low numbers of youth placed in foster care on delinquency based on historical data and current arrest and placement trends.

5. Rural area participation:

There has been extensive outreach and local work by the Office of Children and Family Services, the Division of Criminal Justice Services and other key participants to educate persons on the law and to listen to

concerns from those impacted. Additionally, the regulatory proposals will be available to affected parties for comment and will be thoroughly addressed through statewide trainings and guidance documentation distributed to affected parties and counties, including those that serve rural communities.

Revised Job Impact Statement

The changes to the regulations are not expected to have a negative impact on the job market. The Raise the Age law may result in some small positive impact resulting from the possible need to have additional hearing officers or additional staff for voluntary authorized agency programs to serve the older population.

Assessment of Public Comment

On April 17, 2019, the New York State Office of Children and Family Services (OCFS) filed a Notice of Emergency Adoption and Proposed Rulemaking, amending sections 431.8 and 441.23; amending subdivision (a) of section 441.2; adding sections 431.19, 431.20, and 431.21, adding subdivision (p) of section 441.2; and repealing and adding subdivision (d) of section 441.18 to Title 18 of the New York Codes, Rules and Regulations (NYCRR). The notice was published in the State Register on May 8, 2019. The public comment period ended on July 8, 2019. On July 16, 2019, OCFS filed a Second Notice of Emergency Adoption and Proposed Rulemaking, which was published July 31, 2019. The proposed regulations provide procedures for youth absent without consent from care; the conditional release, revocation, and length of stay of youth in care; and searches of youth in care.

OCFS received comments from members of the Legislature, the Office of Court Administration, a legal services provider, and New York City. These comments and OCFS' responses are below.

Comment 1: One commenter requested that the requirement in section 431.8(b) to report the absence without consent of a child from a foster care placement be extended to the attorney for the child.

Response: The requirement for which parties receive notice was not modified by the proposed amendments.

Comment 2: Two commenters requested that the authority in section 431.8(d)(2) for local social services officials request a warrant for the return of a child who is absent without consent from a foster care placement be limited to those situations in which the child's testimony is required in a family court proceeding or there is explicit statutory authorization for the warrant.

Response: The authority to petition family court for a warrant was not modified by the proposed amendments.

Comment 3: One commenter requested that proposed section 431.8(f)(2)(iii)—relating to when a child absent without consent from a foster care placement must be discharged from care—be modified for consistency with the underlying statutory authority.

Response: OCFS has revised the proposed amendment to reference the conditions under which a child may be retained in care beyond the age of 21.

Comment 4: One commenter requested that section 431.8(f)(3) be modified to provide a period longer than 60 days for a youth to return to care prior to a discharge from care.

Response: The period of time a child must be absent without consent prior to discharge was not modified by the proposed amendments.

Comment 5: One commenter asserted that proposed section 431.19(b) is not consistent with the statutory language.

Response: OCFS has revised the proposed amendment to be consistent with the language of Social Services Law § 398.

Comment 6: One commenter requested that section 431.19(f) be amended to provide that conditions of release must be individualized for each youth and consistent with the youth's needs and abilities.

Response: OCFS agrees with the comment and has modified the proposed amendment accordingly.

Comment 7: One commenter expressed concern that the requirement in section 431.19(f)(2)(x) that youth acknowledge that conditional release is a privilege undermines the collaborative decision-making process of the risk-needs-responsivity framework. The commenter also indicated that it would be difficult to find a youth-friendly way to ask youth to acknowledge that they remain in the custody of the local social services district.

Response: OCFS agrees that it is not necessary and may be counterproductive for youth to acknowledge that conditional release is a privilege and has removed that requirement. However, it is a statutory requirement that youth conditionally released from a placement to aftercare continues to be in district custody for the period specified in the dispositional order placing the youth. Because continued custody is what provides the district with the authority to revoke the conditional release, it is imperative that this information is conveyed to the youth. OCFS is confident that social services districts will find a youth-friendly way to do so.

Comment 8: One commenter recommended that section 431.19(h) be amended to provide that the youth's caseworker confer with the youth and their parent or guardian before modifying the conditions of release.

Response: OCFS agrees with the comment and has modified the proposed amendment accordingly.

Comment 9: Two commenters requested that section 431.19(i)(2) be amended to remove the death, incapacity, or incarceration of the youth's release resource as a ground for revocation of conditional release.

Response: OCFS agrees with the comments and has modified the proposed amendment accordingly.

Comment 10: One commenter asserted that adults convicted of crimes who are released on parole are afforded greater protections than those provided by the proposed regulation and requested that the procedures attendant to parole revocation be adopted for revocation proceedings for conditionally released youth.

Response: Youth conditionally released from placement are still within the custody of the local social services district, which has the obligation to provide for the best interests of the youth. The social services district stands in the place of the youth's parent in certain respects, and so occupies a markedly different position than the state with respect to adult parolees. Some of the commenter's specific recommendations have been adopted as set forth below.

Comment 11: One commenter requested that the notice required by section 431.19(k)(1) be provided by personal service, five days prior to the hearing, and provide notice to the youth of their rights at the hearing.

Response: OCFS agrees that the notice should be provided to the youth at least five days prior to the hearing and has modified the proposed amendment accordingly. With respect to the manner in which notice is provided, OCFS will issue guidance to social services districts specifying permissible methods of notice. The proposed amendment already contains a requirement that the notice advise youth of their rights at the hearing, and further modification is unnecessary.

Comment 12: One commenter asserted that sections 431.19(i)(2), (k)(2), and (k)(3)(iii) would permit a youth's conditional release to be revoked if remaining in the community is contrary to the youth's best interests, and recommends modifying.

Response: The language quoted by the commenter in section 431.19(k)(2) does not provide a basis for revocation, but specifies when a youth may be returned to care prior to a revocation hearing. With respect to the other paragraphs, OCFS has modified the proposed amendment to be consistent with the underlying statutory authority.

Comment 13: One commenter objected to the requirement in section 431.19(k)(2)(i) that restricts return to secure detention facilities of limited secure youth apprehended pursuant to a warrant issued by a social services district with an approved close to home plan. The commenter asserted that the youth's prior placement may not have an available bed and that only secure detention facilities have the ability to accept youth on a 24-hour basis.

Response: Initially, all detention facilities are required to accept youth on a 24-hour basis. OCFS has modified the proposed amendment to permit limited secure youth to be returned to a secure or nonsecure detention facility. OCFS declines the invitation to permit youth placed in a nonsecure setting to be returned to a detention facility. If a bed is not available in the placement from which the youth was released, the district may seek openings in other authorized agencies.

Comment 14: One commenter requested that section 431.19(k)(2)(ii) be modified to avoid the interpretation that only districts without close to home plans may petition the family court for a warrant for the return of a youth to placement.

Response: OCFS agrees with the comment and has modified the proposed amendment accordingly.

Comment 15: One commenter requested that the procedures for revocation hearings set forth in section 431.19(k)(3) be amended to incorporate specific provisions, including with respect to the standard of proof, the requirement that the hearing officer be impartial, that the hearing be bifurcated, that the decision indicate the evidence relied on and the reasons for the decision, and that the hearing officer consider a range of options before ordering revocation.

Response: OCFS has modified the proposed amendment to incorporate several of the commenter's requested changes; however, as set forth above it is not appropriate to conflate the juvenile justice and criminal justice systems and it is not necessary to incorporate all protections provided to adult parolees to the release revocation process.

Comment 16: One commenter requested that the revocation hearing take place within 15 days from the date the youth was returned to care instead of the 20 days provided for in section 431.19(k)(3)(i).

Response: OCFS has considered the request and determined that in order to provide all interested parties with the greatest possible time to prepare for the hearing, it is appropriate not to modify the proposed amendment as requested.

Comment 17: One commenter requested that section 431.20(a) be amended to clarify that the tolling provisions apply to conditionally released youth. The commenter also requested that the word disappear be removed from the regulation.

Response: Because placement is with the social services district, absence without consent includes absence from aftercare if the youth's absence constitutes a failure to comply with the conditions of release. Accordingly, the requested clarification is unnecessary. However, OCFS agrees that the word disappear is unclear and has modified the proposed amendment.

Comment 18: One commenter requested that section 431.21(a) be amended to provide a credit to placement for time spent in detention under the docket number that resulted in the placement, rather than on the charges resulting in the placement. The commenter indicated that it is easier to determine on which docket a youth is remanded to detention, as opposed to on which charges.

Response: OCFS agrees that it is not always clear on which charges a youth is remanded to detention. However, the language proposed by the commenter does not fully cure any lack of clarity, as a youth can be remanded on a docket but then placed on another, without merging the two. OCFS has amended to provide that the calculation of the length of placement includes a credit for time spent in detention pending disposition.

Comment 19: One commenter requested that section 441.18(d) be amended to provide that searches may not be used for punishment, retaliation, discipline, or harassment/embarrassment of youth. The commenter also requests that youth be provided an opportunity to relinquish contraband prior to a search being conducted.

Response: OCFS agrees and has modified the proposed amendment accordingly.

Comment 20: One commenter requested that reasonable cause and reasonable belief be defined because they are vague.

Response: OCFS does not believe it is necessary to define the frequently-used phrase reasonable cause and has replaced the use of reasonable belief with reasonable cause.

Comment 21: One commenter expressed concern that 441.18(d)(1) and (8) combine to create the possibility of youth being directed to empty their pockets of contraband and then arrested for possession of marijuana in public view. The commenter also requested that the phrase "criminal offense" be replaced with the word "crime."

Response: It was not the intention of the regulations to subject youth to arrest for the decriminalized possession of marijuana. The regulations have been amended to remove the reference to marijuana. In addition, the requested change or wording has been made.

Comment 22: One commenter requested that the regulations require that a child be present for any search of their room, locker, or possessions absent extraordinary circumstances. The commenter also requested that the regulation require the child be notified immediately, or no later than 24 hours after the search if the child is not present.

Response: OCFS has rephrased to clarify that the child must be present unless it would compromise an investigation or the safety of any person. As the regulations already require that the child be notified at the earliest possible time, OCFS does not consider it to be necessary to specify a particular period of time in which notice must be given.

Comment 23: One commenter expressed concern that agencies are required to document searches in multiple locations.

Response: OCFS agrees and has modified the proposed amendment to require that explanations of the purpose for and the results of all searches must be documented in a separate search documentation log maintained by the agency.

Comment 24: One commenter suggested that the requirement in section 441.18(d)(4)(iii) that OCFS be notified within one business day of an unannounced general facility search is overly burdensome.

Response: OCFS has reconsidered and determined that unannounced general facility-wide searches will not be permitted except upon prior notice to OCFS. Further, OCFS has included a definition of general search to clarify.

Comment 25: The same commenter asserted that it should not be required that there is a suspicion of widespread contraband to conduct an unannounced general search.

Response: Because the proposed amendments permit routine area searches, OCFS does not consider unannounced general searches to be necessary to maintain safe and efficient operations absent a reason to suspect the presence of contraband that presents a danger to the facility and cannot be found by less aggressive means.

Comment 26: One commenter requested additional prohibitions on the use of canine searches based on the potential of fear or intimidation of youth.

Response: As referenced in response to comment 19, OCFS has modified the proposed amendment to specify that searches may not be conducted in a manner to punish or harass youth, such that it is unnecessary to make the additional requested changes at this time.

Comment 27: One commenter asserted that personal searches must be conducted by a person of the same sex as the child, and requested that transgender or gender nonconforming youth's requests for male or female staff conduct a search be accommodated whenever possible.

Response: OCFS has modified the proposed amendment and changed sex to gender.

Comment 28: One commenter requested that parameters be added for pat-frisk and security searches, authorizing pat-frisk searches whenever a child moves within the facility, and authorizing security searches on admission, return from unsupervised off-grounds trips, or when there is reasonable cause to suspect contraband and a pat-frisk search is not successful at recovering contraband.

Response: OCFS declines the invitation to expand the authorization for personal searches beyond circumstances under which there is reasonable cause to suspect contraband, but has modified the regulation to clarify the procedures that must be followed for personal searches permitted under the regulations.

NOTICE OF ADOPTION

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

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

Filing No. 841

Filing Date: 2019-09-17

Effective Date: 2019-10-02

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

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

Statutory authority: Social Services Law, sections 20(3)(d), 34(3)(f), 131-u and 459-f; L. 2019, ch. 56, part J

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

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

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

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

Section 408.5 of Title 18 is renamed as follows:

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

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

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

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

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

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

(2) *A victim of domestic violence shall be provided written information explaining their right to apply for public assistance and care and rel-*

evant information to make an informed decision whether to apply for such assistance. This information must include, but is not limited to: understanding what personally identifying information is required, how that information will be used, and what benefits and services are available through public assistance and care.

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

(12)4 The social services district in which the victim of domestic violence was residing at the time of the domestic violence incident is responsible for determining the victim's financial eligibility for public assistance and care, if the victim chooses to apply for public assistance and care, pursuant to subdivision (b) of this section [.] or otherwise providing payment for the costs of emergency shelter and services provided to a victim of domestic violence at the daily reimbursement rate determined by the Office of Children and Family Services pursuant to section 131-u of the Social Services Law reduced by the sum of any other reimbursement available for such costs.

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

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

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

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

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

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

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

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

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

(13)2 The social services district in which the victim of domestic violence was residing at the time of the domestic violence incident is responsible for determining the victim's eligibility for public assistance and care, if such victim chooses to apply for public assistance and care, pursuant to Parts 351, 352, and 369 or 370 or 372 of this Title. Such social services district cannot require the public assistance applicant or recipient to apply any earned or unearned income toward the unmet shelter cost after the public assistance benefit is applied toward the cost of housing. To the extent that funds are appropriated and a social services district has exhausted its allocation under Title XX of the Federal Social Security Act that is required to be spent on adult protective or domestic violence services, such payments made by a social services district will be subject to the applicable state reimbursement.

(14)3 Persons who are receiving public assistance and care at the time of entry into a residential program for victims of domestic violence must notify the social services district providing such assistance of the change in their circumstances. Upon receiving written, informed and time-limited consent of a victim of domestic violence who was receiving public assistance and care at the time of entry into the residential program for victims of domestic violence, or chooses to apply for public assistance and care during the time of residing in such program and is found eligible for public assistance and care, a social services district must apply the shelter allowance portion of the victim of domestic violence's public assistance benefit, up to the daily reimbursement rate determined by the Office of Children and Family Services pursuant to section 131-u of the Social Services Law reduced by the sum of any other reimbursement available for such costs, to reimburse a residential program for victims of domestic violence for the costs of emergency shelter and services.

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

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

(1) [When] Where a social services district determines that a victim of domestic violence is ineligible for public assistance and care, or has chosen not to apply for public assistance and care, [the social services district must determine the victim's ability to pay all or part of the costs of such shelter, services and care based upon the information the victim provided on his or her application for public assistance and care.] a social services district financially responsible for a victim of domestic violence

shall reimburse a residential program for victims of domestic violence for the costs of emergency shelter and services provided to such victim at the daily reimbursement rate established by the Office of Children and Family Services reduced by any other reimbursement available for such costs. To the extent funds are appropriated and a social services district has exhausted its allocation under Title XX of the federal Social Security Act that is required to be spent on adult protective or domestic violence services, such expenditures made by a social services district will be subject to [50 percent] applicable State reimbursement.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Final rule as compared with last published rule: Nonsubstantive changes were made in sections 408.4, 408.5, 452.9 and 452.10.

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

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

Changes made to the last published rule do not necessitate revision to the previously published Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement.

Initial Review of Rule

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

Assessment of Public Comment

Office of Children and Family Services Response to Public Comments to Emergency/Proposed Rule Making: (CFS-20-19-00001-EP) To Eliminate the Requirement that Victims of Domestic Violence Apply for Public Assistance to Pay for Cost of Shelter and Services

In response to Part J of Chapter 56 of the Laws of 2019, amendments to Social Services Law sections, 131-U and 459-f, the Office of Children and Family Services (OCFS) filed Emergency Regulations amending sections 408.4, 408.5, 452.9 and 452.10 of Title 18 NYCRR. OCFS received comments from three commenters. The comments are grouped below by the relevant section of regulations they address.

Subdivision 408.4(c)(1)**Comments:**

1. One commenter questioned whether it is necessary that a residential program for victims of domestic violence notify the applicable social services district of an admission into their program within one business day? The commenter suggests that residential domestic violence programs notify the applicable social services district on a monthly basis.

2. One commenter suggested OCFS reiterate the conditions by which a residential program for victims of domestic violence may share personally identifying information (PII) when that program is not located within same social services district that the victim was residing at the time of the incident that necessitated the need for residential domestic violence services.

Response:

1. This is existing language. OCFS has considered this suggestion and has not made any changes to the regulation at this time.

2. OCFS has not made changes to the regulations in response to this suggestion.

Section 408.5

Comment: One commenter stated that New York State should abolish the per diem reimbursement model.

Response: OCFS has not made any changes to the regulation at this time. The per diem reimbursement structure is set in statute.

Subdivision 408.5(a)(2)

Comment: One commenter expressed concern that residential programs for victims of domestic violence would be in violation of the provision to provide victims of domestic violence with written information related to their right to apply for public assistance, and other relevant information so that the victim can make an informed choice whether to apply.

Response: OCFS is committed to providing technical assistance, and is working to provide information to the field. A policy directive and an informational brochure has been developed in conjunction with OTDA and will be issued imminently so that DV providers can easily access the applicable information and share it with DV victims seeking shelter.

Subdivision 408.5(a)(4)

Comment: One commenter requested that OCFS specify what "other reimbursement" may be available to social services districts.

Response: The wording, "other reimbursement," is statutory language found in Social Services Law Section 131-u. Presently, the other reimbursement available to LDSS for DV costs is reimbursement available under Title XX.

Subdivision 408.5(b)(1)(i-iii)

Comment: One commenter does not support the changes to this provision related to funding streams within public assistance.

Response: This regulation was last amended in 1992. The changes made to this section reflect current funding streams for various types of public assistance. As indicated in the text of the regulation, further information can be found in 18 NYCRR Parts 369, 370, and 372.

Subdivision 408.5(b)(2)

Comment: Two commenters both noted that there were two amendments in Section 408.5(b)(2), which result in the second amendment to paragraph (2) canceling the first.

The first:

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

The second:

"Paragraph (2) of subdivision (b) of Section 408.5 of Title 18 is repealed, and subsequent Paragraphs (3) and (4) are renumbered and amended as follows:

([3]2) The social services district..."

Response: OCFS intended for the language of the first version of 18 NYCRR 408.5(b)(2) to be effective. The reference to repealing Paragraph (2) of subdivision (b) of Section 408.5 of Title 18 is an error. We have corrected this error by removing the reference to repealing 18 NYCRR 408.5(b)(2), and renumbered the subsequent paragraphs.

Subdivision 408.5(b)(3)

Comments: One commenter suggested that OCFS elaborate that consent for PII to be shared in this provision is written, informed and time-limited.

Response: OCFS agrees with this suggestion and has added clarifying language indicating that consent must be written, informed and time-limited.

Subdivision 408.5(c)(1)**Comments:**

1. One commenter noted that subdivision (c) of Section 408.5 of Title 18 reads: "To the extent funds are appropriated and a social services district has exhausted its allocation under Title XX of the federal Social Security Act that is required to be spent on adult protective or domestic violence services, such expenditures made by a social services district will be subject to applicable State reimbursement." However, they noted that the italicized word did not appear in the current regulations, which read "... such expenditures made by a social services district will be subject to 50 percent State reimbursement." Since "applicable" isn't underscored as new in the amended language, and "50 percent" has been omitted from the amended language without the use of brackets, the intended changes were unclear.

2. Another commenter also noted that any change which would lower reimbursement to social services districts would create a financial burden for social services districts and ultimately affect reimbursement to residential domestic violence providers.

Response:

1. OCFS intended to bracket "50 percent" and underline the addition of "applicable." This was an oversight, and OCFS will make the applicable corrections.

2. The removal of "50 percent" is to align the regulations with the provisions of _____ which removed reference to a specific percentage. Part J of Chapter 56 of the Laws of 2019 make it clear a social services district is still obligated to pay the per diem rate. New York State is not in a position to abolish the current per diem reimbursement model.

Subdivision 452.9(a)(7)(xii)

Comment: One commenter does not see the need to reiterate providing victims with information related to public assistance so that the victim can make an informed choice whether to apply for public assistance in this section related to victim's rights.

Response: OCFS disagrees and notes that this is a separate Part of the regulations.

Subdivision 452.9(b)(2)

Comment: One commenter points out the data as described in section 452.10(a)(4)(ii)(c) is not statistical in nature and recommends using the term "aggregate" instead.

Response: OCFS has not made changes based upon this suggestion.

Subdivision 452.10(a)(4)(ii)(c)(1-7)

Comments: Two commenters had a question related to the amendment to clause (c) of subparagraph (ii) of paragraph (4) of subdivision (a) of Section 452.10 of Title 18. In the Register, the amended text for the (6) of subparagraph (c), just below the addition of a new (6), reads: "[6](7) other relevant information which identifies a resident's service and safety needs;" However, the text of the existing regulation reads: "other relevant information which identifies a resident's service and safety needs and which is necessary to ensure the provision of appropriate services to the resident." Because the italicized text has been omitted from the amended language without the use of brackets, it is unclear if it was intended to be deleted or if it was dropped inadvertently.

Response:

1. OCFS has another regulatory package filed in late 2018, which proposed the new language as originally drafted in this emergency regulatory package. OCFS intended to bracket out and remove the italicized language. Additional changes are made to this language in the adopted regulations, as follows: "... for the purposes of reimbursing a residential program for victims of domestic violence the approved per diem rate for those victims that choose not to apply for public assistance and care, the following non-personally identifying information." In addition, subparagraph (7) is removed.

Another subparagraph is added that contains the original language in 452.10(a)(4)(ii)(c). This becomes a new 452.10(a)(4)(ii)(d). The new subparagraph (d) reads as follows:

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

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

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

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

- (4) the date the resident and as applicable minor child, entered the program;
- (5) the date of the resident's and as applicable minor child's departure; and
- (6) other relevant information which identifies a resident's service and safety needs and which is necessary to ensure the provision of appropriate services to the resident.

Department of Environmental Conservation

EMERGENCY RULE MAKING

Regulations Governing Recreational Fishing of Scup

I.D. No. ENV-28-19-00002-E
Filing No. 839
Filing Date: 2019-09-16
Effective Date: 2019-09-16

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

Action taken: Amendment of Part 40 of Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 13-0105, 13-0339 and 13-0340-e

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

Specific reasons underlying the finding of necessity: This rule making is necessary for New York State to prevent the lapse of regulations currently in effect for the recreational harvest of scup before the end of the current party and charter boat season, i.e. October. The readopted regulations were developed in response to the Atlantic States Marine Fisheries Commission and Mid-Atlantic Fishery Management Council increasing the recreational harvest limits for scup for 2019. This amendment proposes to address the increase to the recreational harvest limit for scup by extending the rule which permitted a year-round recreational scup season and increased the possession limit for licensed party and charter boat anglers to 50 fish from September 1 through October 31.

DEC is adopting these changes to preserve the general welfare of New York State residents by easing recreational fishing regulations that were in place during 2018 and optimizing New York recreational fishing opportunities while simultaneously maintaining their sustainability. Failure to readopt the regulations would deny New York recreational fishers and related industries an economic opportunity that is already available in neighboring states and federal waters.

This first emergency readoption is necessary so there is no lapse of the regulation during the party and charter boat season while DEC works on permanently adopting the regulation. Any lapse in the emergency regulation, before the end of the current party and charter boat season, would deny New York recreational fishers and related industries an opportunity currently in effect in New York and in neighboring states.

Subject: Regulations governing recreational fishing of scup.

Purpose: To revise regulations concerning the recreational harvest of scup in New York State.

Text of emergency rule: Existing subdivision 40.1(f) is amended to read as follows:

Species Striped bass (except the Hudson River north of George Washington Bridge) through Winter flounder remain the same.

Species Scup (porgy) licensed party/charter boat anglers**** and Scup (porgy) all other anglers are amended to read as follows:

Species	Open Season	Minimum Length	Possession Limit
Scup (porgy) licensed party/charter boat anglers****	[May]Jan. 1– Aug. 31	9" TL	30
	Sept. 1 – Oct. 31	9" TL	[45] 50
	Nov. 1 – Dec. 31	9" TL	30
Scup (porgy) all other anglers	[May 1 – Dec. 31] All year	9" TL	30

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. ENV-28-19-00002-EP, Issue of July 10, 2019. The emergency rule will expire November 14, 2019.

Text of rule and any required statements and analyses may be obtained from: Rachel Sysak, New York State Department of Environmental Conservation, 205 North Belle Mead Rd., Suite 1, East Setauket, NY 11733, (631) 444-0469, email: rachel.sysak@dec.ny.gov

Additional matter required by statute: The Department has determined that the Notice of Emergency Adoption is a Type II action and no further review is required pursuant to Article 8 of the ECL, the State Environmental Quality Review Act.

Regulatory Impact Statement

1. Statutory authority:
 Environmental Conservation Law (ECL) §§ 13-0105, 13-0339, and 13-0340-e authorizes the New York State Department of Environmental Conservation (Department) to establish by regulation the open season, size, catch limits, possession and sale restrictions, and manner of taking for scup.

2. Legislative objectives:
 It is an objective of the above-cited statutes, specifically ECL subdivision 13-0105(1)(a), that the Department, in managing marine fisheries, "shall optimize the benefits of resource use so as to provide valuable recreational experiences" in a manner that is consistent with marine fisheries conservation and management policies and interstate fishery management plans.

3. Needs and benefits:
 This rule making would implement a year-round recreational scup season and increase the possession limit for party and charter boat fishing trips in the fall. These changes will promote the general welfare of New York State citizens by increasing access to recreational fishing opportunities in New York State and providing economic opportunities to businesses associated with fishing, such as party and charter boat operators. These regulations will not compromise the sustainability of the fishery. The proposed amendments will provide New York State recreational fishers with more chances to fish for scup and will likely result in increased revenue for related fishing industries, including party and charter boat businesses. In addition, neighboring states have already adopted these changes; consequently, New York State party and charter boat operators will be at a competitive disadvantage when booking fishing trips for the fall if DEC does not implement the same provisions for New York. This emergency measure is intended to provide the New York State for-hire industry and their customers with sufficient time to plan and book fishing trips for the fall with the increased possession limit.

