
NEW YORK STATE

REGISTER

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

For notices published in this issue:

- the 60-day period expires on April 19, 2020
- the 45-day period expires on April 4, 2020
- the 30-day period expires on March 20, 2020

**ANDREW M. CUOMO
GOVERNOR**

**ROSSANA ROSADO
SECRETARY OF STATE**

NEW YORK STATE DEPARTMENT OF STATE

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NEW YORK STATE REGISTER

Be a part of the rule making process!

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

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

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

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

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

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

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

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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 ADOPTION

Golden Nematode (*Globodera Rostochiensis*) Quarantine

I.D. No. AAM-47-19-00002-A

Filing No. 74

Filing Date: 2020-02-03

Effective Date: 2020-02-19

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

Action taken: Amendment of section 127.2(c) and (g) of Title 1 NYCRR.

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

Subject: Golden Nematode (*Globodera Rostochiensis*) Quarantine.

Purpose: To lift the Golden Nematode quarantine in portions of the Towns of East Hampton and Riverhead in Suffolk County.

Text or summary was published in the November 20, 2019 issue of the Register, I.D. No. AAM-47-19-00002-P.

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

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

Assessment of Public Comment

The agency received no public comment.

Department of Audit and Control

NOTICE OF ADOPTION

Relates to Interest Rate of Estimated Earnings; Filing of Documents; Maximum Loan Amount; and Electronic Signatures

I.D. No. AAC-49-19-00002-A

Filing No. 80

Filing Date: 2020-02-04

Effective Date: 2020-02-19

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

Action taken: Amendment of sections 300.1, 341.3, 351.2 and 380.3 of Title 2 NYCRR.

Statutory authority: Retirement and Social Security Law, sections 11 and 311

Subject: Relates to interest rate of estimated earnings; filing of documents; maximum loan amount; and electronic signatures.

Purpose: Update and conform regulations relating to interest; filing of documents; maximum loan amount; and electronic signatures.

Text or summary was published in the December 4, 2019 issue of the Register, I.D. No. AAC-49-19-00002-P.

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

Text of rule and any required statements and analyses may be obtained from: Jamie Elacqua, Office of the State Comptroller, 110 State Street, Albany, NY 12236, (518) 473-4146, email: jelacqua@osc.ny.gov

Assessment of Public Comment

The agency received no public comment.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Approval of Contracts Made by MTA and the NYCTA

I.D. No. AAC-07-20-00012-P

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

Proposed Action: This is a consensus rule making to add section 206.8 to Title 2 NYCRR.

Statutory authority: Public Authorities Law, section 2879-a

Subject: Approval of contracts made by MTA and the NYCTA.

Purpose: Modify existing time frames for the approval of MTA and NYCTA contracts to conform with the MTA Reform and Traffic Mobility Act.

Text of proposed rule: Section 206.8 Approval of contracts made by MTA and NYCTA.

(a) For purposes of this section:

(1) MTA shall mean the Metropolitan Transportation Authority created under section twelve hundred sixty-three of the Public Authorities Law, including any Subsidiaries of MTA.

(2) NYCTA shall mean the New York City Transit Authority created

under section twelve hundred one of the Public Authorities Law, including any of Subsidiaries of NYCTA.

(b) Notwithstanding the provisions of paragraphs (1) and (2) of subdivision (a) of section 206.4 of this Part, the Comptroller shall periodically determine which MTA and NYCTA eligible contracts and eligible contract amendments shall be subject to the Comptroller's approval and the Comptroller shall provide written notice of such determination to MTA or NYCTA, as applicable, within thirty days of the Comptroller having received written notice of such eligible contract or eligible contract amendment either in the annual report specified in section 206.3 of this Part or any revised annual report issued by MTA or NYCTA.

(c) Notwithstanding the provisions of subdivision (d) of section 206.5 of this Part, the Comptroller shall have thirty days to issue a written determination with respect to the approval or disapproval of each eligible contract or eligible contract amendment submitted by MTA or NYCTA for approval. Such thirty day period shall begin upon receipt of the eligible contract or eligible contract amendment, including all required documentation, by the Office of the State Comptroller. No eligible contract or eligible contract amendment submitted to the Comptroller pursuant to this section shall become valid and enforceable until such eligible contract or eligible contract amendment has been approved by the Comptroller; provided, however, that if the Comptroller has not issued a written determination within such thirty day period, such eligible contract or eligible contract amendment shall become valid and enforceable without approval by the Comptroller. In the event that either MTA or NYCTA resubmits an eligible contract or eligible contract amendment previously disapproved by the Comptroller, the Comptroller shall have thirty days from the receipt of such resubmitted eligible contract or eligible contract amendment to issue a written determination.

(d) Except as amended by this section 206.8, all other provisions of this Part shall apply to MTA and NYCTA.

Text of proposed rule and any required statements and analyses may be obtained from: Jamie Elacqua, Office of the State Comptroller, 110 State Street, Albany, NY 12236, (518) 473-4146, email: jelacqua@osc.ny.gov

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

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

Consensus Rule Making Determination

This is a consensus rulemaking proposed for the purpose of modifying the existing regulatory time frames relating to the approval of MTA and NYCTA contracts for the purpose of conforming such time frames to the MTA Reform and Traffic Mobility Act. It has been determined that no person is likely to object to the adoption of the rule as written.

Education Department

EMERGENCY RULE MAKING

Permit Physicians Licensed in Another State or Territory to Provide Medical Services to Athletes and Team Personnel in New York

I.D. No. EDU-47-19-00006-E

Filing No. 76

Filing Date: 2020-02-03

Effective Date: 2020-02-03

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

Action taken: Addition of section 60.13 to Title 8 NYCRR.

Statutory authority: Education Law, sections 207, 6504, 6507, 6510, 6521, 6522, 6526; L. 2018, ch. 519; L. 2019, ch. 199

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

Specific reasons underlying the finding of necessity: The proposed addition of section 60.13 to the Regulations of the Commissioner of Education is necessary to implement Chapter 519 of the Laws of 2018 (Chapter 519) and Chapter 199 of the Laws of 2019 (Chapter 199), which amended the Education Law, effective June 26, 2019, to permit any physician who is licensed and in good standing in another state or territory, and who has a written agreement to provide medical services to athletes and team person-

nel of a United States sports team recognized by the United States Olympic committee or an out-of-state secondary school, institution of postsecondary education, or professional athletic organization sports team, may provide medical services to such athletes and team personnel for no more than five days before through three days after each discrete sanctioned team sporting event in New York State; and at a discrete sanctioned team sporting event in this State, as defined in the Regulations of the Commissioner of Education, provided such services are provided only to such athletes and team personnel at the discrete sanctioned team sporting event.

The proposed addition of section 60.13 to the Regulations of the Commissioner of Education implements Chapters 519 and 199 by, inter alia, defining a discrete sanctioned team sporting event as a separate and distinct team sporting event that occurs during a defined period of time in this State and whose participants include a United States sports team recognized by the United States Olympic committee or out-of-state secondary school, institution of postsecondary education, or professional athletic organization sports team. The proposed amendment also subjects the team physician to the personal and subject matter jurisdiction and disciplinary and regulatory authority of the Board of Regents and the State Board for Professional Medical Conduct established pursuant to section two hundred thirty of the public health law as if he or she is a licensee and as if the exemption established pursuant to subdivision (10) of section 6526 of the Education Law is a license. The proposed amendment further requires team physicians to comply with the applicable provisions of Title VIII of the Education Law, the Public Health Law, the Rules of the Board of Regents, the State Board for Professional Medical Conduct, and the Regulations of the Commissioner of Education and the Commissioner of Health, relating to professional misconduct, disciplinary proceedings and penalties for professional misconduct.

The proposed amendment was presented to the Professional Practice Committee for recommendation and to the Full Board for adoption as an emergency action at the November 2019 meeting of the Board of Regents, effective November 5, 2019. Since the Board of Regents meets at fixed intervals, the earliest the proposed rule can be presented for permanent adoption, after expiration of the required 60-day comment period provided for in the State Administrative Procedure Act (SAPA) sections 201(1) and (5), would be the February 10-11, 2020 Regents meeting. Furthermore, pursuant to SAPA 203(1), the earliest effective date of the proposed rule, if adopted at the February meeting would be February 26, 2020, the date the Notice of Adoption would be published in the State Register. However, the November emergency rule will expire on February 2, 2020. If the rule were to lapse, it would impede the ability of physicians, who are licensed in another state or territory and meet certain requirements, to provide medical services to athletes and team personnel in New York State.

Therefore, a second emergency action is necessary at the January 2020 meeting for the preservation of the public health and general welfare in order to immediately conform the Regulations of the Commissioner of Education to the requirements of Chapters 519 and 199, which both became effective June 26, 2019, to permit physicians who are licensed in another state or territory to provide medical services to athletes and team personnel in New York State, as long as certain requirements are met and to ensure that the emergency adoption taken at the November meeting remains in effect until the proposed rule can be permanently adopted.

It is anticipated that the proposed rule will be presented for adoption as a permanent rule at the February 10-11, 2020 Regents meeting, which is the first scheduled meeting after the 60-day public comment period prescribed in SAPA for State agency rule makings.

Subject: Permit physicians licensed in another state or territory to provide medical services to athletes and team personnel in New York.

