
NEW YORK STATE
REGISTER

INSIDE THIS ISSUE:

- Enhanced Tuition Awards Program
- New York State Uniform Fire Prevention and Building Code (the Uniform Code)
- Conduct Contributing Related to Burial Awards

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 15, 2019
- the 45-day period expires on November 30, 2019
- the 30-day period expires on November 15, 2019

**ANDREW M. CUOMO
GOVERNOR**

**ROSSANA ROSADO
SECRETARY OF STATE**

NEW YORK STATE DEPARTMENT OF STATE

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

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

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

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



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

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

 printed on recycled paper

NEW YORK STATE REGISTER

Be a part of the rule making process!

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

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

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

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

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

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

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

NYS Department of State
One Commerce Plaza
99 Washington Avenue
Suite 650
Albany, NY 12231-0001
Telephone: (518) 474-6957

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

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

Rule Making Activities

Agriculture and Markets, Department of

1 / Control of the European Cherry Fruit Fly (ERP)

Children and Family Services, Office of

4 / Permissible Disclosure of Records Maintained by OCFS (P)

Civil Service, Department of

6 / Jurisdictional Classification (P)

Corrections and Community Supervision, Department of

13 / Standard Conditions of Release Parole Revocation Dispositions (RP)

Environmental Conservation, Department of

15 / Amendments to Great Lakes Sportfishery Regulations in 6 NYCRR Part 10 (P)

Financial Services, Department of

17 / Student Loan Servicers (A)

Gaming Commission, New York State

19 / Add Racetrack Operator to Terms Defined in Harness Racing Rules (P)

Higher Education Services Corporation

20 / NYS Child Welfare Worker Loan Forgiveness Incentive Program (E)

22 / New York State Science, Technology, Engineering and Mathematics Incentive Program (E)

24 / NYS Child Welfare Worker Incentive Scholarship Program (E)

26 / Excelsior Scholarship (E)

29 / Enhanced Tuition Awards Program (E)

31 / NYS Child Welfare Worker Loan Forgiveness Incentive Program (A)

31 / New York State Science, Technology, Engineering and Mathematics Incentive Program (A)

32 / NYS Child Welfare Worker Incentive Scholarship Program (A)

32 / Excelsior Scholarship (A)

32 / Enhanced Tuition Awards Program (A)

Power Authority of the State of New York

32 / Rates for the Sale of Power and Energy (P)

Public Service Commission

33 / Gas Metering Equipment (A)

34 / Submetering of Electricity (A)

34 / Electric Metering Equipment (A)

34 / Submetering of Electricity (A)

34 / Waiver of the Prohibition on Service to Low-Income Customers by ESCOs (P)

State, Department of

35 / New York State Uniform Fire Prevention and Building Code (the Uniform Code) (E)

39 / New York State Uniform Fire Prevention and Building Code (the Uniform Code) (A)

43 / Real Estate Advertisements (P)

State University of New York

45 / Proposed Amendments to Appointment of Employees and Leave of Absence for Employees in the Professional Service (A)

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

46 / State University of New York Tuition and Fees Schedule (A)

Victim Services, Office of

46 / Conduct Contributing Related to Burial Awards (E)

Hearings Scheduled for Proposed Rule Makings / 48

Action Pending Index / 51

Securities Offerings

97 / State Notices

Advertisements for Bidders/Contractors

99 / Sealed Bids

Miscellaneous Notices/Hearings

101 / Notice of Abandoned Property Received by the State Comptroller

101 / Notice of Public Hearing

102 / Public Notice

RULE MAKING ACTIVITIES

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

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

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

Department of Agriculture and Markets

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

Control of the European Cherry Fruit Fly

I.D. No. AAM-21-19-00002-ERP

Filing No. 852

Filing Date: 2019-09-27

Effective Date: 2019-09-27

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

Action Taken: Addition of Part 128 to Title 1 NYCRR.

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

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

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

This regulation establishes regulated and quarantine areas consisting of Niagara, Erie, and Orleans Counties in their entirety to help control the spread of the ECFF and establishes parameters in the form of a systems approach for the movement of cherries out of the regulated and quarantine areas.

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

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

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

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

Subject: Control of the European Cherry Fruit Fly.

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

Substance of emergency/revised rule (Full text is posted at the following State website: www.agriculture.ny.gov/PI/European_Cherry_Fruit_Fly.pdf): This regulation adds a new Part 128 to 1 NYCRR, establishing controls to help prevent the spread in New York of the European Cherry Fruit Fly (ECFF), an insect nonindigenous to the United States, which infests cherries and renders them unmarketable.

A summary of each section of the rule follows.

Section 128.1: Definitions. This is the definition section.

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

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

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

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

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

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

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

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

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

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

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

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

This notice is intended to serve 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 1, 2019, I.D. No. AAM-21-19-00002-EP. The emergency rule will expire November 25, 2019.

Emergency rule compared with proposed rule: Substantial revisions were made in sections 128.1(n), 128.2(a), 128.5(d) and 128.6(d).

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

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 18 of the Agriculture and Markets Law provides, in part, that the Commissioner may enact, amend and repeal necessary rules which shall provide generally for the exercise of the powers and performance of the duties of the Department as prescribed in the Agriculture and Markets Law and the laws of the State, and for the enforcement of their provisions and the provisions of the rules that have been adopted to implement these laws.

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

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

2. Legislative objectives:

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

This rule is being revised to account for additional detection of ECFF in portions of Orleans County, and extends the quarantine area to the remainder of the County.

3. Needs and benefits:

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

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

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

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

Under the revised proposal, the regulated area would consist of areas where the ECFF has been found and would extend one-half mile in all directions from each such location. ECFF has now been detected in portions of State parks and public lands. Over 1,500 ECFF have been found in 2019 in traps in parks and public lands in Niagara, Erie and Orleans Counties. Regulated articles would only be moved from the regulated area if a grower or handler has a limited permit or has entered into a compliance agreement which would require a systems approach that minimizes the risk of ECFF spread. If the growers or handlers meet these requirements, they would be able to move regulated articles anywhere within New York, except for the following cherry producing counties established as restricted areas: Counties of Chautauqua, Columbia, Schuyler, Ulster and Wayne.

Under the proposed revised rule, the quarantine area would surround the regulated area and would extend to the county border. Regulated articles would only be able to be moved from a quarantine area if the grower or handler has a limited permit or has entered into a compliance agreement. Since there is a lower risk of exposure to ECFF in the quarantine area, regulated articles in this area would be able to be moved

throughout the State, including the established restricted cherry producing areas.

ECFF have been found in 5 cherry orchards in the regulated area in New York State. Since the Department's notice of proposed rulemaking, over 1,500 ECFF have been found in 2019 in traps in parks and public lands in Niagara, Erie and Orleans Counties. There are now 23 growers in the regulated area and 38 growers in the quarantine area which would be affected by this revised proposed rulemaking. There are also 110 registered nursery growers and 141 registered nursery dealers in the quarantine area. Those in possession of regulated articles would need a limited permit and compliance agreement in order to move regulated articles outside the regulated and quarantine areas to ensure that no plants bear any host fruit at the time of sale or movement out of the regulated area.

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

4. Costs:

(a) Costs to regulated parties for the implementation of and continuing compliance with the rule: Growers in the quarantine and regulated areas would be provided the required pesticides and pesticide applications by the United States Department of Agriculture (USDA). Accordingly, growers would not incur any costs for the application of pesticides. Department staff have visited the growers and held meetings in the counties forming part of the proposed regulated and quarantine areas to explain the proposed regulation and the compliance agreements. It is anticipated that each grower would have to spend a maximum of three hours to understand, sign, and comply with requirements of the compliance agreement. This would cost \$300.00, based on \$100.00 per hour. Growers would be able to self-issue limited permits upon complying with the requirements of the compliance agreement. This time is included in the \$300.00. Including the additional areas in Orleans County, for 61 impacted cherry growers (five growers have fields in both the regulated and quarantine areas), this is a total of \$6,100.00.

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

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

5. Local government mandates:

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

6. Paperwork:

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

7. Duplication:

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

8. Alternatives:

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

9. Federal standards:

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

10. Compliance schedule:

This proposed rule would take effect immediately.

Revised Regulatory Flexibility Analysis

1. Effect of rule:

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

The regulated area would extend from an ECFF detection by one-half mile. ECFF has been found in 5 orchards and more extensively in State parks and public land. Regulated articles would only be moved from the regulated area if a grower or handler has a limited permit and has entered into a compliance agreement which requires a systems approach that minimizes the chance of ECFF spread. If the growers or handlers meet these requirements, they would be able to move regulated articles anywhere within New York, except for the following cherry producing counties established as restricted areas: Counties of Chautauqua, Columbia, Schuyler, Ulster and Wayne.

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

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

2. Compliance requirements:

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

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

3. Professional services:

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

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

4. Compliance costs:

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

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

Growers would be able to self-issue limited permits upon complying with the requirements of the compliance agreement. This time is included in the \$300.00. Including the additional areas in Orleans County, for 61 impacted cherry growers (five growers have fields in both the regulated and quarantine area), this is a total of \$6,100.00.

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

5. Economic and technological feasibility:

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

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

6. Minimizing adverse impact:

Approaches for minimizing adverse economic impact were considered. The Department has sought to minimize adverse impact of ECFF quarantine through the use of limited permits and compliance agreements between the Department and regulated parties, including small businesses. This would facilitate the movement of regulated articles by permitting the shipment of those articles without State or federal inspection. There is no charge for a limited permit or compliance agreement. Given all facts and circumstances, the regulations minimize adverse economic impact as much as is currently possible.

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

7. Small business and local government participation:

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

Most recently, the Department presented an update on ECFE at a fruit growers' tour in Youngstown on July 18, 2019. There were 100 fruit growers in attendance. On February 4, 2019 and February 5, 2019, the Department participated in meetings in Lockport and Newark, respectively, to present findings from the 2018 ECFE quarantine and inform growers of the anticipated increase of the regulated and quarantine areas. Approximately 130 fruit growers were in attendance at the meeting in Lockport and 120 fruit growers at the meeting in Newark. Margaret Kelly, Assistant Director of Plant Industry for the Department presented the findings.

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

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

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

Revised Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas:

With the inclusion of the additional quarantine areas in Orleans County, there are now 23 growers in the regulated area and 38 growers in the quarantine area, all of whom are in rural areas as defined by section 481(7) of the Executive Law.

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

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

3. Costs:

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

Growers would be able to self-issue limited permits upon complying with the requirements of the compliance agreement. This time is included in the \$300.00. Including the additional areas in Orleans County, for 61 impacted cherry growers (five growers have fields in both the regulated and quarantine area), this is a total of \$6,100.00.

4. Minimizing adverse impact:

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

Approaches for minimizing adverse economic impact were considered. The Department has sought to minimize adverse impact of the ECFE quarantine by continuing the use of limited permits and compliance agreements between the Department and regulated parties, including regulated parties in rural areas. This would facilitate the movement of regulated articles by permitting the shipment of cherries without state or federal inspection. There is no charge for a compliance agreement. Given all the facts and circumstances, the proposed regulations minimize adverse economic impact as much as is currently possible.

5. Rural area participation:

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

Most recently, the Department presented an update on ECFE at a fruit growers' tour in Youngstown on July 18, 2019. There were 100 fruit growers in attendance. On February 4, 2019 and February 5, 2019, the Department participated in meetings in Lockport and Newark, respectively, to

present findings from the 2018 ECFE quarantine and inform growers of the anticipated increase of the regulated and quarantine areas. Approximately 130 fruit growers were in attendance at the meeting in Lockport and 120 fruit growers at the meeting in Newark. Margaret Kelly, Assistant Director of Plant Industry for the Department presented the findings.

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

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

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

Revised Job Impact Statement

The revised notice of proposed rulemaking does not necessitate a revision to the previously submitted job impact statement since the job opportunities in the State of New York would not be affected by the revision.

Assessment of Public Comment

The agency received no public comment.

Office of Children and Family Services

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Permissible Disclosure of Records Maintained by OCFS

I.D. No. CFS-42-19-00002-P

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

Proposed Action: Amendment of section 168.7 of Title 9 NYCRR.

Statutory authority: Social Services Law, sections 20(3)(d), 34(3)(f); Executive Law, section 501-c

Subject: Permissible disclosure of records maintained by OCFS.

Purpose: To amend existing regulations regarding the permissible disclosure of records by OCFS.

Text of proposed rule: Section 168.7 of Title 9 NYCRR is amended to read as follows:

Section 168.7. Confidentiality of [Division for Youth]Office of Children and Family Services records.

(a) Records, [or]files, or information identifying youth [of children]who are or have been under the care or supervision of the [Division for Youth]Office of Children and Family Services (OCFS) may not be disclosed in whole or part to any person, agency or institution, other than [the Division for Youth]OCFS and New York State family courts, with the following exceptions:

(1) Records or pertinent parts thereof must be disclosed pursuant to Supreme Court order as authorized by Social Services Law [article 6,]section 372.

(2) Educational records may be disclosed in accordance with the provisions of and any regulations promulgated pursuant to the Family Educational Rights and Privacy Act and the New York State Education Law[to the extent that, when a child is attending or has attended a school located on the premises of a Division for Youth facility:

(i) all school records may be visually displayed to a child's parent, in person only;

(ii) the child's name, date of birth, a list of subjects studied, grades received, credits earned through academic/vocational courses, work experience or cooperative educational experience, record of attendance, last grade level achieved, previous school attended, standardized test scores, academic/vocational assessment results, Regents examination and Regents competency test results, general educational development test results, recommended educational program and grade placement, whether a com-

mittee on the handicapped has determined that the child has a handicapping condition, and immunization records only may be forwarded to the principal or guidance counselor of a school to which a child may be sent or desires to attend].

(3) Medical records, including mental health records, may be disclosed consistent with the provisions of and any regulations promulgated pursuant to the Health Insurance Portability and Accountability Act and the New York State Public Health Law to a physician at the written request of the physician and with the written approval of the child's parent or guardian; however, if the child is over the age of 18 years at the time of the request, only his or her approval shall be necessary, in addition to the physician's request].

(4) Records, or summaries of records, may be disclosed to [the]a probation department[of a Family Court of the State of New York,] on written request for use in accord with [The]Family Court Act[, article 1,] sections 166, 351.1, and [article 7, sections 746(b),]783, or Criminal Procedure Law sections 390.20 and 720.20.

(5) [The division is prohibited from making records available to a county probation department, pursuant to section 372.3 of the Social Services Law.]Nothing in this section shall be deemed to prevent access by a youth's parent or legal guardian to records of such youth where access is otherwise specifically authorized by law.

(6) Information concerning a [child]youth's date of admission, release, revocation of release, and discharge only may be [forwarded-]disclosed to [the director of]a New York social [welfare]services district or State or Federal agency on written request, when such information is necessary to enable said district or agency to determine that the [child]youth is under its jurisdiction, thereby enabling it to provide for a [child]youth's welfare and the necessities of life.

(7) Records pertaining to the vital statistics of [children]youth may be disclosed to law enforcement authorities when a [child]youth is absent from an [institution]OCFS placement without proper authorization or has violated a condition of release.

(8) Records may be made available to authorized child [caring]welfare agencies, within and without the State, which have actual custody of [the]a youth previously or currently in OCFS custody and request specific information in writing for the purpose of developing a program or providing services to [meet his needs]the youth. [However, w]When the request is made by an out-of-state child [caring]welfare agency, [the division-]OCFS shall request written confirmation, from the juvenile compact administrator for the state in which the requesting agency is located, that the agency is authorized to provide [child care]services or programs to youth within that state and is in good standing. No record shall be made available until such [information]confirmation is received by [the division-]OCFS in writing.

(9) [Division]OCFS records shall be made available to the Office of the Attorney General [or his designee]in furtherance of the duties of that office.

(10) Records pertaining to youth[s] referred to [the division]OCFS as a condition of probation [or pursuant to a continuance authorized by section 502 of the Executive Law]shall be made available to the referring court or [its]the relevant probation department upon written request made during the period of referral.

(11) Requests for information from law enforcement authorities.

(i) For purposes of this paragraph, law enforcement authorities shall mean representatives of federal, New York State, or local law enforcement agencies conducting a criminal investigation and United States attorneys, district attorneys, or presentment agencies conducting a criminal investigation or prosecution.

(ii) Upon a written request stating that such information is necessary to conduct a criminal investigation or prosecution of an act committed by a youth in OCFS custody, law enforcement authorities shall be provided with information regarding the dates and location(s) of the youth's placement with OCFS. OCFS shall also provide the requesting agency with the relevant incident reports, other appropriate documents, and video determined by OCFS to contain potential evidence of the act.

(iii) If law enforcement authorities are called to an OCFS location in connection with a report made to such authority of a crime committed by a youth at the location, OCFS may provide such law enforcement authorities, upon request, with information regarding the dates and location(s) of the youth's placement with OCFS. If readily available at the time requested, law enforcement may be provided with relevant incident reports, other appropriate documents, and video determined by OCFS to contain potential evidence of the alleged criminal act.

(iv) If law enforcement authorities arrive at an OCFS location seeking information concerning the location of a youth currently or previously in OCFS custody in furtherance of a criminal investigation, OCFS may provide information regarding the dates and location(s) of the youth's placement with OCFS, and the last known community location of a youth in a day placement program or conditionally released.

(v) Prior to providing any information pursuant to subparagraphs (iii) or (iv) of this paragraph, the OCFS administrator on duty or ranking office staff person shall:

(a) visually inspect the badge/photo identification of the law enforcement authority representative(s); and

(b) on an OCFS form, document each representative's full name, law enforcement agency, badge/identification number, work address and phone number.

(vi) Prior to providing any information pursuant to this paragraph, the OCFS administrator on duty or ranking office staff person shall contact:

(a) the Division of Legal Affairs or, if after hours, the administrator on call who will make contact with the Division of Legal Affairs; and

(b) the Office of the Ombudsman to give notice of the request.

(vi) Only the information and materials described in this paragraph that are specifically requested by law enforcement authorities may be provided. All information and materials provided to law enforcement must be appropriately redacted by OCFS to prevent disclosure of information prohibited by statute or regulation from being disclosed, as well as the confidentiality of youth not involved in the alleged criminal act. The administrator on duty or ranking office staff member must identify each item provided to law enforcement authorities on an OCFS form. Only copies of records shall be provided, unless there is a court order to provide the original(s). If original materials are provided pursuant to a court order, this will be noted on the OCFS form and a copy will be retained by OCFS.

(12) Records relevant to the provision of services to a youth in OCFS custody by a non-employee of OCFS may be released with the written consent of the youth's parent or guardian or, if the youth is over the age of 18 at the time of the request, the youth's consent.

(b) When requests for records or other information concerning a [child]youth is received by any agent of [the Division for Youth]OCFS, and when such information is not included in the exceptions listed in [paragraphs (1) through (10) of]subdivision (a) of this section, the correct response shall be: "[We are]OCFS is not authorized by law to disclose whether or not any individual was ever under [our]its jurisdiction."

(c) No part of this section shall be construed to prohibit the free exchange of information within [the Division for Youth]OCFS, or between [the division]OCFS and New York State family courts, when the best interest and treatment of the [child]youth is at issue[, nor shall it serve to prohibit]

(d) Youth records may be disclosed for purposes of a bona fide research study[of information], with the approval of the [executive deputy director and the deputy director for research]Commissioner of [the Division for Youth]OCFS[and when guided by the superintendent or director of the institution, agency or facility at which the study is being conducted, with the stipulation], except that the name of and other identifying information of youth[no child] shall not be disclosed [by]to the study group. [In addition a]All such [study groups]researchers shall sign a[n] confidentiality agreement [to this effect]before approval for such study shall be granted.

(d)e) When any [child]youth who has been under the care of [the Division for Youth]OCFS[, according to title II, article 19-G of the Executive Law, reaches the age of 20 years, and a child cared for by the Division for Youth, according to title III, article 19-G of the Executive Law,] reaches the age of 25[1] or has been out of the care of OCFS for 10 years, whichever is longer, all records possessed by [said division]OCFS shall be [sealed]destroyed, unless required by law to be further retained, and shall not be made available to any person unless[and shall only be revealed by the division,] pursuant to an order by the Supreme Court of the State of New York, except such records may be made available to the Office of the Attorney General of the State of New York in furtherance of the duties of that office.

Text of proposed 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

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:

Section 500(2) of the Executive Law authorizes the Commissioner of the Office of Children and Family Services (OCFS) to establish rules and regulations to carry out the provisions of the Executive Law.

Section 501-c(1)(a) of the Executive Law authorizes OCFS to establish regulations to authorize persons to receive knowledge of or to inspect or examine youth records or files kept by OCFS.

2. Legislative objectives:

Section 501-c(1)(a) provides that youth records or files kept by OCFS are confidential and shall be kept from coming to the knowledge of and inspection or examination by any person other than, among others, persons authorized by OCFS pursuant to its regulations.

3. Needs and benefits:

OCFS has determined that to protect the health, safety, and welfare of youth in care, it is appropriate to modify the scope of permissible disclosure of youth records.

Paragraphs (2) and (3) of subdivision (a) of 9 NYCRR 168.7 have been updated to reflect that educational and health records are subject to disclosure pursuant to the provisions of federal and State laws and regulations that adequately protect the confidentiality of youth, and to permit disclosure of those records in the fashion provided for by the relevant statutes and regulations.

Proposed 9 NYCRR 168.7(a)(5) provides that this section is not intended to prevent access to youth records by a youth's parent or guardian when such access is specifically provided for by law.

Proposed 9 NYCRR 168.7(a)(11) would permit the disclosure of limited youth records requested by law enforcement authorities. The current confidentiality rules do not permit OCFS staff to disclose records to law enforcement authorities investigating crimes committed in OCFS facilities unless they have a judicial subpoena for the requested information. As the current statute provides a mechanism for disclosing such records pursuant to a subpoena, it is not unreasonable to think the records may be disclosed, such that there is no generalized right to confidentiality in records containing evidence of an alleged criminal act committed by a youth in custody. There have been past occasions when OCFS staff have called law enforcement authorities to report a crime committed by a youth, only to be unable to provide the information required by law enforcement to conduct an investigation. Requiring law enforcement authorities to obtain a judicial subpoena can impede and delay investigations, endanger the safety of other youth in custody and OCFS staff, and has the potential to discourage or delay law enforcement response to reports of crimes in OCFS facilities. To protect the confidentiality of youth records, any disclosure to law enforcement authorities pursuant to the proposed rule is limited to: information relating to the dates and locations of a youth's placement with OCFS; records necessary to investigate or prosecute a crime; and for youth on day placement or conditionally released, the youth's last known community location. All records disclosed must be redacted to prevent disclosure of information protected by statute or regulation and to protect the confidentiality of other youth. In addition, the proposed regulation only authorizes disclosure of records specifically requested by law enforcement and requires staff to inspect and document identification provided by law enforcement authorities, and documentation of the records disclosed.

Proposed 9 NYCRR 168.7(a)(12) would permit the disclosure of records relevant to the provision of services to youth to service providers not employed by OCFS. While State and federal laws permit disclosure of certain information with appropriate informed consent, such as that contained in health and education records, the Executive Law and OCFS regulations do not explicitly permit the release of records for these purposes, or for the provision of services not within the scope of these laws. Youth in OCFS custody may require services that cannot be provided by OCFS employees, necessitating additional contractual arrangements to arrange for the provision of these necessary services. In other instances, the ability to disclose otherwise confidential information permits the development of innovative programs which provide services that do not clearly fall within the ambit of permissible disclosure. Disclosure pursuant to this paragraph requires written consent of the youth's parent or guardian or, if the youth is over 18, the youth. OCFS believes the proposed amendment will protect the interests of youth while improving outcomes by increasing the availability of necessary services.

4. Costs:

The proposed rulemaking is projected to impose no new costs.

5. Local government mandates:

The only mandate imposed on local governments is to require a written request for youth records necessary to conduct a criminal investigation or prosecution. However, in such circumstances the local government will be relieved of the necessity of obtaining a subpoena for such records.

6. Paperwork:

There will be paperwork generated to request youth records. OCFS will be required to maintain documentation of records produced pursuant to the proposed 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 publication of the final rule and Notice of Adoption in the State Register.

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

A regulatory flexibility analysis for small business and local governments, a rural area flexibility analysis, and a job impact statement are not required for this rulemaking because it will have no adverse effect on small businesses, local governments, rural areas, or jobs.

The rulemaking will allow disclosure of records relevant to the provision of services to youth that is allowed for in statute. This amendment will impose no significant technological changes. There will be no new reporting, record keeping or other compliance requirements on small businesses or local governments or rural areas. Based on the foregoing, no regulatory flexibility analysis for small businesses and local governments, rural area flexibility analysis, or job impact statement is required for this proposed rulemaking.

Department of Civil Service

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Jurisdictional Classification

I.D. No. CVS-42-19-00009-P

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

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

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

Subject: Jurisdictional Classification.

Purpose: To classify positions in the exempt class.

Text of proposed rule: Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Executive Department under the subheading "State Board of Elections," by adding thereto the positions of Elections Specialist (6).

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

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

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

Regulatory Impact Statement

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

Regulatory Flexibility Analysis

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

Rural Area Flexibility Analysis

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

Job Impact Statement

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

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

Jurisdictional Classification

I.D. No. CVS-42-19-00010-P

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

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

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

Subject: Jurisdictional Classification.

Purpose: To classify positions in the exempt class.

Text of proposed rule: Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Executive Department under the subheading "Division of Veterans' Affairs," by increasing the number of positions of Special Assistant from 1 to 3.

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

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

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

Regulatory Impact Statement

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

Regulatory Flexibility Analysis

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

Rural Area Flexibility Analysis

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

Job Impact Statement

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

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

Jurisdictional Classification

I.D. No. CVS-42-19-00011-P

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

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

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

Subject: Jurisdictional Classification.

Purpose: To classify a position in the exempt class.

Text of proposed rule: Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Westchester County Service under the subheading "Department of Correction," by increasing the number of positions of Deputy Commissioner of Correction from 1 to 2.

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

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

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

Regulatory Impact Statement

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

Regulatory Flexibility Analysis

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

Rural Area Flexibility Analysis

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

Job Impact Statement

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

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

Jurisdictional Classification

I.D. No. CVS-42-19-00012-P

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

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

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

Subject: Jurisdictional Classification.

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

Text of proposed rule: Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Labor under the subheading "Workers' Compensation Board," by deleting therefrom the positions of øAssociate Auditor (3) and by adding thereto the positions of øAuditor 2 (3).

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

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

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

Regulatory Impact Statement

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

Regulatory Flexibility Analysis

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

Rural Area Flexibility Analysis

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

Job Impact Statement

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

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

Jurisdictional Classification

I.D. No. CVS-42-19-00013-P

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

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

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

Subject: Jurisdictional Classification.

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

Text of proposed rule: Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Executive Department under the subheading "Division of Criminal Justice Services," by deleting therefrom the positions of øAffirmative Action Administrator 2 (1) and øDental Records Examiner (1); in the Executive Department under the subheading "Division of Housing and Community Renewal," by deleting therefrom the positions of øAffirmative Action Administrator 2 (1) and øIntergovernmental Agency Housing Coordinator (1); and, in the Department of Labor under the subheading "State Insurance Fund," by deleting therefrom the positions of øAdministrative Officer 3 (1) and øAffirmative Action Administrator 5 (1).

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

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

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

Regulatory Impact Statement

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

Regulatory Flexibility Analysis

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

Rural Area Flexibility Analysis

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

Job Impact Statement

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

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

Jurisdictional Classification

I.D. No. CVS-42-19-00014-P

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

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

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

Subject: Jurisdictional Classification.

Purpose: To classify a position in the exempt class.

Text of proposed rule: Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Executive Department under the subheading "Office for the Aging," by increasing the number of positions of Secretary from 2 to 3.

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

Data, views or arguments may be submitted to: Marc Hannibal, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov
Public comment will be received until: 60 days after publication of this notice.

Regulatory Impact Statement

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

Regulatory Flexibility Analysis

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

Rural Area Flexibility Analysis

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

Job Impact Statement

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

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

Jurisdictional Classification

I.D. No. CVS-42-19-00015-P

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

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

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

Subject: Jurisdictional Classification.

Purpose: To classify a position in the exempt class.

Text of proposed rule: Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Department of State, by adding thereto the position of Assistant Public Information Officer.

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

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

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

Regulatory Impact Statement

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

Regulatory Flexibility Analysis

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

Rural Area Flexibility Analysis

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

Job Impact Statement

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

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

Jurisdictional Classification

I.D. No. CVS-42-19-00016-P

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

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

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

Subject: Jurisdictional Classification.

Purpose: To classify a position in the exempt class.

Text of proposed rule: Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Executive Department under the subheading "Office of Indigent Legal Services," by adding thereto the position of Confidential Aide.

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

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

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

Regulatory Impact Statement

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

Regulatory Flexibility Analysis

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

Rural Area Flexibility Analysis

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

Job Impact Statement

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

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

Jurisdictional Classification

I.D. No. CVS-42-19-00017-P

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

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

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

Subject: Jurisdictional Classification.

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

Text of proposed rule: Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Department of Public Service, by decreasing the number of positions of Assistant Counsel from 37 to 36 and by adding thereto the position of Program Manager.

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

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

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

Regulatory Impact Statement

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

Regulatory Flexibility Analysis

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

Rural Area Flexibility Analysis

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

Job Impact Statement

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

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

Jurisdictional Classification

I.D. No. CVS-42-19-00018-P

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

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

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

Subject: Jurisdictional Classification.

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

Text of proposed rule: Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Executive Department under the subheading "Division of Homeland Security and Emergency Services," by adding thereto the position of Radio Engineering Manager (1).

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

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

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

Regulatory Impact Statement

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

Regulatory Flexibility Analysis

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

Rural Area Flexibility Analysis

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

Job Impact Statement

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

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

Jurisdictional Classification**I.D. No.** CVS-42-19-00019-P

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

Proposed Action: Amendment of Appendix 2 of Title 4 NYCRR.**Statutory authority:** Civil Service Law, section 6(1)**Subject:** Jurisdictional Classification.**Purpose:** To classify positions in the non-competitive class.**Text of proposed rule:** Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Executive Department under the subheading "Office of General Services," by increasing the number of positions of Compliance Specialist 2 from 3 to 5 and by adding thereto the position of Conservator (1).**Text of proposed rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov**Data, views or arguments may be submitted to:** Marc Hannibal, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov**Public comment will be received until:** 60 days after publication of this notice.**Regulatory Impact Statement**

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

Regulatory Flexibility Analysis

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

Rural Area Flexibility Analysis

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

Job Impact Statement

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

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

Jurisdictional Classification**I.D. No.** CVS-42-19-00020-P

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

Proposed Action: Amendment of Appendix 2 of Title 4 NYCRR.**Statutory authority:** Civil Service Law, section 6(1)**Subject:** Jurisdictional Classification.**Purpose:** To classify positions in the non-competitive class.**Text of proposed rule:** Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Mental Hygiene under the subheading "Office of Alcoholism and Substance Abuse Services," by increasing the number of positions of Regional Coordinator OASAS from 2 to 3 and by adding thereto the positions of Medical Specialist 3 (2).**Text of proposed rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov**Data, views or arguments may be submitted to:** Marc Hannibal, Counsel,

NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov
Public comment will be received until: 60 days after publication of this notice.

Regulatory Impact Statement

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

Regulatory Flexibility Analysis

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

Rural Area Flexibility Analysis

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

Job Impact Statement

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

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

Jurisdictional Classification**I.D. No.** CVS-42-19-00021-P

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

Proposed Action: Amendment of Appendix 2 of Title 4 NYCRR.**Statutory authority:** Civil Service Law, section 6(1)**Subject:** Jurisdictional Classification.**Purpose:** To classify positions in the non-competitive class.**Text of proposed rule:** Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Civil Service, by adding thereto the positions of Director Communications (1) and Director Division Testing Services (1).**Text of proposed rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov**Data, views or arguments may be submitted to:** Marc Hannibal, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov**Public comment will be received until:** 60 days after publication of this notice.**Regulatory Impact Statement**

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

Regulatory Flexibility Analysis

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

Rural Area Flexibility Analysis

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

Job Impact Statement

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

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

Jurisdictional Classification

I.D. No. CVS-42-19-00022-P

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

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

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

Subject: Jurisdictional Classification.

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

Text of proposed rule: Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Mental Hygiene under the subheading "Office of Mental Health," by increasing the number of positions of Mental Health Program Manager 2 from 1 to 2 and by adding thereto the position of Public Information Specialist 2 (Digital Content) (1).

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

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

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

Regulatory Impact Statement

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

Regulatory Flexibility Analysis

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

Rural Area Flexibility Analysis

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

Job Impact Statement

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

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

Jurisdictional Classification

I.D. No. CVS-42-19-00023-P

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

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

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

Subject: Jurisdictional Classification.

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

Text of proposed rule: Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Health, by adding thereto the positions of Chief Information Security Officer 2 (1) and Information Technology Specialist 4 (Information Security) (3).

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

Data, views or arguments may be submitted to: Marc Hannibal, Counsel,

NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov
Public comment will be received until: 60 days after publication of this notice.

Regulatory Impact Statement

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

Regulatory Flexibility Analysis

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

Rural Area Flexibility Analysis

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

Job Impact Statement

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

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

Jurisdictional Classification

I.D. No. CVS-42-19-00024-P

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

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

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

Subject: Jurisdictional Classification.

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

Text of proposed rule: Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Executive Department under the subheading "Office of Information Technology Services," by decreasing the number of positions of Chief Information Security Officer 1 from 8 to 1; by deleting therefrom the position of Chief Information Security Officer 2 (1) and by adding thereto the positions of Manager Information Technology Services 1 (Information Security) (7) and Manager Information Technology Services 2 (Information Security) (3).

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

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

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

Regulatory Impact Statement

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

Regulatory Flexibility Analysis

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

Rural Area Flexibility Analysis

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

Job Impact Statement

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

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

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Jurisdictional Classification

I.D. No. CVS-42-19-00025-P

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

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

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

Subject: Jurisdictional Classification.

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

Text of proposed rule: Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Department of Audit and Control, by deleting therefrom the position of Director Affirmative Action Programs; by increasing the number of positions of Assistant Deputy Comptroller from 14 to 16, Executive Assistant from 7 to 10 and Special Assistant from 8 to 11, and by adding thereto the positions of Citizen Services Representative (4) and Director Equal Opportunity; and

Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Audit and Control, by deleting therefrom the positions of Affirmative Action Administrator 1 (2), øAffirmative Action Administrator 4 (1) and by adding thereto the positions of Equal Opportunity Specialist 1 (2) and Public Information Specialist 3 (Digital Content) (1).

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

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

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

Regulatory Impact Statement

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

Regulatory Flexibility Analysis

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

Rural Area Flexibility Analysis

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

Job Impact Statement

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

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Jurisdictional Classification

I.D. No. CVS-42-19-00026-P

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

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

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

Subject: Jurisdictional Classification.

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

Text of proposed rule: Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Executive Department under the subheading "Office of Parks, Recreation and Historic Preservation," by increasing the number of positions of Deputy Commissioner from 5 to 6 and Special Assistant from 12 to 13; and

Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Executive Department under the subheading "Office of Parks, Recreation and Historic Preservation," by deleting therefrom the position of øHistoric Site Manager B, Ganondagan State Historic Site (1) and by adding thereto the position of øHistoric Site Manager A (Ganondagan) (1).

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

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

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

Regulatory Impact Statement

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

Regulatory Flexibility Analysis

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

Rural Area Flexibility Analysis

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

Job Impact Statement

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

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Jurisdictional Classification

I.D. No. CVS-42-19-00027-P

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

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

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

Subject: Jurisdictional Classification.

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

Text of proposed rule: Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Department of Environmental Conservation, by increasing the number of positions of Special Assistant from 24 to 26 and;

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

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

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

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

Regulatory Impact Statement

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

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

Regulatory Flexibility Analysis

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

Rural Area Flexibility Analysis

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

Job Impact Statement

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

Department of Corrections and Community Supervision

REVISED RULE MAKING NO HEARING(S) SCHEDULED

Standard Conditions of Release Parole Revocation Dispositions

I.D. No. CCS-05-19-00006-RP

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

Proposed Action: Amendment of section 8002.6; repeal of sections 8003.2, 8005.20; addition of new sections 8003.2 and 8005.20 to Title 9 NYCRR.

Statutory authority: Executive Law, sections 259-c(1), (2), (6), (11) and 259-i(3)

Subject: Standard Conditions of Release Parole Revocation Dispositions.

Purpose: Establish standard conditions of release and provide a workable structure for applying appropriate parole revocation penalties.

Substance of revised rule (Full text is posted at the following State website: <http://www.doccs.ny.gov/>): The Board of Parole proposes to repeal and replace 9 N.Y.C.R.R. section 8003.2 (Release conditions), to provide for new standard conditions of release to be imposed on every individual released to the supervision of the Department of Corrections and Community Supervision. The new conditions include conditions substantially similar to current standard conditions, but revised and reorganized for clarity and comprehensibility, amendments to current standard conditions and a new condition relating to maintaining contact with the parole officer and residing at an approved address.

The Board also proposes to repeal and replace 9 N.Y.C.R.R. section 8005.20 and to amend 9 N.Y.C.R.R. section 8002.6(b), which pertain to the penalties for individuals found to have violated the conditions of their release in an important respect.

The proposed 9 N.Y.C.R.R. section 8005.20 would create new guidelines for assessing penalties that emphasize categories based on current violative behavior, and assign a new set of available penalties based on the severity of such violative behavior. Additionally, the new guidelines will expand the availability of Department of Corrections and Community Supervision alternative program dispositions (dispositions which allow the violator to avoid service of a time assessment by completing the DOCCS program), and the creation of a violation category in which the maximum available penalty is the imposition of such an alternative program disposition. Under the proposed 9 N.Y.C.R.R. section 8002.6(b) a time assessment which would exceed the time remaining on the sentence will be deemed a hold to maximum expiration.

The full text of the proposed rules may be found at the Department of Corrections and Community Supervision website at www.doccs.ny.gov.

Revised rule compared with proposed rule: Substantial revisions were made in section 8002.6.

Text of revised proposed rule and any required statements and analyses may be obtained from Kathleen M. Kiley, Counsel to the Board of Parole, Department of Corrections and Community Supervision, 1220 Washington

Avenue, Building 2, Albany, New York 12226, (518) 473-5671, email: Rules@Doccs.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 259-c(11) of the New York Executive Law authorizes the New York State Board of Parole to “make rules for the conduct of its work, a copy of such rules and of any amendments thereto to be filed by the chairman with the secretary of state”. Executive Law § 259-c(1) and (2) empowers the Board to determine the conditions of release of those individuals released to community supervision under the jurisdiction of the Department of Corrections and Community Supervision. Pursuant to sections 259-c(6) and 259-i(3) of the Executive Law, the Legislature has conferred upon the Board the exclusive authority to revoke the parole, conditional release or post-release supervision status of any such person, as well as their re-release to supervision, based upon violations of the conditions of release.

2. Legislative Objectives: Executive Law § 259-c(1) and (2), in relevant part, direct the Board of Parole to determine the conditions of release of those individuals granted parole release or who are presumptively released, conditionally released, or subject to a period of post release supervision. Executive Law §§ 259-c(6) and 259-i(3) then confer upon the Board the exclusive authority over determinations of whether to revoke the release status of these individuals while they remain subject to the jurisdiction of the Department of Corrections and Community Supervision. The proposed rules, consistent with the Board’s rulemaking authority under Executive Law § 259-c(11), assist and guide the Board in the performance of its obligations in setting conditions of release and in the release revocation (“parole revocation”) process. The purpose of the proposed changes is to improve the standard conditions of release and the disposition of parole revocation cases.