Scup are one of four species jointly managed by the Atlantic States Marine Fisheries Commission (ASMFC) and the Mid-Atlantic Fishery Management Council (MAFMC). The new proposed regulations were developed in response to a large 2019 recreational harvest limit for scup that will allow New York State to reduce constraints on recreational scup harvest. This amendment proposes to allow increased access to the recreational scup fishery through expanding the recreational scup season and increasing the fall possession limit for licensed party and charter boat anglers while remaining in compliance with ASMFC and MAFMC Fishery Management Plans.

4. Costs:
 There are no new costs to state and local governments from this action. The Department will incur limited costs associated with both the implementation and administration of these rules, including the costs relating to notifying recreational fishers, party and charter boat operators, and other recreational fishing associated businesses of the new rules.

5. Local government mandates:
 The proposed rule does not impose any mandates on local governments.

6. Paperwork:
 None.

7. Duplication:
 The amendment does not duplicate any state or federal requirements.

8. Alternatives:
 "No action" alternative: Failure to adopt these regulations would deny New York recreational fishers the opportunity to harvest scup year-round in New York State, which would put New York State's recreational fishing related businesses at an economic disadvantage to those that operate in neighboring states and federal waters.

9. Federal standards:
 The amendments to Part 40 are in compliance with the ASMFC and MAFMC's Fishery Management Plan for scup.

10. Compliance schedule:
 These regulations are being adopted by emergency rule making and therefore will take effect immediately upon filing with Department of State. Regulated parties will be notified of the changes to the regulations

through publication in the State Register, appropriate news releases, and through the Department’s website.

Regulatory Flexibility Analysis

1. Effect of rule:

This rule making would permit earlier access to the recreational scup fishery in comparison to the current start of the recreational fishery by expanding the season to year-round, and will increase the scup possession limit, for licensed party and charter boat anglers, by 5 fish (increase from 45 to 50 fish) from September 1 through October 31.

In 2018, there were 515 licensed party and charter businesses, and a number of retail and wholesale marine bait and tackle shops operating in New York State. Data available from 2017 New York State Vessel Trip Reports shows that there were 2,547 party and charter trips that caught and kept scup. These statistics do not include federally permitted recreational vessels operating out of New York State. The National Oceanic and Atmospheric Administration’s Marine Recreational Information Program estimates that there were 1,078,023 recreational trips targeting scup in New York during 2018. The proposed amendment would increase the number of days recreational fishing for scup is permitted and the amount of scup that can be kept on licensed party and charter boats from September 1 through October 31. This rule would create additional opportunities for recreational fishers in New York and will likely result in an increase in revenue for party and charter businesses, marinas, and marine bait and tackle shops that supply the recreational scup fishery.

2. Compliance requirements:

None.

3. Professional services:

None.

4. Compliance costs:

None.

5. Economic and technological feasibility:

The proposed regulations do not require any expenditure on the part of affected businesses to comply with the changes. The proposed regulations will likely increase the income of party and charter businesses, marinas, and marine bait and tackle shops that supply the recreational scup fishery.

6. Minimizing adverse impact:

This rule making will not impose any adverse impacts on the regulated community.

7. Small business and local government participation:

On February 5, 2019 the ASMFC approved New York’s proposal to adjust their 2019 recreational harvest management measures based on the high harvest limit and robust scup population. These management measures were approved by the Management Board and supported by the Technical Committee for Scup. These meetings are open to the public through online and telephone conference. The public, including small businesses and local governments, are invited to submit comments during the public comment period associated with this rule making.

8. For rules that either establish or modify a violation or penalties associated with a violation:

Pursuant to the State Administrative Procedure Act (SAPA) § 202-b(1-a)(b), a cure period is not included in the rule because of the potential adverse impact on the resource. Cure periods for the illegal taking of fish or wildlife are neither desirable nor recommended. Immediate compliance is required to ensure that the general welfare of the public and the resource are both protected.

9. Initial review of the rule, pursuant to SAPA § 207 as amended by L. 2012, ch. 462:

The department will conduct an initial review of the rule within three years as required by SAPA § 207(1)(b).

Rural Area Flexibility Analysis

The Department of Environmental Conservation (Department) has determined that this rule will not impose any adverse impacts on rural areas. This rule making only affects the Marine and Coastal District of the State; there are no rural areas within the Marine and Coastal District. The scup fishery is entirely located within the Marine and Coastal District and is not located adjacent to any rural areas of the State. The proposed rule will not impose any reporting, record keeping, or other compliance requirements on public or private entities in rural areas. Since no rural areas will be affected by the proposed amendments to 6 NYCRR Part 40, the Department has determined that a Rural Area Flexibility Analysis is not required.

Job Impact Statement

1. Nature of impact:

This rule making would permit earlier access to the recreational scup fishery in comparison to the current start of the recreational fishery by expanding the season to year-round and will increase the scup possession limit for licensed party and charter boat anglers by 5 fish (from 45 to 50 fish) from September 1 through October 31. This rule is expected to have

a positive impact on jobs by increasing opportunities to generate revenue for scup related businesses.

2. Categories and numbers affected:

In 2018, there were 515 licensed party and charter businesses, and a number of retail and wholesale marine bait and tackle shops operating in New York State. Data available from 2017 New York State Vessel Trip Reports shows that there were 2,547 party and charter trips that caught and kept scup. These statistics do not include federally permitted recreational vessels operating out of New York State. The National Oceanic and Atmospheric Administration’s (NOAA) Marine Recreational Information Program estimates that there were 1,078,023 recreational trips targeting scup in New York during 2018. NOAA’s 2014 report on The Economic Contribution of Marine Angler Expenditures on Durable Goods in the United States estimates that there were 693,000 total recreational anglers that year. The report estimates that 2014 recreational angler expenditures contributed 7,417 jobs to the state’s economy, and \$567 million to the state’s gross domestic product.

3. Regions of adverse impact:

There are no anticipated adverse impacts.

4. Minimizing adverse impact:

There are no anticipated adverse impacts.

5. Self-employment opportunities:

Party and charter boat businesses, bait and tackle shops, and marinas are, for the most part, small businesses that are owned and often operated by a single owner. The recreational fishing industry is mostly self-employed. This rule will likely have a positive effect upon businesses related to the recreational harvest of scup by providing more opportunities to fish and increasing the amount of scup that can be kept on party and charter boat fishing trips in the fall. Failure to adopt this rule making will place New York businesses related to the recreational harvest of scup at a disadvantage to neighboring states and businesses that operate in federal waters.

6. Initial review of the rule, pursuant to SAPA § 207 as amended by L. 2012, ch. 462:

The Department will conduct an initial review of the rule within three years as required by SAPA § 207(b).

New York State Gaming Commission

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Add Racetrack Operator to Terms Defined in Thoroughbred Rules

I.D. No. SGC-40-19-00010-P

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

Proposed Action: This is a consensus rule making to amend section 4000.3 of Title 9 NYCRR.

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

Subject: Add racetrack operator to terms defined in Thoroughbred rules.

Purpose: To promote the integrity of racing and derive a reasonable return for government.

Text of proposed rule: A new subdivision (d) is added to section 4000.3 of 9 NYCRR and the subsequent subdivisions are renumbered, as follows:

§ 4000.3. Definitions.

(d) *Racetrack operator means the corporation, association or other business entity that is licensed, franchised or otherwise permitted to manage and operate a race track at which pari-mutuel thoroughbred horse racing is conducted in New York State.*

(e) [(d)] Owner or stable ...

(f) [(e)] Race track or track ...

(g) [(f)] Rules and regulations ...

(h) [(g)] Stewards ...

(i) [(h)] Unless another meaning is clearly indicated ...

Text of proposed rule and any required statements and analyses may be obtained from: Kristen Buckley, New York State Gaming Commission, One Broadway Center, Suite 500, Schenectady, NY, (518) 388-3332, email: gamingrules@gaming.ny.gov

Data, views or arguments may be submitted to: Rick Goodell, New York State Gaming Commission, One Broadway Center, Suite 500, Schenectady, NY, (518) 388-0188, email: rick.goodell@gaming.ny.gov

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

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

Consensus Rule Making Determination

The adoption of this proposed addition to the New York State Gaming Commission ("NYSGC") Thoroughbred regulations provides a definition of the term "racetrack operator" to simplify the wording of NYSGC regulations. The term "racetrack operator" is widely used in horseracing to identify the responsible operator of a racetrack, regardless of the organization or approval background. Due to the non-controversial nature of this amendment, no person is likely to object to the revision proposed by this amendment.

Job Impact Statement

A job impact statement is not required for this consensus rulemaking proposal because it will not adversely affect jobs or employment opportunities.

The proposal will add a term to the definitions for Thoroughbred rules. No substantive change is proposed to the agency's rules.

The proposed amendment will not have an impact on jobs or employment opportunities and will not impose any adverse impact on jobs or employment opportunities.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Remove Obsolete Reference to Safety Vest Weight

I.D. No. SGC-40-19-00011-P

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

Proposed Action: This is a consensus rule making to amend section 4033.3 of Title 9 NYCRR.

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

Subject: Remove obsolete reference to safety vest weight.

Purpose: To promote the integrity of racing and derive a reasonable return for government.

Text of proposed rule: Section 4033.3 of 9 NYCRR shall be amended, as follows:

§ 4033.3. Equipment not weighed.

No whip or substitute for a whip, blinkers or number cloth shall be allowed on the scales nor shall any bridle, safety vest or safety helmet approved by the stewards be weighed. A safety vest shall *meet the requirements of* [weigh no more than two pounds and shall be designed to provide shock-absorbing protection to the upper body, as required in] section 4006.8 of this Article [Subchapter].

Text of proposed rule and any required statements and analyses may be obtained from: Kristen Buckley, New York State Gaming Commission, One Broadway Center, Suite 500, Schenectady, NY, (518) 388-3332, email: gamingrules@gaming.ny.gov

Data, views or arguments may be submitted to: Rick Goodell, New York State Gaming Commission, One Broadway Center, Suite 500, Schenectady, NY, (518) 388-0188, email: rick.goodell@gaming.ny.gov

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

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

Consensus Rule Making Determination

The adoption of this proposed revision to the New York State Gaming Commission Thoroughbred regulations removes from an older rule a redundant mention which is outdated of the weight of a safety vest. The proposal puts in its place a cross-reference to the rule that regulates the weight of safety vests. Due to the non-controversial nature of this amendment, no person is likely to object to the revision proposed by this amendment.

Job Impact Statement

A job impact statement is not required for this consensus rulemaking proposal because it will not adversely affect jobs or employment opportunities.

The proposal will delete from one rule an obsolete and redundant state-

ment about the maximum weight of safety vests at Thoroughbred racetracks.

The proposed amendment will not have an impact on jobs or employment opportunities and will not impose any adverse impact on jobs or employment opportunities.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Add Racetrack Operator to Terms Defined in Thoroughbred Rules

I.D. No. SGC-40-19-00012-P

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

Proposed Action: This is a consensus rule making to amend section 4000.3 of Title 9 NYCRR.

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

Subject: Add racetrack operator to terms defined in Thoroughbred rules.

Purpose: To promote the integrity of racing and derive a reasonable return for government.

Text of proposed rule: A new subdivision (d) is added to section 4000.3 of 9 NYCRR and the subsequent subdivisions are renumbered, as follows:

§ 4000.3. Definitions.

* * *

(d) *Racetrack operator means the corporation, association or other business entity that is licensed, franchised or otherwise permitted to manage and operate a race track at which pari-mutuel thoroughbred horse racing is conducted in New York State.*

(e) [(d)] Owner or stable ...

(f) [(e)] Race track or track ...

(g) [(f)] Rules and regulations ...

(h) [(g)] Stewards ...

(i) [(h)] Unless another meaning is clearly indicated ...

Text of proposed rule and any required statements and analyses may be obtained from: Kristen Buckley, New York State Gaming Commission, One Broadway Center, Suite 500, Schenectady, NY, (518) 388-3332, email: gamingrules@gaming.ny.gov

Data, views or arguments may be submitted to: Rick Goodell, New York State Gaming Commission, One Broadway Center, Suite 500, Schenectady, NY, (518) 388-0188, email: rick.goodell@gaming.ny.gov

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

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

Consensus Rule Making Determination

The adoption of this proposed addition to the New York State Gaming Commission ("NYSGC") Thoroughbred regulations provides a definition of the term "racetrack operator" to simplify the wording of NYSGC regulations. The term "racetrack operator" is widely used in horseracing to identify the responsible operator of a racetrack, regardless of the organization or approval background. Due to the non-controversial nature of this amendment, no person is likely to object to the revision proposed by this amendment.

Job Impact Statement

A job impact statement is not required for this consensus rulemaking proposal because it will not adversely affect jobs or employment opportunities.

The proposal will add a term to the definitions for Thoroughbred rules. No substantive change is proposed to the agency's rules.

The proposed amendment will not have an impact on jobs or employment opportunities and will not impose any adverse impact on jobs or employment opportunities.

Office of General Services

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Facility Use

I.D. No. GNS-40-19-00005-P

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

Proposed Action: This is a consensus rule making to amend section 300-1.2(d) of Title 9 NYCRR.

Statutory authority: Executive Law, section 200; L. 2008, ch. 257; L. 2019, ch. 34

Subject: Facility Use.

Purpose: To add “plastic knuckles” and remove “gravity knife” from the definition of “deadly weapon”.

Text of proposed rule: Subdivision (d) of section 300-1.2 is amended to read as follows:

(d) Deadly weapon shall mean any loaded weapon, from which a shot, readily capable of producing death or other serious physical injury may be discharged, or a switchblade knife, [gravity knife], pilum ballistic knife, metal knuckle knife, dagger, billy, blackjack, *plastic knuckles*, [or] metal knuckles, or *other deadly weapon* as defined by section 10.00(12) of the Penal Law.

Text of proposed rule and any required statements and analyses may be obtained from: Paula B. Hanlon, Esq., NYS Office of General Services, 36th Floor Corning Tower, The Governor Nelson A. Rockefeller ESP, Albany, NY 12242, (518) 474-0571, email: paula.hanlon@ogs.ny.gov

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

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

Consensus Rule Making Determination

This rule is being proposed as a consensus rule because, in accordance with State Administrative Procedure Act § 102(11)(b), no person is likely to object to its adoption because it merely amends current regulation to be consistent with changes to Penal Law § 10.00(12).

Chapter 257 of the Laws of 2008 amended Penal Law § 10.00(12), to add “plastic knuckles” to the list of items included in the definition of “deadly weapon”.

Chapter 34 of the Laws of 2019 amended Penal Law § 10.00(12), to remove “gravity knife” from the list of items included in the definition of “deadly weapon”.

The proposed amendments are consistent with statutory changes to the Penal Law and ensure that the definition of “deadly weapon” is consistent in statute and regulation.

Job Impact Statement

The Office of General Services projects there will be no substantial adverse impact on jobs or employment opportunities in the State of New York as a result of this rule. The subject regulations simply amends 300-1.2(d), to add “plastic knuckles” and remove “gravity knife” from the list of items defined as “deadly weapons”, to remain consistent with Penal Law § 10.00(12). Since nothing in the proposed regulations will increase or decrease the number of jobs in New York State, have an adverse impact on any specific region in New York State, and no adverse impact is anticipated on jobs in New York State, no further steps were needed to ascertain these facts and none were taken. Accordingly, a job impact statement is not required and one has not been prepared.

Department of Health

EMERGENCY RULE MAKING

Prohibition on the Sale of Electronic Liquids with Characterizing Flavors

I.D. No. HLT-40-19-00013-E

Filing No. 842

Filing Date: 2019-09-17

Effective Date: 2019-09-17

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

Action taken: Addition of Subpart 9-3 to Title 10 NYCRR.

Statutory authority: Public Health Law, section 225

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

Specific reasons underlying the finding of necessity: Emergency regulations are necessary to address the alarming increase of e-cigarette use among New York’s youth. New York State-specific surveillance data shows that youth e-cigarette use has risen at a dramatic rate over just the last four years, driven primarily by the abundance of e-liquid flavors. Swift interventions are needed to protect our youth from a lifetime addiction to nicotine. Therefore, restricting the availability of flavored e-liquids will deter youth from initiating e-cigarette use and reduce ongoing e-cigarette use.

According to the U.S. Food and Drug Administration (FDA), the use of e-cigarettes by youth has reached epidemic proportions nationally. Since the New York State Department of Health (Department) began tracking e-cigarette use in New York State (NYS) in 2014, use by youth in high school has increased 160 percent, from 10.5 percent in 2014, to 20.6 percent in 2016, to an astounding 27.4 percent in 2018. The rate for 2018 is equivalent to youth use of combustible cigarettes in 2000 prior to the dramatic decline in the use of combustible cigarettes among NYS youth. Currently, just 4.8 percent of NYS youth smoke a combustible cigarette, one of the lowest rates in the nation. However, the rate of smoking by youth is increasing, as the rate in 2016 was 4.3 percent. Schools across New York State are finding it especially challenging to address the alarming increase in use by adolescents. Enforcement of minimum age statute and prohibitions on school grounds are especially difficult given that most products are sleek and easy to conceal by youth users.

The recently published National Academy of Science, Engineering, and Medicine (NASEM) report on the Public Health Consequences of E-Cigarettes concluded that there is:

- 1) “...substantial evidence that e-cigarette use increases risk of ever using combustible tobacco cigarettes among youth and young adults,” and
- 2) “...moderate evidence that e-cigarette use increases the frequency and intensity of subsequent combustible tobacco cigarette smoking” among youth and young adults.

Given the recent rise in combustible cigarette use by youth and the fact that e-cigarettes are now the most commonly used tobacco product by youth in NYS, evidence exists that use of e-cigarettes could reverse the long-standing decline in combustible cigarette use and reverse the public health benefits that NYS has achieved.

The flavorant chemicals used in e-cigarettes have been approved by the FDA for ingestion only; however, these chemicals have not been approved for inhalation. Because inhalation and ingestion are very different processes, nothing about the approval for ingestion should be interpreted to suggest that these products are safe for inhalation. Food products, chemicals and flavorings that are ingested are detoxified through the liver before entering the circulatory system. Aerosols that are inhaled have a direct impact on lung tissue and directly enter the circulatory system, and are not detoxified through the liver.

Some of the over 15,000 flavors now available include fruit flavors (apple, cherry, peach, melon, strawberry), dessert flavors (vanilla custard, peanut butter cup, cream cookie, milk ‘n honey), candy flavors (cinnamon, bubblerazz, mango burst, caramel). More recently, manufacturers have developed “concept flavors” that may be difficult to perceive as a single distinctive flavor and the product names reflect that (e.g., Jazz, First Flight, and Unicorn Milk) and simple color names (such as Blue and Yellow) that substitute for the names of flavors (Vanilla and Banana respectively). The list of flavors continues to grow. The commonality of all these flavors is that they are distinct from plain tobacco flavor, menthol or unflavored tobacco.

The dramatic increase in use of e-cigarettes by youth is driven in large part by flavored e-liquids, and flavors are a principal reason that youth initiate and maintain e-cigarette use. In a recent survey of adolescent e-cigarette users in NYS, 46.3 percent preferred fruit flavors, followed by mint/menthol (19.9%) and chocolate, candy or other sweets (18.2%). In that same survey, 27.3 percent of adolescent e-cigarette users say that flavors are the reason they currently use e-cigarettes, and for 19.3 percent of adolescent e-cigarette users, flavors were the primary reason for first use. Some flavors also confer misperceptions about the relative safety of e-cigarettes. The survey also found that adolescents are more likely to believe that fruit and chocolate or other sweet flavors are less harmful than flavors like alcohol, tobacco, and spice flavors.

There is also concern regarding human exposure to nicotine. Users are often unaware of how much nicotine they are consuming. The newest and most popular e-cigarettes deliver high levels of nicotine, the addictive component in all tobacco products.

Nicotine is not a benign chemical. Nicotine has deleterious effects on the developing human brain – a process that continues through the mid-twenties. According to the US Surgeon General, these deleterious effects from nicotine can lead to lower impulse control and mood disorders; disrupt attention and learning among youth and young adults; and prime the developing brain for addiction to alcohol and other drugs.

Adult use of e-cigarettes differs by age category. Adults over age 24 use e-cigarettes at very low rates; just 4.4 percent in 2017. The rate of e-cigarette use among young adults 18 to 24 years of age is about 13 percent. The same proportion of young adults (13%) use combustible cigarettes. Almost 40 percent of the young adult smokers are concurrently using e-cigarettes, known as dual use. The same health concerns described above apply to the use of e-cigarettes by adults aged 18 to 24.

The Department will continue to monitor the impact of new legislation that takes effect on November 13, 2019 that raises the legal age for purchase of e-cigarettes and related products to 21 years to determine the impact that has on youth use rates. In addition, the Department routinely conducts surveys that ask youth, among other things, their preference and current use of flavored products and will monitor the trends with respect to use of menthol, mint and other broad flavoring categories.

In addition, although it is too soon to understand the long-term health effects of a lifetime of e-cigarette use, research is beginning to accumulate about certain health effects related to cardiovascular conditions and respiratory conditions. Some e-cigarette flavors contain diacetyl, the buttery-flavored chemical that is used in foods like popcorn and caramel. When inhaled, diacetyl can cause bronchiolitis obliterans, a scarring of the tiny air sacs in the lungs that is commonly referred to as “popcorn lung,” which is a serious concern that has symptoms that are similar to chronic obstructive pulmonary disease.

The Department will continue to closely monitor the research literature for health impact related to e-cigarettes. Adult smokers who want to continue to use e-cigarettes will have the option of unflavored, menthol or tobacco flavored e-cigarettes.

Subject: Prohibition on the Sale of Electronic Liquids with Characterizing Flavors.

Purpose: To prohibit the sale of electronic liquids with characterizing flavors.

Text of emergency rule: A new Subpart 9-3, titled “Prohibition on the Sale of Electronic Liquids with Characterizing Flavors”, is added to read as follows:

Section 9-3.1 Definitions.

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

(a) The terms “electronic cigarette,” “e-cigarette,” “electronic liquid,” and “e-liquid” shall have the same meanings as established in Subpart 9-2.

(b) The term “flavored e-liquid” means any e-liquid with a distinguishable taste or aroma, other than the taste or aroma of tobacco or menthol, imparted either prior to or during consumption of an e-cigarette or a component part thereof, including but not limited to tastes or aromas relating to any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, mint, wintergreen, herb or spice, or any “concept flavor” that imparts a taste or aroma that is distinguishable from tobacco flavor but may not relate to any particular known flavor. An e-liquid shall be presumed to be a flavored e-liquid if a tobacco retailer, manufacturer, or a manufacturer’s agent or employee has made a statement or claim directed to consumers or the public, whether expressed or implied, that the product or device has a distinguishable taste or aroma other than the taste or aroma of tobacco or menthol.

(c) The term “possession” means having physical possession or otherwise exercising dominion or control over flavored e-liquids or a product containing the same. For purposes of this definition, among other circumstances not limited to these examples, the following individuals and/or

entities shall be deemed to possess flavored e-liquids, or a product containing the same: (1) any individual or entity that has an ownership interest in a retail, distribution or manufacturing establishment that possesses, distributes, sells or offers for sale flavored e-liquids, or a product containing the same; and (2) any clerk, cashier or other employee or staff of a retail establishment, where the establishment possesses, distributes, sells or offers for sale a flavored e-liquids or a product containing the same, and who interacts with customers or other members of the public.

Section 9-3.2 Possession, Manufacture, Distribution, Sale or Offer of Sale of Flavored E-Liquid Prohibited.

It shall be unlawful for any individual or entity to possess, manufacture, distribute, sell or offer for sale any flavored e-liquid or product containing the same.

Section 9-3.3 Penalties.

A violation of any provision of this Subpart is subject to all civil and criminal penalties as provided for by law. For purposes of civil penalties, each individual container or other separate unit of flavored e-liquid, product containing the same, or any component part that imparts flavor to an e-cigarette, that is possessed, manufactured, distributed, sold, or offered for sale, shall constitute a separate violation under this Subpart.

Section 9-3.4 Severability.

If any provisions of this Subpart or the application thereof to any person or entity or circumstance is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of this Subpart or the application thereof to other persons, entities, and circumstances.

This notice is intended to serve only as an emergency adoption, to be valid for 90 days or less. This rule expires December 15, 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 Public Health and Health Planning Council (PHHPC) is authorized by Section 225 of the Public Health Law (PHL) 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. PHL Section 225(5)(a) provides that the SSC may deal with any matter affecting the security of life and health of the people of the State of New York.

Legislative Objectives:

PHL Section 225(4) authorizes PHHPC, in conjunction with the Commissioner of Health, to protect public health and safety by amending the SSC to address issues that jeopardize health and safety. This proposed regulation furthers this legislative objective by prohibiting the possession, manufacture, distribution, sale or offer for sale of flavored electronic liquids (e-liquids) to discourage youth electronic cigarette (e-cigarette) use.

Needs and Benefits:

Emergency regulations are necessary to address the alarming increase of e-cigarette use among New York’s youth. New York State-specific surveillance data shows that youth e-cigarette use has risen at a dramatic rate over just the last four years, driven primarily by the abundance of e-liquid flavors. Swift interventions are needed to protect our youth from a lifetime addiction to nicotine. Therefore, restricting the availability of flavored e-liquids will deter youth from initiating e-cigarette use and reduce ongoing e-cigarette use.

According to the U.S. Food and Drug Administration (FDA), the use of e-cigarettes by youth has reached epidemic proportions nationally. Since the New York State Department of Health (Department) began tracking e-cigarette use in New York State (NYS) in 2014, use by youth in high school has increased 160 percent, from 10.5 percent in 2014, to 20.6 percent in 2016, to an astounding 27.4 percent in 2018. The rate for 2018 is equivalent to youth use of combustible cigarettes in 2000 prior to the dramatic decline in the use of combustible cigarettes among NYS youth. Currently, just 4.8 percent of NYS youth smoke a combustible cigarette, one of the lowest rates in the nation. However, the rate of smoking by youth is increasing, as the rate in 2016 was 4.3 percent. Schools across New York State are finding it especially challenging to address the alarming increase in use by adolescents. Enforcement of minimum age statute and prohibitions on school grounds are especially difficult given that most products are sleek and easy to conceal by youth users.

The recently published National Academy of Science, Engineering, and Medicine (NASEM) report on the Public Health Consequences of E-Cigarettes concluded that there is:

- 1) “...substantial evidence that e-cigarette use increases risk of ever using combustible tobacco cigarettes among youth and young adults,” and
- 2) “...moderate evidence that e-cigarette use increases the frequency and intensity of subsequent combustible tobacco cigarette smoking” among youth and young adults.

Given the recent rise in combustible cigarette use by youth and the fact that e-cigarettes are now the most commonly used tobacco product by youth in NYS, evidence exists that use of e-cigarettes could reverse the long-standing decline in combustible cigarette use and reverse the public health benefits that NYS has achieved.