Purpose: To align the Regulations of the Commissioner with chapter 519 of the Laws of 2018 and chapter 199 of the Laws of 2019.

Text of emergency rule: Section 60.13 of the Regulations of the Commissioner of Education is added, as follows:

§ 60.13 Exemption for Physicians Who are Licensed in Another State or Territory to Provide Medical Services to Athletes and Team Personnel in New York State

(a) Pursuant to Education Law § 6526(10), any physician who is licensed and in good standing in another state or territory, and who has a written agreement to provide medical services to athletes and team personnel of a United States sports team recognized by the United States Olympic committee or an out-of-state secondary school, institution of postsecondary education, or professional athletic organization sports team, may provide medical services to such athletes and team personnel:

(1) for no more than five days before through three days after each discrete sanctioned team sporting event in this State; and

(2) at a discrete sanctioned team sporting event in this State, as defined in subdivision (b) of this section, provided such services are provided only to such athletes and team personnel at the discrete sanctioned team sporting event.

(b) *Discrete sanctioned team sporting event means a recognized team sporting event that occurs during a defined time period in this State and whose participants include a United States sports team that is recognized by the United States Olympic committee or an out-of-state secondary school, institution of postsecondary education, or professional athletic organization sports team.*

(c) *Any person practicing as a physician in this State pursuant to this section shall be subject to the personal and subject matter jurisdiction and disciplinary and regulatory authority of the Board of Regents and the State Board for Professional Medical Conduct established pursuant to Public Health Law § 130 as if he or she is a licensee and as if the exemption established pursuant to Education Law § 6526 is a license. Such individual shall comply with the applicable provisions of Title VIII of the Education Law, the Public Health Law, the Rules of the Board of Regents, the State Board for Professional Medical Conduct established pursuant to Public Health Law § 130, and the Regulations of the Commissioner and the Commissioner of Health, relating to professional misconduct, disciplinary proceedings and penalties for professional misconduct.*

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. EDU-47-19-00006-EP, Issue of November 20, 2019. The emergency rule will expire April 2, 2020.

Text of rule and any required statements and analyses may be obtained from: Kirti Goswami, NYS Education Department, Office of Counsel, 89 Washington Avenue, Room 112 EB, Albany, NY 12234, (518) 474-6400, email: legal@nysed.gov

Regulatory Impact Statement

1. STATUTORY AUTHORITY:

Section 207 of the Education Law grants general rule making authority to the Board of Regents to carry into effect the laws and policies of the State relating to education.

Section 6504 of the Education Law authorizes the Board of Regents to supervise the admission to and regulation of the practice of the professions.

Section 6506 of the Education Law authorizes the Board of Regents to supervise the admission to and the practice of the professions.

Paragraph (a) of subdivision (2) of section 6507 of the Education Law authorizes the Commissioner of Education to promulgate regulations in administering the admission to and the practice of the professions.

Section 6510 of the Education Law establishes the proceedings in cases of professional misconduct.

Section 6521 of the Education Law defines the practice of medicine.

Section 6522 of the Education Law establishes that only a person licensed or otherwise authorized under Article 131 of the Education Law shall practice medicine or use the title "physician."

Section 6526 of the Education Law, as amended by Chapter 519 of the Laws of 2018 and Chapter 199 of the Laws of 2019, establishes the exemption from licensure requirements for the profession of medicine, including, but, not limited to, permitting physicians who are licensed in another state or territory to provide medical services to athletes and team personnel in this State, if certain requirements are met.

2. LEGISLATIVE OBJECTIVES:

The proposed amendment is consistent with the above statutory authority and is necessary to conform the Commissioner's regulations to the amendments made to Education Law section 6526 by Chapters 519 and 199. The proposed amendment implements Chapter 519, which, inter alia, amended the Education Law to permit any physician, who is licensed and in good standing in another state or territory and has a written agreement to provide medical services to athletes and team personnel, to provide medical services to athletes and team personnel when they are participating in a discrete sanctioned team sporting event in this State. The proposed amendment also implements Chapter 199 of the Laws of 2019, which amended the Education Law to include the New York State Department of Health's State Professional Board for Professional Medical Conduct, in addition to the Board of Regents, as a disciplinary and regulatory authority over these physicians.

3. NEEDS AND BENEFITS:

Currently, New York State is one of only four other states, Idaho, North Dakota, South Dakota and Wisconsin, that does not recognize visiting team physicians. As part of their work, team physicians cross state lines on a regular basis. However, most of them are only licensed in their respective home states, not in all the states where their teams may visit to participate in sporting events. Team physicians provide medical services to athletes and team personnel at the secondary education, post-secondary education and professional levels and attend games and team practices wherever their respective teams travel to.

On October 5, 2018, President Trump signed the Sports Medicine Clarity Act of 2018 (Sports Medicine Clarity Act), which, inter alia, extends liability insurance coverage to other states when state-licensed medical

practitioners provide services to traveling athletes, athletic teams, or team personnel. Prior to this Act, state-licensed sports medicine professionals lacked insurance coverage when they crossed state lines with their teams, which exposed them to liability because insurance companies would not accept liability and pay for damages for the medical services they provided to team athletes and personnel outside of the state(s) they are licensed in. Additionally, prior to the Sports Medicine Clarity Act, physicians put their medical licenses at risk each time they crossed state lines with their teams.

However, the Sports Medicine Clarity Act did not address physician licensure requirements for out-of-state team physicians when they provide medical services to athletes and team personnel in their respective states.

On December 28, 2019, Governor Cuomo signed Chapter 519 of the Laws of 2018 (Chapter 519), which, effective June 26, 2019, inter alia, amended the Education Law, by adding a new subdivision (10) to section 6526 of the Education Law, to permit any physician who is licensed and in good standing in another state or territory, and who has a written agreement to provide medical services to athletes and team personnel of a United States sports team recognized by the United States Olympic committee or an out-of-state secondary school, institution of postsecondary education, or professional athletic organization sports team, may provide medical services to such athletes and team personnel for no more than five days before through three days after each discrete sanctioned team sporting event in New York State; and at a discrete sanctioned team sporting event in this State, as defined in the Regulations of the Commissioner of Education, provided such services are provided only to such athletes and team personnel at the discrete sanctioned team sporting event.

Subsequently, on August 29, 2019, Governor Cuomo signed Chapter 199 of the Laws of 2019 (retroactively effective June 26, 2019), inter alia, amended subdivision (10) of section 6526 of the Education Law to include the New York State Department of Health's (DOH) State Professional Board for Professional Medical Conduct, in addition to the Board of Regents, as a disciplinary and regulatory authority over any physician licensed in another state or territory providing medical services to athletes and team personnel in this State.

The proposed addition of section 60.13 to the Regulations of the Commissioner of Education implements Chapters 519 and 199 by, inter alia, defining a discrete sanctioned team sporting event as a separate and distinct team sporting event that occurs during a defined period of time in this State and whose participants include a United States sports team recognized by the United States Olympic committee or out-of-state secondary school, institution of postsecondary education, or professional athletic organization sports team. The proposed amendment also subjects the team physician to the personal and subject matter jurisdiction and disciplinary and regulatory authority of the Board of Regents and the State Board for Professional Medical Conduct established pursuant to section two hundred thirty of the public health law as if he or she is a licensee and as if the exemption established pursuant to subdivision (10) of section 6526 of the Education Law is a license. The proposed amendment further requires team physicians to comply with the applicable provisions of Title VIII of the Education Law, the Public Health Law, the Rules of the Board of Regents, the State Board for Professional Medical Conduct, and the Regulations of the Commissioner of Education and the Commissioner of Health, relating to professional misconduct, disciplinary proceedings and penalties for professional misconduct.

4. COSTS:

(a) Costs to State government: There are no additional costs to State government.

(b) Costs to local government: There are no additional costs to local government.

(c) Cost to private regulated parties: The proposed amendment does impose any additional costs on the physicians who are subject to the regulation.

(d) Cost to the regulatory agency: There are no additional costs to the State Education Department.

5. LOCAL GOVERNMENT MANDATES:

The proposed amendment does not impose any program, service, duty, or responsibility on local governments.

6. PAPERWORK:

There are no new forms, reporting requirements, or other recordkeeping associated with the proposed amendment.

7. DUPLICATION:

The proposed amendment does not duplicate any other existing State or federal requirements.

8. ALTERNATIVES:

The proposed addition of section 60.13 to the Regulations of the Commissioner of Education conforms the Commissioner's regulations to Chapter 519 of the Laws of 2018 and Chapter 199 of the Laws of 2019.

There are no significant alternatives to the proposed amendment and none were considered.

9. FEDERAL STANDARDS:

No Federal standards apply to the subject matter of this rule making. The Federal government does not regulate the exemptions from the physician licensure requirements in New York State. Since there are no applicable federal standards, the proposed amendment does not exceed any minimum federal standards for the same or similar subject areas.

10. COMPLIANCE SCHEDULE:

If adopted as the November 2019 Regents meeting, the emergency rule will become effective November 5, 2019. It is anticipated that the proposed rule will be presented to the Board of Regents for permanent adoption at the February 2020 Regents meeting, after publication of the proposed amendment in the State Register and expiration of the 60-day public comment period required under the State Administrative Procedure Act. It is anticipated that regulated parties will be able to comply with the proposed amendment by the effective date.