3. Needs and Benefits: Consistent with Executive Law § 259-(c)(1) and (2), which impose a duty on the Board to establish conditions of release, 9 N.Y.C.R.R. § 8003.2 sets forth a list of the standard conditions of release to be imposed by the Board upon every individual supervised by the Department of Corrections and Community Supervision. While not the exclusive universe of the conditions that a releasee may be subject to, conditions within 9 N.Y.C.R.R. § 8003.2 serve as a baseline and minimum for the conduct that is deemed acceptable and consistent with the goals of public safety and successful reintegration into society. The rule further establishes that the releasee may be subject to additional conditions imposed by the Board or authorized representatives of the Department of Corrections and Community Supervision. As the experience of the Board and DOCCS has grown, this experience has better positioned the Board to discern releasee behaviors that are contrary to the aforementioned goals. The proposed 9 N.Y.C.R.R. § 8003.2 is thus more finely calibrated to prevent criminogenic behavior without restricting behavior which may be consistent with or even facilitate a positive re-integration into society.

The Board is further obligated to determine whether to revoke the release of individuals subject to community supervision by DOCCS. Executive Law §§ 259-(c)(6) and 259-i(3). Executive Law § 259-i(3) establishes the basic parameters and due process rights associated with the parole revocation process, including setting forth a time limit on that process, and broadly speaking, providing that revocation dispositions may include return to incarceration or restoration to supervision. 9 N.Y.C.R.R. § 8005.20 contains parole revocation guidelines that structure appropriate penalties for parole violators whose release is revoked at the end of the revocation process. The current guidelines divide violators into categories by considering underlying crime of conviction, criminal history and current violative behavior. Within the current guidelines, there is a heavy emphasis on the violator’s crime of conviction, which in many cases, predetermines their category. The proposed replacement changes the category system to place a much heavier emphasis on current violative behavior, and assign a new set of corresponding available penalties. Among these changes is an expansion of the availability of Department of Corrections and Community Supervision alternative program dispositions and the creation of a violation category in which the maximum available penalty is the imposition of such an alternative program disposition. Moreover, time assessment penalty ranges are included that are congruous with the level of severity of the violative behavior at issue. 9 N.Y.C.R.R. § 8002.6(b) addresses the manner of calculation of any time assessment that may be imposed in connection with a parole revocation, and the proposed changes serve as a complement to the proposed 9 N.Y.C.R.R. § 8005.20 that will assist the efficiency of the Board’s operations pursuant to 9 N.Y.C.R.R. § 8005.20 and its obligations under Executive Law § 259-i(3).

4. Costs: These proposed regulatory changes will not impose any costs beyond those already experienced.

5. Paperwork: These regulatory changes do not impose any new or additional paperwork requirements on regulated parties.

6. Local Government Mandates: These regulatory changes do not impose any obligations on local governments.

7. Duplication: These regulatory changes will not duplicate any existing state or federal rule.

8. Alternatives: Because this rulemaking governs the procedures and guidelines applied by the Board and its hearing officers and employees in a quasi-adjudicatory function, there are no alternatives other than to amend the regulations.

9. Federal Standards: There are no federal standards.

10. Compliance Schedule: The Board intends to implement these rules in stages within 18 months from the publication of its notice of adoption.

Revised Regulatory Flexibility Analysis

A Revised Regulatory Flexibility Analysis for Small Business and Local Government is not being submitted with this notice, for the revised proposed rule changes will have no adverse impact upon small businesses and local governments, nor do the rule changes impose any reporting, record keeping or other compliance requirements upon small businesses and local governments. The revised proposed rules only affect the practices of the Board of Parole and its officers and employees in setting conditions of release to community supervision and adjudicating violations thereof.

Revised Rural Area Flexibility Analysis

A Revised Rural Area Flexibility Analysis is not being submitted with this notice, for the revised proposed rules will have no adverse impact upon rural areas, nor do the revised proposed rules impose any reporting, record keeping or other compliance requirements upon rural areas. The revised proposed rules only affect the practices of the Board of Parole and its officers and employees in setting conditions of release to community supervision and adjudicating violations thereof.

Revised Job Impact Statement

A Revised Job Impact Statement is not being submitted with this notice, for the revised proposed rules will have no adverse impact upon jobs or employment opportunities, nor do the revised proposed rules impose any reporting, record keeping or other compliance requirements upon employers. The revised proposed rules only affect the practices of the Board of Parole and its officers and employees in setting conditions of release to community supervision and adjudicating violations thereof.

Assessment of Public Comment

In response to this proposed rulemaking, The Board received six comments, including three comments from private individuals and comments from the Osbourne Association, the Legal Aid Society of New York City, and the Center for Employment Opportunities.

Section 8002.6

Comments: Some comments expressed concerns that this change would increase the length of time assessments. Additionally, one comment posited that this change would violate due process by penalizing individuals who exercise their right to a contested hearing.

Response: Although the Board has concluded that that calculating the time assessment from the date of the final hearing is consistent with the relevant statutes and constitutional principles and is unaware of any authority to the contrary, the Board has elected to not pursue this proposed change at this time. Instead the current language, providing that time assessments are to be calculated from the date of the warrant lodging, will remain in effect.

Section 8003.2(1)

Comment: One comment inquired about the meaning “area” and whether a releasee could travel outside of such area.

Response: The releasee is expected to, upon release, proceed to the local area of their approved residence and make their arrival report to the assigned Community Supervision bureau. The geographic area in which they are permitted to travel may be further specified by the Parole Officer but can include a much broader region.

Section 8003.2(4)

Comment: One comment expressed support for the removal of the requirement that the releasee provide permission to the parole officer to visit his place of work.

Response: We believe that this condition has been appropriately streamlined and that the conditions overall continue to respect the role of the Parole Officer and the flexibility needed to properly supervise releasees who vary in their backgrounds and needs.

Section 8003.2(6)

Comments: One comment objected to the requirement that releasees report contact with law enforcement as excessively broad, arguing contact can occur for reasons outside of the releasee’s control and is not relevant to compliance with other conditions. Two comments expressed concerns that this requirement could discourage releasee crime victims from seeking assistance by subjecting them to greater scrutiny.

Response: Releasees will never be penalized for seeking law enforcement assistance. This condition requires the reporting of contact with law enforcement, but such contact in and of itself is not a violation of the conditions of release.

Section 8003.2(8)

Comment: One comment found changes to the condition to be a positive but suggested that any prohibition on non-criminal behavior be completely removed.

Response: This condition is appropriately worded to account for conduct that should be prohibited even if it does not rise to the actual criminality because it represents a direct risk of harm to the releasee or others.

Section 8003.2(13)

Comments: One comment expressed support for the provision of clearer guidance regarding the purpose of the conditions. Another comment stated that the Board imposed special conditions are an undue burden on the releasee and parole officer. The comment suggested that all special conditions be imposed by the Parole Officers themselves rather than the Board.

Response: The Board has been charged by Executive Law § 259-c with determining the conditions of release and, therefore, has always possessed the authority to impose special conditions of release. The proposed 8003.2 does not change that duty or that authority. The Board is tasked with determining the propriety of release of many individuals to community supervision based on a variety of case-specific factors and is eminently qualified to determine the appropriateness of certain special conditions to attach to the supervision upon release. Moreover, if conditions subsequently become unnecessary or inappropriate, their removal can be requested by field staff per well-established procedures.

Section 8003.2, acknowledgment clause

Comment: One comment objected to the wording of the releasee’s acknowledgment of the conditions of release as misleading and suggested it should include a summary of the individual’s rights to a preliminary and final hearing.

Response: The Board believes that the statement at issue—“I fully understand that a violation of any condition of release in an important respect may result in the revocation of my period of Community Supervision”—is accurate and notes that a releasee accused of a violation is provided a notice of their rights which includes, among other things, their right to a preliminary and final hearing and their rights to present evidence on their behalf.

Comments on proposed changes to 9 NYCRR 8005.20 generally

Comments: Most comments supported basing the proposed categories on specific violative behavior rather than prior criminal acts.

Comments objected to the behaviors included in particular categories and the length of the resulting time assessments. Some objections expressed concerns that certain trivial violations may be included in otherwise appropriate categories. Other objections disagreed with the Board’s view of the severity of the behavior described in the category.

Response: The Board believes that the time assessment and disposition ranges for each proposed category are rationally reflective of the level of the seriousness of the violative behavior involved. Moreover, for every case, there is discretion afforded to the presiding officer so that the most just and appropriate disposition under the circumstances can be reached. Available dispositions include a time assessment within the range specified, if applicable, an alternative DOCCS program disposition with time assessment option, or an order that the violator be restored to supervision.

Regarding disagreements about the inclusion of particular behaviors in the behavior categories, the Board first notes that only violations of conditions in an important respect can result in the revocation of release. The Board received comments as follows:

Behavior Category 1 (Section 8005.20(c)(1))

Comments: One comment objected to the inclusion of violations of active orders of protection and special conditions prohibiting contact with named individuals when the behavior at issue did not amount to an independent criminal act.

Response: The Board maintains the position that violations of active orders of protection or special no contact conditions are serious violations that warrant a serious response.

Behavior Category 2 (Section 8005.20(c)(2))

Comments: Two comments objected to the inclusion of absconding from supervision, opining that it is non-criminal behavior and therefore represents minimal risk to public safety. One comment objected that the category included insufficient gradation.

Response: The statutory scheme duly enacted by the legislature envisions the release to community supervision of individuals currently serving sentences imposed by courts. Thus, this release is premised upon the active supervision by parole officers.

Absconding from supervision is serious conduct representing a rejection of the supervision required by the releasee’s sentence. Moreover, absconding also renders DOCCS incapable of monitoring the subject’s

conduct and intervening to prevent further criminal acts or other behavior posing an imminent danger to public safety or the health and well-being of the releasee.

Behavior Category 3 (Section 8005.20(c)(3))

Comments: Two comments expressed concerns that violations of the law which are not categorized as crimes are insufficiently serious to be included in this Behavior Category 3.

Response: The Board considers unlawful behavior to be appropriately included in this category, even when not classified as a crime (i.e., is not a misdemeanor or felony). A primary goal of supervised release is to develop the ability to live in a law-abiding manner. Unlawful behavior such as operating motor vehicles while impaired, hazing and weapons possession all reflect danger to the public. Criminal solicitation as a violation, though not classified as a crime itself, represents an attempt to cause a crime to be committed by another. Failing to respond to an appearance ticket, though not directly harmful to members of the public, demonstrates a disregard for the rule of law.

Behavior Category 4 (Section 8005.20(c)(4))

Comment: One comment objected to the inclusion of a time assessment of 4 to 6 months in the event the individual failed to qualify for or participate in and complete the program. Instead the commenter urges that the disposition always be revoke and restore with appropriate programming in the community.

Response: Alternative DOCCS programs, of approximately 45 or 90 days in length, address situations deemed suitable for in-custody programming response. The Board believes that this disposition option augments the spectrum of available dispositions, providing flexibility to appropriately respond to individual case circumstances.

The proposed 9 NYCRR 8005.20(f) authorizes the presiding officer to provide a disposition of revoke and restore with special conditions requiring participation in the type of programming envisioned by the commenter, where appropriate.

Section 8005.20(d)

Comments: One comment objected to the placement of individuals convicted of certain offenses outside of the guidelines, expressing concern that for these individuals non-criminal violative conduct could result in longer time assessments as a result.

Response: Violators deemed outside the guidelines present bases for exclusion from the behavior category system and for whom the range of potential revocation dispositions available to the presiding officer should remain as wide as possible. These disposition options therefore include restoration to supervision, alternative DOCCS programs of approximately 45 or 90 days in length with time assessment option, and a time assessment of from one month to a hold to the maximum expiration of sentence. As with other violators, this discretion afforded to the presiding officer is intended to allow for the most just and appropriate disposition under the individual circumstances of each case.

Section 8005.20(e)

Comments: One comment criticized dispositions providing for alternative programs upon return to DOCCS custody and, instead, advocated for a disposition which releases the individual into community-based programs.

Response: see response to comments on Behavior Category 4.

Section 8005.20(f)

Comments: One commenter expressed a concern that the proposed language included a drafting error. Another comment suggested possible dispositions for violations include community-based "parole transition facilities" and residential or out-patient behavioral health programs.

Response: The provision is correctly worded and requires that, for a special condition of release imposed with a revocation disposition, modification or removal be by a member or members of the Board, to include the presiding officer.

Restoration to supervision with appropriate conditions, as a parole revocation disposition, is specifically provided for in section 8005.20(f). This recognizes, and does not diminish in any way, the current and continuing allowance for the presiding officer to direct the releasee to enter any of a variety of community-based programs, including programs addressing substance abuse, behavioral or mental health issues.

Section 8005.20(g)

Comments: One comment objected to the listing of aggravating and mitigating factors as too numerous to provide clear guidance to hearing officers and as presenting proof issues requiring mini-hearings in which mitigating and aggravating factors are litigated.

Response: The proposed provision does not change the existing rule that the presiding officer is to take mitigating and aggravating circumstances into account when determining the best disposition upon a parole revocation. The provision provides guidance with respect to this aspect of the revocation proceeding while maintaining appropriate allowance for individual case circumstances.

Comments regarding additional disposition options

Comments: One comment recommended authorizing the preliminary hearing officer to render a disposition on agreement of the parties. Another comment recommended direct referral into programs.

Response: The Board believes that available parole revocation disposition options are just, rational, and reflect a more experienced and contemporary approach to responsive sanctioning. At this time the Board cannot be sure that accelerated procedures can meet procedural and substantive requirements.

Comments beyond the scope of proposed regulations

Additionally, some commenters raised issues which were outside the scope of this rulemaking.

One comment addressed the rules government parole-release decision-making process amended in 2017. Although the Board is unable to address the issues raised in this comment regarding regulations not included in this rulemaking, this commenter is invited to submit comments in event a future rulemaking addresses release decision making.

One comment recommended amending the Executive Law to shorten the period for completing preliminary and final hearings, often referred to as the "speedy trial" provisions. As this commenter recognized, this is not within the power of the Board to accomplish and would require action by the legislature. The Board expresses no opinion on the advisability of such a change.

Department of Environmental Conservation

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Amendments to Great Lakes Sportfishery Regulations in 6 NYCRR Part 10

I.D. No. ENV-42-19-00003-P

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

Proposed Action: Amendment of Part 10 of Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, section 11-0317

Subject: Amendments to Great Lakes sportfishery regulations in 6 NYCRR Part 10.

Purpose: Proposed amendments are intended to improve high quality sportfisheries and associated economic benefits.

Text of proposed rule: Existing clause 10.2(a)(2)(ii)(c) is amended to read as follows:

Water	Species	Open season	Minimum length	Daily limit
(c) Lake Ontario, St. Lawrence River	Brown trout Rainbow trout (including steelhead) Coho salmon Chinook salmon	All year	15" except [21"] for Rainbow trout (including steelhead): - 21" in the lake - 25" in tributaries	3 in any combination not to include more than [one] two rainbow trout (or steelhead) in the lake, and not to include more than one rainbow trout (or steelhead) and one brown trout in the tributaries

Except 9" and 3 fish daily for brown trout in Irondequoit Creek [(entire)] upstream of the south side of Rt. 286 bridges, Lindsey Creek, Skinner Creek (Oswego and Jefferson Counties) and the Black River from Dexter Dam to Mill Street Dam (Jefferson County)

Lake trout	[January] <i>December</i> 1 through September 30	None	2 except no more than 1 shall be between 25" and 30"	(d) Lower Niagara River	Brown trout Rainbow trout (including steelhead) Coho salmon Chinook salmon Lake trout Atlantic salmon	All year, except [January] <i>December</i> 1 through September 30 for Lake trout	15", except 21" for Rainbow trout, none for Lake trout, and 25" for Atlantic salmon	3 in any combination. Catch shall include no more than 1 Atlantic salmon or 2 Lake trout except only 1 Lake trout may be between 25" and 30"
Atlantic salmon	All year	25"	1					
Muskellunge and Tiger Muskellunge	Third Saturday of June through December 15	54"	1		Muskellunge and Tiger Muskellunge	Third Saturday of June through December 15	54"	1
Northern pike, Lake Ontario	First Saturday of May through March 15	22"	5		Northern pike	First Saturday of May through March 15	22"	5
Northern pike, St. Lawrence River (downstream of Tibbets Point) and tributaries	First Saturday of May through March 15	22"	3		Walleye	First Saturday of May through March 15	18" 18"	3 1
Black bass, Lake Ontario and tributaries except in Jefferson County and St. Lawrence River and tributaries	Statewide Regulations Apply					December 31 January 1 through March 15		
Black bass, Lake Ontario and tributaries in Jefferson County and St. Lawrence River and tributaries	Third Saturday in June through November 30	12"	5		Yellow perch, Sunfish	All year	Any size	50 of each
Walleye	First Saturday of May through March 15	18"	3		Black bass	Statewide Regulations Apply		
Lake Sturgeon, American eel	CLOSED, POSSESSION PROHIBITED				Lake Sturgeon, American eel	CLOSED, POSSESSION PROHIBITED		
Yellow perch, Sunfish	All year	Any size	50					

Existing clause 10.2 (c) (3) (f) is repealed and existing clauses 10.2(c)(3)(g) through 10.2(c)(3)(l) are renumbered as clauses 10.2(c)(3)(f) through 10.2(c)(3)(k)

[(f) Additional special fishing regulations for Spooner Creek and tributaries (Erie County) and the North Branch Clear Creek and tributaries (Erie County) from Taylor Hollow Road upstream to the outflow of Clear Lake; angling prohibited from January 1st through March 31st.]

Text of proposed rule and any required statements and analyses may be obtained from: Steve LaPan, Department of Environmental Conservation, P.O. Box 292, Cape Vincent, NY 13618, (315) 654-2147, email: steven.lapan@dec.ny.gov

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

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

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

Regulatory Impact Statement

1. Statutory authority:

Section 3-0301 of the Environmental Conservation Law (ECL) establishes the general functions, powers and duties of the Department of Environmental Conservation (Department) and the Commissioner, including general authority to adopt regulations. Sections 11-0303 and 11-0305 of the ECL authorize the Department to provide for the management and protection of the State's fisheries resources, taking into consideration ecological factors, public safety, and the safety and protection of private property. Section 11-0317 of the ECL empowers the Department to adopt

Existing clause 10.2(a)(2)(ii)(d) is amended to read as follows:

Water	Species	Open season	Minimum length	Daily limit
-------	---------	-------------	----------------	-------------

regulations, after consultation with the appropriate agencies of the neighboring states and the Province of Ontario, establish open seasons, minimum size limits, manner of taking, and creel/seasonal limits for the taking of fish in the waters of Lake Erie, Lake Ontario, the Niagara River and the St. Lawrence River. Sections 11-1301 and 11-1303 of the ECL empower the Department to fix by regulation open seasons, size and catch limits, and the manner of taking of all species of fish, except certain species of marine fish (listed in section 13-0339 of the ECL), in all waters of the State. Section 11-1319 of the ECL governs possession of fish taken in waters of the State.

2. Legislative objectives:

Open seasons, size restrictions, daily creel limits, and restrictions regarding the manner of taking fish are tools used by the Department to achieve the intent of the above referenced legislation. The purpose of setting seasons is to prevent over-exploitation of fish populations during vulnerable periods, such as spawning, thereby promoting healthy populations. Size and creel limits are necessary to optimize resource benefits to anglers and maintain high quality sportfisheries.

3. Needs and benefits:

The proposed amendments are necessary to maintain or improve the quality of the State's fisheries resources thereby optimizing opportunities for public use and economic benefits, consistent with resource conservation. Four of the five proposed regulation amendments result from a series of meetings with a Lake Ontario Fisheries Management Focus Group (Focus Group), convened to determine anglers' desired fisheries management outcomes and to seek consensus on management actions that will result in maintenance and improvement to high quality sportfisheries. The Focus Group was comprised of 16 angler representatives, several of whom are charter captains or tributary guides who also interact with county tourism officials. The following four proposed regulation amendments are as follows:

1. Lengthen the open season for lake trout in Lake Ontario/Lower Niagara River by one month - Anglers targeting rainbow trout/steelhead in the Lower Niagara River frequently catch lake trout. Because lake trout spawning is largely over by the end of November, opening the lake trout season on December 1 will provide anglers with additional opportunities to harvest trophy lake trout without jeopardizing lake trout restoration efforts.

2. Reduce the open Lake Ontario/Lower Niagara River creel limit for rainbow trout/steelhead from 3 to 2 fish/day - Rainbow trout/steelhead provide the primary sportfishery in Lake Ontario's tributaries from November through the following spring. This potential change is designed to increase numbers and sustainability of rainbow trout/steelhead in the tributary fishery by reducing open lake harvest during periods when Chinook fishing success in the lake declines and more anglers specifically target rainbow trout/steelhead.

3. Reduce the creel limit for brown trout in Lake Ontario tributaries from 3 to 1 fish/day - This change is intended to prolong high quality brown fishing opportunities through the winter months, while still allowing anglers the opportunity to harvest a trophy fish. Fishing effort on Lake Ontario tributaries can be intense each year from fall through spring and maintaining high quality brown trout fishing opportunities relies on anglers releasing a high proportion of their catch.

4. Increase the minimum size limit for rainbow trout/steelhead in Lake Ontario tributaries from 21" to 25" - This change is intended to prolong high quality rainbow trout/steelhead fishing opportunities through the winter months, while still allowing anglers the opportunity to harvest a trophy fish. Anglers have noted smaller rainbow trout/steelhead in recent years, and declining rainbow trout/steelhead fishing success as the winter season progresses.

5. Remove angling restrictions on two Lake Erie tributaries, thereby expanding angling opportunities: Eliminate special Lake Erie tributary seasonal fishing closures applied to Spooner Creek and North Branch of Clear Creek.

4. Costs:

Enacting regulation amendments described herein will not result in increased expenditures by State or local governments, or the general public.

5. Local government mandates:

These regulation amendments will not impose any programs, services, duties or responsibilities upon any county, city, town, village, school district, fire district, or other special district.

6. Paperwork:

No additional paperwork will result from these proposed regulation amendments.

7. Duplication:

There are no other State or federal regulations which govern the taking of freshwater sportfish.

8. Alternatives:

A no-action alternative would prevent these modifications from provid-

ing potential sportfishery improvements and associated economic benefits. Additionally, a no-action alternative will likely illicit a negative feedback from organized angling groups.

9. Federal standards:

There are no minimum federal standards that apply to freshwater sportfishing regulation.

10. Compliance schedule:

These regulations, if adopted, will become effective on April 1, 2020. Anglers will be able to immediately comply with these regulations once they take effect.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not required for this proposal since it will not impose any adverse economic impact or reporting, record keeping or other compliance requirements on small businesses or local governments. This proposal amends Great Lakes sportfishing regulations to improve sustainable, high-quality sportfisheries.

Rural Area Flexibility Analysis

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

The proposal amends current Great Lakes sportfishing regulations and will not impose adverse impacts or new/additional reporting, record-keeping or other compliance requirements/costs on small businesses or local governments.

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 an adverse impact on jobs and/or employment opportunities.

These proposed amendments to Great Lakes sportfishing regulations are intended to improve sportfishing quality, thereby enhancing fishing related business/job opportunities for fishing guides, charter captains, tackle/bait businesses, and fish cleaning stations, as well as marinas, hotels/motels/campgrounds, restaurants, and gas stations. There are no additional compliance activities imposed by the proposed regulations and therefore no additional jobs or employment opportunities will result.

Department of Financial Services

NOTICE OF ADOPTION

Student Loan Servicers

I.D. No. DFS-31-19-00007-A

Filing No. 899

Filing Date: 2019-10-01

Effective Date: 2019-10-16

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

Action taken: Addition of Part 409 to Title 3 NYCRR.

Statutory authority: Banking Law, sections 10, 11, 14, 718, art. 14-A; Financial Services Law, sections 102, 201, 202, 301 and 302

Subject: Student Loan Servicers.

Purpose: To provide for the supervision of the student loan servicing industry.

Substance of final rule: Section 409.1 Definitions. Provides the definitions used in the part.

Section 409.2 Applicability. Sets forth that the Part is applicable to all student loan servicers servicing New Yorkers' student loans. To the extent federal preemption prevents the application of certain provisions, this section outlines those provisions that do not apply to student loan servicers who only service federal student loans.

Section 409.3 Licensing. Sets forth the requirements for licensing, the application process, and the ability to surrender a license. Requires use of NMLS in licensing. The license issued under this section shall be a perpetual license.

Section 409.4 Temporary license during transition period. This section provides for a temporary license to any student loan servicer who is already engaged in the business as of the effective date of Article 14-A and

who makes a complete license application as of that date. Such temporary license shall only be effective until the Superintendent renders a decision on the application, it may not be extended or renewed, and is subject to revocation without a hearing.

Section 409.5 Continuing duty to update licensing information; changes in officers and directors. Provides that licensed student loan servicers shall make necessary amendments to their application and licensing files.

Section 409.6 Change in control application; prior approval. Sets forth the procedures for making a change in control application and obtaining prior approval of the Superintendent. Also provides the process for determinations of control of a student loan servicer.

Section 409.7 Suspension and revocation of a license. Provides the grounds for the suspension or revocation of a license. Provides for emergency suspensions in certain circumstances.

Section 409.8 Servicing standards. Sets forth standards to be followed by the industry, including standards surrounding nonconforming payments, transfers of servicing, customer service, and borrower complaints and inquiries.

Section 409.9 Prohibited practices. Provides certain prohibited acts and practices. Establishes baseline understanding of unfair and abusive acts and practices.

Section 409.10 Examinations. Sets forth provisions relating to the examination of student loan servicers and how the costs of those examinations will be assessed.

Section 409.11 Reporting requirements. Establishes the procedure for annual reporting by student loan servicers and sets forth rules regarding special reports.

Section 409.12 Confidential supervisory information. Outlines what supervisory information shall be confidential communications protected from disclosure.

Section 409.13 Books and records. Provides rules for the preservation of the books and records of student loan servicers.

Section 409.14 Cybersecurity. Confirms the application of 23 NYCRR Part 500 to student loan servicers and provides for a phased in transition period.

Section 409.15 Notifications. For those entities not required to obtain a license under the proposed regulation that are required to submit notice to the Superintendent of their participation in the servicing of student loans in the state, this section provides the mechanism for submitting that notice.

Section 409.16 Severability. This section instructs that should any provision of this regulation be found by a court of competent jurisdiction to be preempted, that it is the intent of the Department that such provision be reformed to continue to apply to the greatest extent permitted.

Final rule as compared with last published rule: Nonsubstantive changes were made in sections 409.1, 409.3, 409.8, 409.9 and 409.10.

Text of rule and any required statements and analyses may be obtained from: Brian Montgomery, Department of Financial Services, One State Street, New York, NY 10004, (212) 709-1671, email: SLSLicensing@dfs.ny.gov

Revised Regulatory Impact Statement

1. Statutory authority. Banking Law (the “Banking Law” or “BL”) Sections 10, 11, 14, 718 and Article 14-A and Financial Services Law Sections (the “Financial Services Law” or “FSL”) 102, 201, 202, 301, and 302.

FSL Section 102 declares that the purpose of the Financial Services Law is “to ensure the continued safety and soundness of New York’s banking, insurance and financial services industries, as well as the prudent conduct of the providers of financial products and services, through responsible regulation and supervision.”

Pursuant to FSL Section 201, the Department of Financial Services (the “Department”) has broad authority to take such actions as are necessary to ensure the continued solvency, safety, soundness and prudent conduct of the providers of financial products and services; to protect users of financial products and services; and to eliminate financial fraud, other criminal abuse and unethical conduct in the industry.

FSL Section 202 creates the office of the Superintendent of Financial Services (the “Superintendent”) and confers on the Superintendent all “the rights, powers, and duties in connection with financial services and protection in this state, expressed or reasonably implied by [the FSL] or any other applicable law of this state.”

FSL Section 301 gives the Superintendent broad power “to protect users of financial products and services.”

FSL Section 302 provides the Superintendent with broad authority to adopt regulations relating to “financial products and services,” which are broadly defined in the Financial Services Law to mean essentially any product or service offered by a Department-regulated entity.

BL Section 10 sets forth a declaration of policy, including that banking institutions will be regulated in a manner to insure safe and sound conduct and maintain public confidence.

BL Section 11 sets forth that the Department is charged with the execution of the laws relating to entities regulated under the Banking Law.

BL Section 14 references, without limitation, the policy of BL Section 10 and sets forth certain powers of the Superintendent under the Banking Law, including the power to “make, alter and amend orders, rules and regulations not inconsistent with law” and, under certain enumerated circumstances, to “make variations from the requirements” of the Banking Law, provided such variations are “in harmony with the spirit of the law.”

BL Article 14-A establishes the supervision of the student loan servicing industry by the Department and provides for the licensure and regulation of student loan servicers thereby. BL § 718 specifically empowers the Superintendent to promulgate regulations in furtherance of the purposes of Article 14-A.

2. Legislative objectives. BL Article 14-A, as added by Part L of Chapter 58 of the Laws of 2019, provides for the supervision of the student loan servicing industry by the Department. In furtherance of that supervision, student loan servicers are subject to licensure and to conduct requirements by provision of that Article. This regulation implements the provisions of Article 14-A and thus furthers the Legislature’s objective in enacting Part L, namely to provide for the supervision of the industry.

The regulation also protects New York consumers and ensures safe and sound operation of the industry in fulfillment of the Legislature’s objectives in creating the Department.

3. Needs and benefits. Article 14-A of the Banking Law as added by Part L of Chapter 58 of the Laws of 2019 establishes the supervision of the student loan servicing industry. That statute provides the Department with certain powers and responsibilities, and this regulation is necessary to implement Article 14-A in the manner that the legislation contemplated. Further, the regulation is necessary to ensure the industry is aware of its responsibilities and obligations under Article 14-A and Department supervision. As efficient and effective supervision requires the use of NMLS in making applications and other submissions, the regulation is also necessary to establish the requirement to use that system. Finally, the regulation is necessary to protect consumers, in this case the approximately 2.8 million student loan borrowers in New York.

4. Costs. Student loan servicers who are subject to the regulation may have certain costs to comply with it. It should be noted, however, that the industry subject to this regulation is comprised of sophisticated parties who are already subject to similar regulation in other states. Thus, to the extent there are compliance costs the industry should be able to bear them. Further, the Department has weighed the compliance costs against the financial risks to borrowers, who are undeniably in a more financially vulnerable position. While the Department sought to impose no greater than necessary costs under the regulation, the Department was unwilling to narrow any necessary consumer protection for cost-savings reasons. Indeed, most industry costs arise directly from the text of the legislation and were thus considered by the Legislature and found to be appropriate.

The statute provides that the Department can require electronic submissions. The regulation does impose requirements on electronic submission through NMLS. The use of NMLS is consistent with the Department’s practice with other non-bank entities it regulates under the Banking Law. There are costs to use the system that will be borne by the regulated entities. The use of NMLS has been determined necessary to ensure the efficient and effective regulation of the student loan servicing industry.

The regulation will not result in any fiscal implications to the State. The costs of supervision of the industry, e.g., the staff necessary to review licensing applications, to handle complaints, and to conduct examinations, are the result of the statute and not this regulation. Those costs are covered by the industry assessments as outlined in BL Article 14-A and FSL 206.

5. Local government mandates. To the Department’s knowledge there are no local governments who are student loan servicers; therefore, there are no new requirements imposed by the rule on any county, city, town, village, school, fire or other special district.

6. Paperwork. Part 409 requires servicers to keep books and records related to servicing for a period of three years and produce annual and other reports requested by the Superintendent. It is anticipated that submission of this reporting will be done electronically with instructions for completion provided sufficiently in advance for the preparation of the report. The other recordkeeping and reporting requirements are consistent with standards generally required of other regulated financial services entities. Applicants and licensees will be required to follow the checklists and instructions posted on NMLS in submitting applications or in making amendments to their NMLS files.

7. Duplication. The regulation does not duplicate or conflict with any other state or federal regulations.

8. Alternatives. Article 14-A of the Banking Law provides for the licensing of student loan servicers doing business in this state by the Department and as such, the promulgation of this regulation is necessary, and the alternative of not promulgating a regulation related to student loan servicers was rejected.

Further, as Article 14-A establishes the supervision of an entire industry it is necessary that additional detail be provided to industry participants to explain responsibilities and prohibited practices and to provide borrowers with a set of clear rules that servicers that are servicing their student loans must follow.

The Department considered not permitting the use of electronic application processes or to make use of NMLS optional for this license. Both options were rejected. Article 14-A specifically authorizes the Superintendent to require the application and other submissions by entities supervised under the Article to be made by electronic means. The Superintendent has determined that efficient and effective administration of the application process and the continued supervision of the industry demands uniform electronic filing.

9. Federal standards. The rule will overlap in some respects with the authority of the Consumer Financial Protection Bureau and the federal Department of Education to oversee student loan servicers. However, there are no consistent market-wide standards for servicing student loans. Although federal regulations provide some requirements for federal loans, the regulations are not comprehensive. No federal law or regulation governs servicing of private student loans. This rule is needed to ensure student loan servicers treat consumers fairly.

10. Compliance schedule. The regulation will be effective upon publication of the notice of adoption in the State Register.

Revised Regulatory Flexibility Analysis

The Department of Financial Services (“Department”) finds that the rule will not impose any adverse economic impact or reporting, recordkeeping or other compliance requirements on small businesses or local governments in New York State. The rule provides for the supervision of the student loan servicing industry. The Department is not aware of any small business or local government to whom the regulation would apply. Thus, the rule should have no impact on any small business or local government. The clarifying changes made to the proposed regulation do not necessitate revision to this determination.

Revised Rural Area Flexibility Analysis

The Department of Financial Services (“Department”) finds that the rule will not impose any adverse impact on rural areas or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas in New York State. The rule provides for the supervision of the student loan servicing industry. The Department is not aware of any public or private entities in rural areas that are engaged in the servicing of student loans. Thus, the rule should have no impact on any public or private entities in rural areas. The clarifying changes made to the proposed regulation do not necessitate revision to this determination.

Revised Job Impact Statement

The changes made to the proposed regulation were merely clarifying in nature and thus do not effect a change in the analysis or conclusions previously undertaken and made by the Department of Financial Services.

Initial Review of Rule

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

Assessment of Public Comment

The Department of Financial Services (“Department”) received a number of comments to Part 409 of 3 NYCRR implementing Article 14-A of the Banking Law, which empowers the Department to regulate the student loan servicing industry. The commenters included industry members, trade groups, consumer groups, banking institutions, and the Office of the Attorney General. Having considered each of these comments, the Department has made a number of small clarifications to the final regulation in response to the comments received, none of which, individually or collectively, materially alter the purpose, meaning, or effect of the regulation.

The comments received included comments applauding the Department’s leadership in this space, specific requests for changes to the language, general comments on the practicalities of certain requirements, requests for clarification of the Department’s position, and proposals for class-wide exemptions from the regulation.

The full assessment of public comments for this regulation is available for review on the Department’s website at <http://www.dfs.ny.gov>.

New York State Gaming Commission

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Add Racetrack Operator to Terms Defined in Harness Racing Rules

I.D. No. SGC-42-19-00004-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 4100.1 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 harness racing rules.

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

Text of proposed rule: Paragraphs (39) through (48) of subdivision (a) of Section 4100.1 of 9 NYCRR would be re-numbered as paragraphs (40) through (49).

A new paragraph (39) would be added to subdivision (a) of Section 4100.1 of 9 NYCRR, as follows:

§ 4100.1. Definitions.

(a) As used in this Subchapter, the following definitions are applicable:

* * *

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

Text of proposed rule and any required statements and analyses may be obtained from: Kristen Buckley, 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: Edmund C. Burns, Gaming Commission, One Broadway Center, Suite 500, Schenectady, NY, (518) 388-3408, email: ed.burns@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”) harness racing 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 harness racing 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.

Higher Education Services Corporation

EMERGENCY RULE MAKING

NYS Child Welfare Worker Loan Forgiveness Incentive Program

I.D. No. ESC-31-19-00001-E

Filing No. 857

Filing Date: 2019-10-01

Effective Date: 2019-10-01

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

Action taken: Addition of section 2201.22 to Title 8 NYCRR.

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

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

Specific reasons underlying the finding of necessity: This statement is being submitted pursuant to subdivision (6) of section 202 of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's (HESC) Notice of Emergency Adoption seeking to add a new section 2201.22 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

This regulation implements a statutory student financial aid program providing for awards to be made to students who receive their undergraduate or graduate degree from a college or university located in New York State. Emergency adoption is necessary to avoid an adverse impact on the processing of awards to eligible applicants and award payments to eligible recipients. The statute provides for student loan relief to such college graduates who continue to live in New York State upon graduation, agree to work as child welfare workers at not-for-profit agencies in New York State licensed by the New York State Office of Children and Family Services, on a full-time basis, for five years, and apply for this program within two years after graduating from college. Eligible applicants will receive up to \$10,000 per year for five years in loan forgiveness payments. Since individuals must apply within two years of college graduation, it is critical that the terms of this program as provided in the regulation be effective immediately in order for HESC to process applications so that timely payments can be made on behalf of program recipients. To accomplish this mandate, the statute further provides for HESC to promulgate emergency regulations to implement the program. For these reasons, compliance with section 202(1) of the State Administrative Procedure Act would be contrary to the public interest.

Subject: NYS Child Welfare Worker Loan Forgiveness Incentive Program.

Purpose: To implement the NYS Child Welfare Worker Loan Forgiveness Incentive Program.

Text of emergency rule: New section 2201.22 is added to Title 8 of the New York Code, Rules and Regulations to read as follows:

Section 2201.22 New York State Child Welfare Worker Loan Forgiveness Incentive Program.

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

(1) "Award" shall mean a New York State Child Welfare Worker Loan Forgiveness Incentive Program award pursuant to section 679-i of the New York State Education Law.

(2) "Child welfare worker" shall mean an individual who provides direct-care services to children and families at a voluntary not-for-profit child welfare agency in New York State licensed by the New York State Office of Children and Family Services.

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

(4) "Direct care services" shall mean the provision of programs and services to children and families that requires some degree of interaction between the child/family and the child welfare worker. Such direct care services include, but are not limited to, assessments, home visits, or direct implementation of care plans.

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

(6) "Full time" shall mean employment as a child welfare worker providing direct-care services to children and families at a voluntary not-

for-profit child welfare agency in New York State licensed by the New York State Office of Children and Family Services for an average of 35 hours per week, or more, continuously over a calendar year, except for an allowable interruption of employment.

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

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

(9) "Outstanding student loan debt" shall mean the total cumulative student loan balance required to be paid by the applicant at the time of selection for an award under this program, including the outstanding principal and any accrued interest covering the cost of attendance to obtain an undergraduate or graduate degree from a college or university located in New York State. Such outstanding student loan debt may be reduced as provided in subparagraph (iii) of paragraph (4) of subdivision (c) of this section.

(10) "Program" shall mean the New York State Child Welfare Worker Loan Forgiveness Incentive Program.

(b) Eligibility. Applicants and recipients must:

(1) satisfy the requirements provided in section 679-i(2) of the Education Law;

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

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

(c) Administration.

(1) An applicant for an award shall:

(i) apply for program eligibility on forms and in a manner prescribed by the corporation. The corporation may require applicants to provide additional documentation evidencing eligibility; and

(ii) electronically transmit an application for program eligibility to the corporation on or before the date prescribed by the corporation.