The flavorant chemicals used in e-cigarettes have been approved by the FDA for ingestion only; however, these chemicals have not been approved for inhalation. Because inhalation and ingestion are very different processes, nothing about the approval for ingestion should be interpreted to suggest that these products are safe for inhalation. Food products, chemicals and flavorings that are ingested are detoxified through the liver before entering the circulatory system. Aerosols that are inhaled have a direct impact on lung tissue and directly enter the circulatory system, and are not detoxified through the liver.

Some of the over 15,000 flavors now available include fruit flavors (apple, cherry, peach, melon, strawberry), dessert flavors (vanilla custard, peanut butter cup, cream cookie, milk 'n honey), candy flavors (cinnamon, bubblerazz, mango burst, caramel). More recently, manufacturers have developed "concept flavors" that may be difficult to perceive as a single distinctive flavor and the product names reflect that (e.g., Jazz, First Flight, and Unicorn Milk) and simple color names (such as Blue and Yellow) that substitute for the names of flavors (Vanilla and Banana respectively). The list of flavors continues to grow. The commonality of all these flavors is that they are distinct from plain tobacco flavor, menthol or unflavored tobacco.

The dramatic increase in use of e-cigarettes by youth is driven in large part by flavored e-liquids, and flavors are a principal reason that youth initiate and maintain e-cigarette use. In a recent survey of adolescent e-cigarette users in NYS, 46.3 percent preferred fruit flavors, followed by mint/menthol (19.9%) and chocolate, candy or other sweets (18.2%). In that same survey, 27.3 percent of adolescent e-cigarette users say that flavors are the reason they currently use e-cigarettes, and for 19.3 percent of adolescent e-cigarette users, flavors were the primary reason for first use. Some flavors also confer misperceptions about the relative safety of e-cigarettes. The survey also found that adolescents are more likely to believe that fruit and chocolate or other sweet flavors are less harmful than flavors like alcohol, tobacco, and spice flavors.

There is also concern regarding human exposure to nicotine. Users are often unaware of how much nicotine they are consuming. The newest and most popular e-cigarettes deliver high levels of nicotine, the addictive component in all tobacco products.

Nicotine is not a benign chemical. Nicotine has deleterious effects on the developing human brain – a process that continues through the mid-twenties. According to the US Surgeon General, these deleterious effects from nicotine can lead to lower impulse control and mood disorders; disrupt attention and learning among youth and young adults; and prime the developing brain for addiction to alcohol and other drugs.

Adult use of e-cigarettes differs by age category. Adults over age 24 use e-cigarettes at very low rates; just 4.4 percent in 2017. The rate of e-cigarette use among young adults 18 to 24 years of age is about 13 percent. The same proportion of young adults (13%) use combustible cigarettes. Almost 40 percent of the young adult smokers are concurrently using e-cigarettes, known as dual use. The same health concerns described above apply to the use of e-cigarettes by adults aged 18 to 24.

The Department will continue to monitor the impact of new legislation that takes effect on November 13, 2019 that raises the legal age for purchase of e-cigarettes and related products to 21 years to determine the impact that has on youth use rates. In addition, the Department routinely conducts surveys that ask youth, among other things, their preference and current use of flavored products and will monitor the trends with respect to use of menthol, mint and other broad flavoring categories.

In addition, although it is too soon to understand the long-term health effects of a lifetime of e-cigarette use, research is beginning to accumulate about certain health effects related to cardiovascular conditions and respiratory conditions. Some e-cigarette flavors contain diacetyl, the buttery-flavored chemical that is used in foods like popcorn and caramel. When inhaled, diacetyl can cause bronchiolitis obliterans, a scarring of the tiny air sacs in the lungs that is commonly referred to as "popcorn lung," which is a serious concern that has symptoms that are similar to chronic obstructive pulmonary disease.

The Department will continue to closely monitor the research literature for health impact related to e-cigarettes. Adult smokers who want to continue to use e-cigarettes will have the option of unflavored, menthol or tobacco flavored e-cigarettes.

Costs:

Costs to Private Regulated Parties:

The regulation will impose costs, in terms of lost sales, for private regulated parties whose primary product line focuses on the sale of e-cigarettes, flavored e-liquids, and related products.

Costs to State Government and Local Government:

State and local governments will incur costs for enforcement. Exact costs cannot be predicted at this time because the extent of the need for enforcement cannot be fully determined. Some of the cost however may be offset by fines and penalties imposed pursuant to the Public Health Law as well as through utilizing State Aid funding.

Local Government Mandates:

The SSC establishes a minimum standard for regulation of health and sanitation. Local governments can, and often do, establish more restrictive requirements that are consistent with the SSC through a local sanitary code. Local governments have the power and duty to enforce the provisions of the State Sanitary Code, including 10 NYCRR Part 9, utilizing both civil and criminal options available.

Paperwork:

The regulation imposes an increase of administrative paperwork for program implementation in regard to developing adequate enforcement mechanisms, record-keeping of enforcement activities and compliance history, and complaint-driven enforcement actions.

Duplication:

There are currently no State or federal regulations regarding the possession, manufacture, distribution, sale or offer for sale of e-cigarettes with characterizing flavors.

Alternatives:

The alternative to the proposed regulation is to wait for the FDA to regulate in this area; however, due to the health concerns associated with increase e-cigarette use among youths, this alternative was rejected.

Federal Standards:

The FDA has not proposed any standards for e-cigarette devices or for the constituents used in the devices to create the aerosol, including characterizing flavors. FDA only requires that those purchasing e-cigarette products be at least 18 years old, that e-liquids carry a warning statement about the addictiveness of nicotine, and that e-liquids be in child-proof containers.

Compliance Schedule:

The regulation will be effective upon filing with the Department of State.

Regulatory Flexibility Analysis

Effect of Rule:

The amendment will affect the small businesses that are engaged in selling flavored e-liquids or e-cigarettes. The NYS Vapor Association (<http://nysva.org/>) claims there are at least 700 "vape shops" employing 2700 persons across the state, although the Department cannot confirm this information as no official registration mechanism for "vape shops" currently exists.

Compliance Requirements:

Small businesses must comply with the proposed regulation by not engaging in any possession, manufacturing, distribution, sale, or offer of sale of flavored e-liquids. Local governments must comply by enforcing the proposed regulations as they are part of the State Sanitary Code.

Professional Services:

Small businesses will need no additional professional services to comply.

Compliance Costs:

Costs to Private Regulated Parties:

The regulation will impose costs, in terms of lost sales, for private regulated parties whose primary product line focuses on the sale of e-cigarettes, flavored e-liquids, and related products.

Costs to State Government and Local Government:

State and local governments will incur costs for enforcement. Exact costs cannot be predicted at this time because the extent of the need for enforcement cannot be fully determined. Some of the cost however may be offset by fines and penalties imposed pursuant to the Public Health Law as well as through utilizing State Aid funding.

Economic and Technological Feasibility:

The rule does not impose any economic or technological compliance burdens.

Minimizing Adverse Impact:

The New York State Department of Health will assist local governments by providing consultation, coordination and information and updates on its website.

Small Business and Local Government Participation:

Small business and local governments were not consulted during the creation of this proposed rule; however, small businesses and local governments will be able to submit public comments during the public comment period.

Cure Period:

Violations of this regulation can result in civil and criminal penalties. In light of the magnitude of the public health threat posed by flavored e-liquids, the risk that some small businesses will not comply with the regulations and continue to possess, manufacture, distribute, sell or offer for sale any flavored e-liquid or product containing the same justifies the absence of a cure period.

Rural Area Flexibility Analysis

Pursuant to Section 202-bb of the State Administrative Procedure Act (SAPA), a rural area flexibility analysis is not required. These provisions apply uniformly throughout New York State, including all rural areas. The proposed rule will not impose an adverse economic impact on rural areas, nor will it impose any additional reporting, record keeping or other compliance requirements on public or private entities in rural areas.

Job Impact Statement**Nature of the Impact:**

E-cigarettes and e-liquids are sold in many types of retail outlets. The impact on businesses where e-cigarette sales is not the focus of the business (e.g., convenience store) will have no job impact from this regulation as e-cigarettes make up only a small percentage of their sales. Some e-cigarette retailers focus the bulk of their business on e-cigarettes and e-liquids and these outlets will be affected by this regulation. Although they will still be able to sell e-cigarette devices and unflavored, menthol or tobacco flavored e-liquid, the prohibition on flavored e-liquids is likely to affect these businesses. The Department does not have an accurate estimate of the number of stores affected since the registration requirement for e-cigarette retailers will not be effective until December 1, 2019.

Categories and Numbers Affected:

The main category affected by this regulation is the store that focuses its primary business on the sale of e-cigarette devices and e-liquids. The NYS Vapor Association (<http://nysva.org/>) claims there are at least 700 of such "vape shops" employing 2700 persons across the state, although the Department cannot confirm this information as no official registration mechanism for "vape shops" currently exists. Because of the lack of data about the number of these stores, it is not possible to accurately estimate the number of jobs affected.

Regions of Adverse Impact:

The Department anticipates any jobs or employment impacts will occur equally throughout the regions of the state.

Minimizing Adverse Impact:

The Department will consider different types/levels of enforcement while retailers adapt to the new regulation.

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

Required Signage Warning Against the Dangers of Illegal Products

I.D. No. HLT-40-19-00002-EP

Filing No. 807

Filing Date: 2019-09-12

Effective Date: 2019-09-12

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

Proposed Action: Addition of Subpart 9-2 to Title 10 NYCRR.

Statutory authority: Public Health Law, section 225

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

Specific reasons underlying the finding of necessity: As of September 9, 2019, New York State has 41 reported cases of vaping related pulmonary disease. As of September 6, 2019, over 450 possible cases of lung illness associated with the use of e-cigarette products have been reported to the federal Centers for Disease Control (CDC) from the following 33 states and territories: Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Iowa, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Montana, North Carolina, Nebraska, New Jersey, New Mexico, New York, Ohio, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia, Vermont, Wisconsin, West Virginia, and the U.S. Virgin Islands. Five deaths have been confirmed in California, Illinois, Indiana, Minnesota, and Oregon.

These emergency regulations are necessary to address the alarming number of people who have suffered injury or died from consuming illegal e-liquids and e-cigarette products, which can be adulterated with chemicals that are dangerous or deadly when inhaled. Currently, there is an outbreak of severe lung disease among persons who use illegal e-liquids and e-cigarettes, and the Department is engaged in an educational campaign to warn people against the use of these products. By requiring sellers of legitimate products to warn consumers against the dangers of illegitimate ones, the Department expects that consumers will become more educated and that consumption of illegal products will decrease.

Subject: Required Signage Warning Against the Dangers of Illegal Products.

Purpose: To require sellers of legal e-liquids and e-cigarette products to post warning signs regarding illegal products.

Text of emergency/proposed rule: The title of Part 9 is amended to read as follows:

Part 9 [Synthetic Phenethylamines and Synthetic Cannabinoids Prohibited] *Prohibited Substances*

A new Subpart 9-1, titled "Synthetic Phenethylamines and Synthetic Cannabinoids Prohibited" is added and section 9.1 through 9.6 are renumbered 9-1.1 through 9-1.6.

A new Subpart 9-2, titled "Required Signage", is added to read as follows:

Section 9-2.1 Definitions.

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

(a) *The terms "electronic cigarette" and "e-cigarette" mean an electronic device that delivers vapor which is inhaled by an individual user, and shall include any refill, cartridge and any other component of such a device; provided, however, that "electronic cigarette" and "e-cigarette" shall not mean any product approved by the United States food and drug administration as a drug or medical device, or manufactured and dispensed pursuant to title five-A of article thirty-three of the public health law.*

(b) *The terms "electronic liquid" and "e-liquid" means the solution, substance or material used in an e-cigarette and heated to produce an aerosol or emission to be inhaled by the user, whether the liquid contains nicotine or not.*

9-2.2 Required Signage Warning Against the Dangers of Illegal Products.

Any person operating a place of business wherein e-cigarettes or e-liquids are sold or offered for sale shall post in a conspicuous place a sign, to be published by the Department, that warns against the dangers of using illegal e-cigarette and e-liquid products.

Section 9-2.3 Penalties.

A violation of any provision of this Subpart is subject to all civil and criminal penalties as provided for by law. For purposes of civil penalties, each day that a place of business fails to post signage required by this Subpart shall constitute a separate violation under this Subpart.

Section 9-2.4 Severability.

If any provisions of this Subpart or the application thereof to any person or entity or circumstance is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of this Subpart or the application thereof to other persons, entities, and circumstances.

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 December 10, 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: regsqa@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.

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

Regulatory Impact Statement**Statutory Authority:**

The Public Health and Health Planning Council (PHHPC) is authorized by Section 225 of the Public Health Law (PHL) 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. PHL Section 225(5)(a) provides that the SSC may deal with any matter affecting the security of life and health of the people of the State of New York.

Legislative Objectives:

PHL Section 225(4) authorizes PHHPC, in conjunction with the Commissioner of Health, to protect public health and safety by amending the SSC to address issues that jeopardize health and safety. This regulation furthers the legislative objective by requiring sellers of e-liquids and e-cigarettes to post signage that warns against consumption of illegal products.

Needs and Benefits:

Regulations are necessary to address the alarming number of people that have suffered injury or died from consuming illegal e-liquids and e-cigarette products, which can be adulterated with chemicals that are dangerous or deadly when inhaled. Currently, there is an outbreak of severe lung disease among persons who use illegal e-liquids and e-cigarettes, and the Department is engaged in an educational campaign to warn people against the use of these products. By requiring sellers of legitimate

products to warn consumers against the dangers of illegitimate ones, the Department expects that consumers will become more educated and that consumption of illegal products will decrease.

Costs:

Costs to Private Regulated Parties:

Requiring retailers to post a sign, published by the Department, will impose only minimal costs.

Costs to State Government and Local Government:

State and local governments will incur costs for enforcement. Exact costs cannot be predicted at this time because the extent of the need for enforcement cannot be fully determined. Some of the cost may be offset by fines and penalties imposed pursuant to the Public Health Law as well as through utilizing State Aid funding.

In addition, the Department will be transmitting the sign electronically and posting a PDF of the poster on its website, and the Department may incur minimal costs of printing and making the sign available for order. Any such costs will be managed within existing resources.

Local Government Mandates:

The SSC establishes a minimum standard for regulation of health and sanitation. Local governments can, and often do, establish more restrictive requirements that are consistent with the SSC through a local sanitary code. Local governments have the power and duty to enforce the provisions of the State Sanitary Code, including 10 NYCRR Part 9, utilizing both civil and criminal options available.

Paperwork:

This regulation does not require any additional paperwork.

Duplication:

These regulations would not duplicate any State or federal regulations regarding e-cigarettes or e-liquids.

Alternatives:

The alternative to the regulation is to not exercise the Department's authority to require these notices to the public. That alternative was rejected.

Federal Standards:

There are no federal standards regarding signage for dangerous and illegal e-liquid and e-cigarette products.

Compliance Schedule:

The regulation will be effective upon publication of a Notice of Adoption in the New York State Register.

Regulatory Flexibility Analysis

Effect of Rule:

The amendment will affect the small businesses that are engaged in selling e-liquids or e-cigarettes. The NYS Vapor Association (<http://nysva.org/>) claims there are at least 700 "vape shops" employing 2700 persons across the state.

Local governments will incur costs for enforcement. Exact costs cannot be predicted at this time because the extent of the need for enforcement cannot be fully determined. Some of the cost may be offset by fines and penalties imposed pursuant to the Public Health Law as well as through utilizing State Aid funding.

Compliance Requirements:

Small businesses must comply with the proposed regulation by posting signage published by the Department. Local governments must comply by enforcing the proposed regulations as they are part of the State Sanitary Code.

Professional Services:

Small businesses will need no additional professional services to comply.

Compliance Costs:

Costs to Private Regulated Parties:

Requiring retailers to post a sign, published by the Department, will impose only minimal costs.

Costs to State Government and Local Government:

State and local governments will incur costs for enforcement. Exact costs cannot be predicted at this time because the extent of the need for enforcement cannot be fully determined. Some of the cost may be offset by fines and penalties imposed pursuant to the Public Health Law as well as through utilizing State Aid funding. In addition, the Department will be transmitting the sign electronically and posting a PDF of the poster on its website, and the Department may incur minimal costs of printing and making the sign available for order. Any such costs will be managed within existing resources.

Economic and Technological Feasibility:

The rule does not impose any economic or technological compliance burdens.

Minimizing Adverse Impact:

The New York State Department of Health will assist local governments by providing consultation, coordination and information and updates on its website. The Department will assist small businesses by providing the required sign electronically.

Small Business and Local Government Participation:

Small business and local governments were not consulted during the creation of this proposed rule; however, small businesses and local governments will be able to submit public comments during the public comment period.

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 a party subject to enforcement when developing a regulation or explain in the Regulatory Flexibility Analysis why one is not included. Given the public health emergency caused by the consumption of illegal e-liquids and e-cigarettes, no cure period was included.

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.

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

Drug Take Back

I.D. No. HLT-40-19-00004-P

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

Proposed Action: Addition of Subpart 60-4 to Title 10 NYCRR.

Statutory authority: Public Health Law, sections 291 and 3308

Subject: Drug Take Back.

Purpose: To implement the State's drug take back program to provide for the safe disposal of drugs.

Substance of proposed rule (Full text is posted at the following State website: www.health.ny.gov/Laws&Regulations/ProposedRulemaking/): These regulations add a new Subpart 60-4 to Title 10 (Health) of the Official Compilation of Codes, Rules and Regulations of the State of New York, implementing the requirements of Article 2-B of the Public Health Law regarding the creation of a statewide drug take back program for the safe disposal of drugs.

Section 60-4.1 defines the terms used in the Subpart, including "authorized collector," "covered drug," and "drug take back organization."

Section 60-4.2 establishes a convenience standard for cities with a population of 125,000 or more.

Section 60-4.3 requires operators of drug take back programs to submit proposals to the Department of Health which include enumerated requirements, and to update such proposals every three years. It also requires the operators to maintain records and to submit an annual report as required by the Department.

Section 60-4.4 imposes certain requirements on pharmacies that maintain a drug collection receptacle.

Section 60-4.5 establishes security requirements for drug collection receptacles.

Section 60-4.6 establishes requirements for pharmacies that participate in a drug mail back program.

Section 60-4.7 establishes general requirements, including notifying the Department of any change to a drug take back program as well as the requirement that upon request, wholesalers of covered drugs must provide the Department with updated lists of manufacturers whose covered drugs they sell.

Subparagraph (6) is added to paragraph (c) of section 80.51 to clarify the requirements for the transfer of controlled substances by a residential health care facility to an authorized collection receptacle.

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: regsqa@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.

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

Regulatory Impact Statement

Statutory Authority:

Public Health Law (PHL) Article 2-B and Chapter 120 of the Laws of 2018 require and authorize the Commissioner of Health to adopt rules and regulations implementing a statewide drug take back program for the safe disposal of drugs. Further, the Commissioner is authorized by section 3308 of the Public Health Law to make any regulations necessary or proper to supplement the provisions of PHL Article 33, or to effectuate the purposes and intent thereof or to clarify its provisions.

Legislative Objectives:

The legislative objective of PHL Article 2-B and Chapter 120 of the Laws of 2018, otherwise known as the Drug Take Back Act, is to promote the safe disposal of drugs, remove excess medication from households to avoid abuse, and to reduce the amount of drugs entering the State's water supply, by making drug take back programs more accessible.

The purpose of PHL Article 33 is to prevent the illegal use of and trade in controlled substances and to provide for the legitimate use of controlled substances in health care.

Needs and Benefits:

Prescription drug abuse has become an epidemic in New York State and across the nation. It is well known that the first supply of opioids is often leftover medication a family member or friend received and did not use. Drug-related deaths in New York increased by 40% to 2,175 deaths between 2009 and 2013. In 2016, approximately 64,000 Americans died of drug overdoses, with more than half of those involving prescription drugs. Recent literature reports that removing unneeded pharmaceuticals from homes can reduce the risk of both intentional and accidental nonmedical use, overdose, and poisoning.

Further, the lack of an easily accessible, proper disposal method for pharmaceuticals has also affected our environment. Pharmaceuticals have been detected in bodies of water across the United States, with recent studies finding pharmaceuticals in both the Niagara and Hudson Rivers. The environmental effects of this contamination include changes to the spawning ability of fish and the evolution of antibiotic resistant strains of bacteria. In addition, the long-term effects on humans of drinking water containing low levels of pharmaceuticals are not fully understood.

To address these issues, Governor Cuomo signed the Drug Take Back Act, which creates a statewide drug take back program to ensure these and other drugs are not diverted for misuse or improperly disposed by flushing or other means that results in harm to our water supply and harms aquatic life. This program will provide for a unified, statewide drug take back program, to be paid for by manufacturers, and require participation of chain and mail-order pharmacies. Manufacturers are responsible for all costs from public education and awareness, to collection, transport and destruction. Pharmacies will provide methods for convenient drop-off and collection.

The Drug Take Back Act also requires the Department to establish a statewide on-site collection receptacle distribution plan, otherwise known as a "convenience standard," for any city with a population of 125,000 or more, to ensure on-site collection receptacle placement is reasonably accessible to all residents and provides for program cost efficiency. New York State is extremely diverse geographically and population numbers differ significantly across these cities. The number of chain pharmacies located in these cities is also not uniform, so some areas may have a greater number of chain pharmacies and therefore potentially offer greater accessibility to on-site collection receptacles than others.

For example, Queens County has a population of 2,230,545 and has 156 chain pharmacies, while Syracuse has a population of 145,170 and has 20 chain pharmacies. Therefore, Queens County has a pharmacy to population ratio of 1:14,298, whereas Syracuse has a ratio of 1:7,286. Based on this analysis, Syracuse residents have access to nearly twice as many chain pharmacies as residents in Queens.

To address this variability and complexity, the Department determined that a statewide, universal convenience standard would not be effective, nor would it ensure the goals of the Act are fully achieved. Thus, these regulations create a convenience standard specific to the city or county's population and geography.

Costs:

Costs to Regulated Parties:

In accordance with PHL Article 2-B, the proposed regulations would require that drug manufacturers, individually or jointly, enter into an agreement to operate a drug take back program. Manufacturers shall bear all administrative and operational fees associated with the drug take back program, including the cost of collecting, transporting and disposing of covered drugs from pharmacies and other authorized collectors and the recycling or disposal, or both, of packing collected with the covered drug. Manufacturers shall also pay costs incurred by the state in the administration and enforcement of the drug take back program.

The drug take back program operates in pharmacies, which must either maintain a collection receptacle to receive covered drugs for disposal from the public, or offer a mail-back solution. There will be costs to pharmacy owners in the forms of lost retail or advertising space occupied by the collection receptacle and signage required by the Drug Take Back Act, as well as costs in staff time and resources to maintain, secure, and monitor collection receptacles. Pharmacies not required by the Drug Take Back Act to participate in a drug take back program, but who currently voluntarily participate in the Department of Environmental Conservation's Pilot Pharmaceutical Take-Back Program, may face similar additional costs. Pharmacies may also incur a cost to obtain or modify a Drug Enforcement Administration registration.

Costs to State Government:

The State will incur the initial costs of administration and enforcement of the Drug Take Back program.

Costs to Local Governments:

There will be no additional costs to local government as a result of the proposed amendment.

Costs to the Department of Health:

The Department is increasing staff and equipment to implement and enforce the Drug Take Back Act in coordination with the Department of Environmental Conservation. These staff and equipment are necessary to perform numerous activities including but not limited to communicating with wholesalers, manufacturers, pharmacies, drug take back program organizations and operators, and the public, evaluating program applications, maintaining the Department's drug take back program website, reviewing program data, preparing the annual report, and coordinating enforcement activities. In total, the Department anticipates incurring costs for approximately 5-10 FTE's in total for implementation and enforcement.

Local Government Mandates:

This amendment will not impose any program, service, duty, additional cost, or responsibility on any county, city, town, village, school district, fire district, or other special district.

Paperwork:

The proposed regulations will require operators of drug take back programs to submit a proposal to the Department for drug take back to be approved every three years, maintain records, and submit annual reports on the operation of their plans, under Article 2-B of the Public Health Law as described above. The reporting may be electronic; no paper reports will be required. Pharmacies will be required to maintain records of their administration of the collection receptacles and mail-back solutions. Upon request of the Department, wholesalers must provide updated lists of the manufacturers whose covered drugs they sell in New York State. The Department must produce an annual report to the Governor and State Legislature about the Drug Take Back program.

Duplication:

There are no duplicative or conflicting rules identified.

Alternatives:

The Department is required by the Drug Take Back Act to issue regulations creating a distribution plan establishing convenience standards for collection receptacles in cities with populations of 125,000 or more. The Department considered distribution plans with fewer collection receptacles but determined, in consultation with the Department of Environmental Conservation, that they were not sufficient to address the needs of the impacted communities. The Department has limited this rulemaking to address the convenience standards of each jurisdiction by population and geography, thereby maximizing the freedom of drug take back programs to operate as effectively and efficiently as possible.

The Department is further authorized to adopt regulations as necessary to implement and enforce the Drug Take Back Act. Because the remaining regulations provide definitional clarity, establish standards of compliance for various aspects of drug take back programs, and help to prevent the diversion, theft and misuse of drugs disposed in accordance with the Drug Take Back Act, they are necessary to implement and enforce the Drug Take Back Act.

Federal Standards:

The regulatory amendment does not exceed any minimum standards of the federal government.

Compliance Schedule:

The proposed regulation will take effect upon a Notice of Adoption in the New York State Register.

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 applies only to pharmacies within a chain of ten or more locations and thus 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. While not mandated under these regulations, pharmacies that are not part

of a chain may choose to operate a drug take back program and would incur any associated costs with that program.