Regulatory Flexibility Analysis

The purpose of the proposed addition of section 60.13 to the Regulations of the Commissioner of Education is to conform the Commissioner's regulations to Chapter 519 of the Laws of 2018 (Chapter 519) and Chapter 199 of the Laws of 2019 (Chapter 199). The proposed amendment implements Chapter 519, which, *inter alia*, amended the Education Law to permit any physician, who is licensed and in good standing in another state or territory and has a written agreement to provide medical services to athletes and team personnel, to provide medical services to athletes and team personnel when they are participating in a discrete sanctioned team sporting event in this State. The proposed amendment also implements Chapter 199, which amended the Education Law to include the New York State Department of Health's State Professional Board for Professional Medical Conduct, in addition to the to the Board of Regents, as a disciplinary and regulatory authority over these physicians.

The proposed amendment will not impose any reporting, recordkeeping, or other compliance requirements or costs, or have an adverse impact, on small businesses or local governments. Because it is evident from the nature of the proposed amendment that it will not affect small businesses or local governments, no affirmative steps were needed to ascertain that fact and none were taken. Accordingly, a regulatory flexibility analysis for small businesses and local governments is not required, and one has not been prepared.

Rural Area Flexibility Analysis

The purpose of the proposed addition of section 60.13 to the Regulations of the Commissioner of Education is to conform the Commissioner's regulations to Chapter 519 of the Laws of 2018 (Chapter 519) and Chapter 199 of the Laws of 2019 (Chapter 199). The proposed amendment implements Chapter 519, which, *inter alia*, amended the Education Law to permit any physician, who is licensed and in good standing in another state or territory and has a written agreement to provide medical services to athletes and team personnel, to provide medical services to athletes and team personnel when they are participating in a discrete sanctioned team sporting event in this State. The proposed amendment also implements Chapter 199, which amended the Education Law to include the New York State Department of Health's State Professional Board for Professional Medical Conduct, in addition to the Board of Regents, as a disciplinary and regulatory authority over these physicians.

The proposed amendment to the preprofessional education requirements is applicable to any physician, who is licensed and in good standing in another state or territory and has a written agreement to provide medical services to athletes and team personnel, and seeking to provide medical services to athletes and team personnel when they are participating in a discrete sanctioned team sporting event in this State and subjects such physicians to the disciplinary and regulatory of the New York State Department of Health's State Professional Board for Professional Medical Conduct and the Board of Regents. Thus, the proposed amendment does not adversely impact entities in rural areas of New York State. Accordingly, no further steps were needed to ascertain the impact of the proposed amendment on entities in rural areas and none were taken. Thus, a rural flexibility analysis is not required and one has not been prepared.

Job Impact Statement

It is not anticipated that the proposed amendment will impact jobs or employment opportunities. The proposed addition of section 60.13 to the Regulations of the Commissioner of Education conforms the Commissioner's regulations to Chapter 519 of the Laws of 2018 (Chapter 519) and Chapter 199 of the Laws of 2019 (Chapter 199). The proposed amendment implements Chapter 519, which, *inter alia*, amended the Education Law to permit any physician, who is licensed and in good standing in another state or territory and has a written agreement to provide medical services to athletes and team personnel, to provide medical services to athletes and team personnel when they are participating in a discrete sanctioned team sporting event in this State. The proposed amendment also implements Chapter 199, which amended the Education Law to include the New York State Department of Health's State Professional Board for Professional

Medical Conduct, in addition to the Board of Regents, as a disciplinary and regulatory authority over these physicians.

The proposed amendment will not have a substantial adverse impact on jobs and employment opportunities. Because it is evident from the nature of the proposed amendment that it will have no impact on jobs or employment opportunities attributable to its adoption or only a positive impact, no affirmative steps were needed to ascertain these facts and none were taken. Accordingly, a job impact statement is not required and one has not been prepared.

Assessment of Public Comment

The agency received no public comment.

EMERGENCY RULE MAKING

Profession of Registered Dental Assisting

I.D. No. EDU-47-19-00007-E

Filing No. 75

Filing Date: 2020-02-03

Effective Date: 2020-02-03

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

Action taken: Amendment of sections 29.2, 52.26, 61.9, 61.11, 61.12, 61.13 and 61.14 of Title 8 NYCRR.

Statutory authority: Education Law, sections 207, 6504, 6507, 6509, 6608-a; and L. 2019, ch. 390

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

Specific reasons underlying the finding of necessity: The proposed amendment to section 29.2 of the Rules of the Board of Regents and sections 52.26, 61.9, 61.11, 61.12, 61.13 and 61.14 of the Regulations of the Commissioner of Education is necessary to implement Chapter 390 (Chapter 390) of the Laws of 2019, which amended the Education Law, effective October 23, 2019, by, *inter alia*, creating the new legally protected title of "registered dental assistant" and eliminating the prior protected title of "certified dental assistant." The prior title of certified dental assistant was causing confusion between individuals certified by the Department and individuals certified by the National Dental Assisting Board (DANB). This confusion led to some unintentional criminal violations for those individuals who illegally used the certified dental assistant title in this State when they possessed only DANB certification. Additionally, both dentists and the public were confused by which certified dental assistants were licensed by New York State and which were only DANB-certified.

Chapter 390 eliminated these issues by changing the protected title of the profession to registered dental assistant and replacing all the references in Article 133 of the Education Law to the prior title of certified dental assistant with the title registered dental assistant.

The proposed amendment to section 29.2 of the Rules of the Board of Regents and sections 52.26, 61.9, 61.11, 61.12, 61.13 and 61.14 of the Regulations of the Commissioner of Education implements Chapter 390 by changing the references, in those sections, from "certified dental assistant" and "certified dental assisting" to "registered dental assistant" and "registered dental assisting."

The proposed amendment was presented to the Professional Practice Committee for recommendation and to the Full Board for adoption as an emergency action at the November 2019 meeting of the Board of Regents, effective November 5, 2019. Since the Board of Regents meets at fixed intervals, the earliest the proposed rule can be presented for permanent adoption, after expiration of the required 60-day comment period provided for in the State Administrative Procedure Act (SAPA) sections 201(1) and (5), would be the February 10-11, 2020 Regents meeting. Furthermore, pursuant to SAPA 203(1), the earliest effective date of the proposed rule, if adopted at the February meeting would be February 26, 2020, the date the Notice of Adoption would be published in the State Register. However, the November emergency rule will expire on February 2, 2020. If the rule were to lapse, it would impede the ability of the Department to license applicants for licensure as registered dental assistants, which could adversely impact the public's access to dental assisting services in this State.

Therefore, a second emergency action is necessary at the January 2020 meeting for the preservation of the public health and general welfare in order to immediately conform the Rules of the Board of Regents and the Regulations of the Commissioner of Education to the requirements of Chapter 390, which became effective October 23, 2019, by changing the references, in those sections, from "certified dental assistant" and "certi-

fied dental assisting” to “registered dental assistant” and “registered dental assisting” and to ensure that the emergency adoption taken at the November meeting remains in effect until the proposed rule can be permanently adopted.

It is anticipated that the proposed rule will be presented for adoption as a permanent rule at the February 2020 Regents meeting, which is the first scheduled meeting after the 60-day public comment period prescribed in SAPA for State agency rule makings.

Subject: Profession of Registered Dental Assisting.

Purpose: To conform the Regulations of the Commissioner with chapter 390 of the Laws of 2019.

Text of emergency rule: 1. Subdivision (a) of section 29.2 of the Rules of the Board of Regents is amended, as follows:

(a) Unprofessional conduct shall also include, in the professions of: acupuncture, athletic training, audiology, certified behavior analyst assistant, [certified] *registered* dental assisting, chiropractic, creative arts therapy, dental hygiene, dentistry, dietetics/nutrition, licensed behavior analyst, licensed pathologists’ assistants, licensed perfusionist, licensed practical nursing, marriage and family therapy, massage therapy, medicine, mental health counseling, midwifery, occupational therapy, occupational therapy assistant, ophthalmic dispensing, optometry, pharmacy, physical therapist assistant, physical therapy, physician assistant, podiatry, psychoanalysis, psychology, registered professional nursing, respiratory therapy, respiratory therapy technician, social work, specialist assistant, speech-language pathology (except for cases involving those professions licensed, certified or registered pursuant to the provisions of article 131 or 131-B of the Education Law in which a statement of charges of professional misconduct was not served on or before July 26, 1991, the effective date of chapter 606 of the Laws of 1991):

- (1) . . .
- (2) . . .
- (3) . . .
- (4) . . .
- (5) . . .
- (6) . . .
- (7) . . .
- (8) . . .
- (9) . . .
- (10) . . .
- (11) . . .
- (12) . . .
- (13) . . .
- (14) . . .

2. Section 52.26 of the Regulations of the Commissioner of Education is amended, as follows:

Section 52.26. [Certified] *Registered* dental assisting

(a) Definitions. As used in this section:

- (1) . . .
- (i) . . .
- (ii) . . .
- (iii) . . .

(2) Professional dental assisting content area shall mean course work relevant to the practice of [certified] *registered* dental assisting, accompanied where appropriate by laboratory and/or equivalent clinical experiences, which includes, but is not limited to, the following curricular areas:

- (i) . . .
- (ii) . . .
- (iii) . . .
- (iv) . . .
- (v) . . .