(2) A recipient of an award shall:

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

(ii) confirm each year, for five years, employment as a child welfare worker providing direct-care services to children and families at a voluntary not-for-profit child welfare agency in New York State licensed by the New York State Office of Children and Family Services by submitting a certification from his or her employer attesting to the recipient's employment setting, job title, job duties, employment period, full time employment status, and any other information necessary for the corporation to determine eligibility. Said submissions shall be on forms or in a manner prescribed by the corporation;

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

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

(3) If a recipient has been employed as a child welfare worker at a voluntary not-for-profit child welfare agency in New York State licensed by the New York State Office of Children and Family Services for less than one year upon his or her initial selection for an award, the final award payment shall be prorated based on the ratio of months in the year that the recipient worked in such capacity when initially selected and disbursed in two proportionate installments. The first disbursement shall be made as part of the regular annual payment and the second disbursement shall be made at the time such recipient completes his or her full year of employment as a child welfare worker at a voluntary not-for-profit child welfare agency in New York State licensed by the New York State Office of Children and Family Services.

(4) The outstanding student loan debt shall:

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

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

promissory note; or any other loan debt that cannot be verified by the corporation.

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

(d) Award selection.

(1) For the first year of this program's operation, awards shall be made in the following order of priority:

(i) applicants who are completing the second, third, fourth or fifth year of full-time employment as a child welfare worker at a voluntary not-for-profit child welfare agency in New York State licensed by the New York State Office of Children and Family Services;

(ii) applicants who can demonstrate economic need.

(2) For the second year of this program's operation and thereafter, awards shall be made in the following order of priority:

(i) applicants who received payment of an award in a prior year and remain eligible;

(ii) applicants who are completing the second, third, fourth or fifth year of full-time employment as a child welfare worker at a voluntary not-for-profit child welfare agency in New York State licensed by the New York State Office of Children and Family Services;

(iii) applicants who can demonstrate economic need but did not receive an award during the first year of this program's operation.

(3) All awards are contingent upon annual appropriations.

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

(1) a failure to apply for payment or reimbursement;

(2) a failure to respond to requests to contact or communication with the corporation;

(3) a failure to respond to a request for information; or

(4) any other information known to the corporation reasonably evidencing an indication of failure to comply with program requirements by a program participant.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. ESC-31-19-00001-EP, Issue of July 31, 2019. The emergency rule will expire November 29, 2019.

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

Regulatory Impact Statement

Statutory authority:

The New York State Higher Education Services Corporation's ("HESC") statutory authority to promulgate regulations and administer the New York State Child Welfare Worker Loan Forgiveness Incentive Program ("Program") is codified within Article 14 of the Education Law. In particular, Section 3 of Part MMM of Chapter 59 of the Laws of 2017 created the Program by adding a new section 679-i to the Education Law. Pursuant to subdivision 5 of section 679-i of the Education Law, HESC is required to promulgate rules and regulations for the administration of this Program.

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

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

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

Legislative objectives:

This Program was created to enhance the ability of child welfare workers in New York State to meet the needs of the children and youth in care

as well as provide them with the skills needed to operate in today's changing health landscape by alleviating the student loan debt burden for recent college graduates pursuing careers in child welfare.

Needs and benefits:

New York State law provides various loan forgiveness programs to encourage individuals to pursue careers in a needed area or profession. Providing student loan relief to college graduates pursuing careers in child welfare serves to help address the growing demand in this sector for a skilled workforce.

The landscape of the child welfare system in New York State has changed dramatically. According to the Council of Family and Child Caring Agencies (COFCCA), the closure of state-operated mental health and juvenile justice facilities and recent focus on community-based and prevention services have helped to preserve thousands of families and has kept hundreds of children and youth out of the State's care. However, the result has been that children and youth who are residentially placed or who require services from a not-for-profit child welfare agency have higher and more complex needs. Additionally, these children and their families living in poverty desperately need access to programs and services. With child welfare agencies now providing services to an extremely vulnerable population of children and families, there is a greater need for a higher skilled workforce than in the past.

COFCCA reports that jobs in the child welfare sector are among the lowest paying jobs across the State. Due to the low wages, this sector has a difficult time recruiting and retaining employees. The current annual turnover rate for this sector is approximately 33 percent. While there are career track opportunities and potential for advancement, it is extremely difficult for entry level staff and/or direct care workers to enhance their education while working. Child welfare agencies need qualified individuals who have the education, training, and experience to provide the care needed.

Costs:

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

b. The estimated cost to the agency for the implementation of, or continuing compliance with this rule is \$489,975.

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

d. Costs to the State shall not exceed available New York State budget appropriations for the Program. The 2017-18 State Budget contained an appropriation for this Program in the sum of \$50,000.

Local government mandates:

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

Paperwork:

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

Duplication:

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

Alternatives:

Given the statutory language as set forth in section 679-i(5) of the Education Law, a "no action" alternative was not an option.

Federal standards:

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

Compliance schedule:

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

Regulatory Flexibility Analysis

This statement is being submitted pursuant to subdivision (3) of section 202-b of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's (HESC) Notice of Emergency Adoption seeking to add a new section 2201.22 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

It is apparent from the nature and purpose of this rule that it will not have a negative impact on small businesses or local governments. HESC finds that this rule will not impose any compliance requirement or adverse economic impact on small businesses or local governments. Rather, it has potential positive impacts by providing loan forgiveness benefits to recent New York State college graduates who agree to work as child welfare workers at not-for-profit agencies in New York State licensed by the New York State Office of Children and Family Services, on a full-time basis, for five years. Providing such financial assistance will encourage individuals to pursue careers in child welfare throughout New York State, which will provide an economic benefit to the State's small businesses and local governments as well.

Rural Area Flexibility Analysis

This statement is being submitted pursuant to subdivision (4) of section 202-bb of the State Administrative Procedure Act and in support of the

New York State Higher Education Services Corporation's Notice of Emergency Adoption seeking to add new section 2201.22 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

HESC finds that this rule will not impose any reporting, record keeping or other compliance requirements on public or private entities in rural areas. Rather, it has potential positive impacts by providing loan forgiveness benefits to recent New York State college graduates who agree to work as child welfare workers at not-for-profit agencies in New York State licensed by the New York State Office of Children and Family Services, on a full-time basis, for five years. Providing such financial assistance will encourage individuals to pursue careers in child welfare benefitting rural communities throughout New York State.

Job Impact Statement

This statement is being submitted pursuant to subdivision (2) of section 201-a of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's Notice of Emergency Adoption seeking to add a new section 2201.22 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

It is apparent from the nature and purpose of this rule that it will not have a negative impact on jobs or employment opportunities. Rather, it has potential positive impacts by providing loan forgiveness benefits to recent New York State college graduates who agree to work as child welfare workers at not-for-profit agencies in New York State licensed by the New York State Office of Children and Family Services, on a full-time basis, for five years. Providing these benefits will encourage individuals to pursue careers in child welfare throughout New York State.

EMERGENCY RULE MAKING

New York State Science, Technology, Engineering and Mathematics Incentive Program

I.D. No. ESC-31-19-00002-E

Filing No. 858

Filing Date: 2019-10-01

Effective Date: 2019-10-01

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

Action taken: Addition of section 2201.13 to Title 8 NYCRR.

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

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

Specific reasons underlying the finding of necessity: This statement is being submitted pursuant to subdivision (6) of section 202 of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's ("HESC") Notice of Emergency Adoption seeking to add a new section 2201.13 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

This regulation implements a statutory student financial aid program providing for awards to be made to students attending New York State public institutions of higher education beginning with the fall 2014 term and students attending private degree-granting institutions of higher education located in New York State beginning with the fall 2018 term. The statute provides for tuition benefits to college-going students who, beginning in August, pursue an undergraduate program of study in science, technology, engineering, or mathematics at a New York State institution of higher education. Emergency adoption is necessary to avoid an adverse impact on the processing of awards to eligible scholarship applicants and award payments to eligible recipients. To accomplish this mandate, the statute further provides for HESC to promulgate emergency regulations to implement the program. For these reasons, compliance with section 202(1) of the State Administrative Procedure Act would be contrary to the public interest.

Subject: New York State Science, Technology, Engineering and Mathematics Incentive Program.

Purpose: To implement the New York State Science, Technology, Engineering and Mathematics Incentive Program.

Text of emergency rule: New section 2201.13 is added to Title 8 of the New York Code, Rules and Regulations to read as follows:

Section 2201.13 *New York State Science, Technology, Engineering and Mathematics Incentive Program.*

(a) *Definitions. For purposes of this section and section 669-e of the Education Law, the following definitions shall apply:*

(1) "Award" shall mean a New York State Science, Technology,

Engineering and Mathematics Incentive Program award pursuant to section 669-e of the New York State education law.

(2) "Employment" shall mean continuous employment for at least thirty-five hours per week in an approved occupation in the science, technology, engineering or mathematics field, as published on the corporation's web site, for a public or private entity located in New York State for five years after the completion of the undergraduate degree program and, if applicable, a higher degree program or professional licensure degree program and a grace period as authorized by section 669-e(4) of the education law.

(3) "Grace period" shall mean a six month period following a recipient's date of graduation from a public or private degree granting institution of higher education and, if applicable, a higher degree program or professional licensure degree program as authorized by section 669-e(4) of the education law.

(4) "High school class" shall mean the total number of students eligible to graduate from a high school in the applicable school year.

(5) "Interruption in undergraduate study or employment" shall mean a temporary period of leave for a definitive length of time due to circumstances as determined by the corporation, including, but not limited to, maternity/paternity leave, death of a family member, or military duty.

(6) "Private degree granting institution of higher education" shall mean any institution of higher education recognized and approved by the Regents of the State University of New York which provides a course of study leading to the granting of a post-secondary degree or diploma except public institutions of higher education as defined in this subdivision.

(7) "Program" shall mean the New York State Science, Technology, Engineering and Mathematics Incentive Program codified in section 669-e of the education law.

(8) "Public institution of higher education" shall mean the state university of New York, as defined in subdivision 3 of section 352 of the education law, a community college as defined in subdivision 2 of section 6301 of the education law, or the city university of New York as defined in subdivision 2 of section 6202 of the education law.

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

(10) "Science, technology, engineering and mathematics" programs shall mean those undergraduate degree programs designated by the corporation on an annual basis and published on the corporation's web site.

(11) "Successful completion of a term" shall mean that at the end of any academic term, the recipient: (i) met the eligibility requirements for the award pursuant to sections 661 and 669-e of the education law; (ii) completed at least 12 credit hours or its equivalent in a course(s) of study leading to an approved undergraduate degree in the field of science, technology, engineering, or mathematics; and (iii) possessed a cumulative grade point average (GPA) of 2.5 as of the date of the certification by the institution. Notwithstanding, the GPA requirement is preliminarily waived for the first academic term for programs whose terms are organized in semesters, and for the first two academic terms for programs whose terms are organized on a trimester basis. In the event the recipient's cumulative GPA is less than a 2.5 at the end of his or her first academic year, the recipient will not be eligible for an award for the second academic term for programs whose terms are organized in semesters or for the third academic term for programs whose terms are organized on a trimester basis. In such case, the award received for the first academic term for programs whose terms are organized in semesters and for the first two academic terms for programs whose terms are organized on a trimester basis must be returned to the corporation and the institution may reconcile the student's account, making allowances for any other federal, state, or institutional aid the student is eligible to receive for such terms unless: (A) the recipient's GPA in his or her first academic term for programs whose terms are organized in semesters was a 2.5 or above, or (B) the recipient's GPA in his or her first two academic terms for programs whose terms are organized on a trimester basis was a 2.5 or above, in which case the institution may retain the award received and only reconcile the student's account for the second academic term for programs whose terms are organized in semesters or for the third academic term for programs whose terms are organized on a trimester basis. The corporation shall issue a guidance document, which will be published on its web site.

(b) *Eligibility.* In addition to the requirements of Education Law, section 669-e, recipients must satisfy the general eligibility requirements provided in Education Law, section 661. An applicant must apply and be selected for this program for the fall term immediately following his or her high school graduation.

(c) *Class rank or placement.* As a condition of an applicant's eligibility, the applicant's high school shall provide the corporation:

(1) official documentation or other certification showing that the applicant is in the top 10 percent of his or her graduating high school class; and

(2) any additional information the corporation deems necessary to determine that the applicant has graduated within the top 10 percent of his or her high school class.

(d) Recipient selection. If there are more applicants attending private degree granting institutions of higher education than available funds, the following provisions shall apply:

(1) First priority shall be given to eligible applicants who have received payment of an award pursuant to this section in a prior year, including payment for attendance at a public institution of higher education, and are currently in attendance at a private degree granting institution of higher education. If there are more applicants than available funds, recipients shall be chosen by lottery.

(2) Second priority shall be given to eligible applicants who are matriculated in an approved undergraduate program in science, technology, engineering or mathematics for the first time. If there are more applicants than available funds, recipients shall be chosen by lottery.

(e) Administration.

(1) Applicants for an award shall:

(i) apply for program eligibility on forms and in a manner prescribed by the corporation. The corporation may require applicants to provide additional documentation evidencing eligibility; and

(ii) submit applications for program eligibility to the corporation on or before the date prescribed by the corporation for the applicable academic year. Notwithstanding any other rule or regulation to the contrary, such applications shall be received by the corporation no later than August 15th of the applicant's year of graduation from high school.

(2) Recipients of an award shall:

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

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

(iii) be enrolled in an approved undergraduate degree program in science, technology, engineering, or mathematics;

(iv) receive such awards for not more than four academic years of full-time undergraduate study or five academic years if the program of study normally requires five years, as defined by the commissioner pursuant to article thirteen of the education law, excluding any allowable interruption(s) of study; and

(v) confirm employment in an approved occupation each year on forms or in a manner prescribed by the corporation.

(f) Amounts.

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

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

(3) Awards shall be applied to any remaining tuition after the application of all other educational grants and scholarships limited to tuition, as authorized by section 669-e of the education law.

(g) Failure to comply.

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

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

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

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

(5) Where a recipient has demonstrated extreme hardship as a result of a total and permanent disability, labor market conditions, or other such circumstances, or is working in an approved occupation, the corporation may, in its discretion, postpone converting the award to a student loan, temporarily suspend repayment of the amount owed, prorate the amount owed commensurate with service completed, discharge the amount owed, or such other appropriate action. Where a recipient has demonstrated in-school status, the corporation shall temporarily suspend repayment of the amount owed for the period of in-school status.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. ESC-31-19-00002-EP, Issue of July 31, 2019. The emergency rule will expire November 29, 2019.

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

Regulatory Impact Statement

Statutory authority:

The New York State Higher Education Services Corporation's ("HESC") statutory authority to promulgate regulations and administer the New York State Science, Technology, Engineering and Mathematics Incentive Program ("Program") is codified within Article 14 of the Education Law. Part G of Chapter 56 of the Laws of 2014 created the Program by adding a new section 669-e to the Education Law, which was subsequently amended by Part BB of Chapter 56 of the Laws of 2018. Subdivision 5 of section 669-e of the Education Law authorizes HESC to promulgate emergency regulations to administer this Program.

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

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

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

Legislative objectives:

The Education Law was amended to add a new section 669-e to create the "New York State Science, Technology, Engineering and Mathematics Incentive Program" (Program). This Program is aimed at increasing the number of individuals working in the fields of science, technology, engineering and mathematics (STEM) in New York State to meet the increasingly critical need for those skills in the State's economy.

Needs and benefits:

According to a February 2012 report by President Obama's Council of Advisors on Science and Technology, there is a need to add to the American workforce over the next decade approximately one million more science, technology, engineering and mathematics (STEM) professionals than the United States will produce at current rates for the country to stay competitive. To meet this goal, the United States will need to increase the number of students who receive undergraduate STEM degrees by about 34% annually over current rates. The report also stated that fewer than 40% of students who enter college intending to major in a STEM field complete a STEM degree. Further, a recent Wall Street Journal article reported that New York state suffers from a shortage of graduates in STEM fields to fill the influx of high-tech jobs that occurred five years ago. At a plant in Malta, about half the jobs were filled by people brought in from outside New York and 11 percent were foreigners. According to the article, Bayer Corp. is due to release a report showing that half of the recruiters from large U.S. companies surveyed couldn't find enough job candidates with four-year STEM degrees in a timely manner; some said that had led to more recruitment of foreigners. About two-thirds of the recruiters surveyed said that their companies were creating more STEM positions than other types of jobs. There are also many jobs requiring a two-year degree. To deal with this shortage, companies are using more internships, grants and scholarships.

The Program is aimed at increasing the number New York graduates with two and four year degrees in STEM who will be working in STEM fields across New York state. Eligible recipients may receive annual awards for not more than four academic years of undergraduate full-time study (or five years if enrolled in a five-year program) while matriculated in an approved program leading to a career in STEM.

Students receiving a New York State Science, Technology, Engineering and Mathematics Incentive Program award must sign a service agreement and agree to work in New York state for five years in a STEM field and reside in the State during those five years. Recipients who do not fulfill their service obligation will have the value of their awards converted to a student loan and be responsible for interest.

Costs:

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

b. The maximum cost of the program to the State is \$8 million in the first year based upon budget estimates. At private degree granting institutions of higher education \$1 million was appropriated for the 2018-19 academic year in the State Budget.

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

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

Local government mandates:

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

Paperwork:

This proposal will require applicants to file an electronic application for each year they wish to receive an award up to and including five years of eligibility. Recipients are required to sign a contract for services in exchange for an award. Recipients must submit annual status reports until a final disposition is reached in accordance with the written contract.

Duplication:

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

Alternatives:

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

Federal standards:

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

Compliance schedule:

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

Regulatory Flexibility Analysis

This statement is being submitted pursuant to subdivision (3) of section 202-b of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's ("HESC") Notice of Emergency Adoption, seeking to add a new section 2201.13 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

It is apparent from the nature and purpose of this rule that it will not impose an adverse economic impact on small businesses or local governments. HESC finds that this rule will not impose any compliance requirement or adverse economic impact on small businesses or local governments. Rather, it has potential positive impacts inasmuch as it implements a statutory student financial aid program that provides tuition benefits to college students who pursue their undergraduate studies in the fields of science, technology, engineering, or mathematics at degree-granting institutions of higher education located in New York State. Students will be rewarded for remaining and working in New York, which will also serve to provide economic benefits to the State's small businesses and local governments.

Rural Area Flexibility Analysis

This statement is being submitted pursuant to subdivision (4) of section 202-bb of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's Notice of Emergency Adoption, seeking to add a new section 2201.13 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

It is apparent from the nature and purpose of this rule that it will not impose an adverse impact on rural areas. Rather, it has potential positive impacts inasmuch as it implements a statutory student financial aid program that provides tuition benefits to college students who pursue their undergraduate studies in the fields of science, technology, engineering, or mathematics at degree-granting institutions of higher education located in New York State. Students will be rewarded for remaining and working in New York, which will also serve to benefit rural areas around the State.

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

Job Impact Statement

This statement is being submitted pursuant to subdivision (2) of section 201-a of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's Notice of Emergency Adoption seeking to add a new section 2201.13 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

It is apparent from the nature and purpose of this rule that it will not have any negative impact on jobs or employment opportunities. Rather, it has potential positive impacts inasmuch as it implements a statutory

student financial aid program that provides tuition benefits to college students who pursue their undergraduate studies in the fields of science, technology, engineering, or mathematics at degree-granting institutions of higher education located in New York State. Students will be rewarded for remaining and working in New York, which will also serve to benefit the State.

EMERGENCY RULE MAKING

NYS Child Welfare Worker Incentive Scholarship Program

I.D. No. ESC-31-19-00003-E

Filing No. 855

Filing Date: 2019-10-01

Effective Date: 2019-10-01

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

Action taken: Addition of section 2201.23 to Title 8 NYCRR.

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

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

Specific reasons underlying the finding of necessity: This statement is being submitted pursuant to subdivision (6) of section 202 of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's (HESC) Notice of Emergency Adoption seeking to add a new section 2201.23 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

Emergency adoption is necessary to avoid an adverse impact on the processing of scholarship awards to eligible applicants and award payments to eligible recipients. This regulation implements a statutory student financial aid program that provides cost of attendance awards to be made to students pursuing their undergraduate or graduate degree from a college or university located in New York State beginning with the 2017-18 academic year. Decisions on applications for this program are typically made at the beginning of the academic year, which generally starts in August. Therefore, it is critical that the terms of this program as provided in the regulation be effective immediately in order for HESC to process applications so that recipients can be selected, and payments can be made on behalf of program recipients expeditiously. To accomplish this mandate, the statute further provides for HESC to promulgate emergency regulations to implement the program. For these reasons, compliance with section 202(1) of the State Administrative Procedure Act would be contrary to the public interest.

Subject: NYS Child Welfare Worker Incentive Scholarship Program.

Purpose: To implement the NYS Child Welfare Worker Incentive Scholarship Program.

Text of emergency rule: New section 2201.23 is added to Title 8 of the New York Code, Rules and Regulations to read as follows:

Section 2201.23 New York State Child Welfare Worker Incentive Scholarship Program.

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

(1) "Approved program of study" shall mean those child welfare-related undergraduate and graduate degree programs designated by the corporation on an annual basis and published on the corporation's website conducted by an institution situated in the State, which has been approved and operating in this State for at least one year, and has been approved for participation in federal student financial aid programs authorized by Title IV of the Higher Education Act of 1965, as amended.

(2) "Award" shall mean a New York State Child Welfare Worker Incentive Scholarship Program award pursuant to section 679-h of the New York State Education Law.

(3) "Child welfare worker" shall mean an individual who provides direct-care services to children and families at a voluntary not-for-profit child welfare agency in New York State licensed by the New York State Office of Children and Family Services.

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

(5) "Direct care services" shall mean the provision of programs and services to children and families that require some degree of interaction between the child/family and the child welfare worker. Such direct care services include, but are not limited to, assessments, home visits, or direct implementation care plans.

(6) "Full time basis" as required by Education Law, sections 679-h(2)(c) and 679-h(3)(a) shall mean employment as a child welfare worker, as defined in this section, for an average of 35 hours per week, or more,

continuously over a calendar year, except for an allowable interruption of employment upon completion of an award recipient's degree program.

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

(8) "Interruption of study" shall mean an allowable temporary leave for a definitive length of time due to circumstances approved by the corporation, including, but not limited to parental leave, medical leave, death of a family member, or military duty.

(9) "Non-direct care services" shall mean the provision of administrative and operational services in the child welfare sector.

(10) "Program" shall mean the New York State Child Welfare Worker Incentive Scholarship Program.

(11) "Qualified experience" as required by Education Law, section 679-h(2)(a) shall mean the provision of direct-care services or non-direct care services as defined in this section. Such qualified experience may be obtained through employment, training, or education.

(b) Eligibility. Applicants and recipients must:

(1) satisfy the requirements provided in section 679-h(2) of the Education Law;

(2) satisfy the requirements provided in section 661(4)(f) of the Education Law;

(3) be matriculated in an undergraduate or graduate degree program, on a full-time or part-time basis, at an institution of higher education located within New York State in an approved program of study. A recipient is not required to be employed at a voluntary not-for-profit child welfare agency in New York State licensed by the New York State Office of Children and Family Services for the duration of his or her enrollment in an approved program of study.

(4) maintain good academic standing as set forth in section 665(6) of the Education Law, except that recipients enrolled in a graduate program of study must maintain a cumulative grade point average of 2.0 or higher as of the date of certification by the institution.

(5) make satisfactory progress towards completing his or her degree program within a reasonable timeframe, as determined by the corporation.

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

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

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

(1) First priority shall be given to applicants who have received payment of an award for the academic year immediately preceding the academic year for which payment is sought including those who were subsequently granted an interruption in study by the corporation for the academic year immediately preceding the academic year for which payment is sought. If there are more applicants than available funds, recipients shall be chosen by lottery.

(2) Second priority shall be given to new applicants, within the remaining funds available for the program, if any. If there are more applicants than available funds, recipients shall be chosen by lottery.

(d) Administration.

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

(2) Recipients of an award shall:

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

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

(iii) receive such awards for no more than: (A) two academic years for an associate's degree; (B) four academic years for a bachelor's degree or five academic years if the bachelor's degree program normally requires five years; or (C) two academic years for a graduate degree. Notwithstanding, such duration may be extended for an allow interruption of study;

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

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

(e) Amounts.

(1) The amount of the award shall be determined in accordance with section 679-h(4) of the Education Law.

(2) Disbursements shall be made each term to institutions, on behalf of recipients, within a reasonable time upon certification by the institution of the recipient's eligibility for payment.

(3) Awards shall be reduced by the value of other educational grants and scholarships, as authorized by section 679-h(4) of the Education Law.

(f) Failure to comply.

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

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

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

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

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

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. ESC-31-19-00003-EP, Issue of July 31, 2019. The emergency rule will expire November 29, 2019.

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

Regulatory Impact Statement

Statutory authority:

The New York State Higher Education Services Corporation's ("HESC") statutory authority to promulgate regulations and administer the New York State Child Welfare Worker Incentive Scholarship Program ("Program") is codified within Article 14 of the Education Law. In particular, Section 2 of Part MMM of Chapter 59 of the Laws of 2017 created the Program by adding a new section 679-h to the Education Law. Pursuant to subdivision 9 of section 679-h of the Education Law, HESC is required to promulgate rules and regulations for the administration of this Program.

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

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

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

Legislative objectives:

This Program was created to enhance opportunities for committed child welfare workers in New York State by providing cost of attendance scholarship awards to support continued professional and skills development.

Needs and benefits:

New York State law provides various scholarship programs to attract and retain individuals in a needed area or profession. Providing the opportunity for affordable higher education through cost of attendance scholarship awards to current child welfare workers serves to help address the need to retain and promote those committed to serving communities in the not-for-profit sector.

According to the Council of Family and Child Caring Agencies (COFCCA), the landscape of the child welfare system in New York State has changed dramatically. With the State's focus on community based prevention services and efforts to preserve families, child welfare agencies are now providing services to the more vulnerable populations of children and families. As a result, there is a greater need for skilled child care workers.

COFCCA reports that jobs in the child welfare sector are among the lowest paying jobs across the State. As a result, this sector has a difficult time recruiting and retaining employees. The current annual turnover rate for this sector is approximately 33 percent. While there are career track opportunities and potential for advancement, the high cost of college makes it difficult for workers to advance their education. Child welfare agencies have a growing need for qualified individuals who have the education, training, and experience to fill the needs of this sector.

Costs:

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

b. The estimated cost to the agency for the implementation of, or continuing compliance with this rule is \$436,875.

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

d. Costs to the State shall not exceed available New York State budget appropriations for the Program. The 2017-18 State Budget contained an appropriation for this Program in the sum of \$50,000.

Local government mandates:

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

Paperwork:

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

Duplication:

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

Alternatives:

Given the statutory language as set forth in section 679-h(9) of the Education Law, a "no action" alternative was not an option.

Federal standards:

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

Compliance schedule:

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

Regulatory Flexibility Analysis

This statement is being submitted pursuant to subdivision (3) of section 202-b of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's (HESC) Notice of Emergency Adoption seeking to add a new section 2201.23 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

It is apparent from the nature and purpose of this rule that it will not have a negative impact on small businesses or local governments. HESC finds that this rule will not impose any compliance requirement or adverse economic impact on small businesses or local governments. Rather, it has potential positive impacts inasmuch as it implements a statutory student financial aid program that provides cost of attendance awards to current child welfare workers pursuing undergraduate or graduate degrees at New York State colleges that will enhance their ability to work in voluntary not-for-profit child welfare agencies in New York State. Upon completion of their degree program, recipients are required to work as child welfare workers in voluntary not-for-profit child welfare agencies in New York State for five years and maintain residency in the State for such period of employment. Providing these benefits will encourage individuals to continue employment in the child welfare sector throughout New York State, which will provide an economic benefit to the State's small businesses and local governments as well.

Rural Area Flexibility Analysis

This statement is being submitted pursuant to subdivision (4) of section 202-bb of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's Notice of Emergency Adoption seeking to add new section 2201.23 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

HESC finds that this rule will not impose any reporting, record keeping or other compliance requirements on public or private entities in rural areas. Rather, it has potential positive impacts inasmuch as it implements a statutory student financial aid program that provides cost of attendance awards to current child welfare workers pursuing undergraduate or graduate degrees at New York State colleges that will enhance their ability to work in voluntary not-for-profit child welfare agencies in New York State. Upon completion of their degree program, recipients are required to work as child welfare workers in voluntary not-for-profit child welfare agencies in New York State for five years and maintain residency in the State for such period of employment. Providing these benefits will encourage individuals to continue employment in the child welfare sector benefitting rural communities throughout New York State.

Job Impact Statement

This statement is being submitted pursuant to subdivision (2) of section 201-a of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's Notice of Emergency Adoption seeking to add new section 2201.23 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

It is apparent from the nature and purpose of this rule that it will not have a negative impact on jobs or employment opportunities. Rather, it has potential positive impacts inasmuch as it implements a statutory student financial aid program that provides cost of attendance awards to current child welfare workers pursuing undergraduate or graduate degrees at New York State colleges that will enhance their ability to work in voluntary not-for-profit child welfare agencies in New York State. Upon completion of their degree program, recipients are required to work as child welfare workers in voluntary not-for-profit child welfare agencies in New York State for five years and maintain residency in the State for such period of employment. Providing these benefits will encourage individuals to continue employment in the child welfare sector throughout New York State.

EMERGENCY RULE MAKING

Excelsior Scholarship

I.D. No. ESC-31-19-00004-E

Filing No. 854

Filing Date: 2019-10-01

Effective Date: 2019-10-01

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

Action taken: Addition of section 2201.18 to Title 8 NYCRR.

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

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

Specific reasons underlying the finding of necessity: This statement is being submitted pursuant to subdivision (6) of section 202 of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's (HESC) Notice of Emergency Adoption, seeking to add a new section 2201.18 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

This regulation implements a statutory student financial aid program providing for awards to be made to students beginning with the fall 2017 term. The statute provides for full tuition benefits to college-going students pursuing their undergraduate studies at a New York State public institution of higher education. Decisions on applications for this Program are made prior to the beginning of the term, generally in August. Emergency adoption is necessary to avoid an adverse impact on the processing of awards to eligible scholarship applicants and award payments to eligible recipients. Therefore, it is critical that the terms of the Program as provided in the regulation be effective immediately in order for HESC to process scholarship applications in a timely manner. To accomplish this mandate, the statute further provides for HESC to promulgate emergency regulations to implement the Program. For these reasons, compliance with section 202(1) of the State Administrative Procedure Act would be contrary to the public interest.

Subject: Excelsior Scholarship.

Purpose: To implement the Excelsior Scholarship.

Text of emergency rule: New section 2201.18 is added to Title 8 of the New York Code, Rules and Regulations to read as follows:

Section 2201.18 Excelsior Scholarship.

(a) *Definitions.* For purposes of this section and Education Law, section 669-h, the following definitions shall apply:

(1) "Award" shall mean an Excelsior Scholarship award pursuant to Education Law, section 669-h.

(2) "Full-time attendance or full-time study," for purposes of Education Law, section 669-h(1)(c), shall mean enrollment in at least 12 credits per semester and completion of at least 30 combined credits per year following the student's start date, or its equivalent, applicable to his or her program(s) of study, excluding any permissible interruption of study as determined by the corporation, and except as provided in subdivision (b) of this section and Education Law, section 669-h(1)(c). Noncredit courses shall not be considered as contributing toward full-time attendance.

(3) "Half-time" shall mean enrollment in at least six but less than 12 credits, or the equivalent, per semester.

(4) "Interruption in undergraduate study" shall mean either: (i) a temporary period of leave or (ii) enrollment in or completion of less than the required number of credits for a definitive length of time both due to circumstances as determined by the corporation, including, but not limited to, death of a family member, medical leave, military service, service in the Peace Corps or parental leave.

(5) "Program" shall mean the Excelsior Scholarship codified in Education Law, section 669-h.

(6) "Public institution of higher education" shall mean the State University of New York, as defined in Education Law, section 352(3), a community college as defined in Education Law, section 6301(2), or the City University of New York as defined in Education Law, section 6202(2).

(7) "Satisfactory progress" shall have the same meaning as successful completion.

(8) "Student's start date" shall mean the date the student first enrolled as a matriculated student.

(9) "Successful completion" shall mean a student has earned at least 30 combined credits in each consecutive year following the student's start date, or its equivalent, applicable to his or her program or programs of study except as provided in subdivision (b) of this section and Education Law, section 669-h(1)(c).

(b) Eligibility. In addition to the requirements of Education Law, section 669-h, an applicant must also satisfy the general eligibility requirements provided in Education Law, section 661. As authorized by Education Law, section 669-h, the following exceptions and modifications to the eligibility requirements shall apply:

(1) College credit earned toward a recipient's program(s) of study while a high school student or other non-matriculated status shall be considered as contributing toward full-time attendance. For a recipient who earned college credit toward his or her program(s) of study prior to enrolling in college as a matriculated student and who is making satisfactory progress toward timely completion of his or her program(s) of study, and is enrolled in coursework not applicable toward his or her program(s) of study, such coursework outside of his or her program(s) of study shall be considered as contributing toward full-time attendance.

(2) A recipient must be in full-time attendance as defined in this section.

(3) For purposes of Education Law, section 669-h(1)(b), an applicant must have completed at least 30 combined credits each year following his or her start date, or its equivalent, applicable to his or her program(s) of study which were accepted by his or her current institution at the time of application for this award, except for any permissible interruption of study as determined by the corporation.

(4) For students who are disabled as defined by the Americans with Disabilities Act of 1990, 42 USC 12101, the full-time attendance requirement is eliminated, subject to the parameters of paragraph 4 of subdivision e of this section. Rather such students are required to have completed the number of credits in which they were enrolled (attempted) each term, except for any allowable interruption in undergraduate study as determined by the corporation.

(c) Income. An applicant or recipient whose current income or prior year adjusted gross income qualifies for an award due to the disability, divorce or separation of a parent, spouse or the applicant/recipient or the death of a parent or spouse as authorized in Education Law, section 669-h(1), shall provide documentation required by the corporation to determine his or her eligibility for an award or award payment. The corporation may consider such documentary evidence it deems sufficient to determine disability, divorce, separation or death.

(d) Administration. In addition to the requirements contained in Education Law, section 669-h, the following requirements shall also apply.

(1) Applicants for an award shall:

(i) apply for program eligibility on forms and in a manner prescribed by the corporation. The corporation may require applicants to provide additional documentation evidencing eligibility; and

(ii) electronically transmit applications for program eligibility to the corporation on or before the date prescribed by the corporation for the applicable academic year.

(2) Recipients of an award shall:

(i) execute a contract with the corporation agreeing to reside in New York State for a continuous number of years equal to the duration of the award received and, if employed during such time, to be employed in New York State;

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

(iii) receive such awards for not more than two academic years of full-time undergraduate study if enrolled in an eligible two year program of study or four academic years of full-time undergraduate study or five academic years if the program of study normally requires five years, as defined by the commissioner pursuant to article thirteen of the education law, excluding any allowable interruption of study as defined in this section. For purposes of this subparagraph, a recipient's academic year shall begin with the term he or she was first matriculated.

(3) For each recipient, institutions shall certify on forms and in the manner prescribed by the corporation the tuition rate charged by the institution, eligibility to receive the award, the number of credits completed each academic term, the cumulative credits at the end of each academic term, the type and amount of each student financial aid award received, excluding loans and work study, and any other information requested by the corporation.

(e) Amounts.

(1) The amount of the award shall be determined in accordance with Education Law, section 669-h.

(2) Disbursements shall be made each term to institutions, on behalf of recipients, within a reasonable time subject to the verification and certification by the institution of the recipient's full-time status and other eligibility and certification requirements.

(3) Awards shall be reduced by the value of other educational grants and scholarships that cover the cost of attendance unless the award is exclusively for non-tuition expenses as authorized by Education Law, section 669-h.

(4) For students who are disabled as defined by the Americans with Disabilities Act of 1990, 42 USC 12101, upon each certification by the college or university, payment eligibility shall be determined and measured proportionally in equivalence with full-time study.

(f) Contractual obligation.

(1) For the purpose of complying with Education Law, section 669-h(4)(e), military personnel, including those in the Military Reserves and ROTC or CSPI, for whom New York is his or her legal state of residence shall be deemed to reside and be employed in New York State regardless of where the individual is stationed or deployed.

(2) For the purpose of complying with Education Law, section 669-h(4)(e), for a recipient who is no longer eligible to receive award payments, the duration he or she resides in New York State while completing undergraduate or graduate study, including medical residency, shall be credited toward the time necessary to satisfy the recipient's residency and employment requirement.

(3) Where a recipient, within six months of receipt of his or her final award payment, fails to maintain permanent domicile in New York State for a continuous number of years equal to the duration of the award received or, during such time, is employed in any other state, the corporation shall convert all award monies received to a 10-year student loan, without interest. However, the requirement to maintain permanent domicile, and only be employed, in New York State, may be deferred to complete undergraduate study or attend graduate school, including medical residency, on at least a half-time basis.

(4) Where a recipient has demonstrated extreme hardship as a result of a disability, labor market conditions, or other such circumstances, the corporation may, in its discretion, postpone converting the award to a student loan, temporarily suspend repayment of the amount owed, discharge the amount owed, or take such other appropriate action. Notwithstanding, the corporation shall prorate the amount owed commensurate with the length of time the recipient complied with the residency and employment requirements.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. ESC-31-19-00004-EP, Issue of July 31, 2019. The emergency rule will expire November 29, 2019.

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

Regulatory Impact Statement

Statutory authority:

The New York State Higher Education Services Corporation's (HESC) statutory authority to promulgate regulations and administer the Excelsior Scholarship (Program) is codified within Article 14 of the Education Law.

Part HHH of Chapter 59 of the Laws of 2017 created the Program by adding a new section 669-h to the Education Law, which was amended by Part T of Chapter 56 of the Laws of 2018. Subdivision 6 of section 669-h of the Education Law authorizes HESC to promulgate emergency regulations to administer this Program.

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

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

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

Legislative objectives:

The Education Law was amended to add a new section 669-h to create the Excelsior Scholarship (Program). This Program makes college tuition-free for New York's middle class families at all State University of New York (SUNY) and City University of New York (CUNY) two-year and four-year colleges.

Needs and benefits:

Many studies have underscored the importance of a college degree in today's global economy. According to a report by the Center on Education and the Workforce (CEW) at Georgetown University, by 2020, 65 percent of all jobs will require some form of postsecondary education or training, compared to 59 percent of jobs in 2010. The CEW report finds that having a skilled workforce is critical if the United States is to "remain competitive, attract the right type of industry, and engage the right type of talent in a knowledge-based and innovative economy." At the current pace, the United States will fall short of its skilled workforce needs by 5 million workers. The disparity in earning potential between high school graduates and college graduates has never been greater, nor has the student loan debt – which stands at \$1.3 trillion – being carried by those who have pursued a postsecondary education. Recognizing the growing need for workers with postsecondary education and training, the wage earnings benefits for those with training beyond high school, the rapidly rising college costs and mounting student loan debt, this Program makes college tuition-free for New York's students attending a State University of New York (SUNY) or City University of New York (CUNY) two-year or four-year college.

The Program provides for annual tuition awards up to \$5,500 for resident, undergraduate students from households with incomes of up to \$125,000, when fully phased in. Students must be on track to complete an associate's degree in two years or a bachelor's degree in four years by taking at least 30 credits each year. Awards are reduced by other financial aid received by the student, such as a Tuition Assistance Program (TAP) award. Any remaining tuition expense will be covered through a college credit. Payments will be made directly to the public college or university on behalf of the student upon certification of his or her successful completion of the academic term.

The Program was amended to authorize HESC to use an applicant's current income to establish eligibility if the applicant, a parent or a spouse becomes disabled, divorced or separated or in the event of the death of a parent or spouse.