Rural Area Flexibility Analysis

Effect on Rural Areas:

Rural areas are defined as counties with populations less than 200,000 and, for counties with populations greater than 200,000, include towns with population densities of 150 persons or less per square mile. The following 43 counties have populations of less than 200,000:

Allegany	Hamilton	Schenectady
Cattaraugus	Herkimer	Schoharie
Cayuga	Jefferson	Schuyler
Chautauqua	Lewis	Seneca
Chemung	Livingston	Steuben
Chenango	Madison	Sullivan
Clinton	Montgomery	Tioga
Columbia	Ontario	Tompkins
Cortland	Orleans	Ulster
Delaware	Oswego	Warren
Essex	Otsego	Washington
Franklin	Putnam	Wayne
Fulton	Rensselaer	Wyoming
Genesee	St. Lawrence	Yates
Greene		

The following eleven counties have certain townships with population densities of 150 persons or less per square mile:

Albany	Monroe	Orange
Broome	Niagara	Saratoga
Dutchess	Oneida	Suffolk
Erie	Onondaga	

The proposed regulation affects three cities located in rural counties of the State. The City of Rochester is located in Monroe County. Operators of drug take back programs will be required to offer one collection receptacle per 10,000 population in these cities. There are currently 6 collection receptacles available in the city. Under the proposed regulations, the city shall have 21 receptacles, for a total of 15 new receptacles to be added. The City of Syracuse is located in Onondaga County. There are currently 4 collection receptacles available in the city. Under the proposed regulations, the city shall have 15 receptacles, for a total of 11 new receptacles to be added. The City of Buffalo is located in Erie County. There are currently 17 collection receptacles available in the city. Under the proposed regulations, the city shall have 26 receptacles, for a total of 9 new receptacles to be added.

While not mandated under these regulations, pharmacies in rural areas that are not part of a chain may choose to operate a drug take back program and would incur any associated costs with that program.

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

The proposed regulations will require operators of drug take back programs to submit a proposal to the Department for drug take back to be approved every three years, maintain records, and submit annual reports on the operation of their plans, under Article 2-B of the Public Health Law as described above. The reporting may be electronic; no paper reports will be required. Pharmacies will be required to maintain records of their administration of the collection receptacles and mail-back solutions. Upon request of the Department, wholesalers must provide updated lists of the manufacturers whose covered drugs they sell in New York State. The Department must produce an annual report to the Governor and State Legislature about the Drug Take Back program.

Costs:

The drug take back program operates in pharmacies, which must either maintain a collection receptacle to receive covered drugs for disposal from the public, or offer a mail-back solution. There will be costs to pharmacy owners in the forms of lost retail or advertising space occupied by the collection receptacle and signage required by the drug take back act, as well as costs in staff time and resources to maintain, secure, and monitor collection receptacles.

Pharmacies not required by the Drug Take Back Act to participate in a drug take back program, but who currently voluntarily participate in the

Department of Environmental Conservation’s Pilot Pharmaceutical Take-Back Program, may face similar additional costs. Pharmacies may also incur a cost to obtain or modify a DEA registration. The proposed regulation may result in minimal costs to pharmacies in rural areas, which will be the same as the costs expected in non-rural areas.

Minimizing Adverse Impact:

The impact of this proposal is expected to be minimal. It is designed to encourage efficiency for regulated entities by permitting operators to submit drug take back proposals consistent with their own business needs and scope, so long as they meet the statutory and regulatory requirements. Costs are statutorily imposed upon drug manufacturers. The Department has proposed a convenience standard for each city with a population of 125,000 or more, but the Drug Take Back Act does not require one for rural areas and the Department does not propose one. The option of a mail-back solution will help patients in rural areas to dispose of medications in a convenient and cost-effective manner. Finally, a DEC pilot project already in effect has helped to familiarize many participants with the concepts of drug take back programs. Many regulated entities are already participating in drug take back on a voluntary basis through the DEC pilot project.

Rural Area Participation:

The Department conducted various forms of outreach about the Drug Take Back Act, including presentations, meetings and conference calls, some of which were attended by rural participants. The Department also conducted interagency discussions with the Department of Environmental Conservation. As a result of these efforts, the Department received and considered comments and feedback from pharmacy owners who operate in rural areas as well as environmental advocates active on behalf of rural areas, and drug take back program operators with experience in rural areas of other states. Finally, the proposed regulation will have a 60-day public comment period.

Job Impact Statement

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

Public Service Commission

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Net Energy Metering and VDER Crediting for Eligible New York Power Authority Customers

I.D. No. PSC-40-19-00006-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 Niagara Mohawk Power Corporation d/b/a National Grid to amend its electric tariff schedule, P.S.C. No. 220 — Electricity, regarding net metering and VDER crediting for New York Power Authority customers.

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

Subject: Net energy metering and VDER crediting for eligible New York Power Authority customers.

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

Substance of proposed rule: The Commission is considering proposed tariff amendments filed by Niagara Mohawk Power Corporation d/b/a National Grid (National Grid) on August 29, 2019 to amend its electric tariff schedule, P.S.C. No. 220 — Electricity.

National Grid proposes to modify Service Classifications (SC) No. 4 — Untransformed Service to Certain Customers Taking Power from Projects of the New York Power Authority (NYPA) and SC No. 12 — Special Contract Rates to establish provisions to allow certain NYPA customers to be deemed eligible to receive net metering and Value of Distributed Energy Resources credits. The proposed amendments have an effective date of February 1, 2020.

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

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

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

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

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

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

(19-E-0559SP1)

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

Sharing of Ratepayer Consumption Data

I.D. No. PSC-40-19-00007-P

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

Proposed Action: The Commission is considering the petitions of eleven municipalities in Westchester County for agreements with Suez Water Westchester, Inc. to allow use of Suez's water consumption data for billing of sewer service by the municipalities.

Statutory authority: Public Service Law, section 89-b(6)

Subject: Sharing of ratepayer consumption data.

Purpose: To allow for consumption based sewer billing and protect ratepayers' consumption data.

Substance of proposed rule: The Commission is considering the petitions of eleven municipalities (Village of Ardsley, Village of Bronxville, Village of Dobbs Ferry, Village of Hastings on Hudson, City of New Rochelle, Village of Pelham Manor, Village of Tuckahoe, Village of Port Chester, City of Rye, and Village of Rye Brook) in Westchester County to approve agreements with Suez Water Westchester, Inc. (SWW) to allow use of Suez's water consumption data for billing of sewer service by the municipalities.

In 2018, Public Service Law § 89-b(6) was revised to allow water utilities, upon the request of a municipality, to share water consumption data for specific purposes, pursuant to a written agreement that provides for adequate protection of ratepayer consumption information. Pursuant to this section, each of the listed municipalities have drafted an agreement with SWW to receive consumption data for its residents to be used for the purpose of billing for municipal sewer service. The agreements provide for the encryption of data during transmission to the municipality, and that the municipality will comply with the National Institute of Standards and Technology Cybersecurity Framework for the data in its possession.

The full text of the petitions 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-W-0498SP1)

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

Implementation of Consolidated Billing for Distributed Energy Resources

I.D. No. PSC-40-19-00008-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 National Grid's Petition for Authority to Implement a Community Distributed Generation Platform.

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

Subject: Implementation of consolidated billing for distributed energy resources.

Purpose: To facilitate development of and participation in Community Distributed Generation projects.

Substance of proposed rule: The Public Service Commission is considering the Petition for Authority to Implement a Community Distributed Generation Platform (the Petition) filed by Niagara Mohawk Power Corporation d/b/a National Grid (National Grid) on September 11, 2019.

The petition requests Commission approval for the implementation of a Community Distributed Generation Platform (CDG-P) program at National Grid. The CDG-P program includes consolidated billing for CDG projects based on a "net credit" model and customer acquisition and turnover management program for CDG projects. The CDG program allows utility customers to receive bill credits based on the electric production of an eligible distributed energy resources managed by a CDG Sponsor. Oftentimes, that CDG Sponsor bills the customers each month for their subscription to the CDG project. Currently, while the bill credits appear directly on customers' utility bills, the CDG Sponsor must send the customer a separate bill for the subscription and must separately collect the subscription charge. Consolidated billing would enable the CDG Sponsor to instead inform the utility of the subscription charge, which would then be added to the utility bill and remitted to the CDG Sponsor by the utility. The subscription charge would be offset by the bill credits; under the "net credit" model, the net credit after the subscription charge is applied and would appear on the customer's bill.

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

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

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

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

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

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

(19-M-0463SP2)

Department of State

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

Appraisal Standards

I.D. No. DOS-40-19-00001-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 section 1106.1 of Title 19 NYCRR.

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

Subject: Appraisal Standards.

Purpose: To adopt the 2020-2021 edition of the Uniform Standards of Professional Appraisal Practice.

Text of proposed rule: (a) Every appraisal assignment shall be conducted and communicated in accordance with the following provisions and standards set forth in the [2018-2019] 2020-2021 edition of the UNIFORM STANDARDS OF PROFESSIONAL APPRAISAL PRACTICE:

UNIFORM STANDARDS OF PROFESSIONAL APPRAISAL PRACTICE

- (1) Foreword
- (2) Table of Contents
- (3) Preamble
- (4) Definitions
- (5) Ethics Rule
- (6) Record Keeping Rule
- (7) Competency Rule
- (8) Scope of Work Rule
- (9) Jurisdiction Exception Rule

STANDARDS AND STANDARD RULES

- (10) Standard 1: Real Property Appraisal, Development
- (11) Standard 2: Real Property Appraisal, Reporting
- (12) Standard 3: Appraisal Review, Development
- (13) Standard 4: Appraisal Review, Reporting
- (14) Standard 5: Mass Appraisal, Development
- (15) Standard 6: Mass Appraisal, Reporting
- (16) Standard 7: Personal Property Appraisal, Development
- (17) Standard 8: Personal Property Appraisal, Reporting
- (18) Standard 9: Business Appraisal, Development
- (19) Standard 10: Business Appraisal, Reporting

(b) The [2018-2019] 2020-2021 edition of the UNIFORM STANDARDS OF PROFESSIONAL APPRAISAL PRACTICE is published by the Appraisal Foundation, which is authorized by the United States Congress as the source of appraisal standards. Copies may be obtained from: The Appraisal Foundation 1155 15th Street, NW, Suite 1111 Washington, D.C. 20005 tel: 202-347-7722 WWW.APPRAISALFOUNDATION.ORG.

The [2018-2019] 2020-2021 edition of the Uniform Standards of Professional Appraisal Practice can be viewed[, downloaded and printed] from HTTP://WWW.APPRAISALFOUNDATION.ORG.

Copies are also available for inspection and copying at the following offices of the Department of State: Division of Licensing Services N.Y.S. Department of State One Commerce Plaza 99 Washington Avenue, 5th Floor Albany, NY 12231 tel: 518-473-2728 Division of Licensing Services N.Y.S. Department of State 65 Court Street Buffalo, NY 14202 tel: 716-847-7110 Division of Licensing Services N.Y.S. Department of State 123 William Street New York, NY 10038 tel: 212-417-5747 Division of Licensing Services N.Y.S. Department of State 250 Veterans Memorial Highway Hauppauge, NY 11788 tel: 631-952-6579

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

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

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

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

Consensus Rule Making Determination

This rule is being proposed as a consensus rule making. The New York State Board of Real Estate Appraisal does not expect that any person is likely to object to its adoption because the proposed rule merely implements a nondiscretionary statutory direction, i.e., the adoption of these appraisal standards is mandated by § 160-(d)(1)(d) of the Executive Law.

Section 160-d(1)(d) of the Executive Law provides, in part, that the New York State Board of Real Estate Appraisal shall adopt standards for the development and communication of real estate appraisals; provided, however, that those standards must, at minimum, conform to the uniform standards of professional appraisal promulgated by the Appraisal Standards Board of the Appraisal Foundation.

Acting pursuant to Title IX of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (12 U.S.C.A. § § 3310-3351), the Appraisal Standards Board has adopted and, from time to time, amended the Uniform Standards of Professional Appraisal Practice, which set forth national standards for developing an appraisal and for reporting its results.

This proposal will adopt the 2020-2021 edition of the Uniform Stan-

dards of Professional Appraisal Practice relating to real estate appraisals. Since § 160-d(1)(d) directs that the standards adopted by the State Board of Real Estate Appraisal conform, at a minimum, to the standards promulgated by the Appraisal Standards Board, the State Board does not expect that any person is likely to object to the adoption of the 2020-2021 edition of the Uniform Standards of Professional Appraisal Practice. The State Board has previously adopted the 2002, 2003, 2004, 2005, 2006, 2007, 2008-2009, 2010-2011, 2012-2013, 2014-2015, 2016-2017, 2018-2019 editions of the Uniform Standards of Professional Appraisal Practice without objection.

Job Impact Statement

A Job Impact Statement is not required for the proposed regulatory amendments. It is apparent from the nature and the purpose of the proposed regulatory amendments that they will not have a substantial adverse impact on jobs and employment opportunities in either the public or private sectors.

Licensed and certified real estate appraisers are currently subject to the 2018-2019 edition of the Uniform Standards of Professional Appraisal Practice, which will be revised and updated by the 2020-2021 edition. The changes, which are required to be adopted, are not anticipated to impact job opportunities for real estate appraisers. Accordingly, the New York State Board of Real Estate Appraisal does not believe that adoption of the 2020-2021 edition of the Uniform Standards of Professional Appraisal Practice will have any substantial adverse impact on jobs and employment opportunities.

State University of New York

EMERGENCY RULE MAKING

College Fees

I.D. No. SUN-40-19-00003-E

Filing No. 836

Filing Date: 2019-09-13

Effective Date: 2019-09-13

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

Action taken: Amendment of section 302.3 of Title 8 NYCRR.

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

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

Specific reasons underlying the finding of necessity: Amendment of these regulations needs to proceed on an emergency basis because tuition increases are intended to be effective for the Fall 2018 semester. Billing for these new tuition rates occurs during the summer of 2018; therefore, notice of the new rates needs to occur as soon as possible.

Subject: College Fees.

Purpose: To increase the college fee charged at State-operated campuses, excluding the four University Centers.

Text of emergency rule: Section 302.3. College fees.

Effective with respect to the [2016-17] 2019/20 academic year and thereafter, there shall be collected a college fee in the amount of [\$12.50] \$25.00 a semester or [\$8.50] \$17.00 a quarter from all full-time students and [85 cents] \$1.70 a semester credit hour and [55 cents] \$1.10 a quarter credit hour from all special students at all State-operated institutions of the University except for those full-time or special students attending the University at Albany, Binghamton University, Stony Brook University, or the University at Buffalo, where the amount collected for the college fee shall be \$62.50 a semester or \$42.50 a quarter from full-time students and \$4.25 a semester credit hour and \$2.75 a quarter credit hour from special students. *With the exception of the fixed fees to be charged at the University at Albany, Binghamton University, Stony Brook University and the University at Buffalo, college fees shall be set by each institution at this maximum amount.*

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 December 11, 2019.

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

Regulatory Impact Statement

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

2. **Legislative Objectives:** The present measure provides the State-operated campuses (excluding the four University Centers (University at Albany, Binghamton University, Stony Brook University, and the University at Buffalo)) with authority to increase the College Fee. The four University Centers are required to charge a different amount for the College Fee, which will not change under the present measure.

3. **Needs and Benefits:** The present measure increases the College Fee for all full-time or special students attending all State-operated institutions of the University except for those full-time or special students attending the University at Albany, Binghamton University, Stony Brook University, or the University at Buffalo.

4. **Costs:** Students: College Fees for full-time or special students enrolled in SUNY's State-operated institutions (except for the four University Centers specified in Paragraph #2 above) have been increased from \$12.50 to \$25 per year.

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 increase in fees was approved by the System Administration.

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 college fees for State University of New York and will not have any adverse impact on the number of jobs or employment.

Department of Taxation and Finance

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

New York State and City of Yonkers Withholding Tables and Other Methods

I.D. No. TAF-40-19-00009-P

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

Proposed Action: Repeal of Appendices 10, 10-A; addition of new Appendices 10 and 10-A to Title 20 NYCRR.

Statutory authority: Tax Law, sections 171, subdivision First, 671(a)(1), 697(a), 1321(a), 1329(a), 1332(a); Code of the City of Yonkers, sections 15-105, 15-108 and 15-111; L. 2016, ch. 60, part TT

Subject: New York State and City of Yonkers withholding tables and other methods.

Purpose: To provide current New York State and City of Yonkers withholding tables and other methods.

Substance of proposed rule (Full text is posted at the following State website: tax.ny.gov): Tax Law sections 671(a)(1) and 1329(a), and section 15-105 of the Code of the City of Yonkers mandate that employers withhold from employee wages amounts that are substantially equivalent to the amount of New York State and City of Yonkers personal income tax on residents reasonably estimated to be due for the taxable year. The provisions authorize the Commissioner of Taxation and Finance to provide for withholding of these taxes through regulations promulgated by the Commissioner.

This rule repeals and adds new Appendixes 10 and 10-A of Title 20 NYCRR, the New York State and City of Yonkers withholding tables and other methods, respectively. The amendments to Appendixes 10 and 10-A reflect the incremental decrease in New York State personal income tax effected by Part TT of Chapter 60 of the Laws of 2016, beginning in tax year 2018. Changes to the City of Yonkers withholding tables and other methods were necessary because the City of Yonkers income tax surcharge is a specified percentage of New York State tax.

The rule applies to wages and other compensation subject to withholding paid on or after January 1, 2020.

Text of proposed rule and any required statements and analyses may be obtained from: Kathleen D. Chase, Tax Regulations Specialist II, Department of Taxation and Finance, Building 9, W.A. Harriman Campus, Albany, NY 12227, (518) 530-4153, email: Kathleen.Chase@tax.ny.gov

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

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

Regulatory Impact Statement

1. **Statutory authority:** Tax Law, section 171, subdivision First, generally authorizes the Commissioner of Taxation and Finance to promulgate regulations; section 671(a)(1) provides that the method of determining the amounts of New York State personal income tax to be withheld will be prescribed by regulations promulgated by the Commissioner; section 697(a) provides the authority for the Commissioner to make such rules and regulations as are necessary to enforce the personal income tax; Tax Law section 1329(a) and section 15-105 of the Code of the City of Yonkers provide that the City of Yonkers income tax surcharge shall be withheld in the same manner and form as that required for State income tax; section 1332(a) and section 15-108(a) of the Code of the City of Yonkers provide that the income tax surcharge shall be administered and collected by the Commissioner in the same manner as the tax imposed by Article 22 of the Tax Law; Tax Law section 1321(a) authorizes the City of Yonkers to adopt and amend local laws imposing a city income tax surcharge to be administered, collected and distributed by the Commissioner; section 15-111 of the Code of the City of Yonkers provides that the City of Yonkers income tax surcharge shall be a specified percentage of net state tax. Part TT of Chapter 60 the Laws of 2016 effects incremental decreases in the New York State personal income tax rates beginning in tax year 2018, necessitating changes to the withholding tax tables and methods for both New York State and the City of Yonkers, as the City of Yonkers income tax surcharge is a specified percentage of New York State tax.

2. **Legislative objectives:** The rule repeals and replaces Appendixes 10 and 10-A, the New York State and City of Yonkers withholding tables and other methods, respectively, to implement changes required by Part TT of Chapter 60 of the Laws of 2016. The rule implements revised New York State and City of Yonkers withholding tables and other methods to reflect the incremental decrease in New York State personal income tax rates effected by Part TT of Chapter 60, beginning in tax year 2018. Revised City of Yonkers withholding tables and other methods are necessary because the City of Yonkers income tax surcharge is a specified percentage of New York State tax.

3. **Needs and benefits:** This rule sets forth adjustments to the New York State and City of Yonkers withholding tables and other methods, applicable to wages and other compensation paid on or after January 1, 2020, reflecting the changes in tax rates contained in Part TT of Chapter 60 of the Laws of 2016. This rule benefits taxpayers by providing New York State and City of Yonkers withholding tables and other methods that more accurately reflect the current income tax rates. If this rule is not promulgated, the use of the existing withholding tables would cause some over-withholding for some taxpayers.

4. Costs: (a) Costs to regulated parties for the implementation and continuing compliance with this rule: Since (i) the Tax Law and the Code of the City of Yonkers already mandate withholding in amounts that are substantially equivalent to the amounts of New York State and City of Yonkers personal income tax on residents reasonably estimated to be due for the taxable year, and (ii) this rule conforms Appendixes 10 and 10-A of Title 20 NYCRR to the rates of the New York State and City of Yonkers income tax, as necessitated by Chapter 60 of the Laws of 2016, any compliance costs to employers associated with implementing the revised withholding tables and other methods are due to the statute, and not to this rule.

(b) Costs to this agency, the State and local governments for the implementation and continuation of this rule: Since the need to make amendments to Appendixes 10 and 10-A arises due to the statutory changes in the rates of the New York State personal income tax, which affect the City of Yonkers income tax surcharge because it is a percentage of New York State tax, there are no costs to this agency or the State and local governments that are due to the promulgation of this rule.

(c) Information and methodology: This analysis is based on a review of the statutory requirements and on discussions among personnel from the Department's Taxpayer Guidance Division, Office of Tax Policy Analysis, Office of Budget and Management Analysis, and Management Analysis and Project Services Bureau.

5. Local government mandates: Local governments, as employers, would be required to implement the new withholding tables and other methods in the same manner and at the same time as any other employer.

6. Paperwork: This rule will not require any new forms or information. The reporting requirements for employers are not changed by this rule. Employers will be notified of the amendments to the tables and other methods and directed to the Department's website for the updated tables and other methods.

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

8. Alternatives: Since Tax Law sections 671(a) and 1329(a), section 15-105 of the Code of the City of Yonkers and Part TT of Chapter 60 of the Laws of 2016 require that withholding tables and other methods be promulgated, there are no viable alternatives to providing such tables and other methods.

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

10. Compliance schedule: The required information will be made available to affected employers in sufficient time to implement the revised New York State and City of Yonkers withholding tables and other methods for wages and other compensation paid on or after January 1, 2020.

Regulatory Flexibility Analysis

1. Effect of rule: Small businesses, within the meaning of the State Administrative Procedure Act, that are currently subject to the New York State and City of Yonkers withholding requirements will continue to be subject to these requirements. This rule, therefore, should have little or no effect on small businesses other than the requirement of conforming to the new withholding tables and other methods. All small businesses that are employers or are otherwise subject to the withholding requirements must comply with the provisions of this rule.

2. Compliance requirements: This rule requires small businesses and local governments that are already subject to the New York State and City of Yonkers withholding requirements to continue to deduct and withhold amounts from employees using the revised withholding tables and other methods. The promulgation of this rule will not require small businesses or local governments to submit any new information, forms, or paperwork.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas: Every employer, including any public or private employer located in a rural area as defined in section 102(10) of the State Administrative Procedure Act, that is currently subject to the New York State and City of Yonkers withholding requirements will continue to be subject to such requirements and will be required to comply with the provisions of this rule. The number of employers that are also public or private interests in rural areas cannot be determined with any degree of certainty. There are 44 counties throughout this State that are rural areas (having a population of less than 200,000) and 9 more counties having towns that are rural areas (with population densities of 150 or fewer people per square mile).

2. Reporting, recordkeeping and other compliance requirements; and professional services: This rule requires employers that are already subject to the New York State and City of Yonkers withholding requirements to continue to deduct and withhold amounts from employees using the revised withholding tables and other methods. The promulgation of this rule will not require employers to submit any new information, forms or other paperwork.

Further, many employers currently utilize bookkeepers, accountants, and professional payroll services in order to comply with existing with-

holding requirements. This rule will not encourage or discourage the use of any such services.

3. Costs: Employers are already subject to the New York State and City of Yonkers withholding requirements. Therefore, employers are accustomed to withholding revisions, including minor programming changes for federal, state, and City of Yonkers purposes. As such, these changes in the withholding tables and other methods should place no additional burdens on employers located in rural areas. See, also, section 4(a) of the Regulatory Impact Statement for this rule.

4. Minimizing adverse impact: Tax Law section 671(a)(1) requires that the New York State withholding tables and other methods be promulgated. Section 1332(a) requires that the City of Yonkers withholding of tax on wages shall be administered and collected by the Commissioner of Taxation and Finance in the same manner as the tax imposed by Article 22 of the Tax Law. There are no provisions in the Tax Law that exclude employers located in rural areas from the withholding requirements.

5. Rural area participation: The following organizations are being given an opportunity to participate in the rule's development: the Association of Towns of New York State; the Division of Local Government Services of New York State Department of State; the Division of Small Business of Empire State Development; the National Federation of Independent Businesses; the New York State Association of Counties; the New York Conference of Mayors and Municipal Officials; the Small Business Council of the New York State Business Council; the Retail Council of New York State; the New York Association of Convenience Stores; the Tax section of the New York State Bar Association; the Association of the Bar of the City of New York; the National Tax Committee for the National Conference of CPA Practitioners; the New York State Society of CPAs; and the Business Council of New York State. In addition, the City of Yonkers was consulted.

Job Impact Statement

A Job Impact Statement is not being submitted with this rule because it is evident from the subject matter of the rule that it would have no adverse impact on jobs and employment opportunities. The purpose of the rule is to provide New York State and City of Yonkers withholding tables and other methods, applicable for compensation paid on or after January 1, 2020. The new withholding tables and other methods for New York State and the City of Yonkers reflect the incremental decrease in New York State personal income tax effected by Part TT of Chapter 60 of the Laws of 2016. The decrease requires revised City of Yonkers withholding tables and other methods because the City of Yonkers income tax surcharge is a percentage of New York State tax.

**HEARINGS SCHEDULED
FOR PROPOSED RULE MAKINGS**

Agency I.D. No.	Subject Matter	Location—Date—Time
Environmental Conservation, Department of		
ENV-36-19-00001-P	Waste fuels	Department of Environmental Conservation, 625 Broadway, Public Assembly Rm. 129A/B, Albany, NY—November 8, 2019, 11:00 a.m.
ENV-36-19-00002-P	New aftermarket catalytic converter (AMCC) standards	Department of Environmental Conservation, 625 Broadway, Public Assembly Rm. 129A/B, Albany, NY—November 8, 2019, 11:00 a.m.
ENV-36-19-00003-P	Stationary combustion installations	Department of Environmental Conservation, 625 Broadway, Public Assembly Rm. 129A/B, Albany, NY—November 8, 2019, 11:00 a.m.
ENV-36-19-00014-P	Distributed generation sources located in New York City, Long Island, Westchester and Rockland Counties	Department of Environmental Conservation, 625 Broadway, Public Assembly Rm. 129A/B, Albany, NY—November 12, 2019, 11:00 a.m. Department of Transportation, One Hunters Point Plaza, 47-40 21st St., Rm. 834, Long Island City, NY—November 20, 2019, 2:00 p.m.
ENV-39-19-00003-P	Part 219 applies to various types of incinerators and crematories operated in New York State	Suffolk County Water Authority, 260 Motor Pkwy., Hauppauge, NY—December 3, 2019, 11:00 a.m. 6274 Avon-Lima Rd. (Rtes. 5 and 20), Conference Rm., Avon, NY—December 4, 2019, 11:00 a.m. Department of Environmental Conservation, 625 Broadway, Public Assembly Rm. 129A/B, Albany, NY—December 6, 2019, 11:00 a.m.
Long Island Power Authority		
LPA-37-19-00005-P	Authority’s annual budget, as reflected in the rates and charges in the Tariff for Electric Service	H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—November 12, 2019, 2:00 p.m. Long Island Power Authority, 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY—November 13, 2019, 12:00 p.m.
LPA-37-19-00006-P	Modification of the SGIP to clarify and reflect updates to the State’s Standardized Interconnection Requirements (SIR)	H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—November 12, 2019, 2:00 p.m. Long Island Power Authority, 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY—November 13, 2019, 12:00 p.m.
LPA-37-19-00007-P	Standard rates for pole attachments of the Authority’s Tariff for Electric Service	H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—November 12, 2019, 2:00 p.m. Long Island Power Authority, 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY—November 13, 2019, 12:00 p.m.
Public Service Commission		
PSC-32-19-00013-P	Disposition of tax refunds received by New York American Water Company, Inc.	Department of Public Service, Three Empire State Plaza, Albany, NY— October 9, 2019, 10:30 a.m. (Evidentiary Hearing)* *On occasion, there are requests to reschedule or postpone hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 19-W-0185.
PSC-34-19-00015-P	Major electric rate filing	Department of Public Service, Three Empire

State Plaza, 19th Fl. Board Rm., Albany, NY—
October 28, 2019 and continuing daily as
needed, 10:30 a.m. (Evidentiary Hearing)*

*On occasion, there are requests to reschedule
or postpone hearing dates. If such a request is
granted, notification of any subsequent
scheduling changes will be available at the
DPS website (www.dps.ny.gov) under Case
19-E-0380.