(3) Clinical content area shall mean course work in clinical procedures which includes, but is not limited to, the following curricular areas:

(i) chairside dental assisting and dental laboratory procedures appropriate to the practice of [certified] *registered* dental assisting which shall include, but not be limited to, specific course work in the following clinical procedures subject to the restrictions set forth in section 61.13(c) of this Title:

- (a) . . .
- (b) . . .
- (c) . . .
- (ii) . . .
- (iii) . . .
- (iv) . . .
- (v) . . .

(b) Curriculum. In addition to meeting all applicable provisions of this Part, to be registered as a program recognized as leading to licensure in [certified] *registered* dental assisting which meets the requirements of section 61.11 of this Title, it shall be

(1) either:

(i) a one-year program in [certified] *registered* dental assisting, consisting of at least 24 semester hours or its equivalent, which is offered in an educational setting prescribed in section 6608-b(4)(B)(i) of the Education Law, such program to include:

(a) . . .

(b) at least 200 hours of clinical experience in the practice of [certified] *registered* dental assisting, as defined in section 6608 of the Education Law and section 61.13 of this Title, under the direct personal supervision of a licensed dentist; or

(ii) an alternate course of study in [certified] *registered* dental assisting, which requires the student to complete equivalent study as that required in a program prescribed in subparagraph (i) of this paragraph and in an educational setting prescribed in section 6608-b(4)(B)(ii) of the Education Law, such course of study to include:

(a) . . .

(b) at least 1,000 hours of relevant work experience constituting a clinical experience in the practice of [certified] *registered* dental assisting, as defined in section 6608 of the Education Law and section 61.13 of this Title, under the direct personal supervision of a licensed dentist.

(2) The programs prescribed in paragraph (1) of this subdivision shall have sufficient content, scope and depth to prepare a student for the practice of [certified] *registered* dental assisting, as defined in section 6608 of the Education Law and section 61.13 of this Title.

(3) Clinical facilities. A written contract or agreement shall be executed between the educational institution conducting the [certified] *registered* dental assisting program and the clinical facility or agency which is designated to cooperate in providing the clinical experience, which shall set forth the responsibilities of each party, and shall be signed by the responsible officer of each party.

3. Subdivision (d) of section 61.9 of the Regulations of the Commissioner of Education is amended, as follows:

(d) The dental supportive services that a licensed dentist authorizes a [certified] *registered* dental assistant to perform under section 61.13(b)(18) of this Part, designated in such paragraph as other dental supportive services, may be performed by a licensed dental hygienist under the personal supervision of a licensed dentist who has delegated such function to the licensed dental hygienist, unless general supervision for such service is otherwise expressly prescribed in this section.

4. Section 61.11 of the Regulations of the Commissioner of Education is amended, as follows:

Section 61.11. Professional study of [certified] *registered* dental assisting

(a) . . .

(b) To meet the professional education requirement for licensure as a [certified] *registered* dental assistant in this State, the applicant shall present satisfactory evidence of:

(1) . . .

(2) completion of a program in [certified] *registered* dental assisting that is either registered by the department pursuant to Part 52 of this Title, or accredited by an acceptable accrediting agency, or determined by the department to be the equivalent of such a registered or accredited program.

5. Section 61.12 of the Regulations of the Commissioner of Education is amended, as follows:

Section 61.12. Licensing examination for [certified] *registered* dental assistant

(a) Each candidate for licensure as a [certified] *registered* dental assistant shall pass an examination that the department has determined measures the applicant’s knowledge of curricular areas attained in a program prescribed in section 52.26 of this Title and other matters of law, ethics, or practice deemed appropriate by the department.

(b) . . .

6. Section 61.13 of the Regulations of the Commissioner of Education is amended, as follows:

Section 61.13. Practice of [certified] *registered* dental assisting

(a) The practice of [certified] *registered* dental assisting shall be that practice defined in section 6808 of the Education Law. In accordance with section 6608 of the Education Law, the practice of [certified] *registered* dental assisting must be supportive services to a licensed dentist in the dentist’s performance of dental services and must be performed under the direct personal supervision of a licensed dentist. For purposes of this section, under the direct personal supervision of a licensed dentist shall mean supervision of dental procedures based on instructions given by a licensed dentist in the course of a procedure who remains in the dental office where the supportive services are being performed, personally diagnoses the condition to be treated, personally authorizes the procedures, and before dismissal of the patient, who remains the responsibility of the licensed dentist, evaluates the services performed by the *registered* dental assistant. Such practice shall include the dental supportive service prescribed in subdivision (b) of this section and shall exclude the dental supportive services prescribed in subdivision (c) of this section.

(b) The practice of [certified] *registered* dental assisting shall include the following supportive services to a licensed dentist while under the direct personal supervision of the licensed dentist:

- (1) . . .
- (2) . . .
- (3) . . .
- (4) . . .
- (5) . . .
- (6) . . .
- (7) . . .
- (8) . . .
- (9) . . .
- (10) . . .
- (11) . . .
- (12) . . .
- (13) . . .
- (14) . . .
- (15) . . .
- (16) . . .
- (17) . . .

(18) other dental supportive services authorized by the licensed dentist while the [certified] *registered* dental assistant is under the direct personal supervision of the licensed dentist, provided that such other dental supportive services are not excluded in subdivision (c) of this section.

(c) Excluded dental supportive services. The practice of [certified] *registered* dental assisting shall not include the following dental supportive services:

- (1) . . .
- (2) . . .
- (3) . . .
- (4) . . .
- (5) . . .

(6) such dental supportive services that a [certified] *registered* dental assistant would not reasonably be qualified to perform based upon meeting the requirements for certification as a [certified] *registered* dental assistant in section 6608-b of the Education Law, and/or obtaining additional legally authorized experience in the practice of [certified] *registered* dental assisting.

(d) In accordance with section 29.1(b)(9) and (10) of this Title, a [certified] *registered* dental assistant is not permitted to provide dental supportive services that the [certified] *registered* dental assistant knows or has reason to know that he or she is not competent to perform, and a licensed dentist is not permitted to delegate to a [certified] *registered* dental assistant dental supportive services the licensed dentist knows or has reason to know that the [certified] *registered* dental assistant is not qualified by training, experience or by licensure to perform.

7. Section 61.14 of the Regulations of the Commissioner of Education is amended, as follows:

Section 61.14. Limited permits in [certified] *registered* dental assisting

(a) . . .

(b) In accordance with section 6608-d of the Education Law, permits limited as to eligibility, practice, and duration shall be issued by the department to eligible applicants as follows:

(1) A person who meets all requirements for admission to the licensure examination for [certified] *registered* dental assisting shall be eligible for a limited permit as a [certified] *registered* dental assistant.

(2) A [certified] *registered* dental assistant permittee shall be authorized to practice only under the direct personal supervision of a licensed dentist.

(3) An application for a limited permit in [certified] *registered* dental assisting shall be submitted on a form provided by the department and shall be accompanied by the statutory fee.

(4) Limited permits in [certified] *registered* dental assisting shall expire one year from the date granted, except that such permits may be renewed for one additional one-year period.

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. EDU-47-19-00007-EP, Issue of November 20, 2019. The emergency rule will expire April 2, 2020.

Text of rule and any required statements and analyses may be obtained from: Kirti Goswami, NYS Education Department, Office of Counsel, 89 Washington Avenue, Room 112 EB, Albany, NY 12234, (518) 474-6400, email: legal@nysed.gov

Regulatory Impact Statement

1. STATUTORY AUTHORITY:

Section 207 of the Education Law grants general rule making authority to the Board of Regents to carry into effect the laws and policies of the State relating to education.

Section 6504 of the Education Law authorizes the Board of Regents to supervise the admission to and regulation of the practice of the professions.

Paragraph (a) of subdivision (2) of section 6507 of the Education Law authorizes the Commissioner of Education to promulgate regulations in administering the admission to and the practice of the professions.

Section 6509 of the Education Law authorizes the Board of Regents to promulgate rules regarding professional misconduct in certain professions.

Section 6608 of the Education Law, as amended by Chapter 390 of the Laws of 2019, defines the practice of registered dental assisting.

Section 6608-a of the Education Law, as amended by Chapter 390 of the Laws of 2019, establishes title protection for the title "registered dental assistant."

2. LEGISLATIVE OBJECTIVES:

The proposed amendment to section 29.2 of the Rules of the Board of Regents and sections 52.26, 61.9, 61.11, 61.12, 61.13 and 61.14 of the Regulations of the Commissioner of Education is consistent with the above statutory authority and implements Chapter 390 of the Laws of 2019 (Chapter 390) by changing the references, in those sections, from "certified dental assistant" and "certified dental assisting" to "registered dental assistant" and "registered dental assisting."

3. NEEDS AND BENEFITS:

The proposed amendment implements Chapter 390, which, effective October 23, 2019, inter alia, amended the Education Law by creating the new legally protected title of "registered dental assistant" and eliminating the prior protected title of "certified dental assistant." The prior title of certified dental assistant was causing confusion between individuals certified by the Department and individuals certified by the National Dental Assisting Board (DANB). This confusion led to some unintentional criminal violations for those individuals who illegally used the certified dental assistant title in this State when they possessed only DANB certification. Additionally, both dentists and the public were confused by which certified dental assistants were licensed by New York State and which were only DANB-certified.