Students receiving an Excelsior Scholarship award must sign a contract agreeing to live in New York State for a number of years equal to the duration of the award received and, if employed, work within the State during this time. Recipients who do not satisfy this obligation will have the value of their awards converted to an interest-free student loan.

Costs:

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

b. The maximum cost of the program to the State is \$87 million in the first year and \$118.418 million in the second year, based upon budget estimates.

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

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

Local government mandates:

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

Paperwork:

This proposal will require applicants to file an electronic application for each year they wish to receive an award up to and including five years of eligibility. Recipients are required to sign a contract agreeing to live in New York State, and not be employed outside the State, in exchange for an award. Recipients must submit annual status reports until a final disposition is reached in accordance with the written contract.

Duplication:

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

Alternatives:

The proposed regulation is the result of HESC's outreach efforts to financial aid professionals regarding this Program. Several alternatives were considered in the drafting of this regulation, such as the application of the credit requirement. Given the statutory language as set forth in section 669-h of the Education Law, a "no action" alternative was not an option.

Federal standards:

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

Compliance schedule:

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

Regulatory Flexibility Analysis

This statement is being submitted pursuant to subdivision (3) of section 202-b of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's (HESC) Notice of Emergency Adoption, seeking to add a new section 2201.18 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

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

Rural Area Flexibility Analysis

This statement is being submitted pursuant to subdivision (4) of section 202-bb of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's Notice of Emergency Adoption, seeking to add a new section 2201.18 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

It is apparent from the nature and purpose of this rule that it will not impose an adverse impact on rural areas. Rather, it has potential positive impacts inasmuch as it implements a statutory student financial aid program that provides full tuition benefits to college students who pursue their undergraduate studies at a New York State public institution of higher education. Students will be rewarded for remaining and working in New York, which will benefit rural areas around the State as well.

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

Job Impact Statement

This statement is being submitted pursuant to subdivision (2) of section 201-a of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's Notice of Emergency Adoption seeking to add a new section 2201.18 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

It is apparent from the nature and purpose of this rule that it will not have any negative impact on jobs or employment opportunities. Rather, it has potential positive impacts inasmuch as it implements a statutory student financial aid program that provides full tuition benefits to college students who pursue their undergraduate studies at a New York State public institution of higher education. Students will be rewarded for remaining and working in New York, which will benefit the State as well.

EMERGENCY RULE MAKING

Enhanced Tuition Awards Program

I.D. No. ESC-31-19-00005-E

Filing No. 856

Filing Date: 2019-10-01

Effective Date: 2019-10-01

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

Action taken: Addition of section 2201.19 to Title 8 NYCRR.

Statutory authority: Education Law, sections 653, 655 and 667-d

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

Specific reasons underlying the finding of necessity: This statement is being submitted pursuant to subdivision (6) of section 202 of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's (HESC) Notice of Emergency Adoption seeking to add a new section 2201.19 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

This regulation implements a statutory student financial aid program providing for awards to be made to students beginning with the fall 2017 term. The statute provides for tuition benefits to college-going students pursuing their undergraduate studies at a New York State private institution of higher education. Decisions on applications for this Program are made prior to the beginning of the term, generally in August. Emergency adoption is necessary to avoid an adverse impact on the processing of awards to eligible scholarship applicants and award payments to eligible recipients. Therefore, it is critical that the terms of the Program as provided in the regulation be effective immediately in order for HESC to process scholarship applications in a timely manner. To accomplish this mandate, the statute further provides for HESC to promulgate emergency regulations to implement the Program. For these reasons, compliance with section 202(1) of the State Administrative Procedure Act would be contrary to the public interest.

Subject: Enhanced Tuition Awards program.

Purpose: To implement the Enhanced Tuition Awards program.

Text of emergency rule: New section 2201.19 is added to Title 8 of the New York Code, Rules and Regulations to read as follows:

Section 2201.19 Enhanced Tuition Awards.

(a) *Definitions.* For purposes of this section and Education Law, section 667-d, the following definitions shall apply:

(1) "Award" shall mean an Enhanced Tuition Award pursuant to Education Law, section 667-d.

(2) "Full-time attendance or full-time study," for purposes of Education Law, section 667-d(1)(d)(ii), shall mean enrollment in at least 12 credits per semester and completion of at least 30 combined credits per year following the student's start date, or its equivalent, applicable to his or her program(s) of study, excluding any permissible interruption of study as determined by the corporation, and except as provided in subdivision (b) of this section and Education Law, section 667-d(1)(d)(ii). Noncredit courses shall not be considered as contributing toward full-time attendance.

(3) "Half-time" shall mean enrollment in at least six but less than 12 credits, or the equivalent, per semester.

(4) "Interruption in undergraduate study" shall mean either: (i) a temporary period of leave or (ii) enrollment in or completion of less than the required number of credits for a definitive length of time both due to circumstances as determined by the corporation, including, but not limited to, death of a family member, medical leave, military service, service in the Peace Corps or parental leave.

(5) "Private degree granting institutions of higher education" shall mean any institution of higher education recognized and approved by the Regents of the State University of New York which provides a course of study leading to the granting of a post-secondary degree or diploma except public institutions as defined in this subdivision.

(6) "Program" shall mean the Enhanced Tuition Awards codified in Education Law, section 667-d.

(7) "Public institution of higher education" shall mean the State University of New York, as defined in subdivision 3 of section 352 of the Education Law, a community college as defined in subdivision 2 of section 6301 of the Education Law, or the City University of New York as defined in subdivision 2 of section 6202 of the Education Law.

(8) "Satisfactory progress" shall have the same meaning as successful completion.

(9) Student's start date shall mean the date the student first enrolled as a matriculated student.

(10) "Successful completion" shall mean a student has earned at least 30 combined credits in each consecutive year following the student's start date, or its equivalent, applicable to his or her program or programs of study except as provided in subdivision (b) of this section and Education Law, section 667-d(1)(d)(ii).

(b) *Eligibility.* In addition to the requirements of Education Law, section 667-d, an applicant must also satisfy the general eligibility requirements provided in Education Law, section 661. As authorized by Education Law, section 667-d, the following exceptions and modifications to the eligibility requirements shall apply:

(1) College credit earned toward a recipient's program(s) of study while a high school student or other non-matriculated status shall be considered as contributing toward full-time attendance. For a recipient who earned college credit toward his or her program(s) of study prior to enrolling in college as a matriculated student and who is making satisfactory progress toward timely completion of his or her program(s) of study, and is enrolled in coursework not applicable toward his or her program(s) of study, such coursework outside of his or her program(s) of study shall be considered as contributing toward full-time attendance.

(2) A recipient must be in full-time attendance as defined in this section.

(3) For purposes of Education Law, section 667-d(1)(d)(i), an applicant must have completed at least 30 combined credits each year following his or her start date, or its equivalent, applicable to his or her program(s) of study which were accepted by his or her current institution at the time of application for this award, except for any permissible interruption of study as determined by the corporation.

(4) For students who are disabled as defined by the Americans with Disabilities Act of 1990, 42 USC 12101, the full-time attendance requirement is eliminated, subject to the parameters of paragraph 3 of subdivision f of this section. Rather such students are required to have completed the number of credits in which they were enrolled (attempted) each term, except for any allowable interruption in undergraduate study as determined by the corporation.

(c) *Income.* An applicant or recipient whose current income or prior year adjusted gross income qualifies for an award due to the disability, divorce or separation of a parent, spouse or applicant/recipient or the death of a parent or spouse as authorized in Education Law, section 667-d(3), shall provide documentation required by the corporation to determine his or her eligibility for an award or award payment. The corporation may consider such documentary evidence it deems sufficient to determine disability, divorce, separation or death.

(d) *Recipient selection.* If there are more applicants than available funds, the following provisions shall apply:

(1) In the program's first year:

(i) First priority shall be given to eligible applicants who are currently in attendance at an institution of higher education. If there are more applicants than available funds, recipients shall be chosen by lottery.

(ii) Second priority shall be given to eligible applicants who are matriculated in an approved program leading to an undergraduate degree at a private not-for-profit degree granting institution of higher education located in New York State, except those institutions set forth in Education Law, section 661(4)(b), for the first time. If there are more applicants than available funds, recipients shall be chosen by lottery.

(2) After the program's first year:

(i) First priority shall be given to eligible applicants who have received payment of an award pursuant to this section in a prior year and are currently in attendance at a private degree granting institution of higher education located in New York State. If there are more applicants than available funds, recipients shall be chosen by lottery.

(ii) Second priority shall be given to eligible applicants who have not received payment of an award in a prior year and are currently in attendance at an institution of higher education. If there are more applicants than available funds, recipients shall be chosen by lottery.

(iii) Third priority shall be given to eligible applicants who are matriculated in an approved program leading to an undergraduate degree at a private degree granting institution of higher education located within New York State for the first time. If there are more applicants than available funds, recipients shall be chosen by lottery.

(e) *Administration.* In addition to the requirements contained in Education Law, section 667-d, the following requirements shall also apply.

(1) Applicants for an award shall:

(i) apply for program eligibility on forms and in a manner prescribed by the corporation. The corporation may require applicants to provide additional documentation evidencing eligibility; and

(ii) electronically transmit applications for program eligibility to the corporation on or before the date prescribed by the corporation for the applicable academic year.

(2) Recipients of an award shall:

(i) execute a contract with the corporation agreeing to reside in New York State for a continuous number of years equal to the duration of the award received and, if employed during such time, to be employed in New York State;

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

(iii) receive such awards for not more than two academic years of full-time undergraduate study if enrolled in an eligible two-year program of study or four academic years of full-time undergraduate study or five academic years if the program of study normally requires five years, as defined by the commissioner pursuant to article thirteen of the education law, excluding any allowable interruption of study as defined in this section. For purposes of this subparagraph, a recipient's academic year shall begin with the term he or she was first matriculated.

(3) Institutions.

(i) Certification. For each recipient, institutions shall certify on forms and in the manner prescribed by the corporation the tuition rate charged by the institution, the amount of the institution's matching award, eligibility to receive the award, the number of credits completed each academic term, the cumulative credits at the end of each academic term, and any other information requested by the corporation.

(ii) College Option. (A) An institution may annually choose to participate in the Program or to opt out of the Program in the manner prescribed by the corporation; (B) Institutional participation shall be for an entire academic year; (C) An institution may establish a cap on its participation based on a dollar threshold or a maximum number of students; (D) An institution that opts out of the Program shall continue to provide the institutional matching award, unless such institution is exempt, and applicable tuition rate to all award recipients until such recipients have exhausted eligibility or are no longer eligible for award payments.

(f) Amounts.

(1) The amount of the award shall be determined in accordance with Education Law, section 667-d.

(2) Disbursements shall be made each term to institutions, on behalf of recipients, within a reasonable time subject to the verification and certification by the institution of the recipient's full-time status and other eligibility and certification requirements.

(3) For students who are disabled as defined by the Americans with Disabilities Act of 1990, 42 USC 12101, upon each certification by the college or university, payment eligibility shall be determined and measured proportionally in equivalence with full-time study.

(g) Contractual obligation.

(1) For the purpose of complying with Education Law, section 667-d(1)(f), military personnel, including those in the Military Reserves and ROTC or CSPI, for whom New York is his or her legal state of residence shall be deemed to reside and be employed in New York State regardless of where the individual is stationed or deployed.

(2) For the purpose of complying with Education Law, section 667-d(1)(f), for a recipient who is no longer eligible to receive award payments, the duration he or she resides in New York State while completing undergraduate or graduate study, including medical residency, shall be credited toward the time necessary to satisfy the recipient's residency and employment requirement.

(3) Where a recipient, within six months of receipt of his or her final award payment, fails to maintain permanent domicile in New York State for a continuous number of years equal to the duration of the award received or, during such time, is employed in any other state, the corporation shall convert all award monies received to a 10-year student loan, without interest. However, the requirement to maintain permanent domicile, and only be employed, in New York State, may be deferred to complete undergraduate study or attend graduate school, including medical residency, on at least a half-time basis.

(4) Where a recipient has demonstrated extreme hardship as a result of a disability, labor market conditions, or other such circumstances, the corporation may, in its discretion, postpone converting the award to a student loan, temporarily suspend repayment of the amount owed, discharge the amount owed, or take such other appropriate action. Notwithstanding, the corporation shall prorate the amount owed commensurate with the length of time the recipient complied with the residency and employment requirements.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. ESC-31-19-00005-EP, Issue of July 31, 2019. The emergency rule will expire November 29, 2019.

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

Regulatory Impact Statement

Statutory authority:

The New York State Higher Education Services Corporation's (HESC) statutory authority to promulgate regulations and administer Enhanced Tuition Awards (Program) is codified within Article 14 of the Education Law. Part III of Chapter 59 of the Laws of 2017 created the Program by adding a new section 667-d to the Education Law, which was amended by Part W of Chapter 56 of the Laws of 2018. Subdivision 9 of section 667-d of the Education Law authorizes HESC to promulgate emergency regulations to administer this Program.

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

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

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

Legislative objectives:

The Education Law was amended to add a new section 667-d to create the Enhanced Tuition Awards program (Program). This Program is aimed at reducing tuition costs and accelerating completion rates for students who attend a private college in New York State.

Needs and benefits:

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

Recognizing the growing need for workers with postsecondary education and training, the wage earnings benefits for those with training beyond high school, the rapidly rising college costs and mounting student loan debt, this Program awards students up to \$6,000 to offset students' tuition costs through a combination of a New York State Tuition Assistance Program (TAP) award, the Enhanced Tuition Award and a match from those private colleges who elect to participate in the Program unless the college qualifies for an exemption from providing the match award. When fully phased in, Program awards will be available to resident, undergraduate students from households with incomes of up to \$125,000. To be eligible for a Program award, students must be on track to complete an associate's degree in two years or a bachelor's degree in four years by taking at least 30 credits each year. Payments will be made directly to colleges and universities on behalf of students upon certification of their successful completion of the academic term.

The Program was amended to: (1) authorize HESC to use an applicant's current income to establish eligibility if the applicant, a parent or spouse becomes disabled, divorced or separated or in the event of the death of a parent or spouse; (2) include students attending for-profit degree granting colleges; (3) exempt colleges from providing the matching award if certain criteria is met; and (4) authorize colleges to include the matching award as part of the recipient's institutional aid package.

Students receiving Enhanced Program Awards must sign a contract agreeing to live in New York State for the number of years equal to the duration of the award received and, if employed, work within the State during this time. Recipients who do not satisfy this obligation will have the value of their awards converted to an interest-free student loan.

Costs:

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

b. Private colleges that opt to participate in the Program are required to credit each recipient’s remaining tuition expenses in an amount equal to the recipient’s award (“matching award”) unless the college qualifies for an exemption from providing the matching award. Such credit may be part of the recipient’s institutional aid package. The maximum amount of the matching award to a recipient is \$3,000.

c. The maximum cost of the program to the State is \$19 million in the first year and \$22.863 million in the second year based upon budget estimates.

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

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

Local government mandates:

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

Paperwork:

This proposal will require applicants to file an electronic application for each year they wish to receive an award up to and including five years of eligibility. Recipients are required to sign a contract agreeing to live in New York State, and not be employed outside the State, in exchange for an award. Recipients must submit annual status reports until a final disposition is reached in accordance with the written contract.

Duplication:

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

Alternatives:

The proposed regulation is the result of HESC’s outreach efforts to financial aid professionals regarding this Program. Several alternatives were considered in the drafting of this regulation, such as the application of the credit requirement. Given the statutory language as set forth in section 667-d of the Education Law, a “no action” alternative was not an option.

Federal standards:

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

Compliance schedule:

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

Regulatory Flexibility Analysis

This statement is being submitted pursuant to subdivision (3) of section 202-b of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation’s (HESC) Notice of Emergency Adoption, seeking to add a new section 2201.19 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

This rule implements a statutory student financial aid program that provides tuition benefits to college students who pursue their undergraduate studies at a New York State private institution of higher education. Colleges that opt to participate in the Program are required to credit each recipient’s remaining tuition expenses in an amount equal to the recipient’s award (“matching award”), unless the institution qualifies for an exemption from providing the matching award. Such credit may be part of the recipient’s institutional aid package. The maximum amount of the matching award to a recipient is \$3,000. Notwithstanding, HESC finds that this rule will not impose any compliance requirement or adverse economic impact on small businesses or local governments. Rather, it has potential positive impacts by offering new financial aid support for students seeking to enroll in a private college in New York state and providing students with additional tuition award benefits. Students will be rewarded for remaining and working in New York, which will provide an economic benefit to the State’s small businesses and local governments as well.

Rural Area Flexibility Analysis

This statement is being submitted pursuant to subdivision (4) of section 202-bb of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation’s Notice of Emergency Adoption, seeking to add a new section 2201.19 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

It is apparent from the nature and purpose of this rule that it will not impose an adverse impact on rural areas. Rather, it has potential positive impacts inasmuch as it implements a statutory student financial aid program that provides tuition benefits to college students who pursue their undergraduate studies at a New York State private institution of higher education. Students will be rewarded for remaining and working in New York, which will benefit rural areas around the State as well.

This agency finds that this rule will not impose any reporting, record

keeping or other compliance requirements on public or private entities in rural areas.

Job Impact Statement

This statement is being submitted pursuant to subdivision (2) of section 201-a of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation’s Notice of Emergency Adoption seeking to add a new section 2201.19 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

It is apparent from the nature and purpose of this rule that it will not have any negative impact on jobs or employment opportunities. Rather, it has potential positive impacts inasmuch as it implements a statutory student financial aid program that provides tuition benefits to college students who pursue their undergraduate studies at a New York State private institution of higher education. Students will be rewarded for remaining and working in New York, which will benefit the State as well.

NOTICE OF ADOPTION

NYS Child Welfare Worker Loan Forgiveness Incentive Program

I.D. No. ESC-31-19-00001-A

Filing No. 861

Filing Date: 2019-10-01

Effective Date: 2019-10-16

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

Action taken: Addition of section 2201.22 to Title 8 NYCRR.

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

Subject: NYS Child Welfare Worker Loan Forgiveness Incentive Program.

Purpose: To implement the NYS Child Welfare Worker Loan Forgiveness Incentive Program.

Text or summary was published in the July 31, 2019 issue of the Register, I.D. No. ESC-31-19-00001-EP.

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

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

Initial Review of Rule

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

New York State Science, Technology, Engineering and Mathematics Incentive Program

I.D. No. ESC-31-19-00002-A

Filing No. 860

Filing Date: 2019-10-01

Effective Date: 2019-10-16

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

Action taken: Addition of section 2201.13 to Title 8 NYCRR.

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

Subject: New York State Science, Technology, Engineering and Mathematics Incentive Program.

Purpose: To implement the New York State Science, Technology, Engineering and Mathematics Incentive Program.

Text or summary was published in the July 31, 2019 issue of the Register, I.D. No. ESC-31-19-00002-EP.

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

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

Initial Review of Rule

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION**NYS Child Welfare Worker Incentive Scholarship Program**

I.D. No. ESC-31-19-00003-A

Filing No. 859

Filing Date: 2019-10-01

Effective Date: 2019-10-16

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

Action taken: Addition of section 2201.23 to Title 8 NYCRR.

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

Subject: NYS Child Welfare Worker Incentive Scholarship Program.

Purpose: To implement the NYS Child Welfare Worker Incentive Scholarship Program.

Text or summary was published in the July 31, 2019 issue of the Register, I.D. No. ESC-31-19-00003-EP.

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

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

Initial Review of Rule

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION**Excelsior Scholarship**

I.D. No. ESC-31-19-00004-A

Filing No. 863

Filing Date: 2019-10-01

Effective Date: 2019-10-16

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

Action taken: Addition of section 2201.18 to Title 8 NYCRR.

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

Subject: Excelsior Scholarship.

Purpose: To implement the Excelsior Scholarship.

Text or summary was published in the July 31, 2019 issue of the Register, I.D. No. ESC-31-19-00004-EP.

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

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

Initial Review of Rule

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION**Enhanced Tuition Awards Program**

I.D. No. ESC-31-19-00005-A

Filing No. 862

Filing Date: 2019-10-01

Effective Date: 2019-10-16

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

Action taken: Addition of section 2201.19 to Title 8 NYCRR.

Statutory authority: Education Law, sections 653, 655 and 667-d

Subject: Enhanced Tuition Awards program.

Purpose: To implement the Enhanced Tuition Awards program.

Text or summary was published in the July 31, 2019 issue of the Register, I.D. No. ESC-31-19-00005-EP.

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

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

Initial Review of Rule

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

Assessment of Public Comment

The agency received no public comment.

Power Authority of the State of New York

PROPOSED RULE MAKING HEARING(S) SCHEDULED

Rates for the Sale of Power and Energy

I.D. No. PAS-42-19-00008-P

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

Proposed Action: Decrease in Production Rates.

Statutory authority: Public Authorities Law, sections 1005, 3rd undesignated paragraph and 1005(6)

Subject: Rates for the Sale of Power and Energy.

Purpose: To align rates and costs.

Public hearing(s) will be held at: 11:00 a.m., November 21, 2019 at Power Authority of the State of New York, 123 Main St., White Plains, NY.

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

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

Substance of proposed rule: The Trustees are requested to approve a Notice of Proposed Rulemaking ("NOPR") to decrease the production rates by 9.32% as compared to 2019 rates for the Westchester County Governmental Customers ("Customers").

In addition, the Trustees are requested to direct the Corporate Secretary to file the NOPR with the New York State Department of State for publication in the New York State Register in accordance with the requirements of the State Administrative Procedure Act ("SAPA"). Following the publication of this NOPR in the State Register, the 60-day public comment period will begin on October 16, 2019 and close on December 16, 2019.

Although rates are projected to decrease, since the proposed decrease includes an increase to the Fixed Costs by more than 2.0%, a public forum will be held in accordance with the Authority's policy. The Trustees' authorization is also requested to direct the Corporate Secretary to provide all appropriate notice for such public forum.

Upon closure of the aforementioned public comment period, Authority staff will take into consideration any concerns that have been raised and return to the Trustees at their January 2020 meeting to seek final adoption of this proposal.

BACKGROUND

The Authority provides electricity to governmental customers in Westchester County, which includes the County of Westchester, school districts, housing authorities, cities, towns and villages. The County of Westchester is the largest single customer in this group, accounting for about one-third of total sales.

The basis of providing service is contained in the Supplemental

Electricity Agreements (“Agreements”) with the Customers. The Agreements were approved by the Trustees at their December 19, 2006 meeting, and were signed by each of the Customers. Among other things, the Agreements permit the Authority to modify the Customers’ rates (for Rate Years subsequent to 2007) at any time based on a fully supported pro forma Cost of Service (“COS”) subject to Customer review and comment and compliance with the SAPA process, and allow the Authority to apply an Energy Charge Adjustment (“ECA”) mechanism to the Customers’ bills each month.

The current 2019 base production rates were adopted by the Trustees at their January 2019 meeting, when they approved a 0.95% decrease over the 2018 rates. Staff is proposing another rate decrease for 2020, which is largely due to the projected lower purchase power expenses.

The Authority’s policies and procedures call for a public forum if the Fixed Costs component of the proposed rate change exceeds a 2.0% increase. Since the proposed increase is greater than 2.0%, Authority staff recommends that a public forum be held. A public forum allows the Customers an additional opportunity to voice their concerns regarding the increase in the proposed 2020 Fixed Costs component. The Trustees’ authorization is also requested to direct the Corporate Secretary to provide all appropriate notice for such public forum.

DISCUSSION

Consistent with the Authority’s past ratemaking practices and with the rate-setting process set forth in the Agreements, the proposed production rate decrease is based on a pro forma COS for next year. The Preliminary 2020 COS for the Westchester Customers is \$26.16 million, compared to \$29.55 million in 2019.

The Fixed Costs component is projected to increase in 2020, from \$1.23 million to \$1.32 million, an approximate \$80,000, or 6.8%, increase as compared to the Final 2019 COS. This increase is primarily driven by Operations and Maintenance expenses due to an increase in non-recurring projects. Pursuant to the Authority’s policies and procedures, this increase in Fixed Costs is subject to a public forum.

Offsetting the increase in Fixed Costs, the Variable Costs component is projected to decrease from \$28.32 million to \$24.85 million, an approximate \$3.47 million, or 12.3%, decrease as compared to those costs included in the rates that are currently in effect. The primary cost element, Energy Purchase Power cost, is \$19.31 million and accounts for 74% of the total production costs. Although these Customers receive a pro-rated share of energy revenues from the small hydro generation facilities, their energy requirements are purchased from the market (in NYISO Zones “A” (Western New York), “D” (Northern New York) and “G” (Hudson Valley)). The 2020 Energy Purchase Power costs are expected to decrease by \$2.09 million as compared to those prices projected for 2019 and incorporated into the rates that are currently in effect. This decrease is primarily driven by an expected \$1.4 million decrease in Zone G 2020 purchases, as well as a \$0.9 million decrease in congestion costs. Slightly offsetting the Variable Costs decrease is a \$0.93 million decrease in net Transmission Congestion Contracts (“TCC”) revenues compared to prior year, as a result of a \$0.84 million decrease in expected TCC rents.

Applying current rates to the 2020 Customer sales forecast results in projected revenues of \$28.85 million, representing an over-collection of \$2.69 million from the Customers. Therefore, staff is proposing a 9.32% decrease in base production rates.

Under SAPA, there is a 60-day public comment period on the rate change. At the close of the comment period, Authority staff will review any comments which have been filed and if warranted, staff will make any necessary changes to the proposed rates to address any concerns raised. Staff will return to the Trustees at their January 2020 meeting to request an approval of the final production rate modification, to become effective with the January 2020 billing period. Subsequent to the approval of this proposed action by the Trustees, the Final Staff Report containing the Final 2020 COS will be made available to the Customers.

FISCAL INFORMATION

The proposed production rates are cost-based, and with the application of the Energy Charge Adjustment mechanism, staff anticipates that the Authority will recover all costs incurred in serving the Customers.

RECOMMENDATION

The Director – Revenue & Pricing Analysis and the Vice President – Finance recommend that the Trustees authorize the Corporate Secretary to file a Notice of Proposed Rulemaking in the New York State Register for the adoption of a production rate decrease applicable to the Westchester County Governmental Customers.

It is also recommended that the Vice President – Finance, or his designee, be authorized to issue written notice of the proposed action to the affected Customers under the provisions of the Authority’s tariffs.

For the reasons stated, I recommend the approval of the above-requested action by adoption of the resolution below.

Gil C. Quinones

President and Chief Executive Officer

RESOLUTION

RESOLVED, That the Vice President – Finance, or his designee, be, and hereby is, authorized to issue written notice to the affected Customers of this proposed action by the Trustees for a projected 9.32% decrease in the production rates applicable to the Westchester County Governmental Customers as set forth in the foregoing memorandum of the President and Chief Executive Officer; and be it further

RESOLVED, That the Corporate Secretary of the Authority be, and hereby is, directed to file such notices as may be required with the Secretary of State for publication in the New York State Register and to submit such other notice as may be required by statute or regulation concerning the proposed rate decrease, and proposed tariff modification; and be it further

RESOLVED, That the Chairman, the Vice Chairman, the President and Chief Executive Officer, the Chief Operating Officer and all other officers of the Authority are, and each of them hereby is, authorized on behalf of the Authority to do any and all things, take any and all actions and execute and deliver any and all agreements, certificates and other documents to effectuate the foregoing resolution, subject to the approval of the form thereof by the Executive Vice President and General Counsel.

Text of proposed rule and any required statements and analyses may be obtained from: Karen Delince, Corporate Secretary, Power Authority of the State of New York, 123 Main Street, White Plains, New York 10601, (914) 390-8085, email: secretaries.office@nypa.gov

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

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

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

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

Public Service Commission

NOTICE OF ADOPTION

Gas Metering Equipment

I.D. No. PSC-44-18-00013-A

Filing Date: 2019-09-25

Effective Date: 2019-09-25

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

Action taken: On 9/19/19, the PSC adopted an order approving Central Hudson Gas & Electric Corporation’s (Central Hudson) petition to use the Honeywell-Elster Rotary-All-By-One (RABO) Rotary Gas Meter for commercial gas metering applications in New York State.

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

Subject: Gas metering equipment.

Purpose: To approve Central Hudson’s petition to use the RABO Rotary Gas Meter for gas metering applications in New York State.

Substance of final rule: The Commission, on September 19, 2019, adopted an order approving Central Hudson Gas & Electric Corporation’s petition to use the Honeywell-Elster Rotary-All-By-One Rotary Gas Meter for commercial gas metering applications in New York State, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(18-G-0446SA1)

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-16-19-00003-A

Filing Date: 2019-09-25

Effective Date: 2019-09-25

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

Action taken: On 9/19/19, the PSC adopted an order approving Civic Center Community Group Broadway LLC's (Civic Center) notice of intent to submeter electricity at 108 Leonard Street, New York, New York.

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

Subject: Submetering of electricity.

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

Substance of final rule: The Commission, on September 19, 2019, adopted an order approving Civic Center Community Group Broadway LLC's notice of intent to submeter electricity at 108 Leonard Street, New York, New York, located in the service territory of Consolidated Edison Company of New York, Inc., subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(19-E-0198SA1)

NOTICE OF ADOPTION

Electric Metering Equipment

I.D. No. PSC-21-19-00016-A

Filing Date: 2019-09-25

Effective Date: 2019-09-25

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

Action taken: On 9/19/19, the PSC adopted an order approving Schweitzer Engineering Laboratories, Inc.'s (SEL) petition to use the SEL-735 Power Quality and Revenue Meter (SEL-735) for distributed energy applications in New York State.

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

Subject: Electric metering equipment.

Purpose: To approve SEL's petition to use the SEL-735 for distributed energy applications in New York State.

Substance of final rule: The Commission, on September 19, 2019, adopted an order approving Schweitzer Engineering Laboratories, Inc.'s (SEL) petition to use the SEL-735 Power Quality and Revenue Meter (SEL-735) for distributed energy applications in New York State, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(19-E-0090SA1)

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-28-19-00005-A

Filing Date: 2019-09-25

Effective Date: 2019-09-25

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

Action taken: On 9/19/19, the PSC adopted an order approving 900 Palmer Owners, Inc.'s (900 Palmer) notice of intent to submeter electricity at 900 Palmer Road, Bronxville, New York.

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

Subject: Submetering of electricity.

Purpose: To approve 900 Palmer's notice of intent to submeter electricity.

Substance of final rule: The Commission, on September 19, 2019, adopted an order approving 900 Palmer Owners, Inc.'s notice of intent to submeter electricity at 900 Palmer Road, Bronxville, New York, located in the service territory of Consolidated Edison Company of New York, Inc., subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(19-E-0264SA1)

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Waiver of the Prohibition on Service to Low-Income Customers by ESCOs

I.D. No. PSC-42-19-00006-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 petition filed on September 24, 2019 by Ambit New York, LLC seeking an extension of the previously granted waiver of the prohibition on service to low-income customers by energy service companies.

Statutory authority: Public Service Law, sections 5(1)(b), 65(1), (2), (3), 66(1), (2), (3), (5) and (8)

Subject: Waiver of the prohibition on service to low-income customers by ESCOs.

Purpose: To consider the petition for an extension of the waiver of the prohibition on service to low-income customers by ESCOs.

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition filed on September 24, 2019 by Ambit New York, LLC (Ambit) seeking an extension of its waiver of the prohibition on service by energy service companies (ESCOs) to low-income customers (Petition).

On December 16, 2016, the Commission directed a prohibition on ESCO service to low-income customers (Prohibition Order). The Prohibition Order provided that, if an ESCO can demonstrate that it is capable of providing a product to low-income customers that guarantees savings compared to what the customer would have otherwise paid as a full-service utility customer, it may seek a waiver of the Prohibition Order from the Commission.

On September 15, 2017, the Commission granted Ambit a waiver of the Prohibition Order, but stated that the waiver would only last for 24 months and that Ambit would need to petition for an extension. In the petition, Ambit asserts that it continues to provide a guaranteed savings product to all its customers, including low-income customers, and thus it continues to satisfy the requirements outlined in the Prohibition Order for the granting of a waiver.

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.

(12-M-0476SP32)

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

Waiver of the Prohibition on Service to Low-Income Customers by ESCOs

I.D. No. PSC-42-19-00007-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 a petition filed on September 25, 2019 by Zone One Energy, LLC seeking an extension of the previously granted waiver of the prohibition on service to low-income customers by energy service companies.

Statutory authority: Public Service Law, sections 5(1)(b), 65(1), (2), (3), 66(1), (2), (3), (5) and (8)

Subject: Waiver of the prohibition on service to low-income customers by ESCOs.

Purpose: To consider the petition for an extension of the waiver of the prohibition on service to low-income customers by ESCOs.

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition filed on September 25, 2019 by Zone One Energy LLC (Zone One) seeking an extension of its waiver of the prohibition on service by energy service companies (ESCOs) to low-income customers (Petition).

On December 16, 2016, the Commission directed a prohibition on ESCO service to low-income customers (Prohibition Order). The Prohibition Order provided that, if an ESCO can demonstrate that it is capable of providing a product to low-income customers that guarantees savings compared to what the customer would have otherwise paid as a full-service utility customer, it may seek a waiver of the Prohibition Order from the Commission.

On October 19, 2017, the Commission granted Zone One a waiver of the Prohibition Order, but stated that the waiver would only last for 24 months and that Zone One would need to petition for an extension. In the petition, Zone One asserts that it continues to provide a guaranteed savings product to all its low-income customers, and thus it continues to satisfy the requirements outlined in the Prohibition Order for the granting of a waiver.

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.

(12-M-0476SP33)

Department of State

**EMERGENCY
RULE MAKING**

New York State Uniform Fire Prevention and Building Code (the Uniform Code)

I.D. No. DOS-42-19-00005-E

Filing No. 853

Filing Date: 2019-09-30

Effective Date: 2019-09-30

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

Action taken: Amendment of sections 1220.1(b), 1221.1(b), 1225.1(b) and 1227.1(b) of Title 19 NYCRR.

Statutory authority: Executive Law, section 377

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

Specific reasons underlying the finding of necessity: The State Fire Prevention and Building Code Council ("Code Council") and the Department of State have determined that immediate adoption of this rule on an emergency basis, as authorized by Section 202 (6) of the State Administrative Procedure Act, is necessary to protect public safety and general welfare, and that compliance with the requirements of subdivision one of section 202 of the State Administrative Procedure Act prior to the adoption of this rule would be contrary to the public interest, for the following reasons:

(1) Upon expiration of the prior, substantially similar version of this rule that was adopted as an emergency rule on July 1, 2019, the New York State Uniform Fire Prevention and Building Code ("Uniform Code"), which is adopted pursuant to Article 18 of the Executive Law and which is applicable in all parts of the State (except New York City, which has its own building code), will no longer have provisions that provide an adequate level of protection from the hazards of fire that could be caused by the installation and use of Energy Storage Systems (ESS).

(2) Regulated parties are expressing immediate and increasing interest in installing ESS as a means of storing electrical energy for use when and where it is most needed.

(3) A rule amending the Uniform Code to add provisions establishing requirements for safe installation and use of ESS is necessary.

(4) Developing, proposing, adopting, and implementing such a rule in compliance with the requirements of State Administrative Procedure Act section 202 (1) would delay the effective date of the rule, and may result in unsafe installations in the meantime.

(5) Adopting such a rule as an emergency rule, to be effective immediately upon the filing of the Notice of Emergency Adoption is necessary to protect public safety and general welfare.

Subject: New York State Uniform Fire Prevention and Building Code (the Uniform Code).

Purpose: The purpose of this rule is to amend 19 NYCRR Parts 1220, 1221, 1225, and 1227, by incorporating by reference a publication entitled the "2019 Energy Storage System Supplement (Revised September 2019)" (publication date September 2019) which adds provision to the New York State Uniform Fire Prevention and Building Code relating to the installation, use, and maintenance of Energy Storage Systems. Ensuring a minimum level of safety of such systems in buildings is a critical part of protecting the public, building occupants, and emergency responders.

Text of emergency rule: 1. Subdivision (b) of section 1220.1 of Title 19 of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended to read as follows:

(b) For the purposes of applying the 2015 IRC in New York State, the 2015 IRC shall be deemed amended in the manner specified in (1) the publication entitled 2017 Uniform Code Supplement, publication date July, 2017, published by New York State Department of State and (2) the publication entitled 2019 Energy Storage System Supplement (Revised September 2019), publication date September, 2019, published by New York State Department of State. Said [publication] publications (hereinafter referred to as the "2017 supplement" and the "2019 ESS supplement," respectively) [is] are incorporated herein by reference. Copies of the 2017

supplement and the 2019 ESS supplement may be obtained and are available for inspection and copying at:

New York State Department of State of New York
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001

2. Subdivision (b) of section 1221.1 of Title 19 of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended to read as follows:

(b) For the purposes of applying the 2015 IBC in New York State, the 2015 IBC shall be deemed amended in the manner specified in (1) the publication entitled 2017 Uniform Code Supplement, publication date July, 2017, published by the New York State Department of State and (2) the publication entitled 2019 Energy Storage System Supplement (Revised September 2019), publication date September, 2019, published by New York State Department of State. Said [publication] publications (hereinafter referred to as the “2017 supplement” and the “2019 ESS supplement,” respectively) [is] are incorporated herein by reference. Copies of the 2017 supplement and the 2019 ESS supplement may be obtained and are available for inspection and copying at:

New York State Department of State of New York
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001

3. Subdivision (b) of section 1225.1 of Title 19 of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended to read as follows:

(b) For the purposes of applying the 2015 IFC in New York State, the 2015 IFC shall be deemed amended in the manner specified in (1) the publication entitled 2017 Uniform Code Supplement, publication date July, 2017, published by the New York State Department of State and (2) the publication entitled 2019 Energy Storage System Supplement (Revised September 2019), publication date September, 2019, published by the New York State Department of State. Said [publication] publications (hereinafter referred to as the “2017 supplement” and the “2019 ESS supplement,” respectively) [is] are incorporated herein by reference. Copies of the 2017 supplement and the 2019 ESS supplement may be obtained and are available for inspection and copying at:

New York State Department of State of New York
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001

4. Subdivision (b) of section 1227.1 of Title 19 of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended to read as follows:

(b) For the purposes of applying the 2015 IEBC in New York State, the 2015 IEBC shall be deemed amended in the manner specified in (1) the publication entitled 2017 Uniform Code Supplement, publication date July, 2017, published by the New York State Department of State and (2) the publication entitled 2019 Energy Storage System Supplement (Revised September 2019), publication date September, 2019, published by the New York State Department of State. Said [publication] publications (hereinafter referred to as the “2017 supplement” and the “2019 ESS supplement,” respectively) [is] are incorporated herein by reference. Copies of the 2017 supplement and the 2019 ESS supplement may be obtained and are available for inspection and copying at:

New York State Department of State of New York
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001

This notice is intended to serve only as an emergency adoption, to be valid for 90 days or less. This rule expires November 1, 2019.

Text of rule and any required statements and analyses may be obtained from: Emma Gonzalez-Laders, Department of State, 99 Washington Avenue, Suite 1160, Albany NY 12231, (518) 473-8809, email: Emma.Gonzalez-Laders@dos.ny.gov

Additional matter required by statute: The State Fire Prevention and Building Code Council (“Code Council”) and the Department of State have determined that making this rule and the amendments to the New York State Uniform Fire Prevention and Building Code (the “Uniform Code”) made by this rule effective immediately upon the filing of the Notice of Emergency Adoption and Proposed Rule Making, as authorized by Executive Law § 378(18)(a)(i), is necessary to protect health, safety, and security, for the following reasons:

(1) Upon expiration of the prior, substantially similar version of this rule that was adopted as an emergency rule on July 1, 2019, the New York State Uniform Fire Prevention and Building Code (“Uniform Code”), which is adopted pursuant to Article 18 of the Executive Law and which is applicable in all parts of the State (except New York City, which has its own building code), will no longer have provisions that provide an adequate level of protection from the hazards of fire that could be caused by the installation and use of Energy Storage Systems (ESS).