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

*On occasion, there are requests to reschedule
or postpone hearing dates. If such a request is
granted, notification of any subsequent
scheduling changes will be available at the
DPS website (www.dps.ny.gov) under Case
19-E-0381.

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

*On occasion, there are requests to reschedule
or postpone hearing dates. If such a request is
granted, notification of any subsequent
scheduling changes will be available at the
DPS website (www.dps.ny.gov) under Case
19-E-0378.

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

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

PSC-34-19-00016-P Major gas rate filing

PSC-34-19-00018-P Major electric rate filing

PSC-34-19-00020-P Major gas rate filing

ACTION PENDING INDEX

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

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

For additional information concerning any of the proposals

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

Agency code	Issue number	Year published	Serial number	Action Code
AAM	01	12	0001	P

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
AGING, OFFICE FOR THE			
AGE-44-18-00005-P	10/31/19	Nutrition Program	The purpose of this rule is to update the regulations governing the Nutrition Program
AGE-34-19-00014-P	08/20/20	Limits on Administrative Expenses and Executive Compensation	To bring this rule into compliance with current law in New York State
AGRICULTURE AND MARKETS, DEPARTMENT OF			
AAM-21-19-00002-EP	05/21/20	Control of the European Cherry Fruit Fly	To help control the spread of the European Cherry Fruit Fly (ECFF), which renders cherries unmarketable if they are infested.
AAM-30-19-00004-P	07/23/20	Fuels for use in automobiles and motor-driven devices and equipment.	To conform regulations with federal requirements; to provide standards for, and relieve confusion in the sale of new fuels.
AAM-33-19-00003-P	08/13/20	State aid to districts	To conform Part 363 to S&WCL Sec. 11-a statutory amendments and to make technical amendments.
AAM-34-19-00001-EP	08/20/20	Spotted Lanternfly ("SL")	To prevent SL-infested articles originating in Dauphin County, in PA, or Cecil County, in MD, from entering NYS
ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF			
ASA-32-19-00005-P	08/06/20	Appeals, Hearings and Rulings	Protect patient confidentiality, update due process provisions, technical amendments
ASA-39-19-00004-P	09/24/20	Designated services (acupuncture and telepractice)	To identify standards for designation to provide acupuncture or telepractice services
ASA-39-19-00006-P	09/24/20	Children's behavioral health services	To identify addiction treatment services for children and families

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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-ERP	05/07/20	Procedures for addressing children absent without consent from foster care, conditional releases and searches	To put into place procedures for children absent without consent from foster care, conditional releases and searches
CFS-36-19-00004-EP	09/03/20	Removal of non-medical exemption from vaccination regulations for child day care programs	To remove the non-medical exemption from vaccination regulations for child day care programs
CFS-39-19-00005-EP	09/24/20	Implement federal statutory requirements to include enhanced background checks, annual inspections, annual training and safety.	Implement federal statutory requirements to include enhanced background checks, annual inspections, annual training and safety.
CFS-39-19-00007-EP	09/24/20	Implement statutory requirements to include enhanced background checks, annual inspections, annual training and safety.	Implement statutory requirements to include enhanced background checks, annual inspections, annual training and safety.
CIVIL SERVICE, DEPARTMENT OF			
CVS-06-19-00001-P	02/06/20	Jurisdictional Classification	To classify a position in the exempt class
CVS-13-19-00003-P	03/26/20	Jurisdictional Classification	To delete positions from and classify positions in the exempt class
CVS-18-19-00007-P	04/30/20	Jurisdictional Classification	To classify positions in the exempt class
CVS-18-19-00008-P	04/30/20	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-25-19-00001-P	06/18/20	Jurisdictional Classification	To delete positions from and classify positions in the exempt and non-competitive classes.
CVS-25-19-00002-P	06/18/20	Jurisdictional Classification	To classify positions in the exempt class.
CVS-25-19-00003-P	06/18/20	Jurisdictional Classification	To classify a position in the exempt class.
CVS-25-19-00004-P	06/18/20	Jurisdictional Classification	To delete positions from the non-competitive class.
CVS-25-19-00005-P	06/18/20	Jurisdictional Classification	To delete positions from and classify a position in the non-competitive class.
CVS-25-19-00006-P	06/18/20	Jurisdictional Classification	To classify positions in the non-competitive class.
CVS-25-19-00007-P	06/18/20	Jurisdictional Classification	To delete positions from and classify a position in the non-competitive class.
CVS-25-19-00008-P	06/18/20	Jurisdictional Classification	To classify positions in the non-competitive class.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
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
CVS-34-19-00002-P	08/20/20	Jurisdictional Classification	To classify positions in the exempt and non-competitive classes.
CVS-34-19-00003-P	08/20/20	Jurisdictional Classification	To classify a position in the exempt class
CVS-34-19-00004-P	08/20/20	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-34-19-00005-P	08/20/20	Jurisdictional Classification	To classify a position in the non-competitive class

Action Pending Index**NYS Register/October 2, 2019**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-34-19-00006-P	08/20/20	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-34-19-00007-P	08/20/20	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-34-19-00008-P	08/20/20	Jurisdictional Classification	To delete a subheading and to delete a position in the non-competitive class
CVS-34-19-00009-P	08/20/20	Jurisdictional Classification	To delete a position from and classify a position in the non-competitive class
CVS-34-19-00010-P	08/20/20	Jurisdictional Classification	To classify positions in the exempt and non-competitive classes
CVS-34-19-00011-P	08/20/20	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CORRECTION, STATE COMMISSION OF			
CMC-35-19-00002-P	08/27/20	Disciplinary and administrative segregation of inmates in special housing.	Prohibit the segregation of vulnerable inmates, and to standardize allowable uses and duration of special housing segregation.
CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF			
CCS-05-19-00006-P	01/30/20	Standard Conditions of Release Parole Revocation Dispositions	Establish standard conditions of release and provide a workable structure for applying appropriate parole revocation penalties
CCS-21-19-00014-P	05/21/20	Adolescent Offender Facilities	To reclassify two existing correctional facilities to adolescent offender facilities.
CCS-28-19-00003-EP	07/09/20	Reclassification of Correctional Facilities	The classification of Collins and Queensboro Correctional Facilities as Work Release facilities
CCS-32-19-00007-P	08/06/20	Transfer of Foreign Nationals	Correct spelling and update employee responsibility
CCS-35-19-00001-P	08/27/20	Special Housing Units	Revisions have been made in order to be in compliance with new laws regarding special housing units and solitary confinement use
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-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
EDU-40-18-00010-RP	01/01/20	Professional development plans and other related requirements for school districts and BOCES	To improve the quality of teaching and learning for teachers and leaders for professional growth
EDU-52-18-00005-P	12/26/19	Annual professional performance reviews.	To extend the transition period for an additional year (until 2019-2020).
EDU-05-19-00008-RP	01/30/20	Protecting Personally Identifiable Information	To implement the provisions of Education Law section 2-d
EDU-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-25-19-00014-EP	06/18/20	Eligibility Requirements for the Endorsement Pathway for Certification as an Educator in the Classroom Teaching Service	To provide candidates with more flexibility to be eligible for the endorsement pathway
EDU-25-19-00015-EP	06/18/20	Statement of continued eligibility for certain teachers of students with disabilities	Extends the deadline to apply for a statement of continued eligibility for certain teachers of students with disabilities
EDU-26-19-00001-P	06/25/20	Reports of child abuse in an educational setting	To implement the provisions of Chapter 363 of the Laws of 2018 relating to reports of child abuse in an educational setting
EDU-27-19-00010-P	07/02/20	Substantially Equivalent Instruction for Nonpublic School Students	Provide guidance to local school authorities to assist them in fulfilling their responsibilities under the Compulsory Ed Law
EDU-31-19-00009-EP	07/30/20	Instructional Time for State Aid purposes	To provide school districts with additional flexibility when establishing their school calendars
EDU-31-19-00010-EP	07/30/20	School and district safety plans	To implement certain provisions of section 32 of part YYY of chapter 59 of the Laws of 2019
EDU-39-19-00008-P	09/24/20	The Education, Experience, Examination and Endorsement Requirements for Licensure as an Architect	To more closely align New York's requirements for architects with national standards and to streamline the endorsement process.
EDU-39-19-00009-P	09/24/20	Requirements for Licensure as an Architect	To more closely align the Commissioner's Regulations with national standards for licensure as an architect.
EDU-39-19-00012-P	09/24/20	Building Condition Surveys and Visual and Periodic Inspections of Public School Buildings	To align the Commissioner's Regulations with amendments made to Education Law sections 409-9d, 409-e, and 3641.
ELECTIONS, STATE BOARD OF			
SBE-22-19-00001-EP	05/28/20	Audit Status for Early Voting	Establishes Process for Auditing Early Voting Machines and Systems
SBE-22-19-00002-ERP	05/28/20	Related to the Minimum Required Voting Machines and Privacy Booths needed for Early Voting Polling Sites	Establishes the Minimum Required Voting Machines and Privacy Booths needed for Early Voting Polling Sites
SBE-22-19-00003-EP	05/28/20	Process for Early Voting	Establishing Process for Early Voting

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ELECTIONS, STATE BOARD OF			
SBE-35-19-00003-EP	08/27/20	Ballot Accountability Practices	Establishes additional ballot accountability procedures
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
ENV-09-19-00015-RP	05/13/20	Set nitrogen oxide (NOx) emission rate limits for simple cycle and regenerative combustion turbines	Reduction of nitrogen oxide (NOx) emissions from simple cycle and regenerative combustion turbines
ENV-10-19-00003-P	05/13/20	Regulate volatile organic compounds (VOCs) in architectural and industrial maintenance (AIM) coatings	To set new and lower VOC limits for certain coating categories. Update categories and methods
ENV-12-19-00002-P	05/23/20	Air emissions regulation of cleaning solutions containing volatile organic compounds.	Update existing regulation with latest emission control requirements and add requirements recently issued by EPA.
ENV-18-19-00006-EP	04/30/20	Regulations governing commercial fishing and harvest of scup.	To revise regulations concerning the commercial harvest of scup in New York State waters.
ENV-24-19-00002-P	08/18/20	Hazardous Waste Management Regulations (FedReg5)	To amend regulations pertaining to hazardous waste management
ENV-27-19-00001-P	07/02/20	Feeding of wild deer and moose, use of 4-Poster™ devices.	To prohibit feeding of wild deer and moose, to define conditions for use of 4-Poster™ devices.
ENV-27-19-00003-P	07/02/20	Black Bear hunting.	Expand bear hunting opportunities in Wildlife Management Unit 4W to reduce bear abundance.
ENV-28-19-00001-P	07/09/20	Omnibus changes to 6 NYCRR	Bring regulations current with statutory changes and to improve application efficiency as part of the Governor's Lean initiative
ENV-28-19-00002-EP	07/09/20	Regulations governing recreational fishing of scup	To revise regulations concerning the recreational harvest of scup in New York State
ENV-29-19-00016-P	09/15/20	Reasonably Available Control Technology (RACT) for Major Facilities of Oxides of Nitrogen (NOx)	Regulation of NOx emissions from major facilities of NOx. The regulation sets NOx limits for boilers, turbines, and engines
ENV-29-19-00017-P	09/15/20	Federal and State standards for acceptable air quality	To revise outdated State and Federal air quality standards
ENV-31-19-00008-EP	07/30/20	Sanitary Condition of Shellfish Lands	To reclassify underwater shellfish lands to protect public health
ENV-32-19-00006-P	08/06/20	Chronic wasting disease	Amend regulations to reduce risk of introduction of infectious material into New York
ENV-36-19-00001-P	11/07/20	Waste Fuels	Update permit references, rule citations, monitoring, record keeping, reporting requirements, and incorporate federal standards.
ENV-36-19-00002-P	11/07/20	New Aftermarket Catalytic Converter (AMCC) standards	Prohibit sale of federal AMCCs and update existing AMCC record keeping and reporting requirements

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
ENV-36-19-00003-P	11/07/20	Stationary Combustion Installations	Update permit references, rule citations, monitoring, record keeping, reporting requirements, and lower emission standards.
ENV-36-19-00014-P	11/19/20	Distributed generation sources located in New York City, Long Island and Westchester and Rockland counties	Establish emission control requirements for sources used in demand response programs or as price-responsive generation sources
ENV-37-19-00003-P	09/10/20	Clarifying determination of jurisdiction under the Endangered and Threatened Fish and Wildlife regulations	To improve the review of projects by removing some project types that are known not to cause harm from the review stream
ENV-38-19-00001-P	09/17/20	Animals dangerous to health or welfare	To expand the list of animals which pose a risk to health or welfare of the people of the state or indigenous fish and wildlife
ENV-39-19-00003-P	12/05/20	Part 219 applies to various types of incinerators and crematories operated in New York State.	This rule establishes emission limits and operating requirements for various types of incinerators.
FINANCIAL SERVICES, DEPARTMENT OF			
*DFS-17-16-00003-P	exempt	Plan of Conversion by Commercial Travelers Mutual Insurance Company	To convert a mutual accident and health insurance company to a stock accident and health insurance company
*DFS-25-18-00006-P	exempt	Plan of Conversion by Medical Liability Mutual Insurance Company	To convert a mutual property and casualty insurance company to a stock property and casualty insurance company
*DFS-30-18-00007-RP	10/23/19	Minimum Standards for Form, Content, and Sale of Health Insurance, Including Standards for Full and Fair Disclosure	To clarify requirements regarding coverage and disclosure of information for contraceptives
*DFS-36-18-00003-RP	12/04/19	Professional Bail Agents; Managing General Agents; et al	To provide greater protection to consumers, and raise the standards of integrity in the bail business.
DFS-46-18-00014-P	11/14/19	Regulations Implementing the Comprehensive Motor Vehicle Insurance Reparations Act- Claims for Personal Injury Protection Benefit	To give insurer option to void assignment of benefits when insurer issues denial for EIP's failure to attend IME or EUO
DFS-18-19-00005-P	04/30/20	Servicing Mortgage Loans: Business Conduct Rules	Sets standards governing the servicing of residential home mortgage loans.
DFS-20-19-00002-P	05/14/20	Electronic Filings and Submissions	To require certain filings or submissions to be made electronically
DFS-20-19-00004-P	05/14/20	Valuation of Individual and Group Accident and Health Insurance Reserves	To adopt the 2016 Cancer Claim Cost Valuation Tables
DFS-21-19-00005-P	05/21/20	Continuing Care Retirement Communities	Amend rules related to permitted investments, financial transactions, reporting requirements and add new optional contract type.
DFS-28-19-00007-P	07/09/20	Accelerated Payment of the Death Benefit Under a Life Insurance Policy	Implement statutory amendments in: Laws of 2017 ch. 300, Laws of 2014 ch. 465, Laws of 2014 ch. 448, and Laws of 2010 ch. 563
DFS-31-19-00007-P	07/30/20	Student Loan Servicers	To provide for the supervision of the student loan servicing industry

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
FINANCIAL SERVICES, DEPARTMENT OF			
DFS-32-19-00003-P	08/06/20	Minimum Standards for Form, Content and Sale of Medicare Supplement and Medicare Select Insurance, et al.	To conform with the NAIC model regulation for Medicare supplement insurance, as required by 42 U.S.C. Section 1395ss.
DFS-33-19-00004-P	08/13/20	Minimum Standards for Form, Content, and Sale of Health Insurance, Including Standards for Full and Fair Disclosure	To set forth minimum standards for the content of health insurance identification cards.
DFS-39-19-00002-P	09/24/20	LICENSED CASHERS OF CHECKS; FEES	To increase the maximum fee that may be charged by licensed check cashers
GAMING COMMISSION, NEW YORK STATE			
SGC-40-19-00010-P	10/01/20	Add racetrack operator to terms defined in Thoroughbred rules	To promote the integrity of racing and derive a reasonable return for government
SGC-40-19-00011-P	10/01/20	Remove obsolete reference to safety vest weight	To promote the integrity of racing and derive a reasonable return for government
SGC-40-19-00012-P	10/01/20	Add racetrack operator to terms defined in Thoroughbred rules	To promote the integrity of racing and derive a reasonable return for government
GENERAL SERVICES, OFFICE OF			
GNS-40-19-00005-P	10/01/20	Facility Use	To add "plastic knuckles" and remove "gravity knife" from the definition of "deadly weapon"
HEALTH, DEPARTMENT OF			
*HLT-14-94-00006-P	exempt	Payment methodology for HIV/AIDS outpatient services	To expand the current payment to incorporate pricing for services
HLT-42-18-00008-P	10/17/19	Office-Based Surgery Practice Reports	Requires accredited Office-Based Surgery practices to submit adverse event & practice information which includes procedural data
HLT-51-18-00018-P	12/19/19	New requirements for Annual Registration of Licensed Home Care Services Agencies	To amend the regulations for licensed home care services agencies for the annual registration requirements of the agency
HLT-05-19-00005-P	01/30/20	Midwifery Birth Center Services	To set the standards for all birth centers to follow the structure of Article 28 requirements
HLT-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
HLT-36-19-00005-EP	09/03/20	School Immunization Requirements	To be consistent with national immunization regulations and guidelines and to define “may be detrimental to the child’s health”.
HLT-36-19-00006-P	09/03/20	Limits on Executive Compensation	Removes “Soft Cap” prohibition on covered executive salaries.
HLT-40-19-00002-EP	10/01/20	Required Signage Warning Against the Dangers of Illegal Products	To require sellers of legal e-liquids and e-cigarette products to post warning signs regarding illegal products
HLT-40-19-00004-P	10/01/20	Drug Take Back	To implement the State’s drug take back program to provide for the safe disposal of drugs
HIGHER EDUCATION SERVICES CORPORATION			
ESC-31-19-00001-EP	07/30/20	NYS Child Welfare Worker Loan Forgiveness Incentive Program	To implement the NYS Child Welfare Worker Loan Forgiveness Incentive Program
ESC-31-19-00002-EP	07/30/20	New York State Science, Technology, Engineering and Mathematics Incentive Program	To implement the New York State Science, Technology, Engineering and Mathematics Incentive Program
ESC-31-19-00003-EP	07/30/20	NYS Child Welfare Worker Incentive Scholarship Program	To implement the NYS Child Welfare Worker Incentive Scholarship Program
ESC-31-19-00004-EP	07/30/20	Excelsior Scholarship	To implement the Excelsior Scholarship
ESC-31-19-00005-EP	07/30/20	Enhanced Tuition Awards program	To implement the Enhanced Tuition Awards program
HOUSING AND COMMUNITY RENEWAL, DIVISION OF			
HCR-21-19-00019-P	07/21/20	Low-Income Housing Qualified Allocation Plan	To amend definitions, threshold criteria and application scoring for the allocation of low-income housing tax credits.
HOUSING FINANCE AGENCY			
HFA-21-19-00020-P	07/21/20	Low-Income Housing Qualified Allocation Plan	To amend definitions, threshold criteria and application scoring for the allocation of low-income housing tax credits
HUMAN RIGHTS, DIVISION OF			
HRT-27-19-00002-P	07/02/20	Gender Identity or Expression Discrimination	To conform the Division’s regulations with Executive Law as amended by Chapter 8 of the Laws of New York 2019.
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

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LONG ISLAND POWER AUTHORITY			
*LPA-04-06-00007-P	..... exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan
*LPA-03-10-00004-P	..... exempt	Residential late payment charges	To extend the application of late payment charges to residential customers
*LPA-15-18-00013-P	..... exempt	Outdoor area lighting	To add an option and pricing for efficient LED lamps to the Authority's outdoor area lighting
*LPA-37-18-00013-P	..... exempt	The net energy metering provisions of the Authority's Tariff for Electric Service	To implement PSC guidance increasing eligibility for value stack compensation to larger projects
*LPA-37-18-00017-P	..... exempt	The treatment of electric vehicle charging in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on electric vehicle supply equipment.
*LPA-37-18-00018-P	..... exempt	The treatment of energy storage in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on the NY Energy Storage Roadmap.
LPA-37-19-00005-P	..... exempt	The Authority's annual budget, as reflected in the rates and charges in the Tariff for Electric Service	To update the Tariff to implement the Authority's annual budget and corresponding rate adjustments
LPA-37-19-00006-P	..... exempt	The modification of the SGIP to clarify and reflect updates to the State's Standardized Interconnection Requirements (SIR)	To be consistent with the State's SIR and related orders
LPA-37-19-00007-P	..... exempt	The standard rates for pole attachments of the Authority's Tariff for Electric Service	To update the Authority's standard rates for pole attachments in accordance with recent Public Service Commission action
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
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
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
OGDENSBURG BRIDGE AND PORT AUTHORITY			
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
PARKS, RECREATION AND HISTORIC PRESERVATION, OFFICE OF			
PKR-37-19-00001-P	..... 09/10/20	Listing of state parks, parkways, recreation facilities and historic sites	To update the listing of state parks, parkways, recreation facilities and historic sites
PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR			
PDD-31-19-00006-P	..... 07/30/20	Procedures for the Control of Tuberculosis	To modify the tuberculosis testing requirements for service recipients only receiving clinical services within an Art 16 clinic
PDD-33-19-00015-P	..... 08/13/20	Limits on Administrative Expenses and Executive Compensation	To conform with recent court decisions
POWER AUTHORITY OF THE STATE OF NEW YORK			
*PAS-01-10-00010-P	..... exempt	Rates for the sale of power and energy	Update ECSB Programs customers' service tariffs to streamline them/include additional required information
PUBLIC SERVICE COMMISSION			
*PSC-09-99-00012-P	..... exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	..... exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-12-00-00001-P	..... exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-44-01-00005-P	..... exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-07-02-00032-P	..... exempt	Uniform business practices	To consider modification
*PSC-36-03-00010-P	..... exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-40-03-00015-P	..... exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00010-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*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

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

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

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

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

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-12-09-00010-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-12-09-00012-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-13-09-00008-P	..... exempt	Options for making additional central office codes available in the 718/347 numbering plan area	To consider options for making additional central office codes available in the 718/347 numbering plan area
*PSC-14-09-00014-P	..... exempt	The regulation of revenue requirements for municipal utilities by the Public Service Commission	To determine whether the regulation of revenue requirements for municipal utilities should be modified
*PSC-16-09-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of AMPS on behalf of Park Imperial to submeter electricity at 230 W. 56th Street, in New York, New York
*PSC-16-09-00020-P	..... exempt	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity
*PSC-17-09-00010-P	..... exempt	Whether to permit the use of Elster REX2 solid state electric meter for use in residential and commercial accounts	To permit electric utilities in New York State to use the Elster REX2
*PSC-17-09-00011-P	..... exempt	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes
*PSC-17-09-00012-P	..... exempt	Petition for the submetering of gas at commercial property	To consider the request of Turner Construction, to submeter natural gas at 550 Short Ave., & 10 South St., Governors Island, NY
*PSC-17-09-00014-P	..... exempt	Benefit-cost framework for evaluating AMI programs prepared by the DPS Staff	To consider a benefit-cost framework for evaluating AMI programs prepared by the DPS Staff
*PSC-17-09-00015-P	..... exempt	The construction of a tower for wireless antennas on land owned by National Grid	To approve, reject or modify the petition to build a tower for wireless antennas in the Town of Onondaga
*PSC-18-09-00012-P	..... exempt	Petition for rehearing of Order approving the submetering of electricity	To consider the request of Frank Signore to rehear petition to submeter electricity at One City Place in White Plains, New York
*PSC-18-09-00013-P	..... exempt	Petition for the submetering of electricity	To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York
*PSC-18-09-00017-P	..... exempt	Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers	To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower
*PSC-20-09-00016-P	..... exempt	The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc	To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with it's AMI pilots etc
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-22-09-00011-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-25-09-00005-P	..... exempt	Whether to grant, deny, or modify, in whole or in part, the petition	Whether to grant, deny, or modify, in whole or in part, the petition
*PSC-25-09-00006-P	..... exempt	Electric utility implementation plans for proposed web based SIR application process and project status database	To determine if the proposed web based SIR systems are adequate and meet requirements needed for implementation
*PSC-25-09-00007-P	..... exempt	Electric rates for Consolidated Edison Company of New York, Inc	Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc
*PSC-27-09-00011-P	..... exempt	Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access.	To review the terms and conditions of the negotiated agreement between Vernon and tw telecom of new york l.p.
*PSC-27-09-00014-P	..... exempt	Billing and payment for energy efficiency measures through utility bill	To promote energy conservation
*PSC-27-09-00015-P	..... exempt	Interconnection of the networks between Oriskany and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Oriskany and tw telecom of new york l.p.
*PSC-29-09-00011-P	..... exempt	Consideration of utility compliance filings	Consideration of utility compliance filings
*PSC-32-09-00009-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-34-09-00016-P	..... exempt	Recommendations made in the Management Audit Final Report	To consider whether to take action or recommendations contained in the Management Audit Final Report
*PSC-34-09-00017-P	..... exempt	To consider the transfer of control of Plattsburgh Cablevision, Inc. d/b/a Charter Communications to CH Communications, LLC	To allow the Plattsburgh Cablevision, Inc. to distribute its equity interest in CH Communications, LLC
*PSC-36-09-00008-P	..... exempt	The increase in the non-bypassable charge implemented by RG&E on June 1, 2009	Considering exemptions from the increase in the non-bypassable charge implemented by RG&E on June 1, 2009
*PSC-37-09-00015-P	..... exempt	Sale of customer-generated steam to the Con Edison steam system	To establish a mechanism for sale of customer-generated steam to the Con Edison steam system
*PSC-37-09-00016-P	..... exempt	Applicability of electronic signatures to Deferred Payment Agreements	To determine whether electronic signatures can be accepted for Deferred Payment Agreements
*PSC-39-09-00015-P	..... exempt	Modifications to the \$5 Bill Credit Program	Consideration of petition of National Grid to modify the Low Income \$5 Bill Credit Program
*PSC-39-09-00018-P	..... exempt	The offset of deferral balances with Positive Benefit Adjustments	To consider a petition to offset deferral balances with Positive Benefit Adjustments
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-51-09-00029-P	..... exempt	Rules and guidelines for the exchange of retail access data between jurisdictional utilities and eligible ESCOs	To revise the uniform Electronic Data Interchange Standards and business practices to incorporate a contest period
*PSC-51-09-00030-P	..... exempt	Waiver or modification of Capital Expenditure condition of merger	To allow the companies to expend less funds for capital improvement than required by the merger
*PSC-52-09-00006-P	..... exempt	ACE's petition for rehearing for an order regarding generator-specific energy deliverability study methodology	To consider whether to change the Order Prescribing Study Methodology
*PSC-52-09-00008-P	..... exempt	Approval for the New York Independent System Operator, Inc. to incur indebtedness and borrow up to \$50,000,000	To finance the renovation and construction of the New York Independent System Operator, Inc.'s power control center facilities
*PSC-05-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY
*PSC-05-10-00015-P	..... exempt	Petition for the submetering of electricity	To consider the request of 243 West End Avenue Owners Corp. to submeter electricity at 243 West End Avenue, New York, NY
*PSC-06-10-00022-P	..... exempt	The Commission's Order of December 17, 2009 related to redevelopment of Consolidated Edison's Hudson Avenue generating facility	To reconsider the Commission's Order of December 17, 2009 related to redevelopment of the Hudson Avenue generating facility
*PSC-07-10-00009-P	..... exempt	Petition to revise the Uniform Business Practices	To consider the RESA petition to allow rescission of a customer request to return to full utility service
*PSC-08-10-00007-P	..... exempt	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847
*PSC-08-10-00009-P	..... exempt	Consolidated Edison of New York, Inc. energy efficiency programs	To modify approved energy efficiency programs
*PSC-12-10-00015-P	..... exempt	Recommendations made by Staff intended to enhance the safety of Con Edison's gas operations	To require that Con Edison implement the Staff recommendations intended to enhance the safety of Con Edison's gas operations
*PSC-14-10-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of 61 Jane Street Owners Corporation to submeter Electricity at 61 Jane Street, Manhattan, NY
*PSC-16-10-00005-P	..... exempt	To consider adopting and expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-16-10-00007-P	..... exempt	Interconnection of the networks between TDS Telecom and PAETEC Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between TDS Telecom and PAETEC Communications
*PSC-16-10-00015-P	..... exempt	Interconnection of the networks between Frontier and Choice One Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier and Choice One Communications
*PSC-18-10-00009-P	..... exempt	Electric utility transmission right-of-way management practices	To consider electric utility transmission right-of-way management practices