Chapter 390 eliminated these issues by changing the protected title of the profession to registered dental assistant and replacing all the references in Article 133 of the Education Law to the prior title of certified dental assistant with the title registered dental assistant.

The proposed amendment conforms section 29.2 of the Rules of the Board of Regents and sections 52.26, 61.9, 61.11, 61.12, 61.13 and 61.14 of the Regulations of the Commissioner of Education to the amendment made to Article 133 of the Education Law by Chapter 390.

4. COSTS:

(a) Costs to State government: There are no additional costs to State government.

(b) Costs to local government: There are no additional costs to local government.

(c) Cost to private regulated parties: The proposed amendment does not impose any additional costs on either current or prospective registered dental assistants.

(d) Cost to the regulatory agency: There are no additional costs to the State Education Department.

5. LOCAL GOVERNMENT MANDATES:

The proposed amendment does not impose any program, service, duty, or responsibility on local governments.

6. PAPERWORK:

There are no new forms, reporting requirements, or other recordkeeping associated with the proposed amendment.

7. DUPLICATION:

The proposed amendment does not duplicate any other existing State or federal requirements.

8. ALTERNATIVES:

The proposed amendment conforms section 29.2 of the Rules of the Board of Regents and sections 52.26, 61.9, 61.11, 61.12, 61.13 and 61.14 of the Regulations of the Commissioner of Education to the amendment made to Article 133 of the Education Law by Chapter 390 by changing the references, in those sections, from "certified dental assistant" and "certified dental assisting" to "registered dental assistant" and "registered dental assisting."

There are no significant alternatives to the proposed amendment and none were considered.

9. FEDERAL STANDARDS:

No Federal standards apply to the subject matter of this rule making. The Federal government does not regulate the professional title naming and/or title protection requirements for dental assistants in New York State. Since there are no applicable federal standards, the proposed amendment does not exceed any minimum federal standards for the same or similar subject areas.

10. COMPLIANCE SCHEDULE:

If adopted at the February 2020 Regents meeting, the proposed amendment will become effective on February 26, 2020. It is anticipated that

regulated parties will be able to comply with the proposed amendment by the effective date.

Regulatory Flexibility Analysis

The purpose of the proposed amendment to section 29.2 of the Rules of the Board of Regents and sections 52.26, 61.9, 61.11, 61.12, 61.13 and 61.14 of the Regulations of the Commissioner of Education is to conform those sections to the amendment made to Article 133 of the Education Law by Chapter 390 (Chapter 390) of the Laws of 2019. Effective October 23, 2019, Chapter 390 amended the Education Law by creating the new legally protected title of “registered dental assistant” and eliminating the prior protected title of “certified dental assistant.” The prior title of certified dental assistant was causing confusion between individuals certified by the Department and individuals certified by the National Dental Assisting Board (DANB). This confusion led to some unintentional criminal violations for those individuals who illegally used the certified dental assistant title in this State when they possessed only DANB certification. Additionally, both dentists and the public were confused by which certified dental assistants were licensed by New York State and which were only DANB-certified.

It is anticipated that the proposed amendment will assist in eliminating these issues by changing the protected title of the profession to registered dental assistant and replacing all the references in the aforementioned regulatory provisions to the prior title of certified dental assistant with the title registered dental assistant.

The proposed amendment will not impose any reporting, recordkeeping, or other compliance requirements or costs, or have an adverse impact, on small businesses or local governments. Because it is evident from the nature of the proposed amendment that it will not affect small businesses or local governments, no affirmative steps were needed to ascertain that fact and none were taken. Accordingly, a regulatory flexibility analysis for small businesses and local governments is not required, and one has not been prepared.

Rural Area Flexibility Analysis

The purpose of the proposed amendment to section 29.2 of the Rules of the Board of Regents and sections 52.26, 61.9, 61.11, 61.12, 61.13 and 61.14 of the Regulations of the Commissioner of Education is to conform those sections to the amendment made to Article 133 of the Education Law by Chapter 390 (Chapter 390) of the Laws of 2019. Effective October 23, 2019, Chapter 390 amended the Education Law by creating the new legally protected title of “registered dental assistant” and eliminating the prior protected title of “certified dental assistant.” The prior title of certified dental assistant was causing confusion between individuals certified by the Department and individuals certified by the National Dental Assisting Board (DANB). This confusion led to some unintentional criminal violations for those individuals who illegally used the certified dental assistant title in this State when they possessed only DANB certification. Additionally, both dentists and the public were confused by which certified dental assistants were licensed by New York State and which were only DANB-certified.

It is anticipated that the proposed amendment will assist in eliminating these issues by changing the protected title of the profession to registered dental assistant and replacing all the references in the aforementioned regulatory provisions to the prior title of certified dental assistant with the title registered dental assistant.

The proposed amendment changing the protected title of this profession to registered dental assistant and the elimination of the prior title of certified dental assistant is applicable to all current licensees in this profession and applicants for licensure in it, including those in rural areas of this State. Thus, the proposed amendment does not adversely impact entities in rural areas of New York State. Accordingly, no further steps were needed to ascertain the impact of the proposed amendment on entities in rural areas and none were taken. Thus, a rural flexibility analysis is not required and one has not been prepared.

Job Impact Statement

It is not anticipated that the proposed amendment will impact jobs or employment opportunities. This is because the proposed amendment conforms section 29.2 of the Rules of the Board of Regents and sections 52.26, 61.9, 61.11, 61.12, 61.13 and 61.14 of the Regulations of the Commissioner of Education to the amendment made to Article 133 of the Education Law by Chapter 390 (Chapter 390) of the Laws of 2019. Effective October 23, 2019, Chapter 390 amended the Education Law by creating the new legally protected title of “registered dental assistant” and eliminating the prior protected title of “certified dental assistant.” The prior title of certified dental assistant was causing confusion between individuals certified by the Department and individuals certified by the National Dental Assisting Board (DANB). This confusion led to some unintentional criminal violations for those individuals who illegally used the certified dental assistant title in this State when they possessed only DANB certification. Additionally, both dentists and the public were

confused by which certified dental assistants were licensed by New York State and which were only DANB-certified.

Chapter 390 eliminated these issues by changing the protected title of the profession to registered dental assistant and replacing all the references in Article 133 of the Education Law to the prior title of certified dental assistant with the title registered dental assistant.

The proposed amendment will not have a substantial adverse impact on jobs and employment opportunities. Because it is evident from the nature of the proposed amendment that it will have no impact on jobs or employment opportunities attributable to its adoption or only a positive impact, no affirmative steps were needed to ascertain these facts and none were taken. Accordingly, a job impact statement is not required and one has not been prepared.

Department of Financial Services

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Audited Financial Statements

I.D. No. DFS-07-20-00015-P

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

Proposed Action: Amendment of Part 89 (Regulation 118) of Title 11 NYCRR.

Statutory authority: Financial Services Law, sections 202, 302; Insurance Law, sections 301, 307(b), 1109 and 1202(b)

Subject: Audited Financial Statements.

Purpose: To require insurers meeting a certain premium threshold to establish and maintain an internal audit function.

Text of proposed rule: Section 89.1(c) and (t) is amended and a new subdivision (x) is added as follows:

(c) Audit committee means a committee (or equivalent body) established by the board of directors of a company for the purpose of overseeing the accounting and financial reporting processes of a company or group of companies, *the internal audit function of a company or group of companies, if applicable, and [auditing] external audits of financial statements of the company or group of affected companies, provided that:*

(1) for a holding company that controls a group of companies, the audit committee of the holding company may be deemed to be the audit committee for one or more of those controlled companies solely for the purposes of this Part, even if all members of the holding company audit committee are not residents of this State;

(2) for a United States branch of an alien company, the audit committee may be comprised of the audit committee of the person that controls the United States branch; and

(3) for a company that does not otherwise designate an audit committee, the company’s entire board of directors shall constitute the audit committee.

(t) SOX compliant company means [a company] *an entity that either is required to be compliant with, or voluntarily is compliant with, all of the following provisions of the Sarbanes-Oxley Act of 2002:*

(1) the pre-approval requirements of section 201 of SOX (section 10A(i) of the Securities Exchange Act of 1934, 15 U.S.C. section 78j-1(i));

(2) the audit committee independence requirements of section 301 of SOX (section 10A(m)(3) of the Securities Exchange Act of 1934, 15 U.S.C. section 78j-1(m)(3)); and

(3) the internal control over financial reporting requirements of section 404 (item 308 of SEC Regulation S-K).

(x) *Internal audit function means the role of applying a systematic, disciplined approach to evaluating and improving the effectiveness of risk management, control, and governance processes so as to add value, improve a company’s operations, and accomplish its objectives.*

Section 89.12(a) is amended as follows:

(a)(1) The audit committee shall be directly responsible for the appointment, compensation and oversight of the work of any CPA (including resolution of disagreements between management and the CPA regarding financial reporting) for the purpose of preparing or issuing the audited

financial report or related work pursuant to this Part. Every CPA shall report directly to the audit committee.