(2) Regulated parties are expressing immediate and increasing interest

in installing ESS as a means of storing electrical energy for use when and where it is most needed.

(3) A rule amending the Uniform Code to add provisions establishing requirements for safe installation and use of ESS is necessary.

(4) Developing, proposing, adopting, and implementing such a rule to become effective at least ninety days after the date on which notice of such change has been published in the State Register would delay the effective date of the rule, and may result in unsafe installations in the meantime.

(5) Adopting such a rule as an emergency rule, to be effective immediately upon the filing of the Notice of Emergency Adoption is necessary to protect health, safety, and security.

Regulatory Impact Statement

1. STATUTORY AUTHORITY

This rule amends the New York State Uniform Fire Prevention and Building Code (“Uniform Code”) by adding new provisions relating to the installation, use, and maintenance of energy storage systems (“ESS”). This rule is adopted by the State Fire Prevention and Building Code Council (“Code Council”), a council established by Article 18 of the Executive Law.

The statutory authority for this rule is Executive Law § 377(1), which authorizes the Code Council to formulate the Uniform Code and, from time to time, to amend particular provisions of the Uniform Code.

2. LEGISLATIVE OBJECTIVES

Executive Law § 371(2) provides that it is the public policy of the State of New York to provide for the promulgation of a Uniform Code addressing building construction and fire prevention in order to provide a basic minimum level of protection to all people of the state from hazards of fire and inadequate building construction. Executive Law § 371(2) further provides that in providing for such Uniform Code, it is the policy of this State to reconcile the myriad existing and potentially conflicting regulations which apply to different types of buildings and occupancies; to place public and private buildings on an equal plane with respect to fire prevention and adequacy of building construction; to require new and existing buildings alike to keep pace with advances in technology concerning fire prevention and building construction; and to provide protection to both residential and non-residential buildings.

The Legislative objectives sought to be achieved by this rule are to provide an enhanced level of protection to the people of this State from the hazards of fire and inadequate building construction and to require buildings in this State to keep pace with advances in technology concerning fire prevention and building construction. These objectives will be achieved by adding new provisions to the Uniform Code that will provide requirements for the installation of ESS, which are part of an emerging industry in New York. These new provisions will require extra protective measures in all cases where ESS are used; require extra protective measures based on the location of the installation; and otherwise enhance the level of protection to all people of the State from the potential hazard of fires caused by the installation and use of ESS.

3. NEEDS AND BENEFITS

This rule will amend the Uniform Code to add new provisions relating to specific construction and safety requirements to address the hazard of fires associated with the increased use of lithium-ion batteries, capacitors, and other modern ESS. This rule will define the term “energy storage system” as one or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time.

As New York’s grid becomes smarter and more decentralized, energy storage will be deployed to store and dispatch energy when and where it is most needed. New York has ambitious energy storage goals to meet over the next 10 years, the largest of any state in the country. Installation of ESS will increase at an unprecedented rate to meet the target of 3,000 MW, the equivalent electric demand of 40% of all New York State homes, by 2030. This is double the near-term target (1,500 MW by 2025) set in the New York State Energy Storage Roadmap.¹ To be successful, it is imperative that these systems are installed in a safe and responsible manner. Just one tragic event, like the April 19, 2019 explosion at the McMicken Energy Storage facility in Arizona,² could slow progress for years to come.

As intermittent renewable power sources like wind and solar provide a larger portion of New York’s electricity, energy storage will be used to time-shift renewable generation and minimize curtailment. Many of the large-scale ESS needed to achieve these goals will be installed in remote locations, often collocated with the large-scale wind and solar energy resources they support. For these rural locations, outdoor remote systems that are in dedicated use buildings will often be located near the energy resources they support. Remote outdoor installations do not represent the same level of risk to surrounding properties and occupants that an urban or indoor ESS would pose.

In urban areas where space is at a premium, load-constrained places would be working to reduce peak demand on the grid by installing ESS near load sources. These urban installations can potentially be inside build-

ings or parking garages or on rooftops. Each of these scenarios poses its own unique risks, including a greater risk to human safety in occupied buildings due to the potential of the structure of the building itself becoming involved in a fire, and the risk of exposure of occupants to toxic or explosive gases in the event of a system malfunction, depending on the type of ESS that is used.

In addition to permanent installations, walk-in ESS units can be deployed in a mobile operation, allowing them to be transported over the road and deployed at locations where additional energy storage is needed. The need can vary from a temporary power need due to a natural disaster or to accommodate a temporary outage at an existing facility due to renovations. Walk-in ESS units also have the potential to be used for retrofitting existing facilities without the need to construct new dedicated use spaces or heavily modify an existing structure to accommodate an indoor ESS. This adaptability allows these portable units to be used for both permanent installations and emergency power needs, making them a versatile solution.

When the Uniform Code was most recently updated in 2017, ESS were just beginning to be widely used. The current provisions of the Uniform Code, based on the 2015 editions of the model codes published by the International Code Council, Inc. (ICC), do not specifically address this new technology. As this technology has gained greater acceptance, the ICC model codes and industry referenced standards have been revised to adapt to the unique safety challenges ESS present. The combined effects of ESS technology becoming a key component to achieve New York's energy sustainability goals, along with the availability of New York State Energy Research and Development Authority (NYSERDA) funding to help underwrite the achievement of these goals, has created the need for the Uniform Code to be updated in this emergency rule.

According to information contained on NYSEDA's Distributed Energy Resources map³ and available data from NYSEDA,⁴ there are currently 51 installed ESS in New York (not including New York City) with a total storage capacity of 74,600 kWh⁵. 36 of these ESS are in private homes but only account for 500 kWh of storage. These residential systems are currently below both the 50 kWh commercial threshold and the 20 kWh residential threshold in the proposed rule. The proposed rule is needed to address the higher risks that are associated with the commercial and utility scale projects. According to NYSEDA, there are 240 proposed commercial and utility scale projects currently scheduled.

This change is necessary for New York State to remain competitive with the rest of the nation in matters involving building construction and to provide an adequate level of building safety to its residents. It is also necessary if New York State wishes to keep pace with evolving technology concerning fire prevention and building construction and to have a building and fire prevention code which is consistent with nationally accepted model codes. Adopting the proposed provisions of this rule allows New York to create a path forward that is safe for New Yorkers and creates the possibility of achieving our sustainability goals.

4. COSTS

There may be an initial cost increase associated with this rule. The initial cost increase could result when a proposed ESS either (1) has capacity greater than 50 kWh or (2) is designed to be placed less than 3 feet of each other and needs to undergo a large-scale fire test meeting the standard of UL 9540A (Test Method for Evaluating Thermal Runaway Fire Propagation in Battery Energy Storage Systems).

UL 9540A tests the battery ESS on the cell level, module level, and unit level. Typical cell level and module level tests each cost within a range from \$30,000 to \$50,000. These costs are often paid for by the physical battery manufacturer rather than the ESS manufacturer. The ESS manufacturer often assembles the cells and modules into a proprietary unit, which they manufacture, market, and sell. These units, when exceeding 50 kWh, would be required to be tested. This unit level test would cost the unit manufacturer within the range of \$60,000 to \$80,000.

An additional cost increase could be realized by the requirement to install a gas detection system and automatic ventilation system. The need for these systems will depend upon the type of ESS installed. According to NYSEDA, gas detectors can range from \$1,000 to \$5,000 per detector and a fully integrated detection and ventilation system can range from \$25,000 to \$50,000, which represents approximately 1% to 3% of the total ESS cost.

5. LOCAL GOVERNMENT MANDATES

This rule will not impose any new program, service, duty or responsibility upon any county, city, town, village, school district, fire district or other special district, except as follows:

First, any county, city, town, village, school district, fire district or other special district that constructs an ESS, or installs any such system in an existing building, will be required to comply with the provisions amended and/or added by this rule.

Second, most cities, towns and villages, and some counties, are responsible for administering and enforcing the Uniform Code; since this

rule amends provisions in the Uniform Code, the aforementioned local governments will be responsible for administering and enforcing the requirements of the rule along with all other provisions of the Uniform Code.

It is anticipated that verifying compliance with this rule will add only a negligible amount to the already existing duties associated with reviewing permit applications and conducting inspections. In addition, because current provisions for permitting ESS are inadequate or non-existent, the clear guidelines included in this rule should make review and approval more streamlined.

The rule does not otherwise impose any new program, service, duty or responsibility upon any county, city, town, village, school district, fire district or other special district.

6. PAPERWORK

This rule will not impose any reporting requirements. No new forms or other paperwork will be required as a result of this rule.

7. DUPLICATION

The rule does not duplicate any existing Federal or State requirement.

8. ALTERNATIVES

It is the policy of the Department of State to modernize and amend the Uniform Code, so as to maintain consistency with the national model codes, to keep building practices in New York State consistent with practice nationally, and to incorporate new technical developments in a timely manner. The alternative of making no change to the Uniform Code provisions relating to ESS was considered. This alternative would rely on local municipalities to pass regulations regarding the safety of ESS. This will lead to a lack of uniformity and varying degrees of safety across the state, as well as confusion among manufacturers, installers and operators. For these reasons, this alternative was rejected.

The alternative of adopting code provisions for ESS from the 2018 edition of the ICC codes was considered. The proposed rule, which is based on the proposed 2021 edition of the ICC codes, incorporates enhanced safety considerations which the 2018 edition did not contain. With the potential for a rapid increase in installations, waiting to adopt the proposed 2021 edition of the model codes during the next code adoption cycle would mean systems could be installed without these enhanced safety considerations. For these reasons, this alternative was rejected.

The alternative of adopting a rule identical to the prior, substantially similar version of this rule was considered, but rejected. Non-substantial changes were made to the prior, substantially similar version of this rule in response to public comments received. This rule reflects those changes.

9. FEDERAL STANDARDS

There are no standards of the Federal Government which address the subject matter of the rule.

10. COMPLIANCE SCHEDULE

This rule will become effective immediately upon filing. The Department of State anticipates that regulated persons will be able to achieve compliance with this rule in the normal course of operations, as part of the permitting or installation of an ESS.

¹ <https://www.nyserda.ny.gov/All-Programs/Programs/Energy-Storage/Energy-Storage-in-NYS>

² <https://www.greentechmedia.com/articles/read/aps-and-fluence-investigating-explosion-at-arizona-energy-storage-facility>

³ <https://der.nyserda.ny.gov/map>

⁴ <https://der.nyserda.ny.gov/download/facility-metric/>

⁵ See <https://der.nyserda.ny.gov/overview/>. These sites have received funding by NYSEDA and provide performance data for display.

Regulatory Flexibility Analysis

1. EFFECT OF RULE:

This rule amends provisions in the Uniform Fire Prevention and Building Code ("Uniform Code") to add new provisions relating to the installation, use, and maintenance of energy storage systems ("ESS"). The provisions add specific construction and safety requirements to address the hazard of fires associated with the increased use of lithium-ion batteries, capacitors, and other modern ESS. The new requirements provide for different types of installations and different types of ESS technologies in use today. This rule is adopted by the State Fire Prevention and Building Code Council (the "Code Council"), a council established by Article 18 of the Executive Law. The Uniform Code is applicable in all areas of the State with the exception of the City of New York.

This rule has the potential to affect small business that own or operate buildings in all areas of the State except the City of New York. Small businesses that construct, own, or operate buildings or structures are subject to the provisions of the Uniform Code and therefore will be required to comply with this rule.

Since this rule amends provisions in the Uniform Code, each local government that is responsible for administering and enforcing the

Uniform Code will be affected by this rule. The Department of State (DOS) estimates that approximately 1,600 local governments (mostly cities, towns and villages, as well as several counties) are responsible for administering and enforcing the Uniform Code. Local governments will be affected by this rule if the government constructs, owns, or operates structures that are subject to the provisions of the Uniform Code. In those circumstances, a local government is in no different situation than that of any building owner or operator, public or private. Therefore, adoption of this rule making will affect cities, towns, and villages of the State with the exception of the City of New York.

2. COMPLIANCE REQUIREMENTS:

No reporting or record keeping requirements are imposed upon regulated parties by the rule. Small businesses and local governments subject to the rule will be required to install ESS in accordance with the rule's provisions. In most cases, such installation will be incidental to the construction of a building or will otherwise involve the issuance of a building permit; in such cases, the local government responsible for administering and enforcing the Uniform Code will be required to consider the requirements of this rule when reviewing plans and inspecting work.

3. PROFESSIONAL SERVICES:

The rule will add requirements into the Uniform Code to address safety hazards associated with the increased use of lithium-ion batteries, capacitors, and other modern ESS. The new requirements provide for different types of installations and different types of ESS technologies in use today. For some installations professional services will be required to comply with the rule. Depending on the capacity of the ESS a third-party peer review (registered design professional or special expert) may be required by the building owner. If the building owner is a small business or local government and the system meets a specific capacity the small business will need to retain the services of a professional service to provide a peer review of the installation of the ESS.

4. COMPLIANCE COSTS:

There may be an initial cost increase associated with this rule. The initial cost increase could result when a proposed energy storage system either (1) has capacity greater than 50 kWh or (2) is designed to be placed less than 3 feet of each other and needs to undergo a large-scale fire test meeting the standard of UL 9540A (Test Method for Evaluating Thermal Run-away Fire Propagation in Battery Energy Storage Systems).

UL 9540A tests the battery energy storage system on the cell level, module level, and unit level. Typical cell level and module level tests each cost within a range from \$30,000 to \$50,000. These costs are often paid for by the physical battery manufacturer rather than the energy storage system manufacturer. The energy storage system manufacturer often assembles the cells and modules into a proprietary unit, which they manufacture, market, and sell. These units, when exceeding 50 kWh, would be required to be tested. This unit level test would cost the unit manufacturer within the range of \$60,000 to \$80,000.

An additional cost increase could be realized by the requirement to install a gas detection system and automatic ventilation system. The need for these systems will depend upon the type of energy storage system installed. According to NYSERDA, gas detectors can range from \$1,000 to \$5,000 per detector and a fully integrated detection and ventilation system can range from \$25,000 to \$50,000, which represents approximately 1% to 3% of the total energy storage system cost.

Compliance with this rule will occur when ESS is initially installed; therefore, it is anticipated that there will be no annual cost of complying with the rule.

Any variation in costs of complying with this rule for different types or sizes of small businesses and local governments will be attributable to the size and configuration of the ESS installed by such entities, and not to the nature or type or sizes of such small businesses and local governments. To the extent that larger businesses and larger local governments may tend to own larger buildings and therefore ESS, or more than one building, the total costs of compliance would be higher for larger businesses and larger local governments.

5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY:

It is economically and technologically feasible for regulated parties to comply with the rule. This rule imposes no substantial capital expenditures. No new technology need be developed for compliance with this rule.

6. MINIMIZING ADVERSE IMPACT:

The economic impact of this rule on small businesses and local governments will be no greater than the economic impact of this rule on other regulated parties, and the ability of small businesses and local governments to comply with the requirements of this rule should be no less than the ability of other regulated parties to comply. Providing exemptions from coverage by the rule was not considered because such exemptions would endanger public safety.

7. SMALL BUSINESS AND LOCAL GOVERNMENT PARTICIPATION:

DOS notified interested parties throughout the State of the text of a

prior, substantially similar version of this rule by posting a notice on DOS's website, and publishing a notice in Building New York, an electronic news bulletin covering topics related to the Uniform Code and the construction industry which is prepared by DOS and which is currently distributed to approximately 10,000 subscribers, including local governments, design professionals and others involved in all aspects of the construction industry.

DOS posted the full text of the prior, substantially similar version of this rule on the Department's website.

On July 1, 2019, DOS filed a Notice of Emergency Adoption and Proposed Rule Making for the prior, substantially similar version of this rule.

A public hearing on the prior, substantially similar version of this rule was held on September 16, 2019. Public comments on the prior, substantially similar version of this rule were received and analyzed. This rule includes revisions to the prior, substantially similar version of this rule that were made in response to the public comments received.

Rural Area Flexibility Analysis

1. TYPES AND ESTIMATED NUMBERS OF RURAL AREAS.

This rule amends provisions in the Uniform Fire Prevention and Building Code ("Uniform Code") to add new provisions relating to the installation, use, and maintenance of energy storage systems ("ESS"). The provisions add specific construction and safety requirements to address hazards of fire associated with the increased use of lithium-ion batteries, capacitors, and other modern ESS. The new requirements provide for different types of installations and different types of ESS technologies in use today. Since the Uniform Code applies in all areas of the State (with the exception of New York City), this rule will apply in all rural areas of the State.

2. REPORTING, RECORDKEEPING AND OTHER COMPLIANCE REQUIREMENTS; AND PROFESSIONAL SERVICES.

The rule will not impose any reporting or recordkeeping requirements in rural areas or elsewhere in New York. This rule making will amend the Uniform Code to add specific construction and safety requirements to address the hazard of fires caused by battery energy storage systems. Building owners typically rely on professionals for their expertise in building regulations with respect to design, construction, and operation and maintenance of buildings. The need for professionals in rural areas does not differ from such need in non-rural areas.

3. COMPLIANCE COSTS.

There may be an initial cost increase associated with this rule. The initial cost increase could result when a proposed energy storage system either (1) has capacity greater than 50 kWh or (2) is designed to be placed less than 3 feet of each other and needs to undergo a large-scale fire test meeting the standard of UL 9540A (Test Method for Evaluating Thermal Run-away Fire Propagation in Battery Energy Storage Systems).

UL 9540A tests the battery energy storage system on the cell level, module level, and unit level. Typical cell level and module level tests each cost within a range from \$30,000 to \$50,000. These costs are often paid for by the physical battery manufacturer rather than the energy storage system manufacturer. The energy storage system manufacturer often assembles the cells and modules into a proprietary unit, which they manufacture, market, and sell. These units, when exceeding 50 kWh, would be required to be tested. This unit level test would cost the unit manufacturer within the range of \$60,000 to \$80,000.

An additional cost increase could be realized by the requirement to install a gas detection system and automatic ventilation system. The need for these systems will depend upon the type of energy storage system installed. According to NYSERDA, gas detectors can range from \$1,000 to \$5,000 per detector and a fully integrated detection and ventilation system can range from \$25,000 to \$50,000, which represents approximately 1% to 3% of the total energy storage system cost.

Compliance with this rule will occur when ESS is initially installed; therefore, it is anticipated that there will be no annual cost of complying with the rule. Any variation in costs of complying with this rule for different types of public and private entities in rural areas will be attributable to the size and configuration of the ESS installed by such entities, and not to the nature or type of such entities or to the location of such entities in rural areas.

4. MINIMIZING ADVERSE IMPACT.

The economic impact of this rule in rural areas will be no greater than the economic impact of this rule in non rural areas, and the ability of individuals or public or private entities located in rural areas to comply with the requirements of this rule should be no less than the ability of individuals or public or private entities located in non-rural areas. Providing exemptions from coverage by the rule was not considered because such exemptions would endanger public safety.

5. RURAL AREA PARTICIPATION.

The Department of State notified interested parties throughout the State of the text of a prior, substantially similar version of this rule by posting a notice on the Department's website, and publishing a notice in Building

New York, an electronic news bulletin covering topics related to the Uniform Code and the construction industry which is prepared by the Department of State and which is currently distributed to approximately 10,000 subscribers, including local governments, design professionals and others involved in all aspects of the construction industry in all areas of the State, including rural areas.

The Department of State has posted the full text of the prior, substantially similar version of this rule on the Department's website.

On July 1, 2019, the Department of State filed a Notice of Emergency Adoption and Proposed Rule Making for the prior, substantially similar version of this rule.

A public hearing on the prior, substantially similar version of this rule was held on September 16, 2019. Public comments on the prior, substantially similar version of this rule were received and analyzed. This rule includes revisions to the prior, substantially similar version of this rule that were made in response to the public comments received.

Job Impact Statement

The Department of State has determined that this rule will not have a substantial adverse impact on jobs and employment opportunities.

This rule amends provisions in the Uniform Fire Prevention and Building Code ("Uniform Code") to add new provisions relating to the installation, use, and maintenance of energy storage systems ("ESS"). The provisions add specific construction and safety requirements to address the hazards of fire associated with the increased use of lithium-ion batteries, capacitors, and other modern ESS. The new requirements provide for different types of installations and different types of ESS technologies in use today.

Therefore, the Department of State concludes that this rule will not have a substantial adverse impact on jobs and employment opportunities, but it is anticipated that this rule may have a positive impact on jobs and employment opportunities in New York State.

NOTICE OF ADOPTION

New York State Uniform Fire Prevention and Building Code (the Uniform Code)

I.D. No. DOS-29-19-00015-A

Filing No. 864

Filing Date: 2019-10-01

Effective Date: 2019-11-01

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

Action taken: Amendment of sections 1220.1(b), 1221.1(b), 1225.1(b) and 1227.1(b) of Title 19 NYCRR.

Statutory authority: Executive Law, section 377

Subject: New York State Uniform Fire Prevention and Building Code (the Uniform Code).

Purpose: The purpose of this rule is to amend 19 NYCRR Parts 1220, 1221, 1225, and 1227, by incorporating by reference a publication entitled the "2019 Energy Storage System Supplement (Revised September 2019)" (publication date September 2019) which adds provision to the New York State Uniform Fire Prevention and Building Code relating to the installation, use, and maintenance of Energy Storage Systems. Ensuring a minimum level of safety of such systems in buildings is a critical part of protecting the public, building occupants, and emergency responders.

Text of final rule: 1. Subdivision (b) of section 1220.1 of Title 19 of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended to read as follows:

(b) For the purposes of applying the 2015 IRC in New York State, the 2015 IRC shall be deemed amended in the manner specified in (1) the publication entitled 2017 Uniform Code Supplement, publication date July, 2017, published by New York State Department of State and (2) the publication entitled 2019 Energy Storage System Supplement (Revised September 2019), publication date September, 2019, published by New York State Department of State. Said [publication] publications (hereinafter referred to as the "2017 supplement" and the "2019 ESS supplement," respectively) [is] are incorporated herein by reference. Copies of the 2017 supplement and the 2019 ESS supplement may be obtained and are available for inspection and copying at:

New York State Department of State of New York
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001

2. Subdivision (b) of section 1221.1 of Title 19 of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended to read as follows:

(b) For the purposes of applying the 2015 IBC in New York State, the 2015 IBC shall be deemed amended in the manner specified in (1) the publication entitled 2017 Uniform Code Supplement, publication date July, 2017, published by the New York State Department of State and (2) the publication entitled 2019 Energy Storage System Supplement (Revised September 2019), publication date September, 2019, published by New York State Department of State. Said [publication] publications (hereinafter referred to as the "2017 supplement" and the "2019 ESS supplement," respectively) [is] are incorporated herein by reference. Copies of the 2017 supplement and the 2019 ESS supplement may be obtained and are available for inspection and copying at:

New York State Department of State of New York
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001

3. Subdivision (b) of section 1225.1 of Title 19 of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended to read as follows:

(b) For the purposes of applying the 2015 IFC in New York State, the 2015 IFC shall be deemed amended in the manner specified in (1) the publication entitled 2017 Uniform Code Supplement, publication date July, 2017, published by the New York State Department of State and (2) the publication entitled 2019 Energy Storage System Supplement (Revised September 2019), publication date September, 2019, published by the New York State Department of State. Said [publication] publications (hereinafter referred to as the "2017 supplement" and the "2019 ESS supplement," respectively) [is] are incorporated herein by reference. Copies of the 2017 supplement and the 2019 ESS supplement may be obtained and are available for inspection and copying at:

New York State Department of State of New York
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001

4. Subdivision (b) of section 1227.1 of Title 19 of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended to read as follows:

(b) For the purposes of applying the 2015 IEBC in New York State, the 2015 IEBC shall be deemed amended in the manner specified in (1) the publication entitled 2017 Uniform Code Supplement, publication date July, 2017, published by the New York State Department of State and (2) the publication entitled 2019 Energy Storage System Supplement (Revised September 2019), publication date September, 2019, published by the New York State Department of State. Said [publication] publications (hereinafter referred to as the "2017 supplement" and the "2019 ESS supplement," respectively) [is] are incorporated herein by reference. Copies of the 2017 supplement and the 2019 ESS supplement may be obtained and are available for inspection and copying at:

New York State Department of State of New York
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001

Final rule as compared with last published rule: Nonsubstantive changes were made in sections 1220.1(b), 1221.1(b), 1225.1(b) and 1227.1(b).

Text of rule and any required statements and analyses may be obtained from: Emma Gonzalez-Laders, Department of State, 99 Washington Avenue, Suite 1160, Albany NY 12231, (518) 473-8809, email: Emma.Gonzalez-Laders@dos.ny.gov

Additional matter required by statute: The State Fire Prevention and Building Code Council ("Code Council") and the Department of State have determined that making this rule and the amendments to the New York State Uniform Fire Prevention and Building Code (the "Uniform Code") made by this rule effective on November 1, 2019, rather than 90 days after publication of the Notice of Adoption of this rule, as authorized by Executive Law § 378(18)(a)(i), is necessary to protect health, safety, and security, for the following reasons:

(1) Upon expiration of the prior, substantially similar version of this rule that was adopted as an emergency rule on July 1, 2019, the New York State Uniform Fire Prevention and Building Code ("Uniform Code"), which is adopted pursuant to Article 18 of the Executive Law and which is applicable in all parts of the State (except New York City, which has its own building code), will no longer have provisions that provide an adequate level of protection from the hazards of fire that could be caused by the installation and use of Energy Storage Systems (ESS).

(2) Regulated parties are expressing immediate and increasing interest in installing ESS as a means of storing electrical energy for use when and where it is most needed.

(3) A rule amending the Uniform Code to add provisions establishing requirements for safe installation and use of ESS is necessary.

(4) Developing, proposing, adopting, and implementing such a rule to become effective at least ninety days after the date on which notice of such change has been published in the State Register would delay the effective date of the rule, and may result in unsafe installations in the meantime.

(5) Adopting such a rule to be effective on November 1, 2019, after the emergency rule expires, is necessary to protect health, safety, and security.

Revised Regulatory Impact Statement

The Department of State has determined that the changes made to the last published rule are non-substantive and do not necessitate a revision of the original Regulatory Impact Statement published in the Notice of Emergency Adoption and Proposed Rule Making in the State Register on July 17, 2019.

Those changes made to the rule are summarized as follows:

Sections 1220.1, 1221.1, 1225.1, and 1227.1 of Title 19 NYCRR were changed to update the publication entitled “2019 Energy Storage System Supplement” to “2019 Energy Storage System Supplement (Revised September 2019)” and the to change the publication date from June 2019 to September 2019.

Minor formatting changes were made to the 2019 Energy Storage System Supplement. As an example, spaces were added or removed, and certain text was indented. In addition, the publication date was revised.

Changes to Part 1 (Amendments to the 2015 IRC)

Item 1.1: Modified the definition of “Energy Storage System” to exclude electric motor vehicles and stand-alone car batteries. See comment 6 in full Assessment of Public Comments.

Item 1.2 Section R327.2: Revised to remove the language referring to ESS being listed and labeled for residential use. See comment 2 in full Assessment of Public Comments.

Item 1.2 Section R327.8: Revised to clarify the intention of the section by the inclusion of specific language of Section R302 rather than rely on a code reference to Section R302. See comment 3 in full Assessment of Public Comments.

Changes to Part 3 (Amendments to the 2015 IBC)

Item 3.3 Table 509: Revised to coordinate with the 2015 IFC (as amended). See comment 4 in full Assessment of Public Comments.

Changes to Part 4 (Amendments to the 2015 International Fire Code)

Item 4.1: Modified the definition of “Energy Storage System” to exclude electric motor vehicles and stand-alone car batteries. See comment 6 in full Assessment of Public Comments.

Item 4.3 Section 608.1: Revised to remove the reference to one- and two-family dwellings and townhouses. This was an error as these occupancies are regulated in the 2015 IRC, as amended.

Item 4.3 Table 608.1: Modified footnote “c” to indicate the lead-acid ESS installations in excess of 50 gallons of electrolyte have exceeded the threshold of Table 608.1. See comment 7 in full Assessment of Public Comments.

Item 4.3 Section 608.2: Modified to include a new exception to exclude outdoor stationary vehicle charging stations. See comment 9 in full Assessment of Public Comments.

Item 4.3 Section 608.9.2: Modified the section to indicate the Operation and Maintenance Manual shall be available to the fire code official for review. See comment 25 in full Assessment of Public Comments.

Item 4.3 Section 608.10.1: Modified the provision to allow approved UL 9540 equivalent listings to be acceptable. See comment 19 in full Assessment of Public Comments.

Item 4.3 Section 608.11.7: Modified the provision to clarify the intention of this provision to apply to ESS installed indoors. See comment 22 in full Assessment of Public Comments.

Item 4.3 Section 608.11.8: Modified the provision to require the signage to list the ESS rated capacity and that the contact person needs to have the technical knowledge to handle system faults. See comment 31.

Item 4.3 Section 608.12.1: Modified Exception 2 to remove the language “the fire code official may approve” and adding “shall be permitted.” See comment 30 in full Assessment of Public Comments.

Item 4.3 Section 608.12.6: Modified the provision to limit the maximum enclosure size in cubic feet rather than linear dimensions. See comment 35 in full Assessment of Public Comments.

Item 4.3 Section 608.12.7: Modified the provision to add an exception for reduced clearances when large-scale fire testing is used. See comment 36 in full Assessment of Public Comments.

Item 4.3 Section 608.15.4: Revised to coordinate with the change resulting from revising 608.12.7.

Item 4.3 Section 608.18.1: Revised to remove the language referring to ESS being listed and labeled for residential use. See comment 2 in full Assessment of Public Comments.

Item 4.3 Section 608.18.7: Revised to coordinate with the change resulting from revising R327.8. See comment 3 in full Assessment of Public Comments.

Revised Regulatory Flexibility Analysis

The Department of State has determined that the changes made to the last published rule are non-substantive and do not necessitate a revision of the original Regulatory Flexibility Analysis published in the Notice of Emergency Adoption and Proposed Rule Making in the State Register on July 17, 2019.

Those changes made to the rule are summarized as follows:

Sections 1220.1, 1221.1, 1225.1, and 1227.1 of Title 19 NYCRR were changed to update the publication entitled “2019 Energy Storage System Supplement” to “2019 Energy Storage System Supplement (Revised September 2019)” and the to change the publication date from June 2019 to September 2019.

Minor formatting changes were made to the 2019 Energy Storage System Supplement. As an example, spaces were added or removed, and certain text was indented. In addition, the publication date was revised.

Changes to Part 1 (Amendments to the 2015 IRC)

Item 1.1: Modified the definition of “Energy Storage System” to exclude electric motor vehicles and stand-alone car batteries. See comment 6 in full Assessment of Public Comments.

Item 1.2 Section R327.2: Revised to remove the language referring to ESS being listed and labeled for residential use. See comment 2 in full Assessment of Public Comments.

Item 1.2 Section R327.8: Revised to clarify the intention of the section by the inclusion of specific language of Section R302 rather than rely on a code reference to Section R302. See comment 3 in full Assessment of Public Comments.

Changes to Part 3 (Amendments to the 2015 IBC)

Item 3.3 Table 509: Revised to coordinate with the 2015 IFC (as amended). See comment 4 in full Assessment of Public Comments.

Changes to Part 4 (Amendments to the 2015 International Fire Code)

Item 4.1: Modified the definition of “Energy Storage System” to exclude electric motor vehicles and stand-alone car batteries. See comment 6 in full Assessment of Public Comments.

Item 4.3 Section 608.1: Revised to remove the reference to one- and two-family dwellings and townhouses. This was an error as these occupancies are regulated in the 2015 IRC, as amended.

Item 4.3 Table 608.1: Modified footnote “c” to indicate the lead-acid ESS installations in excess of 50 gallons of electrolyte have exceeded the threshold of Table 608.1. See comment 7 in full Assessment of Public Comments.

Item 4.3 Section 608.2: Modified to include a new exception to exclude outdoor stationary vehicle charging stations. See comment 9 in full Assessment of Public Comments.

Item 4.3 Section 608.9.2: Modified the section to indicate the Operation and Maintenance Manual shall be available to the fire code official for review. See comment 25 in full Assessment of Public Comments.

Item 4.3 Section 608.10.1: Modified the provision to allow approved UL 9540 equivalent listings to be acceptable. See comment 19 in full Assessment of Public Comments.

Item 4.3 Section 608.11.7: Modified the provision to clarify the intention of this provision to apply to ESS installed indoors. See comment 22 in full Assessment of Public Comments.

Item 4.3 Section 608.11.8: Modified the provision to require the signage to list the ESS rated capacity and that the contact person needs to have the technical knowledge to handle system faults. See comment 31.

Item 4.3 Section 608.12.1: Modified Exception 2 to remove the language “the fire code official may approve” and adding “shall be permitted.” See comment 30 in full Assessment of Public Comments.

Item 4.3 Section 608.12.6: Modified the provision to limit the maximum enclosure size in cubic feet rather than linear dimensions. See comment 35 in full Assessment of Public Comments.

Item 4.3 Section 608.12.7: Modified the provision to add an exception for reduced clearances when large-scale fire testing is used. See comment 36 in full Assessment of Public Comments.

Item 4.3 Section 608.15.4: Revised to coordinate with the change resulting from revising 608.12.7.

Item 4.3 Section 608.18.1: Revised to remove the language referring to ESS being listed and labeled for residential use. See comment 2 in full Assessment of Public Comments.

Item 4.3 Section 608.18.7: Revised to coordinate with the change resulting from revising R327.8. See comment 3 in full Assessment of Public Comments.

Revised Rural Area Flexibility Analysis

The Department of State has determined that the changes made to the last published rule are non-substantive and do not necessitate a revision of the original Rural Area Flexibility Analysis published in the Notice of Emergency Adoption and Proposed Rule Making in the State Register on July 17, 2019.

Those changes made to the rule are summarized as follows:

Sections 1220.1, 1221.1, 1225.1, and 1227.1 of Title 19 NYCRR were changed to update the publication entitled “2019 Energy Storage System Supplement” to “2019 Energy Storage System Supplement (Revised September 2019)” and the to change the publication date from June 2019 to September 2019.

Minor formatting changes were made to the 2019 Energy Storage System Supplement. As an example, spaces were added or removed, and certain text was indented. In addition, the publication date was revised.

Changes to Part 1 (Amendments to the 2015 IRC)

Item 1.1: Modified the definition of “Energy Storage System” to exclude electric motor vehicles and stand-alone car batteries. See comment 6 in full Assessment of Public Comments.

Item 1.2 Section R327.2: Revised to remove the language referring to ESS being listed and labeled for residential use. See comment 2 in full Assessment of Public Comments.

Item 1.2 Section R327.8: Revised to clarify the intention of the section by the inclusion of specific language of Section R302 rather than rely on a code reference to Section R302. See comment 3 in full Assessment of Public Comments.

Changes to Part 3 (Amendments to the 2015 IBC)

Item 3.3 Table 509: Revised to coordinate with the 2015 IFC (as amended). See comment 4 in full Assessment of Public Comments.

Changes to Part 4 (Amendments to the 2015 International Fire Code)

Item 4.1: Modified the definition of “Energy Storage System” to exclude electric motor vehicles and stand-alone car batteries. See comment 6 in full Assessment of Public Comments.

Item 4.3 Section 608.1: Revised to remove the reference to one- and two-family dwellings and townhouses. This was an error as these occupancies are regulated in the 2015 IRC, as amended.

Item 4.3 Table 608.1: Modified footnote “c” to indicate the lead-acid ESS installations in excess of 50 gallons of electrolyte have exceeded the threshold of Table 608.1. See comment 7 in full Assessment of Public Comments.

Item 4.3 Section 608.2: Modified to include a new exception to exclude outdoor stationary vehicle charging stations. See comment 9 in full Assessment of Public Comments.

Item 4.3 Section 608.9.2: Modified the section to indicate the Operation and Maintenance Manual shall be available to the fire code official for review. See comment 25 in full Assessment of Public Comments.

Item 4.3 Section 608.10.1: Modified the provision to allow approved UL 9540 equivalent listings to be acceptable. See comment 19 in full Assessment of Public Comments.

Item 4.3 Section 608.11.7: Modified the provision to clarify the intention of this provision to apply to ESS installed indoors. See comment 22 in full Assessment of Public Comments.

Item 4.3 Section 608.11.8: Modified the provision to require the signage to list the ESS rated capacity and that the contact person needs to have the technical knowledge to handle system faults. See comment 31.

Item 4.3 Section 608.12.1: Modified Exception 2 to remove the language “the fire code official may approve” and adding “shall be permitted.” See comment 30 in full Assessment of Public Comments.

Item 4.3 Section 608.12.6: Modified the provision to limit the maximum enclosure size in cubic feet rather than linear dimensions. See comment 35 in full Assessment of Public Comments.

Item 4.3 Section 608.12.7: Modified the provision to add an exception for reduced clearances when large-scale fire testing is used. See comment 36 in full Assessment of Public Comments.

Item 4.3 Section 608.15.4: Revised to coordinate with the change resulting from revising 608.12.7.

Item 4.3 Section 608.18.1: Revised to remove the language referring to ESS being listed and labeled for residential use. See comment 2 in full Assessment of Public Comments.

Item 4.3 Section 608.18.7: Revised to coordinate with the change resulting from revising R327.8. See comment 3 in full Assessment of Public Comments.

Revised Job Impact Statement

The Department of State has determined that the changes made to the last published rule are non-substantive and do not necessitate a revision of the original Job Impact Statement published in the Notice of Emergency Adoption and Proposed Rule Making in the State Register on July 17, 2019.

Those changes made to the rule are summarized as follows:

Sections 1220.1, 1221.1, 1225.1, and 1227.1 of Title 19 NYCRR were changed to update the publication entitled “2019 Energy Storage System Supplement” to “2019 Energy Storage System Supplement (Revised September 2019)” and the to change the publication date from June 2019 to September 2019.

Minor formatting changes were made to the 2019 Energy Storage System Supplement. As an example, spaces were added or removed, and certain text was indented. In addition, the publication date was revised.

Changes to Part 1 (Amendments to the 2015 IRC)

Item 1.1: Modified the definition of “Energy Storage System” to exclude electric motor vehicles and stand-alone car batteries. See comment 6 in full Assessment of Public Comments.

Item 1.2 Section R327.2: Revised to remove the language referring to ESS being listed and labeled for residential use. See comment 2 in full Assessment of Public Comments.

Item 1.2 Section R327.8: Revised to clarify the intention of the section

by the inclusion of specific language of Section R302 rather than rely on a code reference to Section R302. See comment 3 in full Assessment of Public Comments.

Changes to Part 3 (Amendments to the 2015 IBC)

Item 3.3 Table 509: Revised to coordinate with the 2015 IFC (as amended). See comment 4 in full Assessment of Public Comments.

Changes to Part 4 (Amendments to the 2015 International Fire Code)

Item 4.1: Modified the definition of “Energy Storage System” to exclude electric motor vehicles and stand-alone car batteries. See comment 6 in full Assessment of Public Comments.

Item 4.3 Section 608.1: Revised to remove the reference to one- and two-family dwellings and townhouses. This was an error as these occupancies are regulated in the 2015 IRC, as amended.