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-19-10-00022-P	..... exempt	Whether National Grid should be permitted to transfer a parcel of property located at 1 Eddy Street, Fort Edward, New York	To decide whether to approve National Grid's request to transfer a parcel of vacant property in Fort Edward, New York
*PSC-22-10-00006-P	..... exempt	Requirement that Noble demonstrate that its affiliated electric corporations operating in New York are providing safe service	Consider requiring that Noble demonstrate that its affiliated electric corporations in New York are providing safe service
*PSC-22-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of 48-52 Franklin Street to submeter electricity at 50 Franklin Street, New York, New York
*PSC-24-10-00009-P	..... exempt	Verizon New York Inc. tariff regulations relating to voice messaging service	To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff
*PSC-25-10-00012-P	..... exempt	Reassignment of the 2-1-1 abbreviated dialing code	Consideration of petition to reassign the 2-1-1 abbreviated dialing code
*PSC-27-10-00016-P	..... exempt	Petition for the submetering of electricity	To consider the request of 9271 Group, LLC to submeter electricity at 960 Busti Avenue, Buffalo, New York
*PSC-34-10-00003-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-34-10-00005-P	..... exempt	Approval of a contract for \$250,000 in tank repairs that may be a financing	To decide whether to approve a contract between the parties that may be a financing of \$250,000 for tank repairs
*PSC-34-10-00006-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-36-10-00010-P	..... exempt	Central Hudson's procedures, terms and conditions for an economic development plan	Consideration of Central Hudson's procedures, terms and conditions for an economic development plan
*PSC-40-10-00014-P	..... exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by National Grid
*PSC-40-10-00021-P	..... exempt	Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall	To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall
*PSC-41-10-00018-P	..... exempt	Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter	Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers
*PSC-41-10-00022-P	..... exempt	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY
*PSC-42-10-00011-P	..... exempt	Petition for the submetering of electricity	To consider the request of 4858 Group, LLC to submeter electricity at 456 Main Street, Buffalo, New York
*PSC-43-10-00016-P	..... exempt	Utility Access to Ducts, Conduit Facilities and Utility Poles	To review the complaint from Optical Communications Group

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-44-10-00003-P	..... exempt	Third and fourth stage gas rate increase by Corning Natural Gas Corporation	To consider Corning Natural Gas Corporation's request for a third and fourth stage gas rate increase
*PSC-51-10-00018-P	..... exempt	Commission proceeding concerning three-phase electric service by all major electric utilities	Investigate the consistency of the tariff provisions for three-phase electric service for all major electric utilities
*PSC-11-11-00003-P	..... exempt	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service
*PSC-13-11-00005-P	..... exempt	Exclude the minimum monthly bill component from the earnings test calculation	Exclude the minimum monthly bill component from the earnings test calculation
*PSC-14-11-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York
*PSC-19-11-00007-P	..... exempt	Utility price reporting requirements related to the Commission's "Power to Choose" website	Modify the Commission's utility electric commodity price reporting requirements related to the "Power to Choose" website
*PSC-20-11-00012-P	..... exempt	Petition for the submetering of electricity	To consider the request of KMW Group LLC to submeter electricity at 122 West Street, Brooklyn, New York
*PSC-20-11-00013-P	..... exempt	Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges	To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable
*PSC-22-11-00004-P	..... exempt	Whether to permit the use of the Sensus accWAVE for use in residential gas meter applications	To permit gas utilities in New York State to use the Sensus accWAVE diaphragm gas meter
*PSC-26-11-00007-P	..... exempt	Water rates and charges	To approve an increase in annual revenues by about \$25,266 or 50%
*PSC-26-11-00009-P	..... exempt	Petition for the submetering of electricity at commercial property	To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York
*PSC-26-11-00012-P	..... exempt	Waiver of generation retirement notice requirements	Consideration of waiver of generation retirement notice requirements
*PSC-29-11-00011-P	..... exempt	Petition requesting the Commission reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order.	To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing.
*PSC-35-11-00011-P	..... exempt	Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8	Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters
*PSC-36-11-00006-P	..... exempt	To consider expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-38-11-00002-P	..... exempt	Operation and maintenance procedures pertaining to steam trap caps	Adopt modified steam operation and maintenance procedures
*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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-23-12-00007-P	..... exempt	The approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility	To consider the approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility
*PSC-23-12-00009-P	..... exempt	Over earnings sharing between rate payers and shareholders	To establish an Earnings Sharing Mechanism to be applied following the conclusion of Corning's rate plan
*PSC-27-12-00012-P	..... exempt	Implementation of recommendations made in a Management Audit Report	To consider implementation of recommendations made in a Management Audit Report
*PSC-28-12-00013-P	..... exempt	Exemption of reliability reporting statistics for the purpose of the 2012 Reliability Performance Mechanism	Consideration of Orange and Rockland Utilities request for exemption of the 2012 reliability reporting statistics
*PSC-29-12-00019-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Hamden to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-30-12-00010-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Andes to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-33-12-00009-P	..... exempt	Telecommunications companies ability to attach to utility company poles	Consideration of Tech Valley's ability to attach to Central Hudson poles
*PSC-37-12-00009-P	..... exempt	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers
*PSC-42-12-00009-P	..... exempt	Regulation of Gypsy Trail Club, Inc.'s long-term financing agreements	To exempt Gypsy 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

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-51-13-00009-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00010-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00011-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-52-13-00012-P	..... exempt	The development of reliability contingency plan(s) to address the potential retirement of Indian Point Energy Center (IPEC).	To address the petition for rehearing and reconsideration/motion for clarification of the IPEC reliability contingency plan(s).
*PSC-52-13-00015-P	..... exempt	To enter into a loan agreement with the banks for up to an amount of \$94,000.	To consider allowing Knolls Water Company to enter into a long-term loan agreement.
*PSC-05-14-00010-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-07-14-00008-P	..... exempt	Petition for submetering of electricity	To consider the request of Greater Centennial Homes HDFC, Inc. to submeter electricity at 102, 103 and 106 W 5th Street, et al.
*PSC-07-14-00012-P	..... exempt	Water rates and charges	Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project
*PSC-08-14-00015-P	..... exempt	Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities	To improve Verizon New York Inc.'s service quality and the Customer Trouble Report Rate levels at certain central office entities
*PSC-10-14-00006-P	..... exempt	Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance	To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance
*PSC-11-14-00003-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-16-14-00014-P	..... exempt	Whether to order NYSEG to provide gas service to customers when an expanded CPCN is approved and impose PSL 25-a penalties.	To order gas service to customers in the Town of Plattsburgh after approval of a town wide CPCN and to impose penalties.
*PSC-16-14-00015-P	..... exempt	Whether Central Hudson should be permitted to defer obligations of the Order issued on October 18, 2013 in Case 13-G-0336.	Consideration of the petition by Central Hudson to defer reporting obligations of the October 18, 2013 Order in Case 13-G-0336
*PSC-17-14-00003-P	..... exempt	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism
*PSC-17-14-00004-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00007-P	..... exempt	To consider petitions for rehearing, reconsideration and/or clarification	To consider petitions for rehearing, reconsideration and/or clarification

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

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

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

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

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

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

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

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

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-01-19-00004-P	..... exempt	Advanced Metering Infrastructure.	To determine whether Niagara Mohawk Power Corporation d/b/a National Grid should implement advanced metering infrastructure.
PSC-01-19-00013-P	..... exempt	Order of the Commission related to caller ID unblocking.	To require telephone companies to unblock caller ID on calls placed to the 311 municipal call center in Suffolk County.
PSC-01-19-00014-P	..... exempt	To modify provisions for accepting new or additional gas service applications when there is inadequate supply or capacity.	To continue to provide safe and reliable service to existing customers.
PSC-01-19-00015-P	..... exempt	To modify provisions for accepting new or additional gas service applications when there is inadequate supply or capacity.	To continue to provide safe and reliable service to existing customers.
PSC-01-19-00016-P	..... exempt	To modify provisions for accepting new or additional gas service applications when there is inadequate supply or capacity.	To continue to provide safe and reliable service to existing customers.
PSC-02-19-00014-P	..... exempt	Petition for use of electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
PSC-03-19-00002-P	..... exempt	DPS Staff White Paper for who must be trained in 16 NYCRR Part 753 requirements and how the Commission will approve trainings.	To reduce damage to underground utility facilities by requiring certain training and approving training curricula.
PSC-04-19-00004-P	..... exempt	Con Edison's petition for the Gas Innovation Program and associated budget.	To pursue programs that continue service reliability and meet customer energy needs while aiding greenhouse gas reduction goals.
PSC-04-19-00011-P	..... exempt	Update of revenue targets.	To ensure NYAW's rates are just and reasonable and accurately reflect the needed revenues.
PSC-05-19-00009-P	..... exempt	Transfer of street lighting facilities	To consider whether the transfer of certain street lighting facilities is in the public interest
PSC-06-19-00005-P	..... exempt	Consideration of the Joint Utilities' proposed BDP Program.	To to expand opportunities for low-income households to participate in Community Distributed Generation (CDG) projects.
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-11-19-00003-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-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-13-19-00012-P	..... exempt	Paperless billing credit.	To provide just and reasonable rates.
PSC-15-19-00010-P	..... exempt	Tariff provisions for Interruptible and Off-Peak Firm Service Customers.	To amend certain penalties for non-compliant Interruptible and Off-Peak Firm Customers.
PSC-16-19-00003-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-16-19-00005-P	..... exempt	Proposed major electric delivery revenue requirement increase of approximately \$485 million (or 4.6% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-16-19-00007-P	..... exempt	Recommencement of the levelization surcharge, changes to the System Improvement Charge, and a one-year stay-out.	To address the issues in NYAW's petition dated February 25, 2019.
PSC-16-19-00008-P	..... exempt	Proposed major rate increase in Con Edison's gas delivery revenues of approximately \$210 million (or 9.1% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-17-19-00010-P	..... exempt	Waiver of tariff rules and a related Commission regulation.	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest.
PSC-17-19-00014-P	..... exempt	Minor rate filing.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
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-18-19-00015-P	exempt	Minor rate filing.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-19-19-00012-P	exempt	Minor rate filing.	To ensure that the Village of Silver Spring provides safe and adequate service and that its rates are just and reasonable.
PSC-19-19-00013-P	exempt	Proposed merger of three water utilities into one corporation.	To determine if the proposed merger is in the public interest.
PSC-19-19-00014-P	exempt	Establishment of the regulatory regime applicable to an approximately 124 MW electric generating facility.	Consideration of a lightened regulatory regime for an approximately 124 MW electric generating facility.
PSC-19-19-00015-P	exempt	Establishment of the regulatory regime applicable to an energy storage facility of up to 316 MW.	Consideration of a lightened regulatory regime for an energy storage facility of up to 316 MW
PSC-19-19-00016-P	exempt	Establishment of the regulatory regime applicable to an approximately 242 MW electric generating facility.	Consideration of a lightened regulatory regime for an approximately 242 MW electric generating facility.
PSC-20-19-00008-P	exempt	Reporting on energy sources	To ensure accurate reporting and encourage clean energy purchases
PSC-20-19-00009-P	exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-20-19-00010-P	exempt	Compensation policies for certain CHP projects	To consider appropriate rules for compensation of certain CHP resources
PSC-20-19-00011-P	exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-20-19-00015-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-21-19-00018-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-22-19-00013-P	exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-23-19-00003-P	exempt	Ownership interest in poles.	To consider the transfer of ownership interest in certain poles from NYSEG to Verizon.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-23-19-00004-P	..... exempt	Individually negotiated contracts.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-23-19-00005-P	..... exempt	Proposed major rate increase in SWNY's annual base revenues of approximately \$31.5 million (or 19.8% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-24-19-00003-P	..... exempt	Three-year pilot for inspecting gas services at intervals longer than existing regulations require.	To use risk-based reasoning for gas service lines inspection intervals on a pilot basis.
PSC-24-19-00004-P	..... exempt	Municipal Gross Receipts Taxes.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-24-19-00005-P	..... exempt	Non-Firm Demand Response service classes.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-24-19-00006-P	..... exempt	Municipal Gross Receipts Taxes.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-24-19-00007-P	..... exempt	Municipal Gross Receipts Taxes.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-24-19-00008-P	..... exempt	Non-Firm Demand Response service classes.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
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.

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-32-19-00009-P	..... exempt	Petition to submeter electricity and waiver request	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place
PSC-32-19-00010-P	..... exempt	Notice of intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-32-19-00011-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place
PSC-32-19-00012-P	..... exempt	Standby Service Rates and Buyback Service Rates	To ensure just and reasonable rates, including compensation, for distributed energy resources
PSC-32-19-00013-P	..... exempt	Disposition of tax refunds received by New York American Water Company, Inc.	To determine the disposition of tax refunds and other related matters
PSC-33-19-00007-P	..... exempt	Transfer of street lighting facilities.	To determine whether to provide written consent for the proposed transfer of certain street lighting facilities.
PSC-33-19-00008-P	..... exempt	Pole attachment rates.	To ensure safe and adequate service at just and reasonable rates charged to customers without preferences.
PSC-33-19-00009-P	..... exempt	Transfer of street lighting facilities.	To determine whether to provide written consent for the proposed transfer of certain street lighting facilities.
PSC-33-19-00010-P	..... exempt	Purchase of renewable energy from new distributed generators and energy storage systems 15 kilowatts or less.	To establish provisions to ensure safe and reliable service for all customers.
PSC-33-19-00011-P	..... exempt	Update revenue targets and pass back regulatory liability/asset resulting from tax law changes.	To ensure New York American Water's rates are just and reasonable and accurately reflect the needed revenues.
PSC-33-19-00012-P	..... exempt	Limited waiver of tariff provisions for customers with PEVs under Special Provision L of the SC-1 VTOU rate.	To ensure just and reasonable rates charged to customers without undue preferences
PSC-33-19-00013-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-33-19-00014-P	..... exempt	Electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
PSC-34-19-00015-P	..... exempt	Major electric rate filing.	To consider a proposed increase in RG&E's electric delivery revenues of approximately \$31.7 million (or 4.1% in total revenues).
PSC-34-19-00016-P	..... exempt	Major gas rate filing.	To consider a proposed increase in RG&E's gas delivery revenues of approximately \$5.8 million (or 1.4% in total revenues).
PSC-34-19-00017-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-34-19-00018-P	..... exempt	Major electric rate filing.	To consider a proposed increase in NYSEG's electric delivery revenues of approximately \$156.7 million (10.4% in total revenues).

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-34-19-00019-P	..... exempt	Compensation of distributed energy resources.	To ensure just and reasonable rates, including compensation for distributed energy resources.
PSC-34-19-00020-P	..... exempt	Major gas rate filing.	To consider a proposed increase in NYSEG's gas delivery revenues of approximately \$6.3 million (or 1.4% in total revenues).
PSC-34-19-00021-P	..... exempt	Customer Consent to Contact.	To include a new provision establishing customer consent for the utility to contact them electronically about utility service.
PSC-35-19-00004-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction.
PSC-35-19-00005-P	..... exempt	Administrative costs and funding sources for the RES and ZEC programs.	To promote and maintain renewable and zero emission electric energy resources.
PSC-35-19-00006-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-35-19-00007-P	..... exempt	Wireless pole attachment rate.	To ensure safe and adequate service at just and reasonable rates charged to customers without preferences.
PSC-35-19-00008-P	..... exempt	Compensation of distributed energy resources.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-36-19-00008-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction.
PSC-36-19-00009-P	..... exempt	Minor rate filing to increase annual electric revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-36-19-00010-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-36-19-00011-P	..... exempt	Minor electric rate filing to increase annual electric revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-36-19-00012-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-37-19-00004-P	..... exempt	Proposed transfer of Hopewell's assets to the Town and dissolution of the company.	To determine if transfer of the water system to the Town of East Fishkill is in the public interest.
PSC-38-19-00002-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-39-19-00013-P	..... exempt	Proposed revisions to Consolidated Edison's Commercial Demand Response Programs.	To consider appropriate rules regarding Commercial Demand Response Programs.
PSC-39-19-00014-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 the period ending August 31, 2019.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-39-19-00015-P	..... exempt	Amendments to the New York State Standardized Interconnection Requirements (SIR).	To more effectively interconnect distributed generation and energy storage Systems 5 MW or less to the distribution system.
PSC-39-19-00016-P	..... exempt	PSC regulation 16 NYCRR § 86.3(a)(1), (2), (2)(iv), (b)(2), 86.4(b) and 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting.
PSC-39-19-00017-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-39-19-00018-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-39-19-00019-P	..... exempt	Petition for the use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
PSC-39-19-00020-P	..... exempt	Initial Tariff Schedule, P.S.C. No. 1 - Water.	To ensure safe and adequate service at just and reasonable rates charged to customers without preferences.
PSC-40-19-00006-P	..... exempt	Net energy metering and VDER crediting for eligible New York Power Authority customers.	To ensure safe and adequate service at just and reasonable rates charged to customers without preferences.
PSC-40-19-00007-P	..... exempt	The sharing of ratepayer consumption data.	To allow for consumption based sewer billing and protect ratepayers' consumption data.
PSC-40-19-00008-P	..... exempt	Implementation of consolidated billing for distributed energy resources.	To facilitate development of and participation in Community Distributed Generation projects.
STATE, DEPARTMENT OF			
DOS-27-19-00014-P	..... 09/04/20	New York State Uniform Fire Prevention and Building Code (the Uniform Code)	To repeal the existing Uniform Code and adopt a new Uniform Code and to make conforming changes to 19 NYCRR Parts 1264 and 1265.
DOS-27-19-00015-P	..... 09/04/20	The State Energy Conservation Construction Code (the "Energy Code").	To repeal the existing Energy Code and to adopt a new, updated Energy Code.
DOS-29-19-00015-EP	..... 09/15/20	New York State Uniform Fire Prevention and Building Code (the Uniform Code)	Incorporating the 2019 Energy Storage System Supplement to add provisions to the New York State Uniform Fire Prevention and Building Code relating to the installation, use and maintenance of Energy Storage Systems
DOS-40-19-00001-P	..... 10/01/20	Appraisal Standards	To adopt the 2020-2021 edition of the Uniform Standards of Professional Appraisal Practice
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".

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
STATE UNIVERSITY OF NEW YORK			
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
SUN-36-19-00013-P	09/03/20	College Fees	To increase the college fee charged at State-operated campuses, excluding the four University Centers.
TAXATION AND FINANCE, DEPARTMENT OF			
TAF-34-19-00013-P	exempt	To set the sales tax component and the composite rate per gallon for the period October 1, 2019 through September 31, 2019	To set the sales tax component and the composite rate per gallon for the period October 1, 2019 through September 31, 2019
TAF-40-19-00009-P	10/01/20	New York State and City of Yonkers withholding tables and other methods	To provide current New York State and City of Yonkers withholding tables and other methods
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
TDA-14-19-00002-P	04/02/20	Enforcement of support obligations and issuance of income withholding orders (IWOs)	To clarify the requirements for income withholding for persons served by the Title IV-D child support program (IV-D) to conform with changes to the federal IV-D IWO/Notice for Support form
TDA-14-19-00007-P	04/02/20	Abandonment of requests for fair hearings	To require the issuance of letters to appellants who fail to appear at scheduled fair hearings involving Medical Assistance, also known as Medicaid, advising them how to request the rescheduling of such fair hearings
TDA-19-19-00007-P	05/07/20	Adult-Care Facilities and Shelters for Adults	To update State regulations pertaining to general provisions, inspections and enforcement, and shelters for adults
TDA-19-19-00008-P	05/07/20	Shelters for Families	To update State regulations pertaining to shelters for families
TDA-19-19-00010-P	05/07/20	Elimination of finger imaging requirement for public assistance applicants and recipients	To update State regulations to align public assistance programs with other State benefit programs regarding identification verification requirements
URBAN DEVELOPMENT CORPORATION			
UDC-33-19-00006-EP	08/13/20	Life Sciences initiative Program	Create administrative procedures for all components of the Life Sciences Initiatives program
VICTIM SERVICES, OFFICE OF			
OVS-24-19-00001-EP	06/11/20	Conduct contributing related to burial awards	Adopt rules necessary as the result of chapter 494 of the Laws of 2018, when considering the victim's own conduct
OVS-36-19-00007-P	09/03/20	Limits on administrative expenses and executive compensation.	To codify the determination made in the Matter of Leading Age NY, Inc v. Shah (2018), striking a portion of the rule.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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-27-19-00005-P	..... 07/02/20	Medical Fee Schedules	Add new providers to the fee schedule
WCB-31-19-00018-P	..... 07/30/20	Medical Treatment Guidelines	Add guidelines for treatment of hip and groin, foot and ankle, elbow and occupational interstitial lung disease
WCB-32-19-00001-P	..... 08/06/20	Updating the prescription drug formulary	To add drugs to the prescription drug formulary in response to continuous feedback
WCB-37-19-00002-P	..... 09/10/20	Applications for Reopenings	Clarify the process for reopening a case that has been previously closed

GUIDANCE DOCUMENTS

Not less than once each year, every agency shall submit to the Secretary of State for publication in the *State Register* a list of all Guidance Documents on which the agency currently relies [SAPA, section 202-e(1)]. However, an agency may be exempted from compliance with the requirements of SAPA section 202-e(1) if the agency has published on its website the full text of all Guidance Documents on which it currently relies [SAPA, section 202-e(2)].

Public Service Commission

The Public Service Commission has published the full text of all guidance documents on which said agency currently relies on at the following website: <http://www.dps.ny.gov>

SECURITIES OFFERINGS

STATE NOTICES

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

DEALERS; BROKERS

AEW Value Investors Asia IV, L.P.
Two Seaport Lane, Boston, MA 02210
Partnership — AEW Via IV GP Partners, S.A.R.L.

AG Net Lease Realty Fund IV (Cayman), L.P.
c/o Angelo, Gordon & Co., L.P., 245 Park Ave., New York, NY 10167
Partnership — AG Net Lease IV LLC

AJ New Orleans Fund LLC
133 N. Jefferson St., 4th Fl., Chicago, IL 60661
Partnership — AJ New Orleans Manager LLC

AJG Brooks LLC
414 Main St., Suite 202, Port Jefferson, NY 11777
State or country in which incorporated — New York

Amaconda Holdings, LLC
20 Wood Ridge Dr., Columbia Falls, MT 59912
State or country in which incorporated — Delaware

BackOffice.co, Inc.
625 N. Flagler Dr., Suite 502, W. Palm Beach, FL 33401
State or country in which incorporated — Delaware

Bienville Capital Partners, LP
521 Fifth Ave., 35th Fl., New York, NY 10175
Partnership — Bienville Ventures GP, LLC, general partner

BR Meadows, DST
1345 Avenue of the Americas, 32nd Fl., New York, NY 10105
State or country in which incorporated — Delaware

Bristol Extracts LLC
5020 Foster Rd., Canandaigua, NY 14424
State or country in which incorporated — New York

City Finance Company IV LLC
1995 Broadway, 10th Fl., New York, NY 10023
Partnership — Prana Real Estate Finance LLC

Concentrates III, a series of Bengal Capital Ventures LP
2100 Banche Rd., Manhattan Beach, CA 90266
Partnership — Marine Layer Capital LLC

Concord CWE Investors LLC
c/o Concord Manager, 11410 Common Oaks Dr., Raleigh, NC 27614
State or country in which incorporated — North Carolina

Fiera Capital Series Trust
375 Park Ave., 8th Fl., New York, NY 10152
State or country in which incorporated — Delaware

InterCapital Villa Rica Associates, LP
c/o Capital Solutions, Inc., 910 Harvest Dr., Suite 105, Blue Bell, PA
19422
Partnership — InterCapital Villa Rica General, LLC

Logos Global US Fund LP
345 California St., 6th Fl., San Francisco, CA 94104
Partnership — Logos GP LLC

Meaningful Madison, LLC
2041 Rosecrans Ave., Suite 359, El Segundo, CA 90245
State or country in which incorporated — Delaware

Meaningful Protein, LLC
2041 Rosecrans Ave., Suite 359, El Segundo, CA 90245
State or country in which incorporated — Delaware

NexPhase Capital Fund IV, LP
600 Lexington Ave., 12th Fl., New York, NY 10022
Partnership — NexPhase Capital Fund IV GP, LP

NexPhase Capital Fund IV-A, LP
600 Lexington Ave., 12th Fl., New York, NY 10022
Partnership — NexPhase Capital Fund IV GP, LP

NexPhase Capital Fund IV-B, LP
600 Lexington Ave., 12th Fl., New York, NY 10022
Partnership — NexPhase Capital Fund IV GP, LP

Ocean Avenue Fund IV Cayman, L.P.
401 Wilshire Blvd., Santa Monica, CA 90401
Partnership — Ocean Avenue GP IV, L.L.C.