(2) *The audit committee shall be responsible for overseeing the company's internal audit function and granting the person or persons performing the function suitable authority and resources to fulfill their responsibilities if required by section 89.16 of this Part.*

Section 89.12(i) is amended as follows:

(i) This section shall not apply to:

(1) a domestic life insurer [that is subject to Insurance Law, section 1202(b)(2)] *if its holding company or parent corporation is a foreign or domestic insurer, a mutual insurance holding company established pursuant to the laws of the United States, or a publicly held corporation incorporated in the United States, having a board of directors and committees thereof that meet the same requirements as have been established for a domestic stock life insurer pursuant to Insurance Law section 1202(b)(1) and (2);*

(2) a foreign insurer or an alien insurer not entered into this State through a United States branch; or

(3) a company that is a SOX compliant company or a directly or indirectly wholly-owned subsidiary of a SOX compliant company.

Section 89.16 is renumbered as section 89.17 and a new section 89.16 is added as follows:

§ 89.16 *Internal audit function requirements.*

(a) *A company shall establish an internal audit function, which shall be provided by performing general and specific audits, reviews, and tests and by employing other techniques deemed necessary to protect assets, evaluate control effectiveness and efficiency, and evaluate compliance with policies and regulations.*

(b) *In order to ensure that internal auditors remain objective, the internal audit function shall be organizationally independent. The internal auditors shall not defer ultimate judgment on audit matters to other persons, and shall appoint an individual to head the internal audit function who shall have direct and unrestricted access to the board of directors. Organizational independence shall not preclude dual-reporting relationships.*

(c) *The head of the internal audit function shall report to the audit committee regularly, but no less than annually, on the periodic internal audit plan, factors that may adversely impact the internal audit function's independence or effectiveness, material findings from completed internal audits, and the appropriateness of corrective actions implemented by management as a result of internal audit findings.*

(d) *If a company is a member of a group of companies, then the company may satisfy the internal audit function requirements set forth in this section at the ultimate group level, an intermediate group level, or the individual legal entity level; provided, however, that the company may only satisfy the internal audit function requirements at the ultimate group level or intermediate group level if the internal audit function addresses risk management, control, and governance processes of the company.*

(e) *A company shall be exempt from the requirements of this section if:*

(1) *the company has annual direct written and unaffiliated assumed premium, including international direct and assumed premium but excluding premiums reinsured with the Federal Crop Insurance Corporation and Federal Flood Program, of less than \$500 million; and*

(2) *the company is a member of a group of companies and the group has annual direct written and unaffiliated assumed premium, including international direct and assumed premium, but excluding premiums reinsured with the Federal Crop Insurance Corporation and Federal Flood Program, of less than \$1 billion.*

(f) *If a company that is exempt from the requirements of this section no longer qualifies for that exemption, then the company shall have one year after the year the threshold is exceeded to comply with the requirements of this section.*

Text of proposed rule and any required statements and analyses may be obtained from: Joana Lucashuk, Department of Financial Services, One State Street, New York, NY 10004, (212) 480-2125, email: Joana.Lucashuk@dfs.ny.gov

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

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

Regulatory Impact Statement

1. Statutory authority: Financial Services Law Sections 202 and 302 and Insurance Law Sections 301, 307(b), and 1202(b).

Financial Services Law Section 202 establishes the office of the Superintendent of Financial Services ("Superintendent").

Financial Services Law Section 302 and Insurance Law Section 301, in

material part, authorize the Superintendent to effectuate any power accorded to the Superintendent by the Financial Services Law, Insurance Law, or any other law, and to prescribe regulations interpreting the Insurance Law.

Insurance Law Section 307(b) requires an authorized insurer to file an annual financial statement with an opinion thereon by an independent certified public accountant.

Insurance Law Section 1109 authorizes the Superintendent to promulgate regulations in effectuating the purposes and provisions of the Insurance Law and Public Health Law Article 44.

Insurance Law Section 1202(b) sets forth requirements for independent directors of domestic life insurers and exempts these insurers from Section 1202(b) if the holding company or parent corporation is a domestic insurer, a mutual insurance holding company established pursuant to the laws of the U.S., or a publicly held corporation incorporated in the United States, having a board of directors and committees thereof that meet the same requirements established for a domestic stock life insurer pursuant to Insurance Law Section 1202(b)(1) and (2). In that case, the directors of the holding company or parent corporation will be subject to the Insurance Law in the same manner as the directors of a domestic stock life insurer.

2. Legislative objectives: Insurance Law Section 307(b) requires an authorized insurer to file an annual financial statement with an opinion thereon by an independent certified public accountant. The former Insurance Department originally promulgated 11 NYCRR 89 (Insurance Regulation 118) in 1984 to implement Insurance Law Section 307(b). In 2011, the Department of Financial Services ("Department") repealed and replaced the regulation. The new Regulation 118 implemented Insurance Law Section 307(b) and the Sarbanes-Oxley Act of 2002, codified at 15 U.S.C. Section 7201 et seq. ("SOX"). SOX imposes a comprehensive regime of audits and internal management controls and reports designed to ensure greater transparency and accountability. Insurance Regulation 118 is closely patterned upon a National Association of Insurance Commissioners ("NAIC") model regulation ("model regulation").

This rule accords with the public policy objectives that the Legislature sought to advance in Insurance Law Section 307(b) by requiring authorized insurers, fraternal benefit societies, and managed care organizations (collectively, "companies") that meet a certain premium threshold to establish and maintain internal audit functions.

3. Needs and benefits: In 2014, the NAIC amended the model regulation to require companies that meet a certain premium threshold to establish and maintain an internal audit function. The NAIC noted that an internal audit function generally is considered a key component of an effective internal control framework, and that international standards recognize the importance of an internal audit function within Insurance Core Principles ("ICP") 8 – Risk Management and Internal Controls.

This internal audit function requirement became an NAIC accreditation standard starting January 1, 2020. NAIC accreditation is a certification that a state receives once it demonstrates that it has met and continues to meet certain legal, financial, and organizational standards. The purpose of the NAIC accreditation program is to ensure effective insurer financial solvency regulation across the United States.

This rule requires companies that meet a certain premium threshold to establish and maintain internal audit functions. It also fixes an error in the definition of "SOX compliant company."

4. Costs: Certain companies required by this amendment to adopt an internal audit function may incur costs to comply with this amendment. The costs are difficult to estimate and will vary from company to company because of several factors, such as a company's organizational structure, its size, and whether it already has an internal audit function in place. However, all publicly-held companies already must maintain an internal audit function due to stock exchange listing requirements. In addition, it is a standard industry best practice for large companies to maintain internal audit functions of their own volition. Many companies that are part of holding company systems already have internal audit functions at either the company or holding company level. Thus, compliance costs should be minimal for many companies.

The Department will not incur costs for the implementation and continuation of this amendment.

This rule does not impose compliance costs on local governments.

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

6. Paperwork: This amendment does not impose any reporting requirements, including forms or other paperwork.

7. Duplication: This amendment may duplicate or overlap with federal SOX requirements for publicly-held companies. The amendment does not conflict with any existing state or federal rules or other legal requirements.

8. Alternatives: There were no significant alternatives to consider because the internal audit function requirement became an NAIC accreditation standard starting January 1, 2020 and the Department needs to adopt the language set forth in the model regulation.

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

10. Compliance schedule: A company that meets the premium threshold must comply with the amendment within 180 days of publication of the Notice of Adoption in the State Register.

Regulatory Flexibility Analysis

The amendment to Insurance Regulation 118 should have no impact on small businesses and local governments. This amendment requires authorized insurers, fraternal benefit societies, and managed care organizations (collectively, “companies”) that meet a certain premium threshold to establish and maintain internal audit functions. In relevant part, the amendment exempts from the internal audit requirement any company where the company has annual direct written and unaffiliated assumed premium, including international direct and assumed premium but excluding premiums reinsured with the Federal Crop Insurance Corporation and Federal Flood Program, of less than \$500 million.

Most companies do not fall within the definition of a “small business” as defined by State Administrative Procedure Act § 102(8), because they generally are not independently owned and have fewer than 100 employees. To the extent that there are any companies that meet the definition of a small business, they would likely be exempted from the amendment because of the minimum premium threshold.

The amendment also fixes an error in the definition of “SOX compliant company.”

Because this amendment imposes an internal audit function on companies that meet a certain premium threshold and fixes an error in a definition, it should not impose any adverse economic impact or reporting, recordkeeping, or other compliance requirements on small businesses and local governments.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas: Authorized insurers, fraternal benefit societies, and managed care organizations (collectively, “companies”) affected by this amendment operate in every county in this state, including rural areas as defined by State Administrative Procedure Act § 102(10).

2. Reporting, recordkeeping and other compliance requirements, and professional services: The amendment requires companies that meet a certain premium threshold, including companies in rural areas, to establish and maintain an internal audit function.

A company that meets a certain premium threshold in a rural area may need to retain professional services, such as auditors, to comply with this amendment.

3. Costs: The rule may result in additional costs to companies that meet a certain premium threshold, including companies located in rural areas, because it requires them to adopt an internal audit function. The costs are difficult to estimate and will vary from company to company because of several factors, such as a company’s organizational structure, its size, and whether it already has an internal audit function in place. However, all publicly-held companies already must maintain an internal audit function due to stock exchange listing requirements. In addition, it is a standard industry best practice for large companies to maintain internal audit functions of their own volition. Many companies that are part of holding company systems already have internal audit functions at either the company or holding company level. Thus, compliance costs should be minimal for many companies, including companies in rural areas.