Item 4.3 Table 608.1: Modified footnote “c” to indicate the lead-acid ESS installations in excess of 50 gallons of electrolyte have exceeded the threshold of Table 608.1. See comment 7 in full Assessment of Public Comments.

Item 4.3 Section 608.2: Modified to include a new exception to exclude outdoor stationary vehicle charging stations. See comment 9 in full Assessment of Public Comments.

Item 4.3 Section 608.9.2: Modified the section to indicate the Operation and Maintenance Manual shall be available to the fire code official for review. See comment 25 in full Assessment of Public Comments.

Item 4.3 Section 608.10.1: Modified the provision to allow approved UL 9540 equivalent listings to be acceptable. See comment 19 in full Assessment of Public Comments.

Item 4.3 Section 608.11.7: Modified the provision to clarify the intention of this provision to apply to ESS installed indoors. See comment 22 in full Assessment of Public Comments.

Item 4.3 Section 608.11.8: Modified Exception 2 to remove the language “the fire code official may approve” and adding “shall be permitted.” See comment 30 in full Assessment of Public Comments.

Item 4.3 Section 608.12.1: Modified the provision to require the signage to list the ESS rated capacity and that the contact person needs to have the technical knowledge to handle system faults. See comment 31.

Item 4.3 Section 608.12.6: Modified the provision to limit the maximum enclosure size in cubic feet rather than linear dimensions. See comment 35 in full Assessment of Public Comments.

Item 4.3 Section 608.12.7: Modified the provision to add an exception when large-scale fire testing is used to show the allowance. See comment 36 in full Assessment of Public Comments.

Item 4.3 Section 608.15.4: Revised to coordinate with the change resulting from revising 608.11.8, 608.12.6, and 608.12.7.

Item 4.3 Section 608.18.1: Revised to remove the language referring to ESS being listed and labeled for residential use. See comment 2 in full Assessment of Public Comments.

Item 4.3 Section 608.18.7: Revised to coordinate with the change resulting from revising R327.8. See comment 3 in full Assessment of Public Comments.

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

This rule amends the New York State Uniform Fire Prevention and Building Code (the Uniform Code), 19 NYCRR Parts 1220, 1221, 1225, and 1227, by incorporating by reference a publication entitled the “2019 Energy Storage System Supplement (Revised September 2019)” (2019 ESS Supplement) which adds provisions to the Uniform Code relating to the installation, use, and maintenance of Energy Storage Systems (ESS).

The Notice of Emergency Adoption and Proposed Rule Making was published in the State Register on July 17, 2019. A public hearing was held on September 16, 2019. The Department of State (DOS) received the comments described below. The following assessment contains a summary of the comments submitted and an analysis of any issues raised by such comments.

Summary of Comments Resulting in Modifications to the 2019 ESS Supplement

A comment was received suggesting a revision to Section R327.2 of the 2015 International Residential Code (2015 IRC) with respect to equipment that is “listed and labeled for residential use in accordance with UL 9540”. UL 9540 testing does not differentiate between applications, so it is not currently possible to be listed and labeled for residential use. The commenter recommended removing the language “residential use” from this sentence. The provision has been modified for clarity and consistency with the language of NFPA 855.

Multiple comments were received requesting clarification to Item 1.2 (Section R327) of the 2019 ESS Supplement dealing with the required fire separation between areas containing ESS and other areas of the dwelling.

The intent of this new section was to require fire separation in attached garages and utility closets that is the same as the current fire separation requirements in Section R302 of the 2015 IRC. To clarify this requirement, this section was revised to make the requirement explicitly clear by prescriptively including the intended requirements from R302 of the 2015 IRC within Section R327 of the 2015 IRC, as added by the 2019 ESS Supplement.

A comment was received requesting clarification regarding the fire separation requirements for ESS in Table 509 of the 2015 International Building Code (2015 IBC), as amended by the 2019 ESS Supplement. It appears that there is a conflict between what Table 509 requires and what Section 608 of the 2015 International Fire Code (2015 IFC), as amended by the 2019 ESS Supplement, requires. Accordingly, Table 509 of the 2015 IBC, as amended by the 2019 ESS Supplement, was revised to remove the conflict and to coordinate the provisions of the 2015 IBC and the 2015 IFC.

Multiple comments were received requesting the definition of a mobile ESS be clarified to indicate that mobile ESS do not include electric vehicles. Therefore, the definition was changed to clarify that motor vehicles and stand-alone car batteries are exempt. The exemption for small rechargeable appliances is covered under the provisions of Section R327.2 of the 2015 IRC and Table 608.1 of the 2015 IFC. Self-propelled outdoor units cannot be equated to motor vehicles and therefore, were not exempted.

A comment was received suggesting a modification to Table 608.1 footnote c to clarify that when a lead-acid battery exceeds 50 gallons of electrolyte, it is considered to have exceeded the threshold of the Table. The comment as proposed represents a clearer statement of the intended requirement. The footnote has been revised as suggested.

A comment was received expressing concern that electric vehicle charging equipment located outdoors would be subject to these regulations. It is not the intent of Section 608.2 of the 2015 IFC, as amended, to regulate charging stations located outside buildings. This is consistent with the regulations of the New York City Fire Department for similarly sized stations. Therefore, an exception was added for clarification.

A comment was received requesting that approved equivalents be included as alternatives to being listed to UL 9540 in Section 608.10.1. The commenter's stated reason was to allow for future testing standards to be accepted or developed that may better address this changing technology. DOS agrees, as this is the approach taken with other standards in this rule, such as UL 9540A, and the requested change has been incorporated.

A comment was received requests outdoor installations be specially exempted from the ventilation requirements. The words "installed outdoors" were added to Section 608.11.7 in response to this comment.

A comment was received suggesting that the approval of the fire code official regarding the size and separation limits in Section 608.12.1 should not be required when completing large-scale fire testing. DOS agrees that requiring large scale fire testing in addition to the approval of the fire code official is redundant. The purpose of the large-scale fire testing is to establish the baseline design parameters for a safe installation. Once completed, the system designer can provide adequate safety measures to address the system risks. The additional approval of the fire code official is an unnecessary redundancy.

A comment was received suggesting a requirement should be introduced requiring the posting of contact information for the manufacturer or responsible party to inform maintenance/emergency operations. In any emergency or maintenance event there are extremely complicated and specific systems that vary from installation to installation. Without this information first responders may not know how to approach a situation safely and during maintenance the installation could be unnecessarily damaged. Contact information is already part of the signage requirement. Language was added to require that the rated capacity of the system be stated on the required signage. The recommendation will provide a greater degree of safety during an emergency with no impact to the developer. Section 608.11.8 was modified as a result of this comment.

A comment was received recommending the maximum enclosure size be expressed in terms of volume rather than linear dimensions. The proposed change allows flexibility in the design of facilities without compromising safety. The units indicating the maximum size of facilities were changed to the equivalent volume, expressed in cubic feet.

A comment was received requesting the allowance of reduced clearing areas if warranted by results of large-scale fire testing. This is consistent with Section 608.12.6 and other similar sections. This modification has been incorporated.

Summary of Comments Resulting in No Changes

A comment requested that a requirement should be put into the 2019 ESS Supplement requiring development of Emergency Operations plans. The NYSERDA New York Battery Energy Storage System Guidebook has an example of the content requirements for an Emergency Operations Plan in Appendix 4. While the comment appears to have merit, it constitutes a

new requirement that needs further analysis and hasn't been submitted for public review and comment. DOS will duly research the requirement and, if appropriate, implement at the next reasonable opportunity. Currently, these provisions can still be implemented per NYSERDA's manual or as part of a local municipality's requirements.

A comment was received suggesting a requirement should be included for a smoke/gas purge system on large systems. The smoke/gas purge system allows for a switch to be turned on by first responders that engages an active smoke/gas vent to prevent breach events. When this system is engaged it can begin providing air changes to the system volume which can clear smoke/dangerous gases without exposing personnel to the interface between a possibly fuel rich environment and outside oxygen. This may also prevent first responders from having to open vent holes in energy storage systems during emergency operations. While the comment appears to have merit, it constitutes a new requirement that needs further analysis and hasn't been submitted for public review and comment. As currently written, the regulations do require exhaust ventilation in Table 608.13 and Section 608.13.1. DOS will duly research potential additional requirements and, if appropriate, implement at the next reasonable opportunity.

DESCRIPTION OF CHANGES MADE IN THE RULE

This rule will amend the current versions of Parts 1220, 1221, 1225, and 1227 of Title 19 of the NYCRR by adding references to the "2019 Energy Storage System Supplement (Revised September 2019)." Non-substantive changes were made to the rule as originally proposed.

Changes to Title 19 NYCRR Parts 1220, 1221, 1225, and 1227

Part 1220, Section 1220.1(b)(2); Part 1221, Section 1221.1(b)(2); Part 1225, Section 1225.1(b)(2); Part 1227, Section 1227.1(b)(2): The publication entitled "2019 Energy Storage System Supplement" has been changed to "2019 Energy Storage System Supplement (Revised September 2019)" and the publication date has been changed from June 2019 to September 2019.

Summary of Changes Made to the 2019 ESS Supplement

General Changes

Minor formatting changes were made to the 2019 ESS Supplement. As an example, spaces were added or removed, and certain text was indented. In addition, the publication date was revised.

Changes to Part 1 (Amendments to the 2015 IRC)

Item 1.1: Modified the definition of "Energy Storage System" to exclude electric motor vehicles and stand-alone car batteries. See comment 6 in full Assessment of Public Comments.

Item 1.2 Section R327.2: Revised to remove the language referring to ESS being listed and labeled for residential use. See comment 2 in full Assessment of Public Comments.

Item 1.2 Section R327.8: Revised to clarify the intention of the section by the inclusion of specific language of Section R302 rather than rely on a code reference to Section R302. See comment 3 in full Assessment of Public Comments.

Changes to Part 3 (Amendments to the 2015 IBC)

Item 3.3 Table 509: Revised to coordinate with the 2015 IFC (as amended). See comment 4 in full Assessment of Public Comments.

Changes to Part 4 (Amendments to the 2015 International Fire Code)

Item 4.1: Modified the definition of "Energy Storage System" to exclude electric motor vehicles and stand-alone car batteries. See comment 6 in full Assessment of Public Comments.

Item 4.3 Section 608.1: Revised to remove the reference to one- and two-family dwellings and townhouses. This was an error as these occupancies are regulated in the 2015 IRC, as amended.

Item 4.3 Table 608.1: Modified footnote "c" to indicate the lead-acid ESS installations in excess of 50 gallons of electrolyte have exceeded the threshold of Table 608.1. See comment 7 in full Assessment of Public Comments.

Item 4.3 Section 608.2: Modified to include a new exception to exclude outdoor stationary vehicle charging stations. See comment 9 in full Assessment of Public Comments.

Item 4.3 Section 608.9.2: Modified the section to indicate the Operation and Maintenance Manual shall be available to the fire code official for review. See comment 25 in full Assessment of Public Comments.

Item 4.3 Section 608.10.1: Modified the provision to allow approved UL 9540 equivalent listings to be acceptable. See comment 19 in full Assessment of Public Comments.

Item 4.3 Section 608.11.7: Modified the provision to clarify the intention of this provision to apply to ESS installed indoors. See comment 22 in full Assessment of Public Comments.

Item 4.3 Section 608.11.8: Modified the provision to require the signage to list the ESS rated capacity and that the contact person needs to have the technical knowledge to handle system faults. See comment 31.

Item 4.3 Section 608.12.1: Modified Exception 2 to remove the language "the fire code official may approve" and adding "shall be permitted." See comment 30 in full Assessment of Public Comments.

Item 4.3 Section 608.12.6: Modified the provision to limit the maximum enclosure size in cubic feet rather than linear dimensions. See comment 35 in full Assessment of Public Comments.

Item 4.3 Section 608.12.7: Modified the provision to add an exception for reduced clearances when large-scale fire testing is used. See comment 36 in full Assessment of Public Comments.

Item 4.3 Section 608.15.4: Revised to coordinate with the change resulting from revising 608.12.7.

Item 4.3 Section 608.18.1: Revised to remove the language referring to ESS being listed and labeled for residential use. See comment 2 in full Assessment of Public Comments.

Item 4.3 Section 608.18.7: Revised to coordinate with the change resulting from revising R327.8. See comment 3 in full Assessment of Public Comments.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Real Estate Advertisements

I.D. No. DOS-42-19-00001-P

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

Proposed Action: Amendment of section 175.25 of Title 19 NYCRR.

Statutory authority: Real Property Law, section 442-k

Subject: Real estate advertisements.

Purpose: To update current regulations concerning real estate advertisements.

Text of proposed rule: Section 175.25. Advertising

(a) Definitions.

(1) Advertising and advertisement mean promotion and solicitation related to licensed real estate activity, including but not limited to, advertising via mail telephone, websites, e-mail, electronic bulletin boards, business cards, signs, billboards, and flyers. Advertising and advertisement shall not include commentary made by a duly licensed real estate salesperson, real estate associate broker or real estate broker that is not related to promoting licensed real estate activity.

(2) Team means two or more persons, one of whom must be an associate real estate broker or real estate salesperson, associated with the same real estate brokerage who hold themselves out or operate as a team.

(3) Real estate brokerage means a real estate company represented by a real estate broker.

(4) Logo means a graphic mark used to identify a real estate broker, associate broker, salesperson or team, but not a photograph of a real estate broker, associate broker, salesperson or team contained in an advertisement.

(5) Property means real property or shares of stock in a cooperative corporation.

(b) Placement of advertisements.

(1) Only a real estate broker is permitted to place or cause to be published advertisements related to the sale or lease of property. Advertisements placed or caused to be published by an associate real estate broker, a real estate salesperson or a team for the sale or lease of property listed with or represented by a real estate broker are not permitted except where the property is listed with or represented by the real estate broker with whom the associate real estate broker, real estate salesperson or team placing the ad is associated and said real estate broker approved placement of the advertisement.

(2) Authorization

(i) No property shall be advertised unless the real estate broker has obtained authorization for such advertisement from the owner of the property or as hereinafter provided.

(ii) Real estate brokers shall not advertise property that is subject to an exclusive listing held by another real estate broker without the permission of the listing broker.

(iii) Proprietary information. Photographs of property that are posted on a real estate broker's website shall not be used or reproduced without written permission from the copyright holder of such photographs.

(c) Content of advertisements.

(1) Name of real estate broker. Advertisements shall indicate that the advertiser is a real estate broker or provide the name of the real estate broker or real estate brokerage and either:

(i) the full address of the real estate broker or real estate brokerage or,

(ii) the telephone number of the real estate broker or brokerage.

(2) Name of associated licensees. The advertisement may include the names of one or more associate real estate brokers or real estate salesper-

sons associated with the real estate broker or brokerage placing the advertisement. Where an advertisement includes the name of an associate broker, real estate salesperson or a team, the name of the real estate broker and/or real estate brokerage must also be printed in the advertisement.

(3) Nicknames. Real estate brokers, associate real estate brokers, and real estate salespersons shall advertise using the name under which said real estate broker, associate real estate broker or real estate salesperson is licensed with the Department of State. A nickname may be used in an advertisement provided that the full-licensed name is listed clearly and conspicuously.

(4) License type. Except as provided in subdivision (d) of this section, advertisements shall correctly and accurately state the type of license held by the real estate broker, associate real estate broker or real estate salesperson named in the advertisement. Licensees may abbreviate the type of license held, provided that such abbreviation is not misleading. The use of the titles, "sales associate", "licensed sales agent" or simply "broker" is prohibited. Real estate brokers, associate real estate brokers or real estate salespersons who have additional titles or designations are permitted to advertise such titles or designations.

(5) Contact information. An associate real estate broker, real estate salesperson or team may provide additional contact information, such as a post office box, in an advertisement.

(6) Home offices. A residence may be used as an office provided that it is properly licensed by the Department of State.

(7) Telephone numbers. Notwithstanding paragraph (1) of this subdivision, a real estate broker, associate broker, real estate salesperson or team may provide telephone numbers other than that of the brokerage in an advertisement, provided that the advertisement clearly identifies the type of such other telephone number as desk, home, cell phone, or otherwise.

(8) Logos. A real estate team, associate real estate broker or real estate salesperson may use a logo different from that of the real estate broker or real estate brokerage with whom they are associated, provided that the name or logo of the real estate broker or real estate brokerage is also printed in the advertisement.

(9) Property description. Advertisements shall include an honest and accurate description of the property to be sold or leased. All advertisements that state the advertised property is in the vicinity of a geographical area or territorial subdivision shall include as part of such advertisement the name of the geographical area or territorial subdivision in which such property is actually located. Use by real estate brokers, associate real estate brokers and real estate salespersons of a name to describe an area that would be misleading to the public is prohibited.

(10) Guaranteed Profits. Advertisements shall not guarantee future profits from any real estate activity.

(d) Additional requirements and exceptions.

(1) Classified Advertisements. Classified and multi-property advertisements shall indicate that the advertiser is a real estate broker or brokerage; or provide the name of the real estate broker or real estate brokerage. Classified and multi-property advertisements may omit the license type of any associate real estate broker or real estate salesperson named in the advertisement.

(2) Business cards. Notwithstanding subdivision (c) of this section, business cards must contain the business address of the licensee, license type, and the name of the real estate broker or real estate brokerage with whom the associate real estate broker or real estate salesperson is associated. All business cards must also contain the office telephone number for the associate real estate broker, real estate salesperson or team.

(3) Web-based advertising.

(i) Websites created and maintained by associate real estate brokers, real estate salespersons and teams are permitted, provided that said associate real estate brokers, real estate salespersons and teams are duly authorized by their supervising real estate broker to create and maintain such websites and such websites remain subject to the supervision of the real estate broker with whom the licensees are associated while the website is live.

(ii) Every page of such a website, including any page that displays multiple properties or property search results, shall include the information required by these rules and regulations. In addition, a link to the broker or brokerage website with whom the associate broker, salesperson or team is associated is required on the homepage of the associate broker, salesperson or team website unless the broker or brokerage does not have a website.

(4) E-mail. An initial e-mail from a real estate broker, associate real estate broker, real estate salesperson or team to a client or potential client shall provide the information required by these rules and regulations. Such information may be omitted from subsequent e-mail communications to the same recipient.

(5) For-Sale Signs. Notwithstanding paragraph (c)(1) of this section, unless otherwise prohibited by local law, any property listed through a real

estate broker must be advertised as such, and any signage placed upon such property soliciting the sale or lease of the property must identify the representative broker or brokerage.

(6) Advertisements referencing property not listed with broker. [Any advertisement that references or includes information about a property that is not listed with the advertising broker or was not sold by the advertising broker shall prominently display the following disclaimer: "This advertisement does not suggest that the broker has a listing in this property or properties or that any property is currently available." Such advertisement:

(i) shall not suggest, directly or indirectly, that the advertising broker was involved in the transaction; and

(ii) shall not refer to property currently listed with another broker absent consent provided pursuant to subparagraph (b)(2)(ii) of this section.]

(i) *No real estate broker, associate real estate broker, or real estate salesperson shall advertise in any manner or make reference to in any advertisement property that is subject to an exclusive listing agreement of another broker, without authorization from the exclusive listing broker. Such advertisements must clearly and conspicuously disclose the name of the exclusive listing broker immediately after one of the following phrases: "Listing Provided by [insert name of the exclusive listing broker]", "Listing by [insert name of exclusive listing broker]", "Listing Broker Contact [insert name of exclusive listing broker]", "Listing of [insert name of exclusive listing broker]", "Listing Provided Courtesy of [insert name of exclusive listing broker]", "Listing Courtesy of [insert name of exclusive listing broker]", or "Listing Agent Contact [insert name of exclusive listing broker]"*.

(ii) *Any real estate broker, associate real estate broker, or real estate salesperson that pays a third-party for advertising involving a property that is subject to an exclusive listing agreement of another broker must, in addition to the requirements in subparagraph (i), include in any advertisement that provides the advertising broker's name words to disclose that the advertisement is a paid advertisement, using at a minimum the word "advertisement" immediately following the real estate broker, associate real estate broker, or real estate salesperson's name.*

(e) Teams.

(1) Team name. Team names shall either:

(i) include the full licensed name of the real estate brokers, associate brokers or real estate salespersons who are part of said team; or

(ii) if the names are not included, the team name must be immediately followed by "at/of [full name of the broker/brokerage]."

Team names shall use the term "team." The use of any other terms besides "team," such as "associate," "realty" or "group" is prohibited. The use of the name of a non-licensed individual in a team name is prohibited. [For 12 months after the adoption of this regulation, teams that have changed their name to comply with this provision shall be entitled to state in advertisements under their new name that they were 'formerly known as' their prior team name.]

(2) Unlicensed team members. If any unlicensed individuals are named in advertising for a team, the advertisement must clearly and conspicuously state which individuals are real estate licensees and which ones are not.

Text of proposed rule and any required statements and analyses may be obtained from: David Mossberg, Esq., Dept. of State, 123 William Street, 20th Floor, (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.

Regulatory Impact Statement

1. Statutory Authority:

Article 12-A of the New York Real Property Law (RPL) prescribes requirements for individuals and business entities to act as real estate brokers and real estate salespeople. RPL § 442-k(1) authorizes the Department of State (Department), in conjunction with the New York State Real Estate Board (Board), to promulgate regulations to administer and effectuate the purposes of Article 12-A. Accordingly, the Department and the Board are proposing the instant rulemaking to amend section 175.25 of Title 19 NYCRR.

2. Legislative Objectives:

Article 12-A of the RPL requires the Department to license and regulate real estate licensees. It has long been recognized that Article 12-A was enacted, in part, to "protect the public from inept, inexperienced or dishonest persons who might perpetrate or aid in the perpetration of frauds and to establish protective or qualifying standards to that end." (*People v Sickinger*, 79 Misc 2d 572, 574 [Crim Ct, New York County 1974]). The rulemaking advances this legislative intent by requiring licensees to advertise listings in a more transparent and consistent manner.

3. Needs and Benefits:

When a licensee references property in an advertisement that is subject to an exclusive listing of another broker, the current regulation requires that the advertisement contain the following statement: "This advertisement does not suggest that the broker has a listing in this property or properties or that any property is currently available." 19 NYCRR § 175.25(d)(6). The Department and Board have observed that this statement does not appear when required on many buyer lead generation websites (both broker owned as well as third party platforms). Many websites do not adequately disclose to the consumer who the exclusive agent is, and when there is a reference to the listing broker, the disclosure is not clear enough. This proposal advances an important consumer need by ensuring that when any advertisement is placed on either a licensee owned website or a third party lead generation page, including on thumbnail pages, there is a clear and conspicuous reference to the actual listing broker.

The proposal also deletes a grace period that is no longer applicable.

4. Costs:

a. Costs to Regulated Parties:

The Department anticipates that there will be no significant costs resulting from the implementation of the rule to individual licensees. Prior to proposing this rulemaking, the Department engaged the New York State Association of Realtors ("NYSAR"), the Real Estate Board of New York Inc. ("REBNY"), and the Zillow Group Inc. ("Zillow") for feedback regarding possible implementation. The Department received results from surveys returned by approximately 2,100 Real Estate Brokers and Associate Brokers/Salespersons. 62% of Real Estate Brokers responding to a question on webpage updates indicated that their webpage is updated at least monthly with new information not related to specific properties. 94% of all licensees responding to a question on cost indicated that the cost for an average broker to make a similar change would be less than \$500.00.

b. Costs to the Department of State:

The rule does not impose any costs to the agency, the state or local governments for the implementation and continuation of the rule. Existing staff will answer any questions about the regulatory changes and investigate and enforce compliance with the proposed rules.

5. Local Government Mandates:

The rule does not impose any program, service, duty or responsibility upon any county, city, town, village, school district or other special district.

6. Paperwork:

The rule amends the current disclosure text required on real estate advertisements when a licensee refers to property that is subject to an exclusive listing agreement of another real estate broker.

7. Duplication:

This rule does not duplicate, overlap or conflict with any other state or federal requirement.

8. Alternatives:

The Department considered other approved text formats and, after consulting, in part, with the Division of Consumer Protection, found that other variations did not provide enough consumer clarity or transparency. The Department also considered limiting the list of acceptable disclosure terms but determined that providing multiple variations would potentially lead to more compliance from the industry.

9. Federal Standards:

There are no federal standards relating to this rule. Consequently, this rule does not exceed any existing federal standard.

10. Compliance Schedule:

The rule will be effective 180 days after publication of the Notice of Adoption to allow licensees and other platform providers that offer services to licensees sufficient time to come into compliance with the rule.

Regulatory Flexibility Analysis

1. Effect of rule:

The rule will apply to all licensed real estate brokers, associate brokers, and salespeople that advertise related to licensed real estate activity. The rule changes the current disclosure text and placement when a licensee references property that is exclusively listed by another broker. The rule also removes a grace period that is no longer applicable.

2. Compliance requirements:

Licensees that advertise related to licensed real estate activity will be required to ensure that any advertisement, whether placed on their own website or on a third party lead generation page, contains appropriate disclosures in a clear and conspicuous manner.

The rule does not impose any compliance requirements on local governments.

3. Professional services:

It is expected that some professional services (e.g., website design, information technology) will be required to add new disclosures to real estate advertisement pages, including thumbnail or search result pages.

The rule does not impose any compliance requirements on local governments.

4. Compliance costs:

The Department anticipates that there will be no significant costs resulting from the implementation of the rule to individual licensees. Prior to proposing this rulemaking, the Department engaged the New York State Association of Realtors ("NYSAR"), the Real Estate Board of New York Inc. ("REBNY"), and the Zillow Group Inc. ("Zillow") for feedback regarding possible implementation. The Department received results from surveys returned by approximately 2,100 Real Estate Brokers and Associate Brokers/Salespersons. 62% of Real Estate Brokers responding to a question on webpage updates indicated that their webpage is updated at least monthly with new information not related to specific properties. 94% of all licensees responding to a question on cost indicated that the cost for an average broker to make a similar change would be less than \$500.00.

5. Economic and technological feasibility:

The purpose of the rule is to update acceptable disclosure text and placement of such text in the context of specific types of real estate advertisements. These types of advertisements already exist, therefore it will be technologically feasible for licensees to comply with the proposed rule by changing text or placement. Additionally, based on a survey provided, the Department believes that it will not be cost prohibitive to comply and is economically feasible.

Local government will not need to comply with this rule.

6. Minimizing adverse impact:

The rulemaking will not result in significant increased costs to licensees. Based on a sample survey conducted, many licensees already update their websites on a frequent basis and the cost associated with these changes are not expected to be significant. Additionally, the Department believes that once the appropriate website design is created future listings will be able to rely on the updated coding, thereby minimizing future economic impact.

7. Small business participation:

Prior to proposing the rule, the Department had numerous discussions with Zillow, NYSAR, and REBNY regarding potential impact. These conversations were designed to illicit feedback from major industry representatives on the new disclosures. The rulemaking was also discussed at an open meeting of the New York Real Estate Board on May 30, 2019, which was open to the public. The Department anticipates additional participation following publication of the Notice of Proposed Rule Making.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas:

The rule will apply to all licensed real estate brokers, associate brokers, and salespeople that advertise related to licensed real estate activity operating in the State of New York. Individuals and entities licensed pursuant to Article 12-A of the New York Real Property Law ("NY RPL") operate throughout the state including both rural and urban areas.

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

It is expected that some professional services (e.g., website design, information technology) will be required to add new disclosures to real estate advertisement pages, including thumbnail or search result pages. The Department believes that these requirements will be the same for licensees operating in rural areas as those operating in urban areas.

3. Costs:

The Department anticipates that there will be no significant costs resulting from the implementation of the rule to individual licensees. Prior to proposing this rulemaking, the Department engaged the New York State Association of Realtors ("NYSAR"), the Real Estate Board of New York Inc. ("REBNY"), and the Zillow Group Inc. ("Zillow") for feedback regarding possible implementation. The Department received results from surveys returned by approximately 2,100 Real Estate Brokers and Associate Brokers/Salespersons. 62% of Real Estate Brokers responding to a question on webpage updates indicated that their webpage is updated at least monthly with new information not related to specific properties. 94% of all licensees responding to a question on cost indicated that the cost for an average broker to make a similar change would be less than \$500.00.

4. Minimizing adverse impact:

The rulemaking will not result in significant increased costs to licensees. Based on a sample survey conducted, many licensees already update their websites on a frequent basis and the cost associated with these changes are not expected to be significant. Additionally, the Department believes that once the appropriate website design is created future listings will be able to rely on the updated coding, thereby minimizing future economic impact.

5. Rural area participation:

Prior to proposing the rule, the Department had numerous discussions with Zillow, NYSAR, and REBNY regarding potential impact. These conversations were designed to illicit feedback from major industry representatives on the new disclosures; some members of which operate in rural areas. The Department anticipates additional participation following publication of the Notice of Proposed Rule Making.

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. The current regulation already specifies a disclosure for certain types of real estate advertisements and this rulemaking merely amends the acceptable text and placement of such disclosure.

State University of New York

NOTICE OF ADOPTION**Proposed Amendments to Appointment of Employees and Leave of Absence for Employees in the Professional Service**

I.D. No. SUN-15-19-00007-A

Filing No. 850

Filing Date: 2019-09-27

Effective Date: 2019-10-16

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

Action taken: Amendment of sections 335.4(d) and 335.8(c) of Title 8 NYCRR.

Statutory authority: Education Law, sections 353 and 355

Subject: Proposed amendments to Appointment of Employees and Leave of Absence for Employees in the Professional Service.

Purpose: Allow a temporary cessation of service credit during birth/adoption/foster care placement of child and update leave accruals.

Text or summary was published in the April 10, 2019 issue of the Register, I.D. No. SUN-15-19-00007-P.

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

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

Assessment of Public Comment

The agency received no public comment.

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

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

Filing No. 849

Filing Date: 2019-09-27

Effective Date: 2019-10-16

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

Action taken: Amendment of sections 602.8(c) and 602.13 of Title 8 NYCRR.

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

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

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

Text or summary was published in the July 24, 2019 issue of the Register, I.D. No. SUN-30-19-00001-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

State University of New York Tuition and Fees Schedule

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

Filing No. 848

Filing Date: 2019-09-27

Effective Date: 2019-10-16

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

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

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

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

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

Text or summary was published in the July 24, 2019 issue of the Register, I.D. No. SUN-30-19-00011-P.

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

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

Assessment of Public Comment

The agency received no public comment.

Office of Victim Services

EMERGENCY RULE MAKING

Conduct Contributing Related to Burial Awards

I.D. No. OVS-24-19-00001-E

Filing No. 902

Filing Date: 2019-10-01

Effective Date: 2019-10-01

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

Action taken: Amendment of sections 525.11(b), 525.12(m)(iv); renumbering of section 525.12(m)(2) to (m)(3); addition of new section 525.12(m)(2) to Title 9 NYCRR.

Statutory authority: Executive Law, sections 623(3) and 631(5)(g)

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

Specific reasons underlying the finding of necessity: I determined that it is necessary for the preservation of the general welfare that this amendment be readopted on an emergency basis as authorized by section 202(6) of the State Administrative Procedure Act, to be effective June 26, 2019.

This amendment was initially adopted as an emergency measure because time was of the essence. The effective date of the underlying Chapter law of 2018 which made this amendment necessary was June 26, 2019. To ensure consistent and fair claim determinations, and not delay the processing of crime victim claims, these rules were needed to be in place by that date and not lapse.

Subject: Conduct contributing related to burial awards.

Purpose: Adopt rules necessary as the result of chapter 494 of the Laws of 2018, when considering the victim's own conduct.

Text of emergency rule: Subdivision (b) of section 525.11 is amended to read as follows:

(b) A request for an emergency award may be approved if it appears to the office that such claim is one with respect to which an award probably will be made and undue hardship will result to the claimant if immediate payment is not made. The determination by the office of an emergency award request shall include, at a minimum, the consideration of: (1) whether a crime did in fact occur, (2) the eligibility of the person to receive an award pursuant to section 624 of the Executive Law, (3) whether, if the crime upon which the claim is based did not result in the death of such person, the person contributed to their injuries because of their conduct pursuant to subdivision 5 of section 631 of the Executive Law, (4) the of-

fice as payer of last resort, pursuant to subdivision 4 of section 631 of the Executive Law, (5) whether the claimant and/or victim failed to cooperate with the reasonable requests of law enforcement authorities, including prosecutors, and (6) the out-of-pocket loss, as defined in section 626 of the Executive law, upon which the request for an emergency award is made.

Subparagraph (iv) of paragraph (1) of subdivision (m) of section 525.12 amended to read as follows:

(iv) 25 percent reduction of award. All other conduct on part of the victim, not considered in subparagraph (i), (ii) or (iii) of this paragraph, as indicated in the investigation of the claim pursuant to subdivision (b) of section 52[2]5.5 of this Part.

Paragraph (2) of Subdivision (m) of section 525.12 is renumbered paragraph (3).

Subdivision (m) of section 525.12 is amended to add a new paragraph (2) to read as follows:

(2) *Notwithstanding the provisions paragraph (1) of this subdivision, if the crime upon which the claim is based resulted in the death of the victim, awards made pursuant to Executive Law article 22 and this Part shall be reduced for conduct contributing in the following manner:*

(i) *50 percent denial of award. Any conduct on part of the victim, as indicated by law enforcement in the investigation of the claim pursuant to subdivision (b) of section 525.5 of this Part, constituting felonies or misdemeanors involving violence. For the purpose of this subparagraph, the term "violence" shall include, but not be limited to: gang activity, the dealing of illegal drugs, being the initial aggressor, and the use or brandishing of illegal firearms or other dangerous instruments at or near the time of the crime.*

(ii) *25 percent reduction of award. Any conduct on part of the victim, as indicated by law enforcement in the investigation of a claim pursuant to subdivision (b) of section 525.5 of this Part, constituting any other felony not considered in subparagraph (i) of this paragraph.*

(iii) *Any other conduct on part of the victim, not considered in subparagraph (i) or (ii) of this paragraph, as indicated in the investigation of the claim pursuant to subdivision (b) of section 525.5 of this Part, shall not be considered a reason to reduce an award.*

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. OVS-24-19-00001-EP, Issue of June 12, 2019. The emergency rule will expire November 29, 2019.

Text of rule and any required statements and analyses may be obtained from: John Watson, Counsel, Office of Victim Services, 80 South Swan Street, 2nd Floor, Albany, NY 12210, (518) 457-8062, email: john.watson@ovs.ny.gov

Regulatory Impact Statement

1. Statutory authority: New York State Executive Law, section 623(3) grants the Office of Victim Services (OVS or Office) the authority to adopt, promulgate, amend and rescind suitable rules and regulations to carry out the provisions and purposes of Article 22 of the Executive Law. Executive Law, section 631(5)(g) provides that in determining the amount of an award, if the crime upon which the claim is based resulted in the death of the victim, the Office shall determine whether, because of his or her conduct, the victim contributed to the infliction of his or her injury and that the Office shall reduce the amount of the award by no more than 50%, in accordance with such determination.

2. Legislative objectives: The legislative intent is clear that the purpose of OVS is to assist innocent victims of crime. By enacting the New York State Executive Law, section 631(5)(g) provides that in determining the amount of an award, if the crime upon which the claim is based resulted in the death of the victim, the Office shall determine whether, because of his or her conduct, the victim contributed to the infliction of his or her injury, the Legislature limited the Office to reducing the amount of the award by no more than 50%, in accordance with such determination.

3. Needs and benefits: It is clear from the OVS' legislative intent and the other provisions in the Executive Law that the awards made by the agency are meant for the benefit of innocent victims of crime. By enacting the New York State Executive Law, section 631(5), the Legislature sought to ensure that the Office would reduce the amount of an award or reject a claim altogether based upon the victim's own conduct. Under current regulations, "conduct contributing" is defined as, "... culpable conduct logically and rationally related to the crime by which the victim was victimized and contributing to the injury suffered by the victim." [9NYCRR525.3(b)] The regulations further provide that both the investigation of, and decision on a claim consider the victim's conduct contributing. [9NYCRR525.5(b) and 9NYCRR525.6(b)] The current regulations surrounding this provision provide standards when determining how a victim's conduct contributed to their injury or death and how such conduct should impact their award. [9NYCRR525.12(m)]

The current regulations establish standards for such determinations to

be made in a consistent manner. The standards created under these regulations are also tied to the facts collected during the investigation of the claim, to establish a record-based relationship between the victim's conduct and the crime upon which the claim is based. These regulations were drafted to codify the type of conduct which the Office would consider as "logically and rationally related to the crime by which the victim was victimized" and how such conduct should impact an award after a 2013, Appellate Division, Second Department decision. [Matter of Cox (110 A.D.3d 797, 973 N.Y.S.2d 242)]

OVS recognized that there is a difference between surviving victims who are claimants themselves, and eligible claimants filing a claim based upon a crime-related death of a victim, and the Legislature agreed. Chapter 494 of the Laws of 2018 added a new paragraph (g) to subdivision 5 of section 631. This new paragraph provides that in determining the amount of an award, if the crime upon which the claim is based resulted in the death of the victim, the Office shall determine whether, because of his or her conduct, the victim contributed to the infliction of his or her injury and that the Office shall reduce the amount of the award by no more than 50%, in accordance with such determination. The proposed regulations are necessary to implement the statutory intent of this new law, while keeping consistent with other claim decisions in which conduct contributing is a factor.

4. Costs: a. Costs to regulated parties. It is not expected that the proposed regulations would impose any additional costs to the agency or State. The implementation of these regulatory changes should prove to create operational efficiencies within the Office and save the State money.

b. Costs to local governments. These proposed regulations do not apply to local governments and would not impose any additional costs on local governments.

c. Costs to private regulated parties. The proposed regulations do not impose any additional costs on private regulated parties.

5. Local government mandates: These proposed regulations do not impose any program, service duty or responsibility upon any local government.

6. Paperwork: These proposed regulations do not require any additional paperwork requirements than are currently required of the Office's claimants.

7. Duplication: These proposed regulations do not duplicate any other existing state or federal requirements.

8. Alternatives: The current regulations do not take into consideration the statutory changes made by Chapter 494 of the Laws of 2018. The current regulatory scheme creates standards necessary to make consistent determinations when considering conduct contributing. Chapter 494 and the rest of the enacting statute's provisions are clear that the Office's awards are meant to take into consideration the conduct of the victim to decrease the benefits awarded by the Office instead of making an outright denial. The new, 50% reduction mirrors the same considerations in the existing 100% denial reasons and the new, 25% reduction mirrors the same considerations in the existing, 75% reduction. The conduct considered for each reduction could have included more or less factors, but it has been determined that the standards by which they are determined, as written, are the fairest to make such determinations – mirroring the existing denial and reduction factors which are considered for surviving crime victims.

9. Federal standards: The OVS is funded, in part by the federal Victims of Crime Act (VOCA). The statute which determines how state crime victim compensation programs may determine awards is enumerated in 42 USCS 10602. This rule change does not contradict any of the federal provisions of section 10602 and is permissible under such provisions.

10. Compliance schedule: The regulations will be effective on June 26, 2019.

Regulatory Flexibility Analysis

The Office of Victim Services projects there will be no adverse economic impact or reporting, recordkeeping or other compliance requirements on small businesses or local governments in the State of New York as a result of this proposed rule change. This proposed rule change is simply designed to provide standards when determining how a victim's conduct contributed to their death and how such conduct may impact a claimant's subsequent award. Since nothing in this proposed rule change will create any adverse impacts on any small businesses or local governments in the state, no further steps were needed to ascertain these facts and none were taken. As apparent from the nature and purpose of this proposed rule change, a full Regulatory Flexibility Analysis is not required and therefore one has not been prepared.