Passionflix Inc.
5301 Beethoven St., Suite 130, Los Angeles, CA 90066
State or country in which incorporated — Delaware

Phoenician Resources Fund III-A, LLC
875 N. Michigan Ave., Suite 3707, Chicago, IL 60611
State or country in which incorporated — Delaware

Port Capital Small Cap Fund II, LP
180 N. Stetson Ave., Suite 5780, Chicago, IL 60601
Partnership — Port Capital, LLC

Private Assets Select L, L.P.
50 S. LaSalle St., Chicago, IL 60603
Partnership — 50 South Capital Advisors, LLC

Prizeout Corp.
200 E. 36th St., Apt. 5AB, New York, NY 10016
State or country in which incorporated — Delaware

Wasatch Funds Trust
505 Wakara Way, 3rd Fl., Salt Lake City, UT 84108
State or country in which incorporated — Massachusetts

Westmount at Kessler Park Investors LP
700 N. Pearl St., Suite N1650, Dallas, TX 75201
Partnership — Westmount at Kessler Park Investors GP LLC

White Oak Yield Spectrum Feeder Fund V SCSp
20, Rue de la Poste, Luxembourg L-2346
Partnership — White Oak Partners V S.à.r.l.

White Oak Yield Spectrum Master Fund V SCSp
20, Rue de la Poste, Luxembourg L-2346
Partnership — White Oak Partners V S.à.r.l.

Winc, Inc.
5340 Alla Rd., Suite 105, Los Angeles, CA 90066
State or country in which incorporated — Delaware

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

PROVIDE TUNNEL AND RACK CAGE WASHERS New York Psychiatric Institute New York, New York County

Sealed bids for Project No. 45146-P, comprising a contract for Plumbing Work, Provide Tunnel and Rack Cage Washers, 10th Floor, Building 4, New York Psychiatric Institute, 1051 Riverside Dr., New York (New York County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of Mental Health, until 2:00 p.m. on Wednesday, October 2, 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 \$ 37,500 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 \$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 245 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 11:00 a.m. on September 23rd, 2019, at the New York Psychiatric Institute, 1051 Riverside Drive, New York, NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

Phone the office of Robin Griffiths, (845-365-0730) a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority- and Women-owned Business Enterprises (“MWBEs”) and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises (“MBE”) participation and 15% for Women-Owned Business Enterprises (“WBE”) participation (based on the current availability of qualified MBEs and WBEs). The total contract goal can be obtained by utilizing any combination of MBE and /or WBE participation for subcontracting and supplies acquired under this Contract.

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

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

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

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

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

REPLACE ROOF Coxsackie Correctional Facility Coxsackie, Greene County

Sealed bids for Project No. 45183-C, for Construction Work, Replace Roof, Buildings 1 & 38, Coxsackie Correctional Facility, 11260 Route 9W, Coxsackie (Greene County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the

Department of Correctional Services, until 2:00 p.m. on Wednesday, October 9, 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 \$ 78,600 for C.

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$2,000,000 and \$3,000,000 for C.

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

The substantial completion date for this project is 745 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 8:00 a.m. on September 26, 2019, at the OGS Field Office, 11262 Rt. 9W, Coxsackie, NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

Phone the office of Karen Disonell, (518-731-8290) a minimum of 72 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority- and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 20% for MWBE participation, 10% for Minority-Owned Business Enterprises ("MBE") participation and 10% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs). 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

**REHABILITATE
NORTH SIDE ELEVATORS**
Central New York Psychiatric Center
Marcy, Oneida County

Sealed bids for Project Nos. 45245-C, 45245-E, 45245-P and 45245-U comprising separate contracts for Construction Work, Electrical Work, Plumbing Work, and Elevator Work, Rehabilitate North Side Elevators, Central New York Psychiatric Center, 1st Floor, River Road, Marcy (Oneida County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of Mental Health, until 2:00 p.m. on Wednesday, October 2, 2019, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of \$16,400 for C, \$4,600 for E, \$600 for P, and \$29,500 for U.

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$100,000 and \$250,000 for C, between \$50,000 and \$100,000 for E, between \$1,000 and \$25,000 for P, and between \$500,000 and \$1,000,000 for U.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting, on the OGS website, in a newspaper of general circulation, or in the Contract Reporter of written notice, advertisement or solicitation of offers through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Jessica Hoffman, Carl Ruppert and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John 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 366 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 September 20, 2019 at the Central

New York Psychiatric Center, 9005 Old River Road, Marcy, 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 Brendan Ford (315-736-5770) a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority- and Women-owned Business Enterprises (“MWBEs”) and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 10% for MWBE participation, 5% for Minority-Owned Business Enterprises (“MBE”) participation and 5% for Women-Owned Business Enterprises (“WBE”) participation (based on the current availability of qualified MBEs and WBEs) for Construction Work. The total contract goal can be obtained by utilizing any combination of MBE and /or WBE participation for subcontracting and supplies acquired under this Contract.

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

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Contractors and other interested parties can order CD’s on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: <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
NATURAL GAS**
Manhattan Psychiatric Center
New York, New York County

Sealed bids for Project No. 45334-H, comprising a contract for HVAC Work, Provide Natural Gas, Building 134, Manhattan Psychiatric Center, 600 E 125th St, New York (New York County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of Mental Health, until 2:00 p.m. on Wednesday, October 9, 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 \$31,000 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 309 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 September 27, 2019, at Manhattan Psychiatric Center, 600 East 125th Street, Building #106, New York, NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

Phone the office of Robin Griffiths (845-365-0730) a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority- and Women-owned Business Enterprises (“MWBEs”) and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises (“MBE”) participation and 15% for Women-Owned Business Enterprises (“WBE”) participation (based on the current availability of qualified MBEs and WBEs). The total contract goal can be obtained by utilizing any combination of MBE and /or WBE participation for subcontracting and supplies acquired under this Contract.

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

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

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

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

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

**REHABILITATE
ELECTRICAL COMPONENTS**
Department Of Transportation Region 7
Watertown, Jefferson County

Sealed bids for Project No. 46052-E, comprising a contract for Electrical Work, Rehabilitate Electrical Components, DOT Region 7, Jefferson County, 22422 State Route 342, Watertown (Jefferson County) NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Transportation, until 2:00 p.m. on Wednesday, October 9, 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 \$ 14,400 for E.

Further, Wicks Exempt Projects require a completed form BDC 59 (Wicks Exempt List of Contractors) be filled out and submitted (included in a separate, sealed envelope) in accordance with Document 002220, Supplemental Instructions to Bidders – Wicks Exempt. Failure to submit this form correctly will result in a disqualification of the bid.

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$100,000 and \$250,000 for 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 178 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 September 26, 2019, at DOT Region 7, Jefferson County, 22422 State Route 342, Watertown, 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 Megan Miller (315-785-6447) a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

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

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link 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

New York Homes and Community Renewal
Housing Trust Fund Corporation
Division of Housing and Community Renewal
Hampton Plaza
38-40 State St.
Albany, NY 12207

PERSONS/FIRMS SPONSORING THE CONSTRUCTION AND/OR REHABILITATION OF AFFORDABLE HOUSING FOR LOW, MODERATE AND MIDDLE-INCOME PERSONS/HOUSEHOLDS

Low-Income Housing Trust Fund Program (HTF), Community Investment Fund Program (CIF), Supportive Housing Opportunity Program (SHOP), Public Housing Preservation Program (PHP), Middle Income Housing Program (MIHP), Housing Development Fund Program (HDF), Housing Choice Project Based Voucher Program, Federal Housing Trust Fund (FHTF), Federal Low-Income Housing Credit Program (LIHTC) and New York State Low-Income Housing Tax Credit Program (SLIHC)

DESCRIPTION:

New York State Homes and Community Renewal (HCR) announces the availability of funding under the Low-Income Housing Trust Fund Program (HTF), Community Investment Fund Program (CIF), Supportive Housing Opportunity Program (SHOP), Public Housing Preservation Program (PHP), Middle Income Housing Program (MIHP), Housing Development Fund Program (HDF), Housing Choice Project Based Voucher Program, and the federal Housing Trust Fund (FHTF).

HCR also announces the availability of tax credits under the federal Low-Income Housing Credit Program (LIHTC) and New York State Low-Income Housing Tax Credit Program (SLIHC).

A fall 2019 Request for Proposals (RFP) for site-specific multi-family project applications seeking funding under these programs is expected to be available on or about October 4, 2019. The RFP and application materials, including application submission instructions, will be available on the HCR website at <https://hcr.ny.gov/multifamily>.

APPLICATION DEADLINES:

There are two fall 2019 application deadlines. The first deadline will be for Early Award projects (EA) that meet criteria set forth in the RFP. The second deadline will be for all other applications.

Applications for EA Projects must be completed and submitted by 3:00 PM on November 15, 2019. All other fall 2019 applications must be completed and submitted by 3:00 PM on December 13, 2019.

A \$3,000 application fee is required for each LIHTC or SLIHC application with the following exception: not-for-profit applicants (or their wholly-owned subsidiaries) that will be sole general partner of the partnership/project owner or sole managing member of the limited liability company/project owner may request a deferral of payment until the time of credit allocation.

FALL 2019 FUNDS AVAILABLE:

Approximately up to \$42 million in HTF funds; \$3 million in CIF funds; \$30 million in SHOP funds; \$7 million in PHP funds; \$7 million in MIHP funds; \$5 million in HDF funds; and \$15 million in FHTF funds are available, subject to availability of appropriations. HCR expects to have approximately up to \$28 million available for LIHTC reservations. HCR also expects to have approximately up to \$3 million available for SLIHC reservations. Approximately 34 Hous-

ing Choice Project Based Vouchers will be available. Such applications will be considered within overall review of project funding requests. Applications requesting only Housing Choice Project Based Voucher assistance will not be considered.

APPLICATION WEBINAR:

HCR will hold an application webinar that will include a presentation of project application requirements and process. Details for the application webinar will be provided on the HCR website at <https://hcr.ny.gov/multifamily> at the time of the release of the RFP.

MISCELLANEOUS NOTICES/HEARINGS

Notice of Abandoned Property Received by the State Comptroller

Pursuant to provisions of the Abandoned Property Law and related laws, the Office of the State Comptroller receives unclaimed monies and other property deemed abandoned. A list of the names and last known addresses of the entitled owners of this abandoned property is maintained by the office in accordance with Section 1401 of the Abandoned Property Law. Interested parties may inquire if they appear on the Abandoned Property Listing by contacting the Office of Unclaimed Funds, Monday through Friday from 8:00 a.m. to 4:30 p.m., at:

1-800-221-9311
or visit our web site at:
www.osc.state.ny.us

Claims for abandoned property must be filed with the New York State Comptroller's Office of Unclaimed Funds as provided in Section 1406 of the Abandoned Property Law. For further information contact: Office of the State Comptroller, Office of Unclaimed Funds, 110 State St., Albany, NY 12236.

PUBLIC NOTICE

Department of Civil Service

PURSUANT to the Open Meetings Law, the New York State Civil Service Commission hereby gives public notice of the following:

Please take notice that the regular monthly meeting of the State Civil Service Commission for October 2019 will be conducted on October 16 and October 17 commencing at 10:00 a.m. This meeting will be conducted at NYS Media Services Center, Suite 146, South Concourse, Empire State Plaza, Albany, NY with live coverage available at <https://www.cs.ny.gov/commission/>.

For further information, contact: Office of Commission Operations, Department of Civil Service, Empire State Plaza, Agency Bldg. One, Albany, NY 12239, (518) 473-6598

PUBLIC NOTICE

Department of Health

The New York State Department of Health (NYSDOH) is providing notice of the State's intent to request approval from the Centers for Medicare and Medicaid Services (CMS) for a four (4) year waiver amendment to further support the quality improvements and cost savings through the Delivery System Reform Incentive Payment (DSRIP) program. As with the original Medicaid Redesign Team (MRT) waiver, New York State seeks a continuation of DSRIP for the 1-year balance of the 1115 waiver ending on March 31, 2021 and conceptual agreement to an additional 3 years from April 2021 to March 31, 2024. Thus, the full four-year extension/renewal period (1-year extension and 3 years of renewal) would span from April 1, 2020 through March 31, 2024.

The New York DSRIP program has already reduced Potentially Preventable Admissions through June 2018 of 21%, well on its way to the goal of 25% by the end of the demonstration. The waiver amendment seeks additional time and funding support for the community collaborations to be sustained and fully mature to successfully transition the DSRIP Promising Practices into Value Based Payment (VBP)

arrangements. The State will focus on higher-value practices that are clearly aligned with federal priorities. These federal priority areas include: Substance Use Disorder (SUD) treatment and the Opioid Crisis; Serious Mental Illness and Severe Emotional Disturbance (SMI/SED); Social Determinants of Health; Primary Care Improvement and Value-Driving Payment Models.

In addition, the DSRIP promising practices would expand to certain high-need and high-cost populations, such as higher-risk children and members needing long-term care. A continuation of workforce investments is essential to be responsive in meeting future needs, especially in the long-term care sector, as well as aid to financially distressed hospitals to help accelerate the transformation of acute and ambulatory health care.

A draft of the amendment proposal is available for review at: https://www.health.ny.gov/health_care/medicaid/redesign/dsrp/2019/amendment_req.htm

Written comments will be accepted by email at: 1115waivers@health.ny.gov or by mail at the address below. All comments must be postmarked or emailed by November 4, 2019.

Department of Health
Office of Health Insurance Programs
Waiver Management Unit
99 Washington Ave.
12th Fl., Suite 1208
Albany, NY 12210

PUBLIC NOTICE

Department of Health

Pursuant to 42 CFR Section 447.205, the Department of Health hereby gives public notice of the following:

The Department of Health proposes to amend the Title XIX (Medicaid) State Plan for institutional services related to temporary rate adjustments to providers that are undergoing closure, merger, consolidation, acquisition or restructuring themselves or other health care providers. These payments are authorized by § 2826 of New York Public Health Law. The following changes are proposed:

Institutional Services

The temporary rate adjustments have been reviewed and approved for the St. Barnabas Hospital with aggregate payment amounts totaling up to \$12,000,000 for the period October 3, 2019 through March 31, 2020, \$12,000,000 for the period April 1, 2020 through March 31, 2021 and \$12,000,000 for the period April 1, 2021 through March 31, 2022.

The public is invited to review and comment on this proposed State Plan Amendment, a copy of which will be available for public review on the Department's website at http://www.health.ny.gov/regulations/state_plans/status. Individuals without Internet access may view the State Plan Amendments at any local (county) social services district.

For the New York City district, copies will be available at the following places:

New York County
250 Church Street
New York, New York 10018

Queens County, Queens Center
3220 Northern Boulevard
Long Island City, New York 11101

Kings County, Fulton Center
114 Willoughby Street
Brooklyn, New York 11201

Bronx County, Tremont Center
1916 Monterey Avenue
Bronx, New York 10457

Richmond County, Richmond Center
95 Central Avenue, St. George
Staten Island, New York 10301

For further information and to review and comment, please contact:
Department of Health, Division of Finance and Rate Setting, 99
Washington Ave., One Commerce Plaza, Suite 1432, Albany, NY
12210, spa_inquiries@health.ny.gov

PUBLIC NOTICE

Department of State
F-2019-0844-DA

Date of Issuance – October 2, 2019

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activities comply with and will be conducted in a manner consistent to the maximum extent practicable with the federally approved New York State Coastal Management Program (NYSCMP). The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2019-0844-DA, the U.S. Department of Commerce, National Oceanic and Atmospheric Administration (NOAA), National Marine Fisheries Service (NMFS) is proposing to approve an amendment to the Atlantic Herring Fishery Management Plan (FMP) which has been adopted and submitted to the federal agency by the New England Fishery Management Council (NEFMC).

If approved, Amendment 8 would establish a long-term acceptable biological catch control rule that considers Atlantic herring's role in the ecosystem and would prohibit midwater trawling in inshore waters from Canada to Connecticut.

Details of the action, including a Final Environmental Impact Statement (FEIS), can be found at <https://www.nefmc.org/library/amendment-8-2>

The federal agency's consistency determination and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York or may be accessed at the following hyperlink <https://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2019-0844-DA.pdf>

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice or October 17, 2019.

Comments should be addressed to: Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Comments can also be submitted electronically via e-mail to: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State
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.

2019-0498 Matter of Ralph Carbone, 635 Tudor Drive, Cheshire, CT 06410, for a variance concerning safety requirements, including the installation of a partial automatic sprinkler system in lieu of a required automatic sprinkler system throughout the building. Involved is an existing single family dwelling, located at 6227 Castle Road; Town of Southold, NY 06390 County of Suffolk, State of New York.

2019-0541 Matter of Guido & Susan Bonelli, Three Hester Lane, Ronkonkoma, NY 11779, for a variance concerning safety requirements, including the height under a girder. Involved is an existing one family dwelling located at Three Hester Lane; Town of Brookhaven, NY 11779 County of Suffolk, State of New York.

2019-0553 Matter of Topgolf Holtsville USA, LLC, Tanner Micheli, 8750 N. Central Exwy., Suite 1200, Dallas, TX 75231, for a variance concerning safety requirements, including a required guard rail for raised platforms in a golf facility located at NYS 495 Long Island Exwy. - North Service; Town of Brookhaven, NY 11742 County of Suffolk, State of New York.

2019-0554 Matter of Robert & Michelle Cervoni, 14 Sandpiper Court, Old Westbury, NY 11568, for a variance concerning safety requirements, including the location of a buried 1,000 gallon lp tank. Involved is an existing single family dwelling, located at 754 Dune Road; V. West Hampton Dunes, NY 11978 County of Suffolk, State of New York.

PUBLIC NOTICE

Department of State
Uniform Code Variance / Appeal Petitions

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2019-0511 Matter of Brian Davis Residence, located at 309 N. Ivyhurst, Town of Amherst (County of Erie), NY, for a variance concerning ceiling height requirements. (Routine Variance).

PUBLIC NOTICE

Department of State
Uniform Code Variance / Appeal Petitions

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2019-0512 Matter of 701 East Utica Street, located at 701 East Utica Street, City of Buffalo (County of Erie), NY, for a variance concerning separate electric metering. (Routine Variance).

PUBLIC NOTICE

Department of State

Uniform Code Variance / Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2019-0513 Matter of 2220 Ridgeway Avenue, located at 2220 Ridgeway Avenue, Town of Greece (County of Monroe), NY, for a variance concerning home occupation floor area requirements. (Routine Variance).

PUBLIC NOTICE

Department of State

Uniform Code Variance / Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2019-0515 Matter of Shawn Hayes Residence, located at 4991 South Main Street, Town of Livonia (County of Livingston), NY, for a variance concerning fire hydrant requirements. (Board Variance).

PUBLIC NOTICE

Department of State

Uniform Code Variance / Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2019-0544 Matter of Northwest Arena, located at 319 West 3rd Street, City of Jamestown (County of Chautauqua), NY, for a variance concerning addition to building area limitation requirements. (Routine Variance).

PUBLIC NOTICE

Department of State

Uniform Code Variance / Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2019-0548 In the matter of 1637 Sunset Ave, LLC., Joseph Biagloglaw, 1009 Coolidge Avenue, Utica, NY 13501 for a variance concerning requirements for a fire rated cellar ceiling.

Involved is an existing Multiple Residence occupancy, three stories in height, located at 1637 Sunset Avenue, City of Utica, County of Oneida, 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.

2019-0552 In the matter of Gibson Property Management, Carl Gibson, 407 North Cayuga Street, Ithaca, NY 14850, concerning safety requirements including a variance for reduction in required height of existing exterior front porch handrails and guardrails and interior stair handrails.

Involved is the certificate of compliance inspection of an existing residential occupancy, two stories in height, located at 407 North Cayuga Street, City of Ithaca, County of Tompkins, New York.

PUBLIC NOTICE

Department of State

Uniform Code Variance / Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2019-0555 In the matter of Schreck Properties, Andrew Schreck, 422 Troy Road, Ithaca, NY 14850, concerning safety requirements including a variance for reduction in required height of existing exterior front porch guardrails and interior stair handrails.

Involved is an existing Multiple Residence occupancy, three stories in height, located at 1637 Sunset Avenue, City of Utica, County of Oneida, 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.

2019-0558 In the matter of Schreck Properties, Andrew Schreck, 422 Troy Road, Ithaca, NY 14850, concerning safety requirements including a variance for reduction in required height of existing exterior front porch handrails and guardrails and interior stair guardrails.

Involved is the certificate of compliance inspection of an existing residential occupancy, two stories in height, located at 215-217 Prospect Street, City of Ithaca, County of Tompkins, New York.

PUBLIC NOTICE

Susquehanna River Basin Commission

Actions Taken at September 6, 2019, Meeting

SUMMARY: As part of its regular business meeting held on September 6, 2019, in Big Flats, New York, the Commission approved the applications of certain water resources projects, and took additional actions, as set forth in the Supplementary Information below.

DATES: September 6, 2019.

ADDRESSES: Susquehanna River Basin Commission, 4423 N. Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436; e-mail: joyler@srbc.net. Regular mail inquiries may be sent to the above address. See also Commission website at www.srbc.net.

SUPPLEMENTARY INFORMATION: In addition to the actions taken on projects identified in the summary above and the listings below, the following items were also presented or acted upon at the business meeting: (1) informational presentation of interest to the upper Susquehanna River region; (2) proposed rulemaking on consumptive use regulation; (3) approval of three grant agreements; (4) a report on delegated settlements; (5) an emergency certificate extension (6) Regulatory Program projects; and (7) approval of a settlement with Sunoco Pipeline, L.P.

Project Applications Approved:

The Commission approved the following project applications:

1. Project Sponsor: Aqua Pennsylvania, Inc. Project Facility: Eagle Rock Utilities Water System, North Union Township, Schuylkill County, Pa. Application for groundwater withdrawal of up to 0.163 mgd (30-day average) from Well ER-8.

2. Project Sponsor and Facility: Chief Oil & Gas LLC (Loyalsock Creek), Forksville Borough, Sullivan County, Pa. Application for renewal of surface water withdrawal of up to 1.500 mgd (peak day) (Docket No. 20150903).

3. Project Sponsor and Facility: Dillsburg Area Authority, Carroll Township, York County, Pa. Application for groundwater withdrawal of up to 0.220 mgd (30-day average) from Well 4.

4. Project Sponsor: Dover Township. Project Facility: Dover Township Water Department, Dover Township, York County, Pa. Application for renewal of groundwater withdrawal of up to 0.350 mgd (30-day average) from Well 9 (Docket No. 19880205).

5. Project Sponsor and Facility: Duncannon Borough, Penn Township, Perry County, Pa. Application for groundwater withdrawal of up to 0.037 mgd (30-day average) from Well 7.

6. Project Sponsor and Facility: Elk Mountain Ski Resort, Inc. (Unnamed Tributary to East Branch Tunkhannock Creek), Herrick Township, Susquehanna County, Pa. Modification to change from peak day to 30-day average for surface water withdrawal and consumptive use limits (Docket No. 20031003).

7. Project Sponsor and Facility: Pennsylvania General Energy Company, L.L.C. (Loyalsock Creek), Plunketts Creek Township, Lycoming County, Pa. Application for surface water withdrawal of up to 2.000 mgd (peak day).

8. Project Sponsor and Facility: Repsol Oil & Gas USA, LLC (Wapasing Creek), Windham Township, Bradford County, Pa. Application for renewal of surface water withdrawal of up to 1.000 mgd (peak day) (Docket No. 20150910).

9. Project Sponsor and Facility: Rockdale Marcellus, LLC (Lycoming Creek), McIntyre Township, Lycoming County, Pa. Application for surface water withdrawal of up to 2.000 mgd (peak day).

10. Project Sponsor and Facility: Seneca Resources Company, LLC (Marsh Creek), Delmar Township, Tioga County, Pa. Application for renewal of surface water withdrawal of up to 0.499 mgd (peak day) (Docket No. 20150908).

11. Project Sponsor and Facility: XTO Energy Inc. (West Branch Susquehanna River), Chapman Township, Clinton County, Pa. Application for renewal of surface water withdrawal of up to 2.000 mgd (peak day) (Docket No. 20150911).

Project Applications Tabled

1. Project Sponsor and Facility: Chester Water Authority, East Nottingham Township, Chester County, Pa. Application for an out-of-basin diversion of up to 60.000 mgd (peak day) from the Susquehanna River and Octoraro Reservoir.

2. Project Sponsor and Facility: Pennsylvania State University, College Township, Centre County, Pa. Application for renewal of consumptive use of up to 2.622 mgd (peak day) (Docket No. 19890106).

3. Project Sponsor and Facility: Pennsylvania State University, College Township, Centre County, Pa. Application for renewal of groundwater withdrawal of up to 1.728 mgd (30-day average) from Well UN-33 (Docket No. 19890106).

4. Project Sponsor and Facility: Pennsylvania State University, College Township, Centre County, Pa. Application for renewal of groundwater withdrawal of up to 1.678 mgd (30-day average) from Well UN-34 (Docket No. 19890106).

5. Project Sponsor and Facility: Pennsylvania State University, College Township, Centre County, Pa. Application for renewal of groundwater withdrawal of up to 1.728 mgd (30-day average) from Well UN-35 (Docket No. 19890106).