Nevertheless, any additional costs to companies in rural areas should be the same as for companies in non-rural areas.

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

5. Rural area participation: Companies in rural areas will have an opportunity to participate in the rule making process when the proposed amendment is published in the State Register and posted on the website of the Department of Financial Services.

Job Impact Statement

This rule should not adversely affect jobs or employment opportunities in New York State. This rule requires authorized insurers, fraternal benefit societies, and managed care organizations (collectively, “companies”) that meet a certain premium threshold to establish and maintain internal audit functions. This prudent requirement ensures the solvency and continued operation of companies. The amendment also fixes an error in the definition of “SOX compliant company.”

New York State Gaming Commission

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Allow Claimant to Void Claim of Lameness

I.D. No. SGC-07-20-00002-P

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

Proposed Action: Amendment of sections 4038.5 and 4038.17 of Title 9 NYCRR.

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

Subject: Allow claimant to void claim of lameness.

Purpose: To enhance horse health and safety in thoroughbred racing.

Text of proposed rule: Subdivision (a) of Section 4038.5 of 9 NYCRR would be amended as follows:

§ 4038.5. Requirements for claim; determination by stewards.

(a) All claims shall be in writing, sealed in an envelope and deposited in a locked box provided for this purpose by the racing secretary or the racing secretary’s designee, at least 10 minutes before post time. Claim slip forms must be completely filled out and must, in the judgment of the stewards, be sufficiently accurate to identify the claim, otherwise the claim will be void. No money shall accompany the claim. Each person desiring to make a claim, unless the person has such amount to the person’s credit with the association, must first deposit with the association the whole amount of the claim, in a manner approved by the racing secretary or designee for which a receipt will be given. All claims shall be passed upon by the stewards. *If more than one person should enter a claim for the same horse, then the disposition of the horse shall be decided by lot by the stewards. Claimed horses shall be taken after the race to the test barn for a determination of soundness and for any test samples to be collected.* The person determined [at the closing time for claiming] by the stewards to have the right of claim shall become the owner of the horse when the [start is effected] race is started, whether the horse is sound or unsound or injured before or during the race or after the race, except that:

(1) the claim is voidable at the discretion of the new owner pursuant to the conditions stated in section 4038.19 of this Part unless the age or sex of such horse has been misrepresented, and subject to the provisions of subdivision (b) of this section;

(2) a claim shall be void for any horse that dies during a race or is euthanized on the track following a race; [and]

(3) a claim is voidable at the discretion of the new owner, for a period of one hour after the race is made official, for any horse that is vanned off the track after the race[.]; and

(4) a claim is voidable at the discretion of the new owner if the horse is placed on the veterinarian’s list following an examination by the State veterinarian or other veterinarian who has been designated by the commission to examine claimed horses in the test barn following the race for a determination of soundness for either of the following reasons:

(i) the horse is grade two lame or higher, meaning the lameness of the horse is consistently apparent under certain circumstances (e.g., weight carrying, circling, inclines, hard surface) even if such lameness is difficult to observe when the horse is at a walk or trotting in a straight line; or

(ii) the claimed horse has bled visibly from a nostril (epistaxis) that is attributable, because the bleeding is not caused wholly by a wound or superficial injury, to an episode of exercise induced pulmonary hemorrhage.

When a horse is placed on the veterinarian’s list pursuant to this paragraph, the claimant shall be deemed to have voided the claim and the horse shall be removed from the test barn area by the original owner, unless the claimant or a representative of the claimant is present at the test barn to be informed of the determination of the State or designated veterinarian and, upon being informed of the veterinarian’s findings, decides immediately to accept the horse.

[In the event more than one person should enter a claim for the same horse, the disposition of the horse shall be decided by lot by the stewards. Any horse so claimed shall then be taken to the test barn for delivery to the claimant after any test sample is taken.]

Section 4038.17 of 9 NYCRR would be amended as follows:

§ 4038.17. Horses claimed—testing and post-race examination.

(a) If the claimant of a horse has requested post-race testing, at the expense of the claimant, on the claim form, then the stewards shall designate such horse for post-race testing pursuant to subdivision (b) of section 4012.3 of this Article. The original trainer shall remain responsible for the claimed horse until any on-track post-race sample collection has been completed.

(b) *The original trainer shall remain responsible for a claimed horse that is required to be examined pursuant to paragraph (4) of subdivision (a) of section 4038.5 of this Part until the horse has undergone such examination and been released to the new owner.*

Text of proposed rule and any required statements and analyses may be obtained from: Kristen M. Buckley, New York State Gaming Commission, One Broadway Center, P.O. Box 7500, Schenectady, New York 12301-7500, (518) 388-3332, email: gamingrules@gaming.ny.gov

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

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

Regulatory Impact Statement

1. Statutory authority: The New York State Gaming Commission (“Commission”) is authorized to promulgate these rules pursuant to Racing, Pari-Mutuel Wagering and Breeding Law (“Racing Law”) Sections 103(2)(d) and 104(1, 19). Under Section 103(2)(d), the Commission is responsible for supervising, regulating and administering all horse racing and pari-mutuel wagering activities in the State. Subdivision (1) of Section 104 confers upon the Commission general jurisdiction over all such gaming activities within the State and over the corporations, associations and persons engaged in such activities. Subdivision (19) of Section 104 authorizes the Commission to promulgate any rules and regulations that it deems necessary to carry out its responsibilities.

2. Legislative objectives: To preserve the safety and integrity of pari-mutuel racing while generating reasonable revenue for government.

3. Needs and benefits: This rulemaking is necessary to assure integrity, safety and public confidence in claiming races by reducing the incentive to use the claiming race process as a means to race and sell an unsound thoroughbred horse. The proposal would make it possible for a person who filed a claim to purchase such a horse to void the claim if the horse is lame or bleeds from a nostril (epistaxis) due to the exertions of the claiming race.

All claiming horses are offered for sale at a designated price in the claiming race in which they are entered by their owners. This offer may be accepted by putting a claim for the horse in the claim box before the race begins. If more than one such claim is filed for a horse, the claimant is chosen by lot. As soon as the horse starts the claiming race, title vests in the claimant. After the race, the stable that entered a claimed horse takes the horse to the test barn to be delivered to the claimant.

Recent claiming rule reforms adopted by the Commission have modified the traditional rule that claims are binding regardless of what happens to a claimed horse during the claiming race. Under the current rule, the claim is deemed void if the horse dies during the race or is euthanized on the track. 9 NYCRR § 4038.5(a)(2). In addition, the claimant has one hour to void the claim, should the claimant decide not to purchase the horse, if the horse is vanned off the track after the race. 9 NYCRR § 4038.5(a)(3). If the claim is voided, then title to the horse reverts to the original owner who entered the horse in the claiming race.

The rulemaking would provide a further reform by allowing the claimant to void the claim, before taking the horse at the test barn, if the horse is placed on the veterinarian’s list following an examination by the State or designated veterinarian because the horse is lame or has epistaxis due to exercise induced pulmonary hemorrhage (EIPH).

Under this new proposal, after an appropriate cooling out period before which lameness is not always apparent, the State veterinarian, who supervises the test barn, would examine the horse for lameness, i.e., an alteration of the horse’s gait, at the test barn. Such an examination would include a visual appraisal of the horse at rest and in motion on soft and hard surfaces. The veterinarian would determine whether the horse had grade two, or higher, lameness. The guidelines of the American Association of Equine Practitioners (AAEP) define “grade two” as lameness that is consistently apparent under certain circumstances (e.g., circling, on hard surface). By comparison, grade one lameness is not consistently apparent and grade three lameness is observable at a trot under all circumstances. The State veterinarian would also examine the horse for epistaxis caused by EIPH. This condition indicates a serious EIPH problem of the horse.

If the State or designated veterinarian determines that the horse has one or more of these conditions and places the horse on the veterinarian’s list, the claim would be deemed to have been voided by the claimant unless the claimant or a representative (e.g., trainer) of the claimant is present at the test barn to be informed of the determination of the State or designated

veterinarian and, upon being informed of the veterinarian’s findings, decides immediately to accept the horse. This decision would not waive any other objections (e.g., for a post-race positive) that might later be identified as a possible objection to the claim.

The proposal would provide further protection for the welfare of racehorses by removing the incentive to enter a horse, prone to such conditions, in the hope the horse might be claimed. A claiming race provides an opportunity to sell a horse that is prone to EIPH or lameness upon participating in high-speed exercise, conditions that would not be apparent to the examining veterinarian during a standard pre-race examination. This proposal will make it less likely that a horse will be entered to race if the owner or trainer have concerns about the soundness of the horse to race. If such an owner and trainer cannot shift the ownership of a horse prone to lameness or epistaxis, due to the rigors of racing, to a claimant, then the incentive to enter such a horse in a claiming race is reduced.