Rural Area Flexibility Analysis

The Office of Victim Services projects there will be no adverse impact on rural areas or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas in the State of New York as a result of this proposed rule change. This proposed rule change is simply

designed to provide standards when determining how a victim's conduct contributed to their death and how such conduct may impact a claimant's subsequent award. Since nothing in this proposed rule change will create any adverse impacts on any public or private entities in rural areas in the state, no further steps were needed to ascertain these facts and none were taken. As apparent from the nature and purpose of this proposed rule change, a full Rural Area Flexibility Analysis is not required and therefore one has not been prepared.

Job Impact Statement

The Office of Victim Services projects there will be no adverse impact on jobs or employment opportunities in the State of New York as a result of this proposed rule change. This proposed rule change is simply designed to provide standards when determining how a victim's conduct contributed to their death and how such conduct may impact a claimant's subsequent award. Since nothing in this proposed rule change will create any adverse impacts on jobs or employment opportunities in the state, no further steps were needed to ascertain these facts and none were taken. As apparent from the nature and purpose of this proposed rule change, a full Job Impact Statement is not required and therefore one has not been prepared.

Assessment of Public Comment

The agency received no public comment.

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.
Power Authority of the State of New York		
PAS-42-19-00008-P	Rates for the sale of power and energy	Power Authority of the State of New York, 123 Main St., White Plains, NY—November 21, 2019, 11:00 a.m.
Public Service Commission		
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-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-ERP	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
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CHILDREN AND FAMILY SERVICES, OFFICE OF			
CFS-51-18-00010-P	12/19/19	Residential and non-residential services to victims of domestic violence	To conform the existing regulations to comply with state and federal laws regarding services to victims of domestic violence
CFS-19-19-00006-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.
CFS-42-19-00002-P	10/15/20	Permissible disclosure of records maintained by OCFS.	To amend existing regulations regarding the permissible disclosure of records by OCFS.

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.
CVS-25-19-00009-P	06/18/20	Jurisdictional Classification	To delete positions from and classify positions in the exempt and non-competitive classes.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
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
CVS-34-19-00006-P	08/20/20	Jurisdictional Classification	To delete positions from the non-competitive class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-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
CVS-42-19-00009-P	10/15/20	Jurisdictional Classification	To classify positions in the exempt class
CVS-42-19-00010-P	10/15/20	Jurisdictional Classification	To classify positions in the exempt class
CVS-42-19-00011-P	10/15/20	Jurisdictional Classification	To classify a position in the exempt class
CVS-42-19-00012-P	10/15/20	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-42-19-00013-P	10/15/20	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-42-19-00014-P	10/15/20	Jurisdictional Classification	To classify a position in the exempt class
CVS-42-19-00015-P	10/15/20	Jurisdictional Classification	To classify a position in the exempt class
CVS-42-19-00016-P	10/15/20	Jurisdictional Classification	To classify a position in the exempt class
CVS-42-19-00017-P	10/15/20	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-42-19-00018-P	10/15/20	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-42-19-00019-P	10/15/20	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-42-19-00020-P	10/15/20	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-42-19-00021-P	10/15/20	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-42-19-00022-P	10/15/20	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-42-19-00023-P	10/15/20	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-42-19-00024-P	10/15/20	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-42-19-00025-P	10/15/20	Jurisdictional Classification	To delete positions from and classify positions in the exempt and non-competitive classes

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-42-19-00026-P	10/15/20	Jurisdictional Classification	To classify positions in the exempt class and to delete a position from and classify positions in the non-competitive class
CVS-42-19-00027-P	10/15/20	Jurisdictional Classification	To classify positions in the exempt and non-competitive classes
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.
CMC-41-19-00002-EP	10/08/20	Necessary age for admission to an adult lockup	To ensure that individuals under 18 years old are not admitted to an adult lockup
CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF			
CCS-05-19-00006-RP	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
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).

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
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
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
ENV-10-19-00003-P	05/13/20	Regulate volatile organic compounds (VOCs) in architectural and industrial maintenance (AIM) coatings	To set new and lower VOC limits for certain coating categories. Update categories and methods
ENV-12-19-00002-P	05/23/20	Air emissions regulation of cleaning solutions containing volatile organic compounds	Update existing regulation with latest emission control requirements and add requirements recently issued by EPA
ENV-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
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
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.
ENV-42-19-00003-P	10/15/20	Amendments to Great Lakes sportfishery regulations in 6NYCRR Part 10	Proposed amendments are intended to improve high quality sportfisheries and associated economic benefits
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-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
FINANCIAL SERVICES, DEPARTMENT OF			
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
SGC-42-19-00004-P	10/15/20	Add racetrack operator to terms defined in harness racing 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-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.
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
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
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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LONG ISLAND POWER AUTHORITY			
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.
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
PAS-42-19-00008-P	..... exempt	Rates for the Sale of Power and Energy	To align rates and costs

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-09-99-00012-P	..... exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	..... exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-12-00-00001-P	..... exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-44-01-00005-P	..... exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-07-02-00032-P	..... exempt	Uniform business practices	To consider modification
*PSC-36-03-00010-P	..... exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-40-03-00015-P	..... exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00010-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-41-03-00011-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-44-03-00009-P	..... exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates
*PSC-02-04-00008-P	..... exempt	Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York	To rehear the Nov. 25, 2003 order
*PSC-06-04-00009-P	..... exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC
*PSC-10-04-00005-P	..... exempt	Temporary protective order	To consider adopting a protective order
*PSC-10-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement
*PSC-14-04-00008-P	..... exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway
*PSC-15-04-00022-P	..... exempt	Submetering of electricity by Glenn Gardens Associates, L.P.	To permit submetering at 175 W. 87th St., New York, NY
*PSC-21-04-00013-P	..... exempt	Verizon performance assurance plan by Metropolitan Telecommunications	To clarify the appropriate performance level
*PSC-22-04-00010-P	..... exempt	Approval of new types of electricity meters by Powell Power Electric Company	To permit the use of the PE-1250 electronic meter
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-25-04-00012-P	..... exempt	Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P.	To amend the agreement
*PSC-27-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-27-04-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-28-04-00006-P	..... exempt	Approval of loans by Dunkirk & Fredonia Telephone Company and Cassadaga Telephone Corporation	To authorize participation in the parent corporation's line of credit
*PSC-31-04-00023-P	..... exempt	Distributed generation service by Consolidated Edison Company of New York, Inc.	To provide an application form
*PSC-34-04-00031-P	..... exempt	Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc.	To set appropriate level of permanent rates
*PSC-35-04-00017-P	..... exempt	Application form for distributed generation by Orange and Rockland Utilities, Inc.	To establish a new supplementary application form for customers
*PSC-43-04-00016-P	..... exempt	Accounts recievable by Rochester Gas and Electric Corporation	To include in its tariff provisions for the purchase of ESCO accounts recievable
*PSC-46-04-00012-P	..... exempt	Service application form by Consolidated Edison Company of New York, Inc.	To revise the form and make housekeeping changes
*PSC-46-04-00013-P	..... exempt	Rules and guidelines governing installation of metering equipment	To establish uniform statewide business practices
*PSC-02-05-00006-P	..... exempt	Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc.	To consider imposing remedial actions against the company and its owners, officers and directors
*PSC-09-05-00009-P	..... exempt	Submetering of natural gas service by Hamlet on Olde Oyster Bay	To consider submetering of natural gas to a commercial customer
*PSC-14-05-00006-P	..... exempt	Request for deferred accounting authorization by Freeport Electric Inc.	To defer expenses beyond the end of the fiscal year
*PSC-18-05-00009-P	..... exempt	Marketer Assignment Program by Consolidated Edison Company of New York, Inc.	To implement the program
*PSC-20-05-00028-P	..... exempt	Delivery point aggregation fee by Allied Frozen Storage, Inc.	To review the calculation of the fee
*PSC-25-05-00011-P	..... exempt	Metering, balancing and cashout provisions by Central Hudson Gas & Electric Corporation	To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-41-05-00013-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities	To consider the filings
*PSC-45-05-00011-P	..... exempt	Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation	To defer certain costs
*PSC-46-05-00015-P	..... exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale
*PSC-47-05-00009-P	..... exempt	Transferral of gas supplies by Corning Natural Gas Corporation	To approve the transfer
*PSC-50-05-00008-P	..... exempt	Long-term debt by Saratoga Glen Hollow Water Supply Corp.	To obtain long-term debt
*PSC-04-06-00024-P	..... exempt	Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc.	To approve of the transfer
*PSC-06-06-00015-P	..... exempt	Gas curtailment policies and procedures	To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established
*PSC-07-06-00009-P	..... exempt	Modification of the current Environmental Disclosure Program	To include an attributes accounting system
*PSC-22-06-00019-P	..... exempt	Hourly pricing by National Grid	To assess the impacts
*PSC-22-06-00020-P	..... exempt	Hourly pricing by New York State Electric & Gas Corporation	To assess the impacts
*PSC-22-06-00021-P	..... exempt	Hourly pricing by Rochester Gas & Electric Corporation	To assess the impacts
*PSC-22-06-00022-P	..... exempt	Hourly pricing by Consolidated Edison Company of New York, Inc.	To assess the impacts
*PSC-22-06-00023-P	..... exempt	Hourly pricing by Orange and Rockland Utilities, Inc.	To assess the impacts
*PSC-24-06-00005-EP	..... exempt	Supplemental home energy assistance benefits	To extend the deadline to Central Hudson's low-income customers
*PSC-25-06-00017-P	..... exempt	Purchased power adjustment by Massena Electric Department	To revise the method of calculating the purchased power adjustment and update the factor of adjustment
*PSC-34-06-00009-P	..... exempt	Inter-carrier telephone service quality standards and metrics by the Carrier Working Group	To incorporate appropriate modifications
*PSC-37-06-00015-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-37-06-00017-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-43-06-00014-P	..... exempt	Electric delivery services by Strategic Power Management, Inc.	To determine the proper mechanism for the rate-recovery of costs
*PSC-04-07-00012-P	..... exempt	Petition for rehearing by Orange and Rockland Utilities, Inc.	To clarify the order
*PSC-06-07-00015-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for electric service
*PSC-06-07-00020-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for gas service
*PSC-11-07-00010-P	..... exempt	Investigation of the electric power outages by the Consolidated Edison Company of New York, Inc.	To implement the recommendations in the staff's investigation
*PSC-11-07-00011-P	..... exempt	Storm-related power outages by Consolidated Edison Company of New York, Inc.	To modify the company's response to power outages, the timing for any such changes and other related matters
*PSC-17-07-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc.	To amend the agreement
*PSC-18-07-00010-P	..... exempt	Existing electric generating stations by Independent Power Producers of New York, Inc.	To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation
*PSC-20-07-00016-P	..... exempt	Tariff revisions and making rates permanent by New York State Electric & Gas Corporation	To seek rehearing
*PSC-21-07-00007-P	..... exempt	Natural Gas Supply and Acquisition Plan by Corning Natural Gas Corporation	To revise the rates, charges, rules and regulations for gas service
*PSC-22-07-00015-P	..... exempt	Demand Side Management Program by Consolidated Edison Company of New York, Inc.	To recover incremental program costs and lost revenue
*PSC-23-07-00022-P	..... exempt	Supplier, transportation, balancing and aggregation service by National Fuel Gas Distribution Corporation	To explicitly state in the company's tariff that the threshold level of elective upstream transmission capacity is a maximum of 112,600 Dth/day of marketer-provided upstream capacity
*PSC-24-07-00012-P	..... exempt	Gas Efficiency Program by the City of New York	To consider rehearing a decision establishing a Gas Efficiency Program
*PSC-39-07-00017-P	..... exempt	Gas bill issuance charge by New York State Electric & Gas Corporation	To create a gas bill issuance charge unbundled from delivery rates
*PSC-41-07-00009-P	..... exempt	Submetering of electricity rehearing	To seek reversal
*PSC-42-07-00012-P	..... exempt	Energy efficiency program by Orange and Rockland Utilities, Inc.	To consider any energy efficiency program for Orange and Rockland Utilities, Inc.'s electric service
*PSC-42-07-00013-P	..... exempt	Revenue decoupling by Orange and Rockland Utilities, Inc.	To consider a revenue decoupling mechanism for Orange and Rockland Utilities, Inc.
*PSC-45-07-00005-P	..... exempt	Customer incentive programs by Orange and Rockland Utilities, Inc.	To establish a tariff provision

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-02-08-00006-P	..... exempt	Additional central office codes in the 315 area code region	To consider options for making additional codes
*PSC-03-08-00006-P	..... exempt	Rehearing of the accounting determinations	To grant or deny a petition for rehearing of the accounting determinations
*PSC-04-08-00010-P	..... exempt	Granting of easement rights on utility property by Central Hudson Gas & Electric Corporation	To grant easement rights to Millennium Pipeline Company, L.L.C.
*PSC-04-08-00012-P	..... exempt	Marketing practices of energy service companies by the Consumer Protection Board and New York City Department of Consumer Affairs	To consider modifying the commission's regulation over marketing practices of energy service companies
*PSC-08-08-00016-P	..... exempt	Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al.	To consider the transfer
*PSC-12-08-00019-P	..... exempt	Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-12-08-00021-P	..... exempt	Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-13-08-00011-P	..... exempt	Waiver of commission policy and NYSEG tariff by Turner Engineering, PC	To grant or deny Turner's petition
*PSC-13-08-00012-P	..... exempt	Voltage drops by New York State Electric & Gas Corporation	To grant or deny the petition
*PSC-23-08-00008-P	..... exempt	Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project	To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project
*PSC-25-08-00007-P	..... exempt	Policies and procedures regarding the selection of regulatory proposals to meet reliability needs	To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs
*PSC-25-08-00008-P	..... exempt	Report on Callable Load Opportunities	Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years
*PSC-28-08-00004-P	..... exempt	Con Edison's procedure for providing customers access to their account information	To consider Con Edison's implementation plan and timetable for providing customers access to their account information
*PSC-31-08-00025-P	..... exempt	Recovery of reasonable DRS costs from the cost mitigation reserve (CMR)	To authorize recovery of the DRS costs from the CMR
*PSC-32-08-00009-P	..... exempt	The ESCO referral program for KEDNY to be implemented by October 1, 2008	To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program
*PSC-33-08-00008-P	..... exempt	Noble Allegany's request for lightened regulation	To consider Noble Allegany's request for lightened regulation as an electric corporation
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-39-08-00010-P	..... exempt	RG&E's economic development plan and tariffs	Consideration of the approval of RG&E's economic development plan and tariffs
*PSC-40-08-00010-P	..... exempt	Loans from regulated company to its parent	To determine if the cash management program resulting in loans to the parent should be approved
*PSC-41-08-00009-P	..... exempt	Transfer of control of cable TV franchise	To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved
*PSC-43-08-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-46-08-00008-P	..... exempt	Property transfer in the Village of Avon, New York	To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York
*PSC-46-08-00010-P	..... exempt	A transfer of indirect ownership interests in nuclear generation facilities	Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities
*PSC-46-08-00014-P	..... exempt	The attachment of cellular antennae to an electric transmission tower	To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower
*PSC-48-08-00005-P	..... exempt	A National Grid high efficiency gas heating equipment rebate program	To expand eligibility to customers converting from oil to natural gas
*PSC-48-08-00008-P	..... exempt	Petition for the master metering and submetering of electricity	To consider the request of Bay City Metering, to master meter & submeter electricity at 345 E. 81st St., New York, New York
*PSC-48-08-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of PCV/ST to submeter electricity at Peter Cooper Village & Stuyvesant Town, New York, New York
*PSC-50-08-00018-P	..... exempt	Market Supply Charge	A study on the implementation of a revised Market Supply Charge
*PSC-51-08-00006-P	..... exempt	Commission's October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458	To consider a Petition for rehearing of the Commission's October 27, 2008 Order in Case 07-M-0458
*PSC-51-08-00007-P	..... exempt	Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078	To consider Petitions for rehearing of the Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078
*PSC-53-08-00011-P	..... exempt	Use of deferred Rural Telephone Bank funds	To determine if the purchase of a softswitch by Hancock is an appropriate use of deferred Rural Telephone Bank funds
*PSC-53-08-00012-P	..... exempt	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY
*PSC-53-08-00013-P	..... exempt	To transfer common stock and ownership	To consider transfer of common stock and ownership
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-02-09-00010-P	..... exempt	Competitive classification of independent local exchange company, and regulatory relief appropriate thereto	To determine if Chazy & Westport Telephone Corporation more appropriately belongs in scenario 1 rather than scenario 2
*PSC-05-09-00008-P	..... exempt	Revenue allocation, rate design, performance metrics, and other non-revenue requirement issues	To consider any remaining non-revenue requirement issues related to the Company's May 9, 2008 tariff filing
*PSC-05-09-00009-P	..... exempt	Numerous decisions involving the steam system including cost allocation, energy efficiency and capital projects	To consider the long term impacts on steam rates and on public policy of various options concerning the steam system
*PSC-06-09-00007-P	..... exempt	Interconnection of the networks between Frontier Comm. and WVT Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier Comm. and WVT Comm.
*PSC-07-09-00015-P	..... exempt	Transfer certain utility assets located in the Town of Montgomery from plant held for future use to non-utility property	To consider the request to transfer certain utility assets located in the Town of Montgomery to non-utility assets
*PSC-07-09-00017-P	..... exempt	Request for authorization to defer the incremental costs incurred in the restoration work resulting from the ice storm	To allow the company to defer the incremental costs incurred in the restoration work resulting from the ice storm
*PSC-07-09-00018-P	..... exempt	Whether to permit the submetering of natural gas service to an industrial and commercial customer at Cooper Union, New York, NY	To consider the request of Cooper Union, to submeter natural gas at 41 Cooper Square, New York, New York
*PSC-12-09-00010-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-12-09-00012-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-13-09-00008-P	..... exempt	Options for making additional central office codes available in the 718/347 numbering plan area	To consider options for making additional central office codes available in the 718/347 numbering plan area
*PSC-14-09-00014-P	..... exempt	The regulation of revenue requirements for municipal utilities by the Public Service Commission	To determine whether the regulation of revenue requirements for municipal utilities should be modified
*PSC-16-09-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of AMPS on behalf of Park Imperial to submeter electricity at 230 W. 56th Street, in New York, New York
*PSC-16-09-00020-P	..... exempt	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity
*PSC-17-09-00010-P	..... exempt	Whether to permit the use of Elster REX2 solid state electric meter for use in residential and commercial accounts	To permit electric utilities in New York State to use the Elster REX2
*PSC-17-09-00011-P	..... exempt	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-17-09-00014-P	..... exempt	Benefit-cost framework for evaluating AMI programs prepared by the DPS Staff	To consider a benefit-cost framework for evaluating AMI programs prepared by the DPS Staff
*PSC-17-09-00015-P	..... exempt	The construction of a tower for wireless antennas on land owned by National Grid	To approve, reject or modify the petition to build a tower for wireless antennas in the Town of Onondaga
*PSC-18-09-00012-P	..... exempt	Petition for rehearing of Order approving the submetering of electricity	To consider the request of Frank Signore to rehear petition to submeter electricity at One City Place in White Plains, New York
*PSC-18-09-00013-P	..... exempt	Petition for the submetering of electricity	To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York
*PSC-18-09-00017-P	..... exempt	Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers	To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower
*PSC-20-09-00016-P	..... exempt	The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc	To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with it's AMI pilots etc
*PSC-20-09-00017-P	..... exempt	The recovery of, and accounting for, costs associated with CHG&E's AMI pilot program	To consider a filing of CHG&E as to the recovery of, and accounting for, costs associated with it's AMI pilot program
*PSC-22-09-00011-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-25-09-00005-P	..... exempt	Whether to grant, deny, or modify, in whole or in part, the petition	Whether to grant, deny, or modify, in whole or in part, the petition
*PSC-25-09-00006-P	..... exempt	Electric utility implementation plans for proposed web based SIR application process and project status database	To determine if the proposed web based SIR systems are adequate and meet requirements needed for implementation
*PSC-25-09-00007-P	..... exempt	Electric rates for Consolidated Edison Company of New York, Inc	Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc
*PSC-27-09-00011-P	..... exempt	Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access.	To review the terms and conditions of the negotiated agreement between Vernon and tw telecom of new york l.p.
*PSC-27-09-00014-P	..... exempt	Billing and payment for energy efficiency measures through utility bill	To promote energy conservation
*PSC-27-09-00015-P	..... exempt	Interconnection of the networks between Oriskany and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Oriskany and tw telecom of new york l.p.
*PSC-29-09-00011-P	..... exempt	Consideration of utility compliance filings	Consideration of utility compliance filings
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-34-09-00016-P	..... exempt	Recommendations made in the Management Audit Final Report	To consider whether to take action or recommendations contained in the Management Audit Final Report
*PSC-34-09-00017-P	..... exempt	To consider the transfer of control of Plattsburgh Cablevision, Inc. d/b/a Charter Communications to CH Communications, LLC	To allow the Plattsburgh Cablevision, Inc. to distribute its equity interest in CH Communications, LLC
*PSC-36-09-00008-P	..... exempt	The increase in the non-bypassable charge implemented by RG&E on June 1, 2009	Considering exemptions from the increase in the non-bypassable charge implemented by RG&E on June 1, 2009
*PSC-37-09-00015-P	..... exempt	Sale of customer-generated steam to the Con Edison steam system	To establish a mechanism for sale of customer-generated steam to the Con Edison steam system
*PSC-37-09-00016-P	..... exempt	Applicability of electronic signatures to Deferred Payment Agreements	To determine whether electronic signatures can be accepted for Deferred Payment Agreements
*PSC-39-09-00015-P	..... exempt	Modifications to the \$5 Bill Credit Program	Consideration of petition of National Grid to modify the Low Income \$5 Bill Credit Program
*PSC-39-09-00018-P	..... exempt	The offset of deferral balances with Positive Benefit Adjustments	To consider a petition to offset deferral balances with Positive Benefit Adjustments
*PSC-40-09-00013-P	..... exempt	Uniform System of Accounts - request for deferral and amortization of costs	To consider a petition to defer and amortize costs
*PSC-51-09-00029-P	..... exempt	Rules and guidelines for the exchange of retail access data between jurisdictional utilities and eligible ESCOs	To revise the uniform Electronic Data Interchange Standards and business practices to incorporate a contest period
*PSC-51-09-00030-P	..... exempt	Waiver or modification of Capital Expenditure condition of merger	To allow the companies to expend less funds for capital improvement than required by the merger
*PSC-52-09-00006-P	..... exempt	ACE's petition for rehearing for an order regarding generator-specific energy deliverability study methodology	To consider whether to change the Order Prescribing Study Methodology
*PSC-52-09-00008-P	..... exempt	Approval for the New York Independent System Operator, Inc. to incur indebtedness and borrow up to \$50,000,000	To finance the renovation and construction of the New York Independent System Operator, Inc.'s power control center facilities
*PSC-05-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY
*PSC-05-10-00015-P	..... exempt	Petition for the submetering of electricity	To consider the request of 243 West End Avenue Owners Corp. to submeter electricity at 243 West End Avenue, New York, NY
*PSC-06-10-00022-P	..... exempt	The Commission's Order of December 17, 2009 related to redevelopment of Consolidated Edison's Hudson Avenue generating facility	To reconsider the Commission's Order of December 17, 2009 related to redevelopment of the Hudson Avenue generating facility
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-08-10-00007-P	..... exempt	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847
*PSC-08-10-00009-P	..... exempt	Consolidated Edison of New York, Inc. energy efficiency programs	To modify approved energy efficiency programs
*PSC-12-10-00015-P	..... exempt	Recommendations made by Staff intended to enhance the safety of Con Edison's gas operations	To require that Con Edison implement the Staff recommendations intended to enhance the safety of Con Edison's gas operations
*PSC-14-10-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of 61 Jane Street Owners Corporation to submeter Electricity at 61 Jane Street, Manhattan, NY
*PSC-16-10-00005-P	..... exempt	To consider adopting and expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-16-10-00007-P	..... exempt	Interconnection of the networks between TDS Telecom and PAETEC Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between TDS Telecom and PAETEC Communications
*PSC-16-10-00015-P	..... exempt	Interconnection of the networks between Frontier and Choice One Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier and Choice One Communications
*PSC-18-10-00009-P	..... exempt	Electric utility transmission right-of-way management practices	To consider electric utility transmission right-of-way management practices
*PSC-19-10-00022-P	..... exempt	Whether National Grid should be permitted to transfer a parcel of property located at 1 Eddy Street, Fort Edward, New York	To decide whether to approve National Grid's request to transfer a parcel of vacant property in Fort Edward, New York
*PSC-22-10-00006-P	..... exempt	Requirement that Noble demonstrate that its affiliated electric corporations operating in New York are providing safe service	Consider requiring that Noble demonstrate that its affiliated electric corporations in New York are providing safe service
*PSC-22-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of 48-52 Franklin Street to submeter electricity at 50 Franklin Street, New York, New York
*PSC-24-10-00009-P	..... exempt	Verizon New York Inc. tariff regulations relating to voice messaging service	To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff
*PSC-25-10-00012-P	..... exempt	Reassignment of the 2-1-1 abbreviated dialing code	Consideration of petition to reassign the 2-1-1 abbreviated dialing code
*PSC-27-10-00016-P	..... exempt	Petition for the submetering of electricity	To consider the request of 9271 Group, LLC to submeter electricity at 960 Busti Avenue, Buffalo, New York
*PSC-34-10-00003-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-34-10-00006-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-36-10-00010-P	..... exempt	Central Hudson's procedures, terms and conditions for an economic development plan	Consideration of Central Hudson's procedures, terms and conditions for an economic development plan
*PSC-40-10-00014-P	..... exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by National Grid
*PSC-40-10-00021-P	..... exempt	Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall	To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall
*PSC-41-10-00018-P	..... exempt	Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter	Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers
*PSC-41-10-00022-P	..... exempt	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY
*PSC-42-10-00011-P	..... exempt	Petition for the submetering of electricity	To consider the request of 4858 Group, LLC to submeter electricity at 456 Main Street, Buffalo, New York
*PSC-43-10-00016-P	..... exempt	Utility Access to Ducts, Conduit Facilities and Utility Poles	To review the complaint from Optical Communications Group
*PSC-44-10-00003-P	..... exempt	Third and fourth stage gas rate increase by Corning Natural Gas Corporation	To consider Corning Natural Gas Corporation's request for a third and fourth stage gas rate increase
*PSC-51-10-00018-P	..... exempt	Commission proceeding concerning three-phase electric service by all major electric utilities	Investigate the consistency of the tariff provisions for three-phase electric service for all major electric utilities
*PSC-11-11-00003-P	..... exempt	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service
*PSC-13-11-00005-P	..... exempt	Exclude the minimum monthly bill component from the earnings test calculation	Exclude the minimum monthly bill component from the earnings test calculation
*PSC-14-11-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York
*PSC-19-11-00007-P	..... exempt	Utility price reporting requirements related to the Commission's "Power to Choose" website	Modify the Commission's utility electric commodity price reporting requirements related to the "Power to Choose" website
*PSC-20-11-00012-P	..... exempt	Petition for the submetering of electricity	To consider the request of KMW Group LLC to submeter electricity at 122 West Street, Brooklyn, New York
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-22-11-00004-P	..... exempt	Whether to permit the use of the Sensus accWAVE for use in residential gas meter applications	To permit gas utilities in New York State to use the Sensus accWAVE diaphragm gas meter
*PSC-26-11-00007-P	..... exempt	Water rates and charges	To approve an increase in annual revenues by about \$25,266 or 50%
*PSC-26-11-00009-P	..... exempt	Petition for the submetering of electricity at commercial property	To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York
*PSC-26-11-00012-P	..... exempt	Waiver of generation retirement notice requirements	Consideration of waiver of generation retirement notice requirements
*PSC-29-11-00011-P	..... exempt	Petition requesting the Commission reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order.	To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing.
*PSC-35-11-00011-P	..... exempt	Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8	Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters
*PSC-36-11-00006-P	..... exempt	To consider expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-38-11-00002-P	..... exempt	Operation and maintenance procedures pertaining to steam trap caps	Adopt modified steam operation and maintenance procedures
*PSC-38-11-00003-P	..... exempt	Waiver of certain provisions of the electric service tariffs of Con Edison	Consideration of waiver of certain provisions of the electric service tariffs of Con Edison
*PSC-40-11-00010-P	..... exempt	Participation of regulated local exchange carriers in the New York Data Exchange, Inc. (NYDE)	Whether to partially modify its order requiring regulated local exchange carriers' participation NYDE
*PSC-40-11-00012-P	..... exempt	Granting of transfer of plant in-service to a regulatory asset	To approve transfer and recovery of unamortized plant investment
*PSC-42-11-00018-P	..... exempt	Availability of telecommunications services in New York State at just and reasonable rates	Providing funding support to help ensure availability of affordable telecommunications service throughout New York
*PSC-43-11-00012-P	..... exempt	Transfer of outstanding shares of stock	Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC
*PSC-47-11-00007-P	..... exempt	Remedying miscalculations of delivered gas as between two customer classes	Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations
*PSC-48-11-00007-P	..... exempt	Transfer of controlling interests in generation facilities from Dynege to PSEG	Consideration of the transfer of controlling interests in electric generation facilities from Dynege 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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-01-12-00008-P	..... exempt	Transfer of real property and easements from NMPNS to NMP3	Consideration of the transfer of real property and easements from NMPNS to NMP3
*PSC-01-12-00009-P	..... exempt	Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove	To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered
*PSC-11-12-00002-P	..... exempt	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff
*PSC-11-12-00005-P	..... exempt	Transfer of land and water supply assets	Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman
*PSC-13-12-00005-P	..... exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-19-12-00023-P	..... exempt	Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than \$100,000	To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc.
*PSC-21-12-00006-P	..... exempt	Tariff filing requirements and refunds	To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted
*PSC-21-12-00011-P	..... exempt	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47
*PSC-23-12-00007-P	..... exempt	The approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility	To consider the approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility
*PSC-23-12-00009-P	..... exempt	Over earnings sharing between rate payers and shareholders	To establish an Earnings Sharing Mechanism to be applied following the conclusion of Corning's rate plan
*PSC-27-12-00012-P	..... exempt	Implementation of recommendations made in a Management Audit Report	To consider implementation of recommendations made in a Management Audit Report
*PSC-28-12-00013-P	..... exempt	Exemption of reliability reporting statistics for the purpose of the 2012 Reliability Performance Mechanism	Consideration of Orange and Rockland Utilities request for exemption of the 2012 reliability reporting statistics
*PSC-29-12-00019-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Hamden to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-30-12-00010-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Andes to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-33-12-00009-P	..... exempt	Telecommunications companies ability to attach to utility company poles	Consideration of Tech Valley's ability to attach to Central Hudson poles
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-42-12-00009-P	..... exempt	Regulation of Gipsy Trail Club, Inc.'s long-term financing agreements	To exempt Gipsy Trail Club, Inc. from Commission regulation of its financing agreements
*PSC-45-12-00008-P	..... exempt	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff
*PSC-45-12-00010-P	..... exempt	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District
*PSC-50-12-00003-P	..... exempt	Affiliate standards for Corning Natural Gas Corporation	To resolve issues raised by Corning Natural Gas Corporation in its petition for rehearing
*PSC-04-13-00006-P	..... exempt	Expansion of mandatory day ahead hourly pricing for customers of Orange and Rockland Utilities with demands above 100 kW	To consider the expansion of mandatory day ahead hourly pricing for customers with demands above 100 kW
*PSC-04-13-00007-P	..... exempt	Authorization to transfer certain real property.	To decide whether to approve the transfer of certain real property.
*PSC-06-13-00008-P	..... exempt	Verizon New York Inc.'s retail service quality	To investigate Verizon New York Inc.'s retail service quality
*PSC-08-13-00012-P	..... exempt	Filing requirements for certain Article VII electric facilities	To ensure that applications for certain electric transmission facilities contain pertinent information
*PSC-08-13-00014-P	..... exempt	Uniform System of Accounts - Request for Accounting Authorization	To allow the company to defer an item of expense or capital beyond the end of the year in which it was incurred
*PSC-12-13-00007-P	..... exempt	Protecting company water mains	To allow the company to require certain customers to make changes to the electrical grounding system at their homes
*PSC-13-13-00008-P	..... exempt	The potential waiver of 16 NYCRR 255.9221(d) completion of integrity assessments for certain gas transmission lines.	To determine whether a waiver of the timely completion of certain gas transmission line integrity assessments should be granted.
*PSC-18-13-00007-P	..... exempt	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes
*PSC-21-13-00003-P	..... exempt	To consider policies that may impact consumer acceptance and use of electric vehicles	To consider and further develop policies that may impact consumer acceptance and use of electric vehicles
*PSC-21-13-00005-P	..... exempt	To implement an abandonment of Windover's water system	To approve the implementation of abandonment of Windover's water system
*PSC-21-13-00008-P	..... exempt	Rates of National Fuel Gas Distribution Corporation	To make the rates of National Fuel Gas Distribution Corporation temporary, subject to refund, if they are found to be excessive
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-22-13-00009-P	..... exempt	On remand from New York State court litigation, determine the recovery of certain deferred amounts owed NFG by ratepayers	On remand, to determine the recovery of certain deferral amounts owed NFG from ratepayers
*PSC-23-13-00005-P	..... exempt	Waiver of partial payment, directory database distribution, service quality reporting, and service termination regulations	Equalize regulatory treatment based on level of competition and practical considerations
*PSC-25-13-00008-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-25-13-00009-P	..... exempt	Provision by utilities of natural gas main and service lines.	To help ensure efficient and economic expansion of the natural gas system as appropriate.
*PSC-25-13-00012-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-27-13-00014-P	..... exempt	Columbia Gas Transmission Corporation Cost Refund	For approval for temporary waiver of tariff provisions regarding its Columbia Gas Transmission Corporation cost refund.
*PSC-28-13-00014-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-28-13-00016-P	..... exempt	The request of NGT for lightened regulation as a gas corporation.	To consider whether to approve, reject, or modify the request of Niagara gas transport of Lockport, NY LLC.
*PSC-28-13-00017-P	..... exempt	The request by TE for waiver of regulations requiring that natural gas be odorized in certain gathering line segments	Consider the request by TE for waiver of regulations that gas be odorized in certain lines
*PSC-32-13-00009-P	..... exempt	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices
*PSC-32-13-00012-P	..... exempt	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion
*PSC-33-13-00027-P	..... exempt	Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines.	Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines.
*PSC-33-13-00029-P	..... exempt	Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy.	To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy.
*PSC-34-13-00004-P	..... exempt	Escrow account and surcharge to fund extraordinary repairs	To approve the establishment of an escrow account and surcharge
*PSC-42-13-00013-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-42-13-00015-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-45-13-00021-P	..... exempt	Investigation into effect of bifurcation of gas and electric utility service on Long Island.	To consider a Petition for an investigation into effect of bifurcation of gas and electric utility service on Long Island.
*PSC-45-13-00022-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00023-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00024-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4); waiver of filing deadlines.	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00025-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-47-13-00009-P	..... exempt	Petition for submetering of electricity.	To consider the request of Hegeman Avenue Housing L.P. to submeter electricity at 39 Hegeman Avenue, Brooklyn, N.Y.
*PSC-47-13-00012-P	..... exempt	Conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.	Consideration of conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.
*PSC-49-13-00008-P	..... exempt	Authorization to transfer all of Crystal Water Supply Company, Inc. stocks to Essel Infra West Inc.	To allow Crystal Water Supply Company, Inc to transfer all of its issued and outstanding stocks to Essel Infra West Inc.
*PSC-51-13-00009-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00010-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00011-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-52-13-00012-P	..... exempt	The development of reliability contingency plan(s) to address the potential retirement of Indian Point Energy Center (IPEC).	To address the petition for rehearing and reconsideration/motion for clarification of the IPEC reliability contingency plan(s).
*PSC-52-13-00015-P	..... exempt	To enter into a loan agreement with the banks for up to an amount of \$94,000.	To consider allowing Knolls Water Company to enter into a long-term loan agreement.
*PSC-05-14-00010-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-07-14-00008-P	..... exempt	Petition for submetering of electricity	To consider the request of Greater Centennial Homes HDFC, Inc. to submeter electricity at 102, 103 and 106 W 5th Street, et al.
*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

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-39-14-00020-P	..... exempt	Whether to permit the use of the Mueller Systems 400 Series and 500 Series of water meters	Pursuant to 16 NYCRR section 500.3, whether to permit the use of the Mueller Systems 400, and 500 Series of water meters
*PSC-40-14-00008-P	..... exempt	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.
*PSC-40-14-00009-P	..... exempt	Whether to permit the use of the Itron Open Way Centron Meter with Hardware 3.1 for AMR and AMI functionality.	Pursuant to 16 NYCRR Parts 93, is necessary to permit the use of the Itron Open Way Centron Meter with Hardware 3.1.
*PSC-40-14-00011-P	..... exempt	Late Payment Charge.	To modify Section 7.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-40-14-00013-P	..... exempt	Regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.	To consider regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.
*PSC-40-14-00014-P	..... exempt	Waiver of 16 NYCRR Sections 894.1 through 894.4(b)(2)	To allow the Town of Goshen, NY, to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-40-14-00015-P	..... exempt	Late Payment Charge.	To modify Section 6.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-42-14-00003-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-42-14-00004-P	..... exempt	Winter Bundled Sales Service Option	To modify SC-11 to remove language relating to fixed storage charges in the determination of the Winter Bundled Sales charge
*PSC-48-14-00014-P	..... exempt	Considering the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.	To consider the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.
*PSC-52-14-00019-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of 614 South Crouse Avenue, LLC to master meter electricity at 614 South Crouse Avenue, Syracuse, NY..
*PSC-01-15-00014-P	..... exempt	State Universal Service Fund Disbursements	To consider Edwards Telephone Company's request for State Universal Service Fund disbursements
*PSC-08-15-00009-P	..... exempt	Approval of a surcharge.	To allow or disallow Emerald Green Lake Louise Marie Water Company, Inc. for a surcharge.
*PSC-08-15-00010-P	..... exempt	Request pertaining to the lawfulness of National Grid USA continuing its summary billing program.	To grant, deny, or modify URAC Rate Consultants' request that National Grid cease its summary billing program.
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-10-15-00008-P	..... exempt	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes
*PSC-13-15-00024-P	..... exempt	Whether Leatherstocking should be permitted to recover a shortfall in earnings	To decide whether to approve Leatherstocking's request to recover a shortfall in earnings
*PSC-13-15-00026-P	..... exempt	Whether to permit the use of the Sensus Smart Point Gas AMR/AMI product	To permit the use of the Sensus Smart Point Gas AMR/AMI product
*PSC-13-15-00027-P	..... exempt	Whether to permit the use of the Measurlogic DTS 310 electric submeter	To permit the use of the Measurlogic DTS 310 submeter
*PSC-13-15-00028-P	..... exempt	Whether to permit the use of the SATEC EM920 electric meter	To permit necessary to permit the use of the SATEC EM920 electric meter
*PSC-13-15-00029-P	..... exempt	Whether to permit the use the Triacta Power Technologies 6103, 6112, 6303, and 6312 electric submeters	To permit the use of the Triacta submeters
*PSC-17-15-00007-P	..... exempt	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million
*PSC-18-15-00005-P	..... exempt	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism
*PSC-19-15-00011-P	..... exempt	Gas Safety Performance Measures and associated negative revenue adjustments	To update the performance measures applicable to KeySpan Gas East Corporation d/b/a National Grid
*PSC-22-15-00015-P	..... exempt	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)
*PSC-23-15-00005-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-23-15-00006-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-25-15-00008-P	..... exempt	Notice of Intent to Submeter electricity.	To consider the request of 165 E 66 Residences, LLC to submeter electricity at 165 East 66th Street, New York, New York.
*PSC-29-15-00025-P	..... exempt	Joint Petition for authority to transfer real property located at 624 West 132nd Street, New York, NY	Whether to authorize the proposed transfer of real property located at 624 West 132nd Street, New York, NY
*PSC-32-15-00006-P	..... exempt	Development of a Community Solar Demonstration Project.	To approve the development of a Community Solar Demonstration Project.
*PSC-33-15-00009-P	..... exempt	Remote net metering of a demonstration community net metering program.	To consider approval of remote net metering of a demonstration community net metering program.
*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.