6. Project Sponsor and Facility: Chester Water Authority, East Nottingham Township, Chester County, Pa. Application for an out-of-basin diversion of up to 60.000 mgd (peak day) from the Susquehanna River and Octoraro Reservoir.

AUTHORITY: Pub.L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: September 12, 2019,

Jason E. Oyler,

General Counsel and Secretary to the Commission

PUBLIC NOTICE

Susquehanna River Basin Commission

Grandfathering (GF) Registration Notice

SUMMARY: This notice lists Grandfathering Registration for projects by the Susquehanna River Basin Commission during the period set forth in DATES.

DATES: July 1-31, 2019.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436; e-mail: joyler@srbc.net. Regular mail inquiries May be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists GF Registration for projects, described below, pursuant to 18 CFR 806, Subpart E for the time period specified above:

Grandfathering Registration Under 18 CFR part 806, Subpart E

1. Borough of Adamstown, GF Certificate No. GF-201907036, Adamstown Borough, Lancaster County, Pa.; Wells 2 and 3; Issue Date: July 10, 2019.

2. New Holland Borough Authority, GF Certificate No. GF-201907037, Earl Township, Lancaster County, Pa.; Well 1; Issue Date: July 10, 2019.

3. West Manchester Township Authority, GF Certificate No. GF-201907038, West Manchester Township, York County, Pa.; Wells 2, 3, 4, 5, and 6; Issue Date: July 10, 2019.

4. Village of Greene, GF Certificate No. GF-201907039, Village of Greene, Chenango County, N.Y.; Wells 1 and 2; Issue Date: July 29, 2019.

5. Selinsgrove Municipal Authority, GF Certificate No. GF-201907040, Selinsgrove Borough, Snyder County, Pa.; Wells 1 and 2; Issue Date: July 29, 2019.

6. Shrewsbury Borough, GF Certificate No. GF-201907041, Shrewsbury Borough and Shrewsbury Township, York County, Pa.; the Thompson Well and the Lutheran Home Well; Issue Date: July 29, 2019.

Authority: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR parts 806 and 808.

Dated: August 20, 2019.

Jason E. Oyler,

General Counsel and Secretary to the Commission.

PUBLIC NOTICE

Susquehanna River Basin Commission

Grandfathering (GF) Registration Notice

SUMMARY: This notice lists Grandfathering Registration for projects by the Susquehanna River Basin Commission during the period set forth in DATES.

DATES: August 1-31, 2019.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436; e-mail: joyler@srbc.net. Regular mail inquiries May be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists GF Registration for projects, described below, pursuant to 18 CFR 806, Subpart E for the time period specified above:

Grandfathering Registration Under 18 CFR part 806, Subpart E

1. Gratz Borough Water Revenue Fund – Gratz Borough Water Company, GF Certificate No. GF-201908042, Gratz Borough, Dauphin County, Pa.; Well 1, Bower Spring, and Cold Spring; Issue Date: August 20, 2019.

2. Carlisle Borough Municipal Authority, GF Certificate No. GF-201908043, North Middleton Township, Cumberland County, Pa.; Conodoguinet Creek; Issue Date: August 20, 2019.

3. Afton Golf Course, Inc – Afton Golf Club, GF Certificate No. GF-201908044, Town of Afton, Chenango County, N.Y.; Pond 7; Issue Date: August 20, 2019.

Authority: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR parts 806 and 808.

Dated: September 12, 2019.

Jason E. Oyler,

General Counsel and Secretary to the Commission.

PUBLIC NOTICE

Susquehanna River Basin Commission

Projects Approved for Consumptive Uses of Water

SUMMARY: This notice lists the projects approved by rule by the Susquehanna River Basin Commission during the period set forth in “DATES.”

DATES: July 1-31, 2019.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436; e-mail: joyler@srbc.net. Regular mail inquiries May be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission’s approval by rule process set forth in 18 CFR § 806.22(e) and § 806.22(f) for the time period specified above:

Water Source Approvals Issued Under 18 CFR 806.22(f)(13):

1. Chesapeake Appalachia, L.L.C.; Pad ID: Deremer; ABR-201407001.R1; Tuscarora Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 1, 2019.

2. Epsilon Energy USA, Inc.; Pad ID: Devine Ridge Pad; ABR-201907001; Rush Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 15, 2019.

3. Chesapeake Appalachia, L.L.C.; Pad ID: Deer Park; ABR-

201907003; Windham Township, Wyoming County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 15, 2019.

4. Chief Oil & Gas, LLC; Pad ID: SGL-12 A Drilling Pad; ABR-201407007.R1; Overton Township, Bradford County, Pa.; Consumptive Use of Up to 2.5000 mgd; Approval Date: July 23, 2019.

5. Chesapeake Appalachia, L.L.C.; Pad ID: White SUS; ABR-201407008.R1; Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 23, 2019.

6. Chesapeake Appalachia, L.L.C.; Pad ID: McDonough; ABR-201407009.R1; Meshoppen Township, Wyoming County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 23, 2019.

7. Inflection Energy (PA), LLC; Pad ID: Hamilton Well Site; ABR-201403010.R1; Upper Fairfield Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 23, 2019.

8. ARD Operating, LLC; Pad ID: COP Tract 653 Pad A; ABR-20090405.R2; Beech Creek Township, Clinton County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: July 23, 2019.

9. ARD Operating, LLC; Pad ID: COP Tract 289 Pad A; ABR-20090410.R2; McHenry Township, Lycoming County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: July 23, 2019.

10. ARD Operating, LLC; Pad ID: Larry’s Creek F&G Pad A; ABR-20090411.R2; Cummings Township, Lycoming County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: July 23, 2019.

11. ARD Operating, LLC; Pad ID: COP Tract 653 Pad B; ABR-20090414.R2; Beech Creek Township, Clinton County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: July 23, 2019.

12. ARD Operating, LLC; Pad ID: COP Tract 653 Pad C; ABR-20090415.R2; Beech Creek Township, Clinton County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: July 23, 2019.

13. ARD Operating, LLC; Pad ID: Larry’s Creek F&G Pad B; ABR-20090416.R2; Cummings Township, Lycoming County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: July 23, 2019.

14. Greylock Production, LLC.; Pad ID: Whitetail Gun & Rod Club #1; ABR-20090418.R2; Goshen Township, Clearfield County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: July 23, 2019.

15. Chesapeake Appalachia, L.L.C.; Pad ID: Gerbino #1; ABR-20140710.R2; Ridgebury Township, Bradford County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: July 23, 2019.

16. Chesapeake Appalachia, L.L.C.; Pad ID: Warren #1; ABR-20140711.R2; Ridgebury Township, Bradford County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: July 23, 2019.

17. XTO Energy, Inc.; Pad ID: Marquardt; ABR-20090712.R2; Penn Township, Lycoming County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: July 23, 2019.

18. XTO Energy, Inc.; Pad ID: Jenzano; ABR-20090713.R2; Franklin Township, Lycoming County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: July 23, 2019.

19. XTO Energy, Inc.; Pad ID: Temple; ABR-20090714.R2; Moreland Township, Lycoming County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: July 23, 2019.

20. Seneca Resources Company, LLC; Pad ID: J. Pino Pad G; ABR-20190717.R2; Covington Township, Tioga County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: Jul7 23, 2019.

21. Seneca Resources Company, LLC; Pad ID: PHC 11V; ABR-20190720.R2; Lawrence Township, Clearfield County, Pa.; Consumptive Use of Up to 0.9999 mgd; Approval Date: July 23, 2019.

22. Seneca Resources Company, LLC; Pad ID: PHC 6H; ABR-20190721.R2; Lawrence Township, Clearfield County, Pa.; Consumptive Use of Up to 1.0000 mgd; Approval Date: July 23, 2019.

23. Seneca Resources Company, LLC; Pad ID: PHC 7H; ABR-20190722.R2; Lawrence Township, Clearfield County, Pa.; Consumptive Use of Up to 1.0000 mgd; Approval Date: July 23, 2019.

24. Seneca Resources Company, LLC; Pad ID: PHC 8H; ABR-20190723.R2; Lawrence Township, Clearfield County, Pa.; Consumptive Use of Up to 1.0000 mgd; Approval Date: July 23, 2019.

25. Chesapeake Appalachia, L.L.C.; Pad ID: Kent; ABR-20090726.R2; Towanda Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 23, 2019.

26. Chesapeake Appalachia, L.L.C.; Pad ID: Hershberger; ABR-20090739.R2; Terry Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 29, 2019.

27. Chief Oil & Gas, LLC; Pad ID: Dacheux B Drilling Pad; ABR-201407013.R1; Cherry Township, Sullivan County, Pa.; Consumptive Use of Up to 2.5000 mgd; Approval Date: July 29, 2019.

Authority: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806 and 808.

Dated: August 20, 2019.

Jason E. Oyler,

General Counsel and Secretary to the Commission.

PUBLIC NOTICE

Susquehanna River Basin Commission

Projects Approved for Consumptive Uses of Water

SUMMARY: This notice lists the projects approved by rule by the Susquehanna River Basin Commission during the period set forth in "DATES."

DATES: August 1-31, 2019.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436; e-mail: joyler@srbc.net. Regular mail inquiries May be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR § 806.22(e) and § 806.22(f) for the time period specified above:

Approvals By Rule – Issued Under 18 CFR 806.22(e):

1. Sunoco Pipeline L.P.; Mariner East 2 Pipeline Project (Middlesex Township Municipal Authority); ABR-201908015; Various Municipalities Located In Berks, Cumberland, Dauphin, Lebanon, and York Counties, Pa.; Consumptive Use of Up to 0.288 mgd; Approval Date: August 16, 2019.

2. Sunoco Pipeline L.P.; Mariner East 2 Pipeline Project (Altoona Water Authority); ABR-201908016; Various Municipalities Located In Blair and Huntingdon Counties, Pa.; Consumptive Use of Up to 0.200 mgd; Approval Date: August 27, 2019.

3. Sunoco Pipeline L.P.; Mariner East 2 Pipeline Project (Mount Union Municipal Authority); ABR-201908017; Various Municipalities Located In Blair, Huntingdon, Juniata, and Perry Counties, Pa.; Consumptive Use of Up to 0.200 mgd; Approval Date: August 27, 2019.

4. Sunoco Pipeline L.P.; Mariner East 2 Pipeline Project (PA American Water Company - Hershey District); ABR-201908018; Various Municipalities Located In Dauphin, Lebanon, and Berks Counties, Pa.; Consumptive Use of Up to 0.288 mgd; Approval Date: August 27, 2019.

5. Sunoco Pipeline L.P.; Mariner East 2 Pipeline Project (PA American Water Company – Mechanicsburg District); ABR-201908019; Various Municipalities Located In Cumberland, York, and Dauphin Counties, Pa.; Consumptive Use of Up to 0.266 mgd; Approval Date: August 27, 2019.

6. Sunoco Pipeline L.P.; Mariner East 2 Pipeline Project (Elverson Water Company, Inc.); ABR-201908020; Various Municipalities Located In Dauphin, Lebanon, Berks, and Chester Counties, Pa.; Consumptive Use of Up to 0.070 mgd; Approval Date: August 29, 2019.

Water Source Approvals Issued Under 18 CFR 806.22(f):

1. ARD Operating, LLC; Pad ID: COP Tract 289 Pad A; ABR-20090409.R2; McHenry Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: August 2, 2019.

2. Chief Oil & Gas, LLC; Pad ID: Reibson Drilling Pad; ABR-201407014.R1; Elkland Township, Sullivan County, Pa.; Consumptive Use of Up to 2.5000 mgd; Approval Date: August 2, 2019.

3. Inflection Energy (PA), LLC; Pad ID: Reynolds Well Site; ABR-201908002; Gamble Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: August 2, 2019.

4. Chesapeake Appalachia, L.L.C.; Pad ID: Hunter, ABR-201408001.R1; Windham Township, Wyoming County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: August 8, 2019.

5. Seneca Resources Company, LLC; Pad ID: CRV Pad C09-G; ABR-201408002.R1; Shippen Township, Cameron County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: August 12, 2019.

6. Pennsylvania General Energy Company, L.L.C.; Pad ID: COP Tract 729 Pad-A; ABR-200908003; Cummings Township, Lycoming County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: August 12, 2019.

7. Pennsylvania General Energy Company, L.L.C.; Pad ID: COP Tract 293 Pad-A; ABR-201908004; Cummings Township, Lycoming County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: August 12, 2019.

8. Chesapeake Appalachia, L.L.C.; Pad ID: Eileen, ABR-20090806.R2; Terry Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: August 13, 2019.

9. Chesapeake Appalachia, L.L.C.; Pad ID: Claudia, ABR-20090807.R2; Smithfield Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: August 13, 2019.

10. Chesapeake Appalachia, L.L.C.; Pad ID: Fitzsimmons, ABR-20090809.R2; Albany Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: August 13, 2019.

11. Chesapeake Appalachia, L.L.C.; Pad ID: Bacorn, ABR-201408003.R1; Overton Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: August 15, 2019.

12. EXCO Resources (PA), LLC; Pad ID: Litke 1H, 2H; ABR-20090425.R2; Burnside Township, Centre County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: August 19, 2019.

13. EXCO Resources (PA), LLC; Pad ID: Litke (7H & 8H); ABR-20090426.R2; Burnside Township, Centre County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: August 19, 2019.

14. EXCO Resources (PA), LLC; Pad ID: Litke (14H, 15H, 16H); ABR-20090431.R2; Burnside Township, Centre County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: August 19, 2019.

15. EXCO Resources (PA), LLC; Pad ID: Barto Unit #1H, #2H; ABR-20090514.R2; Penn Township, Lycoming County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: August 19, 2019.

16. Chief Oil & Gas, LLC; Pad ID: Phelps Unit #1H; ABR-20090813.R2; Lathrop Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: August 19, 2019.

17. Seneca Resources Company, LLC; Pad ID: T. Wivell Horizontal Pad; ABR-20090814.R2; Covington Township, Tioga County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: August 19, 2019.

18. Chief Oil & Gas, LLC; Pad ID: PA Woodlands Drilling Pad; ABR-201408006.R1; Fox Township, Sullivan County, Pa.; Consumptive Use of Up to 2.5000 mgd; Approval Date: August 19, 2019.

19. Cabot Oil & Gas Corporation; Pad ID: DiazM P2; ABR-201908001; Harford Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: August 19, 2019.

20. EXCO Resources (PA), LLC; Pad ID: Zinck Unit #1 Pad; ABR-201908014; Watson Township, Lycoming County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: August 19, 2019.

21. Cabot Oil & Gas Corporation; Pad ID: BrooksW P2; ABR-201908009; Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: August 22, 2019.

22. Cabot Oil & Gas Corporation; Pad ID: ChudleighW P1; ABR-201908005; Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: August 26, 2019.

23. Cabot Oil & Gas Corporation; Pad ID: Elk Lake School District P1; ABR-201908006; Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: August 26, 2019.

24. Cabot Oil & Gas Corporation; Pad ID: BrooksJ P1; ABR-201908007; Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: August 26, 2019.

25. Cabot Oil & Gas Corporation; Pad ID: PowersN P2; ABR-201908008; Middletown Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: August 26, 2019.

26. Cabot Oil & Gas Corporation; Pad ID: HunsingerA P1; ABR-201908010; Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: August 26, 2019.

27. SWN Production Company, LLC; Pad ID: RU-72-FOLKWARD-PAD; ABR-201908011; Jackson Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: August 26, 2019.

28. SWN Production Company, LLC; Pad ID: PU-BB-Price-Pad; ABR-201908012; Lenox Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: August 26, 2019.

29. SWN Production Company, LLC; Pad ID: WR-22-Five E's-Pad; ABR-201908013; Middletown Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: August 26, 2019.

30. EQT Production Company; Pad ID: Hurd; ABR-20090802.R2; Ferguson Township, Clearfield County, Pa.; ConsuAuthority: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806 and 808.

Dated: September 12, 2019.

Jason E. Oyler,

General Counsel and Secretary to the Commission.

PUBLIC NOTICE

Susquehanna River Basin Commission

18 CFR Parts 806

Review and Approval of Projects

SUMMARY: This document contains proposed rules that would amend the regulations of the Susquehanna River Basin Commission (Commission) dealing with the mitigation of consumptive uses. These rules are designed to enhance and improve the Commission's existing authorities to manage the water resources of the basin.

DATES: The Commission will hold an informational webinar explaining the proposed rulemaking on October 1, 2019. Instructions for registration for the webinars will be posted on the Commission's website.

Comments on the proposed rulemaking may be submitted to the Commission on or before November 12, 2019. The Commission has scheduled a public hearing on the proposed rulemaking to be held on October 31, 2019 in Harrisburg, PA. The location of the public hearing is listed in the ADDRESSES section of this document.

ADDRESSES: Comments may be mailed to: Jason E. Oyler, Esq., General Counsel, Susquehanna River Basin Commission, 4423 N. Front Street, Harrisburg, PA 17110-1788, or by e-mail to regcomments@srbc.net. The public hearing location is at the Commission Headquarters at the above address.

Those wishing to testify are asked to notify the Commission in advance, if possible, at the regular address listed above or electronic address given below.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, Esq., General Counsel, telephone: 717-238-0423, ext. 1312; fax: 717-238-2436; e-mail: joyler@srbc.net. Also, for further information on the proposed rulemaking, visit the Commission's website at <http://www.srbc.net>.

SUPPLEMENTARY INFORMATION: The Commission undertook a more comprehensive overhaul of its regulations that were proposed in September of 2016 and adopted as final in June of 2017. As a part of that final rulemaking, the Commission reserved the changes it had proposed pertaining to its regulation of the consumptive use of water. It had also proposed a draft Consumptive Use Mitigation Policy as a companion to that rulemaking, which was also reserved. The Com-

mission has performed a more comprehensive analysis of the comments received on that rulemaking and policy, and changes to the consumptive use regulation are proposed herein as a follow up to that effort. In addition, as a companion to this rulemaking, the Commission is also releasing a revised draft policy for Consumptive Use Mitigation to be open for public comment simultaneously with this proposed rulemaking.

Standards for Consumptive Uses of Water—18 CFR § 806.22

Section 806.22 (regarding standards for consumptive uses of water) will be revised. The proposed revisions in § 806.22(b)(1) and (2) lower the 90-day standard for consumptive use mitigation to 45 days and require that any alternative water source or storage will not likely impact nearby surface waters. The purpose of these changes is to reduce the barriers to project sponsors providing their own mitigation. Analysis of the past 100 plus years of river flow records show that the overwhelming majority of low flow events in the Basin are adequately covered by a continuous 45-day consumptive use mitigation standard. Further, the prior standard that alternative supplies or storage have no impact was too rigid for projects to find suitable alternative supplies.

Section 806.22(b) is also revised to clarify that discontinuance includes reduction of water consumption to less than 20,000 gallons per day (gpd). This was the Commission's policy from 1992 until 2006 when the present rule was adopted. In practice, complete discontinuance was found to be impractical and unrealistic for many projects; however, some projects have demonstrated the ability to reduce usage to 20,000 gallons per day when necessary. This practice allows continued operations at a locally de minimis consumptive use level while reducing mitigation demand on either the project or the Commission. Accordingly, this change is designed to increase the feasibility of projects being able to select discontinuance as a mitigation option. Discontinuance of use is the most effective method of mitigation because it reduces and/or eliminates the water use during Commission designated low flows periods and does not depend on any further action by the Commission or project sponsor to be effectuated.

Section 806.22(e) is amended to allow a project sourced by reuse of stormwater, wastewater or other reused or recycled water to be eligible for an Approval by Rule for consumptive use.

List of Subjects in 18 CFR Part 806

Administrative practice and procedure, Water resources.

Accordingly, for the reasons set forth in the preamble, the Susquehanna River Basin Commission proposes to amend 18 CFR part 806 as follows:

PART 806—REVIEW AND APPROVAL OF PROJECTS

1. The authority citation for part 806 continues to read as follows:

Authority: Secs. 3.4, 3.5 (5), 3.8, 3.10 and 15.2, Pub. L. 91-575, 84 Stat. 1509 et seq.

2. Amend § 806.22 by revising paragraphs (b)(1) and (e)(1) to read as follows:

§ 806.22 Standards for consumptive use of water.

* * * * *

(b) * * *

(1) During low flow periods as may be designated by the Commission for consumptive use mitigation.

(i) Reduce withdrawal from the approved source(s), in an amount equal to the project's consumptive use, and withdraw water from alternative surface water storage or aquifers or other underground storage chambers or facilities approved by the Commission, from which water can be withdrawn for a period of 45 continuous days such that impacts to nearby surface waters will not likely be at a magnitude or in a timeframe that would exacerbate present low flow conditions.

(ii) Release water for flow augmentation, in an amount equal to the project's consumptive use, from surface water storage or aquifers, or other underground storage chambers or facilities approved by the Commission, from which water can be withdrawn for a period of 45 continuous days such that impacts to nearby surface waters will not likely be at a magnitude or in a timeframe that would exacerbate present low flow conditions.

(iii) Discontinue the project's consumptive use, which may include reduction of the project sponsor's consumptive use to less than 20,000 gpd during periods of low flow. In any case of failure to provide the specified discontinuance, such project shall provide mitigation in accordance with paragraph (b)(3) of this section, for the calendar year in which such failure occurs, after which the Commission will reevaluate the continued acceptability of the discontinuance.

* * * * *

(e) * * *

(1) General rule. Except with respect to projects involving hydrocarbon development subject to the provisions of paragraph (f) of this section, any project that is solely supplied water for consumptive use by public water supply, stormwater, wastewater, or other reused or recycled water, or any combination thereof, may be approved by the Executive Director under this paragraph (e) in accordance with the following, unless the Executive Director determines that the project cannot be adequately regulated under this approval by rule.

* * * * *

Dated: September 9, 2019.

Jason E. Oyler

General Counsel and Secretary to the Commission.

2020 SCHEDULE REGISTER

DEADLINE Tuesday (5pm)	ISSUE DATE (Wednesday)	DEADLINE Tuesday (5pm)	ISSUE DATE (Wednesday)
JANUARY		JULY	
December 24	January 8	June 16	July 1
December 31	January 15	June 23	July 8
January 7	January 22	June 30	July 15
January 14	January 29	July 7	July 22
		July 14	July 29
FEBRUARY		AUGUST	
January 21	February 5	July 21	August 5
January 28	February 12	July 28	August 12
February 4	February 19	August 4	August 19
February 11	February 26	August 11	August 26
MARCH		SEPTEMBER	
February 18	March 4	August 18	September 2
February 25	March 11	August 25	September 9
March 3	March 18	September 1	September 16
March 10	March 25	September 8	September 23
		September 15	September 30
APRIL		OCTOBER	
March 17	April 1	September 22	October 7
March 24	April 8	September 29	October 14
March 31	April 15	October 6	October 21
April 7	April 22	October 13	October 28
April 14	April 29		
MAY		NOVEMBER	
April 21	May 6	October 20	November 4
April 28	May 13	October 27	*November 10
May 5	May 20	November 3	November 18
May 12	May 27	November 10	November 25
JUNE		DECEMBER	
May 19	June 3	November 17	December 2
May 26	June 10	November 24	December 9
June 2	June 17	December 1	December 16
June 9	June 24	December 8	December 23
		December 15	December 30

*Tuesday issue date due to Wednesday holiday.

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Revised, October 2019

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VOL. XLII (Revised October 2019)

REGISTER							
NO.	DATE	30 DAYS	45 DAYS	60 DAYS	90 DAYS	120 DAYS	365 DAYS
1	JAN 8	FEB 7	FEB 22	MAR 8	APR 7	MAY 7	JAN 7
2	15	14	29	15	14	14	14
3	22	21	MAR 7	22	21	21	21
4	29	28	14	29	28	28	28
5	FEB 5	MAR 6	21	APR 5	MAY 5	JUN 4	FEB 4
6	12	13	28	12	12	11	11
7	19	20	APR 4	19	19	18	18
8	26	27	11	26	26	25	25
9	MAR 4	APR 3	18	MAY 3	JUN 2	JUL 2	MAR 4
10	11	10	25	10	9	9	11
11	18	17	MAY 2	17	16	16	18
12	25	24	9	24	23	23	25
13	APR 1	MAY 1	16	31	30	30	APR 1
14	8	8	23	JUN 7	JUL 7	AUG 6	8
15	15	15	30	14	14	13	15
16	22	22	JUN 6	21	21	20	22
17	29	29	13	28	28	27	29
18	MAY 6	JUN 5	20	JUL 5	AUG 4	SEP 3	MAY 6
19	13	12	27	12	11	10	13
20	20	19	JUL 4	19	18	17	20
21	27	26	11	26	25	24	27
22	JUN 3	JUL 3	18	AUG 2	SEP 1	OCT 1	JUN 3
23	10	10	25	9	8	8	10
24	17	17	AUG 1	16	15	15	17
25	24	24	8	23	22	22	24
26	JUL 1	31	15	30	29	29	JUL 1
27	8	AUG 7	22	SEP 6	OCT 6	NOV 5	8
28	15	14	29	13	13	12	15
29	22	21	SEP 5	20	20	19	22
30	29	28	12	27	27	26	29
31	AUG 5	SEP 4	19	OCT 4	NOV 3	DEC 3	AUG 5
32	12	11	26	11	10	10	12
33	19	18	OCT 3	18	17	17	19
34	26	25	10	25	24	24	26
35	SEP 2	OCT 2	17	NOV 1	DEC 1	31	SEP 2
36	9	9	24	8	8	JAN 7	9
37	16	16	31	15	15	14	16
38	23	23	NOV 7	22	22	21	23
39	30	30	14	29	29	28	30
40	OCT 7	NOV 6	21	DEC 6	JAN 5	FEB 4	OCT 7
41	14	13	28	13	12	11	14
42	21	20	DEC 5	20	20	19	21
43	28	27	12	27	26	25	28
44	NOV 4	DEC 4	19	JAN 3	FEB 2	MAR 4	NOV 4
45	10*	10	25	9	8	10	10
46	18	18	JAN 2	17	16	18	18
47	25	25	9	24	23	25	25
48	DEC 2	JAN 1	16	DEC 31	MAR 2	APR 1	DEC 2
49	9	8	23	FEB 7	9	8	9
50	16	15	30	14	16	15	16
51	23	22	FEB 6	21	23	22	23
52	30	29	13	28	30	29	30

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* Tuesday issue date due to Wednesday holiday.

13. Publication Title New York State Register		14. Issue Date for Circulation Data Below September 4, 2019		
15. Extent and Nature of Circulation		Average No. Copies Each Issue During Preceding 12 Months	No. Copies of Single Issue Published Nearest to Filing Date	
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Date

Jane Hamm, Director of Admin. Rules

9-25-19

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