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-06-16-00014-P	..... exempt	MEGA's proposed demonstration CCA program.	To consider MEGA's proposed demonstration CCA program.
*PSC-14-16-00008-P	..... exempt	Resetting retail markets for ESCO mass market customers.	To ensure consumer protections with respect to residential and small non-residential ESCO customers.
*PSC-18-16-00013-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00014-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00015-P	..... exempt	Petitions for rehearing of the Order Resetting Retail Energy Markets and Establishing Further Process.	To ensure consumer protections for ESCO customers.
*PSC-18-16-00016-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00018-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-20-16-00008-P	..... exempt	Consideration of consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).	To consider consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).
*PSC-20-16-00010-P	..... exempt	Deferral and recovery of incremental expense.	To consider deferring costs of conducting leak survey and repairs for subsequent recovery.
*PSC-20-16-00011-P	..... exempt	Enetics LD-1120 Non-Intrusive Load Monitoring Device in the Statewide Residential Appliance Metering Study.	To consider the use of the Enetics LD-1120 Non-Intrusive Load Monitoring Device.
*PSC-24-16-00009-P	..... exempt	Petition to submeter gas service.	To consider the Petition of New York City Economic Development Corp. to submeter gas at Pier 17, 89 South Street, New York, NY.
*PSC-25-16-00009-P	..... exempt	To delay Companies' third-party assessments of customer personally identifiable information until 2018.	To extend the time period between the Companies' third-party assessments of customer personally identifiable information.
*PSC-25-16-00025-P	..... exempt	Acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.	To consider acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.
*PSC-25-16-00026-P	..... exempt	Use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter, in residential fire service applications.	To consider the use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter in fire service applications.
*PSC-28-16-00017-P	..... exempt	A petition for rehearing of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework.	To determine appropriate rules for and calculation of the distributed generation reliability credit.
*PSC-29-16-00024-P	..... exempt	Participation of NYPA customers in surcharge-funded clean energy programs.	To consider participation of NYPA customers in surcharge-funded clean energy programs.
*PSC-32-16-00012-P	..... exempt	Benefit-Cost Analysis Handbooks.	To evaluate proposed methodologies of benefit-cost evaluation.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-33-16-00001-EP	..... exempt	Use of escrow funds for repairs.	To authorize the use of escrow account funds for repairs.
*PSC-33-16-00005-P	..... exempt	Exemption from certain charges for delivery of electricity to its Niagara Falls, New York facility.	Application of System Benefits Charges, Renewable Portfolio Standard charges and Clean Energy Fund surcharges.
*PSC-35-16-00015-P	..... exempt	NYSRC's revisions to its rules and measurements	To consider revisions to various rules and measurements of the NYSRC
*PSC-36-16-00004-P	..... exempt	Recovery of costs for installation of electric service.	To consider the recovery of costs for installation of electric service.
*PSC-40-16-00025-P	..... exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP).	To consider whether to impose consequences on Smart One for its apparent non-compliance with Commission requirements.
*PSC-47-16-00009-P	..... exempt	Petition to use commercial electric meters	To consider the petition of Itron, Inc. to use the Itron CP2SO and CP2SOA in commercial electric meter applications
*PSC-47-16-00010-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00013-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00014-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00016-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-02-17-00010-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for RG&E.
*PSC-02-17-00012-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for NYSEG.
*PSC-14-17-00017-P	..... exempt	Petition for Full-Scale Deployment of AMI and to Establish an AMI Surcharge.	To consider the petition for Full-Scale Deployment of AMI and to Establish an AMI Surcharge.
*PSC-18-17-00024-P	..... exempt	A petition for rehearing or reconsideration of the Order Addressing Public Policy Transmission Need for AC Transmission Upgrades	To determine whether Public Policy Transmission Need/Public Policy Requirements continue to exist.
*PSC-18-17-00026-P	..... exempt	Revisions to the Dynamic Load Management surcharge.	To consider revisions to the Dynamic Load Management surcharge.
*PSC-19-17-00004-P	..... exempt	NYAW's request to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2016.	Consideration of NYAW's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2016.
*PSC-20-17-00008-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid NY regarding the potential for adoption of compressed natural gas as a motor fuel.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-20-17-00010-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid regarding the potential for adoption of compressed natural gas as a motor fuel.
*PSC-21-17-00013-P	..... exempt	The establishment and implementation of Earnings Adjustment Mechanisms.	To consider the establishment and implementation of Earnings Adjustment Mechanisms.
*PSC-21-17-00018-P	..... exempt	Proposed agreement for the provision of water service by Saratoga Water Services, Inc.	To consider a waiver and approval of terms of a service agreement.
*PSC-22-17-00004-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives	To consider the proposed Interconnection Survey Process and Earnings Adjustment Mechanisms
*PSC-23-17-00022-P	..... exempt	Changes in regulation of ESCOs, including restrictions on or prohibitions of marketing or offering certain products or services.	To ensure consumer protection for ESCO customers.
*PSC-24-17-00006-P	..... exempt	Development of the Utility Energy Registry.	Improved data access.
*PSC-26-17-00005-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 125 Waverly Street, Yonkers, New York.
*PSC-34-17-00011-P	..... exempt	Waiver to permit Energy Cooperative of America to serve low-income customers	To consider the petition for a waiver
*PSC-37-17-00005-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives.	To consider the revised Interconnection Survey Process and Earnings Adjustment Mechanisms.
*PSC-37-17-00006-P	..... exempt	Petition to submeter electricity.	To consider the petition of ACC OP (Park Point SU) LLC to submeter electricity at 417 Comstock Avenue, Syracuse, New York.
*PSC-39-17-00011-P	..... exempt	Whether to direct New York State Electric & Gas to complete electric facility upgrades at no charge to Hanehan.	To determine financial responsibility between NYSEG and Hanehan for the electric service upgrades to Hanehan.
*PSC-40-17-00006-P	..... exempt	The aggregation of electric service for the Empire State Plaza and the Sheridan Avenue Steam Plant	To consider a waiver of National Grid's tariff provision requiring all electric delivery points to be on the same premises
*PSC-42-17-00010-P	..... exempt	Petition for rehearing of negative revenue adjustment and contents of annual Performance Report.	To consider NFGD's petition for rehearing.
*PSC-48-17-00015-P	..... exempt	Low Income customer options for affordable water bills.	To consider the Low Income Bill Discount and/or Energy Efficiency Rebate Programs.
*PSC-50-17-00017-P	..... exempt	New Wave Energy Corp.'s petition for rehearing.	To consider the petition for rehearing filed by New Wave Energy Corp.
*PSC-50-17-00018-P	..... exempt	Application of the Public Service Law to DER suppliers.	To determine the appropriate regulatory framework for DER suppliers.
*PSC-50-17-00019-P	..... exempt	Transfer of utility property.	To consider the transfer of utility property.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-50-17-00021-P	..... exempt	Disposition of tax refunds and other related matters.	To consider the disposition of tax refunds and other related matters.
*PSC-50-17-00022-P	..... exempt	Data protection rules for DER suppliers.	To determine the appropriate regulatory framework for DER suppliers.
*PSC-51-17-00011-P	..... exempt	Petition for recovery of certain costs related to the implementation of a Non-Wires Alternative Project.	To consider Con Edison's petition for the recovery of costs for implementing the JFK Project.
*PSC-04-18-00005-P	..... exempt	Notice of intent to submeter electricity.	To consider the notice of intent of Montante/Morgan Gates Circle LLC to submeter electricity.
*PSC-05-18-00004-P	..... exempt	Lexington Power's ZEC compliance obligation.	To promote and maintain renewable and zero-emission electric energy resources.
*PSC-06-18-00012-P	..... exempt	To consider further proposed amendments to the original criteria to grandfathering established in the Transition Plan	To modify grandfathering criteria
*PSC-06-18-00017-P	..... exempt	Merger of NYAW and Whitlock Farms Water Corp.	To consider the merger of NYAW and Whitlock Farms Water Company into a single corporate entity
*PSC-07-18-00015-P	..... exempt	The accuracy and reasonableness of National Grid's billing for certain interconnection upgrades.	To consider AEC's petition requesting resolution of their billing dispute with National Grid.
*PSC-11-18-00004-P	..... exempt	New York State Lifeline Program.	To consider TracFone's petition seeking approval to participate in Lifeline.
*PSC-13-18-00015-P	..... exempt	Eligibility of an ESCO to market to and enroll residential customers.	To consider whether Astral should be allowed to market to and enroll residential customers following a suspension.
*PSC-13-18-00023-P	..... exempt	Reconciliation of property taxes.	To consider NYAW's request to reconcile property taxes.
*PSC-14-18-00006-P	..... exempt	Petition for abandonment	To consider the abandonment of Willsboro Bay Water Company's water system
*PSC-17-18-00010-P	..... exempt	Petition for use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
*PSC-18-18-00009-P	..... exempt	Transfer of control of Keene Valley Video Inc.	To ensure performance in accordance with applicable cable laws, regulations and standards and the public interest
*PSC-23-18-00006-P	..... exempt	Whether to impose consequences on Aspurity for its non-compliance with Commission requirements.	To ensure the provision of safe and adequate energy service at just and reasonable rates.
*PSC-23-18-00014-P	..... exempt	Proposed major rate increase of approximately \$11.7 million to cover its Franklin and St. Lawrence Counties expansion project.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
*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.

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-44-18-00016-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
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-09-19-00009-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-16-19-00005-P	..... exempt	Proposed major electric delivery revenue requirement increase of approximately \$485 million (or 4.6% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-16-19-00007-P	..... exempt	Recommendation of the levelization surcharge, changes to the System Improvement Charge, and a one-year stay-out.	To address the issues in NYAW's petition dated February 25, 2019.
PSC-16-19-00008-P	..... exempt	Proposed major rate increase in Con Edison's gas delivery revenues of approximately \$210 million (or 9.1% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-17-19-00014-P	..... exempt	Minor rate filing.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-18-19-00010-P	..... 04/30/20	Energy efficiency programs, budgets, and targets for investor-owned utilities.	To encourage the delivery and procurement of energy efficiency by investor-owned utilities.
PSC-18-19-00011-P	..... exempt	Policies, budgets and targets for support of heat pump deployment by investor-owned utilities.	To encourage the support for heat pump deployment by investor-owned utilities.
PSC-18-19-00012-P	..... 04/30/20	Policies, budgets and targets for support of energy efficiency programs for low- and moderate-income customers.	To encourage the support of energy efficiency programs for low- and moderate-income customers by investor-owned utilities.
PSC-18-19-00013-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-18-19-00015-P	..... exempt	Minor rate filing.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-19-19-00013-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-21-19-00018-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-23-19-00005-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-24-19-00005-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-24-19-00008-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-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-27-19-00007-P	..... exempt	Implementation of consolidated billing for distributed energy resources.	To facilitate development of and participation in Community Distributed Generation projects.
PSC-27-19-00009-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-28-19-00004-P	..... exempt	Revenue and Property Tax Reconciliation Mechanism.	To ensure recovery of proper expenses and the continued provision of safe and adequate service.
PSC-28-19-00006-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-31-19-00013-P	..... exempt	Implementation of Statewide Energy Benchmarking.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-31-19-00014-P	..... exempt	Consideration of NYAW's Interim Implementation Plan.	To ensure NYAW improves its service to ratepayers.
PSC-31-19-00015-P	..... exempt	Proposed major rate increase in KEDNY's gas delivery revenues by \$236.8 million (13.6% increase in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-31-19-00016-P	..... exempt	Proposed major rate increase in KEDLI's gas delivery revenues of approximately \$49.4 million (or 4.1% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-31-19-00017-P	..... exempt	Implementation of e-DPAs.	To consider a proposal to implement e-DPAs.
PSC-32-19-00004-EP	..... exempt	RDM target modifications for SC 8 customers and defer any revenue shortfall as a regulatory asset.	To ensure SC 8 electric customers are being charged properly and avoid customer confusion and unnecessary rate volatility.
PSC-32-19-00008-P	..... exempt	Compensation of distributed energy resources	To ensure just and reasonable rates, including compensation, for distributed energy resources
PSC-32-19-00009-P	..... exempt	Petition to submeter electricity and waiver request	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place
PSC-32-19-00010-P	..... exempt	Notice of intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-32-19-00011-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place
PSC-32-19-00012-P	..... exempt	Standby Service Rates and Buyback Service Rates	To ensure just and reasonable rates, including compensation, for distributed energy resources
PSC-32-19-00013-P	..... exempt	Disposition of tax refunds received by New York American Water Company, Inc.	To determine the disposition of tax refunds and other related matters
PSC-33-19-00007-P	..... exempt	Transfer of street lighting facilities.	To determine whether to provide written consent for the proposed transfer of certain street lighting facilities.
PSC-33-19-00008-P	..... exempt	Pole attachment rates.	To ensure safe and adequate service at just and reasonable rates charged to customers without preferences.
PSC-33-19-00009-P	..... exempt	Transfer of street lighting facilities.	To determine whether to provide written consent for the proposed transfer of certain street lighting facilities.
PSC-33-19-00010-P	..... exempt	Purchase of renewable energy from new distributed generators and energy storage systems 15 kilowatts or less.	To establish provisions to ensure safe and reliable service for all customers.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-33-19-00012-P	..... exempt	Limited waiver of tariff provisions for customers with PEVs under Special Provision L of the SC-1 VTOU rate.	To ensure just and reasonable rates charged to customers without undue preferences
PSC-33-19-00013-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-33-19-00014-P	..... exempt	Electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
PSC-34-19-00015-P	..... exempt	Major electric rate filing.	To consider a proposed increase in RG&E's electric delivery revenues of approximately \$31.7 million (or 4.1% in total revenues).
PSC-34-19-00016-P	..... exempt	Major gas rate filing.	To consider a proposed increase in RG&E's gas delivery revenues of approximately \$5.8 million (or 1.4% in total revenues).
PSC-34-19-00017-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-34-19-00018-P	..... exempt	Major electric rate filing.	To consider a proposed increase in NYSEG's electric delivery revenues of approximately \$156.7 million (10.4% in total revenues).
PSC-34-19-00019-P	..... exempt	Compensation of distributed energy resources.	To ensure just and reasonable rates, including compensation for distributed energy resources.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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.
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.
PSC-41-19-00001-EP	..... exempt	Appointment of a temporary operator.	To ensure safe water supply through appointment of a temporary operator.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-41-19-00003-P	..... exempt	A voluntary residential three-part rate that would include fixed, usage and demand charges.	To provide qualifying residential customers with an optional three-part rate.
PSC-41-19-00004-P	..... exempt	To consider acquiring cable television facilities and franchises of 27 municipalities from CCE I to Spectrum NE.	To ensure performance in accordance with applicable cable laws, regulations and standards and the public interest.
PSC-41-19-00005-P	..... exempt	Tariff modifications to correct the calculation for the VDER Value Stack DRV.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-42-19-00006-P	..... exempt	Waiver of the prohibition on service to low-income customers by ESCOs.	To consider the petition for an extension of the waiver of the prohibition on service to low-income customers by ESCOs.
PSC-42-19-00007-P	..... exempt	Waiver of the prohibition on service to low-income customers by ESCOs.	To consider the petition for an extension of the waiver of the prohibition on service to low-income customers by ESCOs.
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-40-19-00001-P	..... 10/01/20	Appraisal Standards	To adopt the 2020-2021 edition of the Uniform Standards of Professional Appraisal Practice
DOS-42-19-00001-P	..... 10/15/20	Real estate advertisements	To update current regulations concerning real estate advertisements
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
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.
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

SECURITIES OFFERINGS

STATE NOTICES

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

DEALERS; BROKERS

A3 Alternative Credit Fund
90 Madison St., Suite 303, Denver, CO 80206
State or country in which incorporated — Delaware

AEW Asia Pacific Real Estate Fund, L.P.
Two Seaport Lane, Boston, MA 02210
Partnership — AEW Asia Pacific Real Estate Fund GP S.a.r.l

Bienville Ventures II, LP
521 Fifth Ave., 35th Fl., New York, NY 10175
Partnership — Bienville Ventures II GP, LLC, general partner

Concentrates III, a series of Bengal Capital Ventures LP
2100 Banche Rd., Manhattan Beach, CA 90266
Partnership — Marine Layer Capital LLC

Dalmore Group LLC
525 Greene Pl., Woodmere, NY 11598
State or country in which incorporated — New York

Equiam Private Tech30 Cayman Fund II LP
c/o Ogier Global (Cayman) Limited, 89 Nexus Way, Camana Bay,
Grand Cayman, Cayman Islands KY1-9009
Partnership — Equiam GP II LLC

Equiam Private Tech30 Fund II LP
415 Mission St., Suite 5510, San Francisco, CA 94105
Partnership — Equiam GP II LLC

Flint Hills Cybersecurity L.P.
4900 Main St., Kansas City, MO 64112
Partnership — PCM Capital - Cybersecurity LLC

Infinite Arthroscopy Inc., Ltd.
5000 Euclid Ave., Suite 206, Cleveland, OH 44103
State or country in which incorporated — Ohio

Keefe, Bruyette & Woods, Inc.
787 Seventh Ave., 4th Fl., New York, NY 10019
State or country in which incorporated — New York

LM Beltline Center LLC
152 Old Gate Lane, Milford, CT 06460
State or country in which incorporated — Delaware

Metaurus LLC
22 Hudson Pl., 3rd Fl., Hoboken, NJ 07030
State or country in which incorporated — Delaware

Offshore Sao Paulo Preferred Hotel Enterprises LP
c/o GTIS Partners II LP, 787 Seventh Ave., 50th Fl., New York, NY
10019
Partnership — Sao Paulo Hotel Enterprises Fund GP LLC

Peachtree PC Advisors, LLC
3500 Lenox Rd., Suite 625, Atlanta, GA 30326
State or country in which incorporated — Georgia limited liability
company

Pharmacielo Ltd.
One Toronto St., Suite 805, Toronto, Ontario M5C 2V6 Canada
State or country in which incorporated — British Columbia

S1T Holdings, LLC
c/o DFW Partners, Glenpointe Centre E, 300 Frank W. Burr Blvd., 7th
Fl., Teaneck, NJ 07666
State or country in which incorporated — Delaware

SE 9th Street Co-Living Investors, LLC
350 N. LaSalle St., Suite 800, Chicago, IL 60654
State or country in which incorporated — Delaware limited liability
company

SL Global PCC – Cell A-1
c/o JTC Fiduciary Services (Mauritius) Limited, Suite 2004, Level 2,
Alexander House, 35 Cybercity, Ebene, Republic of Mauritius 72201

Talentstat Inc.
c/o Westwood Partners LLC, 1330 Sixth Ave., Suite 3100, New York,
NY 10019
State or country in which incorporated — Delaware

Toronado Fund, L.P.
44 Montgomery St., Suite 1200, San Francisco, CA 94104
Partnership — Toronado Capital Management, LLC

Viking Maccabee Investors IV LLC
150 Columbus Ave., Suite 19F, New York, NY 10023
State or country in which incorporated — Delaware

ZCA Chesterbrook, L.P.
c/o Zeke Capital Advisors LLC, 1205 Westlakes Dr., Berwyn, PA
19312
Partnership — ZCA Chesterbrook GP, LLC

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

REMOVE/REPLACE FUEL STORAGE TANKS Wallkill Correctional Facility Wallkill, Ulster County

Sealed bids for Project Nos. Q1735-C, Q1735-H and Q1735-E, comprising separate contracts for Construction Work, HVAC Work, and Electrical Work, Remove/Replace Fuel Storage Tanks & Convert Boilers, Wallkill Correctional Facility, Route 208, Wallkill (Ulster 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 23, 2019, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of \$22,800 for C, \$17,800 for H, and \$4,700 for E.

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

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

The substantial completion date for this project is 308 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 October 10, 2019, at 55 McKen-

drick Road, Wallkill, NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

Phone the office of Theresa Swehla, (845) 895-3170 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 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Construction Work and HVAC Work. The total contract goal can be obtained by utilizing any combination of MBE and /or WBE participation for subcontracting and supplies acquired under this Contract.

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

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

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

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

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

MISCELLANEOUS NOTICES/HEARINGS

Notice of Abandoned Property Received by the State Comptroller

Pursuant to provisions of the Abandoned Property Law and related laws, the Office of the State Comptroller receives unclaimed monies and other property deemed abandoned. A list of the names and last known addresses of the entitled owners of this abandoned property is maintained by the office in accordance with Section 1401 of the Abandoned Property Law. Interested parties may inquire if they appear on the Abandoned Property Listing by contacting the Office of Unclaimed Funds, Monday through Friday from 8:00 a.m. to 4:30 p.m., at:

1-800-221-9311
or visit our web site at:
www.osc.state.ny.us

Claims for abandoned property must be filed with the New York State Comptroller's Office of Unclaimed Funds as provided in Section 1406 of the Abandoned Property Law. For further information contact: Office of the State Comptroller, Office of Unclaimed Funds, 110 State St., Albany, NY 12236.

NOTICE OF PUBLIC HEARING

Susquehanna River Basin Commission

SUMMARY: The Susquehanna River Basin Commission will hold a public hearing on October 31, 2019, in Harrisburg, Pennsylvania. At this public hearing, the Commission will hear testimony on the projects listed in the Supplementary Information section of this notice. The Commission will also hear testimony on a proposed rulemaking and consumptive use mitigation policy, as well as proposals to amend its Regulatory Program Fee Schedule. Such projects and proposals are intended to be scheduled for Commission action at its next business meeting, tentatively scheduled for December 5, 2019, which will be noticed separately. The public should take note that this public hearing will be the only opportunity to offer oral comment to the Commission for the listed projects and proposals. The deadline for the submission of written comments is November 12, 2019.

DATES: The public hearing will convene on October 31, 2019, at 2:30 p.m. The public hearing will end at 5:00 p.m. or at the conclusion of public testimony, whichever is sooner. The deadline for the submission of written comments is November 12, 2019.

ADDRESSES: The public hearing will be conducted at the Susquehanna River Basin Commission, 4423 N. Front Street, Harrisburg, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: Jason Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238-0423, fax: (717) 238-2436.

Information concerning the applications for these projects is available at the Commission's Water Application and Approval Viewer at <https://www.srbc.net/waav>. Additional supporting documents are available to inspect and copy in accordance with the Commission's Access to Records Policy at www.srbc.net/regulatory/policies-guidance/docs/access-to-records-policy-2009-02.pdf

SUPPLEMENTARY INFORMATION: The public hearing will cover a proposed rulemaking and consumptive use mitigation policy,

as well as proposed amendments to the Commission's Regulatory Program Fee Schedule as posted on the SRBC Public Hearing web page at <https://www.srbc.net/about/meetings-events/public-hearing.html>. The public hearing will also cover the following projects.

Projects Scheduled for Action:

1. Project Sponsor and Facility: Cabot Oil & Gas Corporation (Tunkhannock Creek), Lenox Township, Susquehanna County, Pa. Application for renewal of surface water withdrawal of up to 1.500 mgd (peak day) (Docket No. 20151201).

2. Project Sponsor and Facility: Chester Water Authority, East Nottingham Township, Chester County, Pa. Application for consumptive use of up to 60.000 mgd (peak day).

3. Project Sponsor and Facility: Town of Cortlandville, Cortland County, N.Y. Application for groundwater withdrawal of up to 1.300 mgd (30-day average) from Lime Hollow Well 2.

4. Project Sponsor and Facility: Town of Cortlandville, Cortland County, N.Y. Application for groundwater withdrawal of up to 1.300 mgd (30-day average) from Lime Hollow Well 7.

5. Project Sponsor and Facility: Town of Cortlandville, Cortland County, N.Y. Application for groundwater withdrawal of up to 1.008 mgd (30-day average) from the Terrace Road Well.

6. Project Sponsor: Graymont (PA) Inc. Project Facility: Pleasant Gap Facility, Spring Township, Centre County, Pa. Modification to increase consumptive use by an additional 0.098 mgd (30-day average), for a total consumptive use of up to 0.720 mgd (30 day average), and change limits from peak day to 30-day average (Docket No. 20050306).

7. Project Sponsor: Hazleton City Authority. Project Facility: Hazleton Division, Hazle Township, Luzerne County, Pa. Application for groundwater withdrawal of up to 0.354 mgd (30-day average) from Barnes Run Well 3.

8. Project Sponsor and Facility: Leola Sewer Authority (will be issued to Upper Leacock Township Municipal Authority), Upper Leacock Township, Lancaster County, Pa. Application for renewal of groundwater withdrawal of up to 0.263 mgd (30-day average) from Well 16 (Docket No. 19890702).

9. Project Sponsor and Facility: New Holland Borough Authority, New Holland Borough, Lancaster County, Pa. Application for groundwater withdrawal of up to 0.860 mgd (30-day average) from Well 5.

10. 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).

11. 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).

12. 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).

13. 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).

14. Project Sponsor: Pixelle Specialty Solutions LLC. Project Facility: Spring Grove Mill (Codorus Creek – New Filter Plant Intake), Spring Grove Borough, York County, Pa. Applications for consumptive use of up to 3.650 mgd (peak day) and surface water withdrawal of up to 19.800 mgd (peak day).

15. Project Sponsor: Pixelle Specialty Solutions LLC. Project Facility: Spring Grove Mill (Codorus Creek – Old Filter Plant Intake), Spring Grove Borough, York County, Pa. Application for surface water withdrawal of up to 6.000 mgd (peak day).

16. Project Sponsor: Pixelle Specialty Solutions LLC. Project Facility: Spring Grove Mill (unnamed tributary to Codorus Creek – Kessler Pond Intake), Spring Grove Borough, York County, Pa. Application for surface water withdrawal of up to 0.750 mgd (peak day).

17. Project Sponsor and Facility: Sugar Hollow Water Services LLC (Susquehanna River), Eaton Township, Wyoming County, Pa. Application for renewal of surface water withdrawal of up to 1.500 mgd (peak day) (Docket No. 20151204).

18. Project Sponsor and Facility: SWN Production Company, LLC (Susquehanna River), Great Bend Township, Susquehanna County, Pa. Application for renewal of surface water withdrawal of up to 2.000 mgd (peak day) (Docket No. 20151205).

Projects Scheduled for Action Involving A Diversion

19. Project Sponsor and Facility: City of Aberdeen, Harford County, Md. Modifications to extend the approval term of the consumptive use, surface water withdrawal, and out-of-basin diversion approval (Docket No. 20021210) to allow additional time for evaluation of the continued use of the source for the Aberdeen Proving Ground-Aberdeen Area.

20. 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.

21. Project Sponsor and Facility: New York State Canal Corporation (Middle Branch Tioughnioga Creek), Towns of DeRuyter and Cazenovia, Madison County, and Town of Fabius, Onondaga County, N.Y. Applications for surface water withdrawal of up to 4.300 mgd (peak day), consumptive use of up to 4.300 mgd (peak day), and out-of-basin diversion of up to 4.300 mgd (peak day) from Middle Branch Tioughnioga Creek.

22. Project Sponsor: Seneca Resources Company, LLC. Project Facility: Impoundment 1, receiving groundwater from various sources, Sergeant and Norwich Townships, McKean County, Pa. Application for into-basin diversion from the Ohio River Basin of up to 2.517 mgd (peak day) (Docket No. 20141216).

Commission Initiated Project Approval Modifications

23. Project Sponsor and Facility: Bucknell University, East Buffalo Township, Union County, Pa. Conforming the grandfathering amount with the forthcoming determination for a groundwater withdrawal up to 0.046 mgd (30-day average) from Well 2 and up to 0.116 mgd (30-day average) from Well 3 (Docket No. 20021008).

24. Project Sponsor and Facility: Manada Golf Club, Inc., East Hanover Township, Dauphin County, Pa. Conforming the grandfathered amount with the forthcoming determination for a withdrawal of up to 0.071 mgd (30-day average) from the 4th Tee Well, up to 0.036 mgd (30-day average) from the 5th Tee Well, and up to 0.036 mgd (30-day average) from the Barn Well (Docket No. 20020614).

25. Project Sponsor: Pennsylvania Fish & Boat Commission. Project Facility: Pleasant Gap State Fish Hatchery, Benner Township, Centre County, Pa. Conforming the grandfathering amount with the forthcoming determination for a withdrawal of up to 5.056 mgd (30-day average) from Blue and East Springs, up to 0.930 mgd (30-day average) from Hoy and Shugert Springs, and up to 1.000 mgd (30-day average) from Logan Branch (Docket No. 20000601).

Opportunity to Appear and Comment:

Interested parties may appear at the hearing to offer comments to the Commission on any business listed above required to be subject of a public hearing. The presiding officer reserves the right to limit oral statements in the interest of time and to otherwise control the course of the hearing. Access to the hearing room will begin at 2:00 p.m. and

Commission staff will be available for questions prior to the commencement of the hearing. Guidelines for the public hearing are posted on the Commission's website, www.srbcc.net, prior to the hearing for review. The presiding officer reserves the right to modify or supplement such guidelines at the hearing. Written comments on any business listed above required to be subject of a public hearing may also be mailed to Mr. Jason Oyler, Secretary to the Commission, Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, Pa. 17110-1788, or submitted electronically through <https://www.srbcc.net/regulatory/public-comment/>. Comments mailed or electronically submitted must be received by the Commission on or before November 12, 2019, to be considered.

AUTHORITY: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: September 27, 2019.

Jason E. Oyler

General Counsel and Secretary to the Commission.

PUBLIC NOTICE

Office of General Services

Pursuant to Section 30-a of the Public Lands Law, the Office of General Services hereby gives notice to the following:

Notice is hereby given that the Office of General Services has determined that the property located at 335 Nashopa Road, Town of Mamakating, County of Sullivan, State of New York (Tax Identifier 23-1-27.20) consisting of a 3,767± square foot colonial with 5 bedrooms and 3.5 baths on 3.26± acres is no longer useful or necessary for their purposes and has declared the same abandoned for sale or other disposition as Unappropriated State land.

For further information, please contact: Thomas Pohl, Esq., Office of General Services, Legal Services, 36th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, (518) 474-8831

PUBLIC NOTICE

Nassau Health Care Corporation

Pursuant to the State Finance Law, Nassau Health Care Corporation hereby gives notice of the following:

REQUEST FOR PROPOSALS

DEFERRED COMPENSATION PLAN SERVICES

The Deferred Compensation Plan for Employees of Nassau Health Care Corporation (the "Plan"), a 457(b) plan created under the laws of the State of New York and pursuant to Section 475(b) of the Internal Revenue Code, is soliciting proposals from Administrative Service Agencies, Trustees, and Financial Organizations for services in connection with a Deferred Compensation Plan that will meet the requirements of Section 457 of the Internal Revenue Code and Section 5 of the State Finance Law, including all rules and regulations issued pursuant thereto.

Proposals will be accepted until 4:00 p.m. on November 6, 2019.

A copy of the Request for Proposals may be obtained during normal business hours (9:00 a.m. to 5:00 p.m. — Weekdays) from Frank Picarelli, Senior Vice President, Segal Marco Advisors, 333 W. 34th St., New York, NY 10001-2402, (212) 251-5452, or by email request to: FPicarelli@segalmarco.com

For further information, please contact: Frank Picarelli, 333 W. 34th St., New York, NY 10001-2402, (212) 251-5452, FPicarelli@segalmarco.com

PUBLIC NOTICE

Power Authority of the State of New York

NOTICE OF PUBLIC FORUM ON WESTCHESTER COUNTY GOVERNMENTAL CUSTOMERS RATE INCREASE

Pursuant to the Authority's Policy and Procedures concerning Public Forums on Rate Proposals, the Authority will conduct a Public Forum to obtain the views of interested persons on a proposed increase in the Fixed Costs component of its Westchester County Governmental Customers Production Rates. Details of the Forum are as follows:

Date: November 22, 2019
 Time: 11:00 a.m. to 3:00 p.m.
 Location: New York Power Authority
 123 Main St. Rm. 904
 White Plains, NY 10601

Interested parties may receive the complete text of the proposed rate action and the relevant resolution of the Authority's Board of Trustees from the Corporate Secretary of the Authority at the address and phone number below.

Individuals and organizations wishing to make statements at the Public Forum are encouraged to notify the Corporate Secretary of their intent to do so at least five days before the Forum and should provide the Authority with two copies of any written statements concerning the proposal at the Forum. All written statements will be made part of the record of the Forum whether or not presented orally in their entirety.

For further information about the rate increase proposal or the Forum, contact: Karen Delince, Corporate Secretary, New York Power Authority, 123 Main St., 9B, White Plains, NY 10601, (914) 390-8085, Fax: (914) 390-8040, e-mail: secretarys.office@nypa.gov

PUBLIC NOTICE

Department of State

A meeting of the New York State Board of Real Estate Appraisal will be held on October 10, 2019 at 1:00 p.m. at the Department of State, 99 Washington Ave., Rm. 505, Albany; 276 Waring Rd., Regional Rm. A, Rochester; and 123 William St., 20th Fl. Executive Suite Conference Rm., New York City.

Should you wish to attend or require further information, please contact Denise Tidings at Denise.Tidings@dos.ny.gov or 518-402-4921.

(Note: Pre-registration is required to attend from the NYC location. To pre-register, send an email with your name and affiliation to the contact listed above.)

PUBLIC NOTICE

Department of State

F-2019-0508

Date of Issuance – October 16, 2019

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program.

In F-2019-0508, Dan Lochner is proposing to install sloped rock (18-24") along ~100 linear feet of shoreline, north of a boathouse on the property, and install a steel sheet pile wall landward of Ordinary High Water with stone (12-24") placed waterward on top of the damaged gabion basket along ~65 linear feet of shoreline south of the boathouse. The proposal is for the applicant's property at 8368 Graves Point Road in the Town of Wolcott, Wayne County.

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2019-0508ForPN.pdf>

Original copies of public information and data submitted by the applicant are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or, October 30, 2019.

Comments should be addressed to: Consistency Review Unit,

Department of State, Office of Planning, Development & Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State

F-2019-0509

Date of Issuance – October 16, 2019

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program.

In F-2019-0509, Steven DeBack is proposing to install sloped rock (18-24") along ~150 linear feet of shoreline. The proposal is for the applicant's property at 8371 Graves Point Road in the Town of Wolcott, Wayne County.

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2019-0509ForPN.pdf>

Original copies of public information and data submitted by the applicant are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or, October 30, 2019.

Comments should be addressed to: Consistency Review Unit, Department of State, Office of Planning, Development & Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State

Uniform Code Variance / Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless 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.

2019-0545 Matter of Dino Tire, located at 1425 Clinton Street, City of Buffalo (County of Erie), NY, for a variance concerning tire storage distance from lot line 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.

2019-0546 Matter of Tire Empire and Auto Repair, located at 1417 Genesee Street, City of Buffalo (County of Erie), NY, for a variance concerning tire storage and distance from lot line 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.

2019-0547 Matter of Joseph Cialini, located at 71 Church Street, Town of Phelps (County of Ontario), NY, for a variance concerning ceiling height requirements. (Routine Variance).

PUBLIC NOTICE

Department of State
Uniform Code Variance / Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2019-0550 Matter of 1564 St Paul Street, located at 1564 St Paul Street, City of Rochester (County of Monroe), NY, for a variance concerning electric meter 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.

2019-0567 Matter of Toc Architects, P.C., Todd O'Connell, 1200 Veterans Memorial Hwy., Suite 120, Hauppauge, NY 11788, for a variance concerning safety requirements, including the required ceiling height and height under a girder. Involved is an existing one family dwelling located at 230 Rider Avenue, Village of Malverne, NY 11565, County Of Nassau, State of New York.

2019-0573 Matter of Apple Expediting Corp., Carol Ann Kaplan, P.O. Box 2658, North Babylon, NY 11703, for a variance concerning safety requirements, including the required ceiling height and height under a girder/soffit. Involved is an existing one family dwelling located at 6 Stalker Lane, Town of Brookhaven, NY 11733, County of Suffolk, State of New York.

2019-0577 Matter of 52 East Main Bay Shore LLC, Michael Cunha, 253C Roslyn Road, Roslyn Heights, NY 11577, for a variance concerning safety requirements, including the required ceiling height

and height under a girder/soffit. Involved is an existing one family dwelling located at 27 Benjamin Street, Town of Islip, NY 11706, County of Suffolk, State of New York.

2019-0585 Matter of Bernard G. Rodgers, R.A., Bernard G. Rodgers, 2150 Wantagh Park Drive, Wantagh, NY 11793, for a variance concerning safety requirements, including the required height under a girder. Involved is an existing one family dwelling located at 1829 Wilson Avenue, Town of Hempstead, NY 11566, County of Nassau, State of New York.

PUBLIC NOTICE

Department of State
Uniform Code Variance / Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2019-0570 Matter of Council Rock Primary School Trailer One and Two, located at 600 Grosvenor Road, Town of Brighton, (County of Monroe), NY, for a variance concerning temporary facility 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.

2019-0571 Matter of Council Rock Primary School Trailer Three, located at 600 Grosvenor Road, Town of Brighton, (County of Monroe), NY, for a variance concerning temporary facility 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.

2019-0574 Matter of Big Sister Wastewater Treatment Plant, located at 8443 Lakeshore Road, Town of Angola (County of Erie), NY, for a variance concerning roof guard 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.

2019-0582 Matter of City of Long Beach, One West Chester Street, Long Beach, NY 11561 for a variance concerning, flood construction requirements. Involved is a new lifeguard station. The building is located at Riverside Boulevard South of The Long Beach Boardwalk, County of Nassau, State of New York.

2019-0581 Matter of City of Long Beach, One West Chester Street, Long Beach, NY 11561 for a variance concerning, flood construction requirements. Involved is a new comfort station. The building is located at Neptune Boulevard South of The Long Beach Boardwalk, County of Nassau, State of New York.

2019-0583 Matter of City of Long Beach, One West Chester Street, Long Beach, NY 11561 for a variance concerning, flood construction requirements. Involved is a new comfort station. The building is located at New York Avenue South of The Long Beach Boardwalk, County of Nassau, State of New York.

2019-0579 Matter of Aecom, 125 Broad Street, New York, NY 10004 for a variance concerning, a mechanical ventilation installation. Involved is a ticketing office within an underground station known as Penn Station located below 33rd Street between 7th and 8th Avenues, City of New York, County of New York, State of New York.

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.

2019-0596 In the matter of TJM Reality of Utica, LLC, Thomas Marsh, 178 Main Street, Whitesboro, NY 13492 for a variance concerning requirements for egress from a dwelling, fire rated cellar ceiling and enclosure of cellar stair.

Involved is an existing Multiple Residence occupancy, three stories in height, located at 9-11 Watson Place, 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.

2019-0587 Matter of Forsyth-Warren Living History Farm Museum, located at 5182 Ridge Road, Town of Cambria (County of Niagara), NY, for a variance concerning restroom 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.

2019-0588 Matter of 71 Tioga Street, located at 71 Tioga Street, City of Buffalo (County of Erie), NY, for a variance concerning supporting construction 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