The proposal also provides a medical benefit to claimed horses by providing a lameness examination of all claimed horses before they are taken to a new barn. A horse with a significant injury might not show clinical signs of the injury immediately following the race due to the presence of elevated levels of endorphins, which are natural painkillers, in the horse’s system, until the horse has cooled out. The proposal would permit for detection of significant lameness following a race while under the direct supervision of an independent regulatory veterinarian. A claimed horse otherwise might be put into a stall before the lameness is noticed and not receive appropriate medical and other care. The detection of epistaxis caused by EIPH, which may disappear shortly after racing, also permits appropriate care for a horse that has a serious EIPH problem.

The proposal resembles a California Horse Racing Board rule, 4 CCR 1658, except the proposal permits a claimant to accept the horse (or not) in view of its quality and the specific condition of the horse at the test barn. The California rule requires a claimant to make an election on the claim form, before the race, that the claimant will or will not take the horse regardless of such conditions.

The proposal would further require the original owner to remain responsible for the claimed horse until the horse has been examined and released to the new owner.

The proposal also makes some stylistic changes.

4. Costs:

(a) Costs to regulated parties for the implementation of and continuing compliance with the rule: None.

(b) Costs to the agency, the State and local governments for the implementation and continuation of the rule: None.

(c) The information, including the source(s) of such information and the methodology upon which the cost analysis is based: Commission staff reviewed the cost factors and determined that the rule can be implemented using the existing system for the transfer of claimed horses at the test barn in the presence of a state veterinarian, and for voiding a claim, and no additional costs will be added.

(d) Where an agency finds that it cannot provide a statement of costs, a statement setting forth the agency’s best estimate, which shall indicate the information and methodology upon which the estimate is based and the reason(s) why a complete cost statement cannot be provided. Not applicable.

5. Local government mandates: None. The New York State Gaming Commission is the only governmental entity authorized to regulate pari-mutuel harness racing activities.

6. Paperwork: There will be no additional paperwork. The process will rely on the existing administrative forms and processes for voiding a claim.

7. Duplication: No relevant rules or other legal requirements of the state and/or federal government exist that duplicate, overlap or conflict with this rule.

8. Alternatives. The Commission considered a similar rule in California, and largely followed this rule but decided to permit a claimant to decide after (rather than before) the race whether to accept a horse that becomes lame or shows epistaxis due to EIPH in the test barn. The proposal also differs from the California rule by specifying the observable injuries that permit a diagnosis that epistaxis has been caused by EIPH, rather than needing potentially to utilize an endoscopic examination. The Commission believes a differential diagnosis is sufficiently accurate.

9. Federal standards: There are no minimum standards of the federal government for this or a similar subject area.

10. Compliance schedule: Regulated persons will be able to achieve compliance with the rule upon publication of a Notice of Adoption in the New York 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 proposal because it will not adversely affect small businesses, local governments, rural areas, or jobs.

The proposal would allow the claimant of a race horse to void the claim, before taking possession of the horse at the test barn after the claiming race, if the state veterinarian determines the horse is lame or suffered from a serious (bleeding from a nostril) episode of exercise induced pulmonary hemorrhage (EIPH) upon racing. If the claim is voided, the horse remains in the stable of the owner who raced the horse. This does not impose any additional duty upon the participants in horse racing, but will incentivize horse owners not to enter unsound horses in claiming races. The proposal will serve to enhance the health and safety of racehorses and the jockeys on race day.

This rule will not impose an adverse economic impact or reporting, record keeping, or other compliance requirements on small businesses in rural or urban areas or on employment opportunities. No local government activities are involved.

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

Spanish 21, a Blackjack Variant to be Offered in Commercial Casinos

I.D. No. SGC-07-20-00003-P

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

Proposed Action: Amendment of section 5324.12(d); and addition of section 5324.12(e) to Title 9 NYCRR.

Statutory authority: Racing, Pari-Mutuel Wagering and Breeding Law, sections 104(19), 1307(1), (2)(g), 1335(5), (6) and (11)

Subject: Spanish 21, a blackjack variant to be offered in commercial casinos.

Purpose: To set forth the practices and procedures for the operation of Spanish 21 as a casino table game.

Text of proposed rule: Paragraph (d) would be amended and paragraph (e) would be added to section 5324.12 of title 9 of NYCRR to read as follows:
§ 5324.12. Spanish 21

* * *

(d) Optional wagers. The gaming facility may choose to offer the optional wagers set forth in subdivisions (d) through (h) and (j) through (p) of section 5324.11.

(e) Spanish 21 match the dealer wager. A gaming facility may provide a match the dealer wager as an additional wager.

(1) A player's match the dealer wager shall not affect the player's wager on the underlying hand. A dealer's blackjack shall have no effect on a player's match the dealer wager. The match the dealer wager shall be available only on tables using a six- or eight-deck multi-shuffle device.

(2) Prior to the first card being dealt for each round of play, each player who has placed a Spanish 21 wager may make a match the dealer wager by placing chips or plaques on the designated area of the Spanish 21 layout. The minimum and maximum wagers permitted by the gaming facility shall be inscribed on the table layout or posted on a sign at each table offering the match the dealer wager.

(3) The dealer shall then announce, "no more bets" and deal the initial two cards to all players and the dealer. Prior to any additional cards being dealt to any player at the table and before any card reader device is used, the dealer shall, starting with the player farthest to the dealer's right and continuing counter-clockwise around the table, settle in succession all match the dealer wagers by collecting all losing wagers and paying all winning wagers.

(4) A match the dealer wager shall be paid when either of the player's initial two cards match the dealer's initial card. Any card with a point value of 10 (jack, queen, king) shall be deemed a match only if the cards are of identical description (e.g., jack-jack, queen-queen, or king-king, but not jack-queen, etc.). If both of the initial cards dealt to a player match the dealer's initial card, the player shall be paid for each card.

(5) A gaming facility shall post its match the dealer wager pay table at each Spanish 21 table offering the match the dealer wager. A gaming facility may change pay tables at such facility's discretion at any time after the conclusion of a round of play, upon prior notice to the commission. A gaming facility may choose from one of the following pay tables for the match the dealer wager:

<i>Hand:</i>	<i>Pay table A (six decks)</i>	<i>Pay table B (eight decks)</i>
<i>Each matching card of a different suit</i>	4:1	3:1

Each matching card of the same suit 9:1

12:1

Text of proposed rule and any required statements and analyses may be obtained from: Kristen M. Buckley, New York State Gaming Commission, One Broadway Center, P.O. Box 7500, Schenectady, New York 12301-7500, (518) 388-3332, email: gamingrules@gaming.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: Racing, Pari-Mutuel Wagering and Breeding Law ("Racing Law") section 104(19) grants authority to the Gaming Commission ("Commission") to promulgate rules and regulations that it deems necessary to carry out its responsibilities. Racing Law section 1307(1) authorizes the Commission to adopt regulations that it deems necessary to protect the public interest in carrying out the provisions of Racing Law Article 13.

Racing Law section 1307(2)(g) authorizes the Commission to regulate the devices permitted for use at a table game.

Racing Law section 1335(5) authorizes the Commission to regulate the wagers and pay-offs of winning wagers as may be necessary to assure the vitality of casino operations and fair odds to patrons.

Racing Law section 1335(6) authorizes the Commission to regulate the posting of gaming rules, pay-offs of winning wagers and the odds of winning for each wager.

Racing Law section 1335(11) authorizes the Commission to regulate a dealer's ability to deal cards by hands or by use of a machine.

2. LEGISLATIVE OBJECTIVES: The above referenced statutory provisions carry out the legislature's stated goal "to tightly and strictly" regulate casinos "to guarantee public confidence and trust in the credibility and integrity of all casino gambling in the state," as set forth in Racing Law section 1300(10).

3. NEEDS AND BENEFITS: The proposed rule implements the above-listed statutory directives regarding table game rules and equipment. Best practices addressed in the proposed rule include detailing the rules of play for the Spanish 21 table game, as well as relevant pay tables.

4. COSTS:

(a) Costs to the regulated parties for the implementation of and/or continuing compliance with this rule: The anticipated cost of implementing and complying with the proposed regulation will be approximately \$10,000 per year for each gaming facility, based on the estimated license fee charged by Galaxy Gaming, Inc. for the game.

(b) Costs to the regulating agency, the State, and local governments for the implementation of and continued administration of the rule: The costs to the Commission for the implementation of and continued administration of the rule will be negligible given that all such costs are the responsibility of the gaming facility. These rules will not impose any additional costs on local governments.

(c) The information, including the source or sources of such information, and methodology upon which the cost analysis is based: The cost estimates are based on the Commission's experience regulating racing and gaming activities within the State.

5. LOCAL GOVERNMENT MANDATES: There are no local government mandates associated with these rules.

6. PAPERWORK: The rule is not expected to impose any significant paperwork or reporting requirements on the regulated entities.

7. DUPLICATION: The rule does not duplicate, overlap or conflict with any existing State or federal requirements.

8. ALTERNATIVES: The Commission consulted stakeholders and reviewed other gambling jurisdiction best practices and regulation. These included the rules for similar table games and the appropriate pay tables. The Commission is also required to promulgate these rules pursuant to Racing Law sections 1307(2)(g), and 1335(5), (6) and (11).

9. FEDERAL STANDARDS: There are no federal standards applicable to the licensing of gaming facilities in New York; it is purely a matter of New York State law.

10. COMPLIANCE SCHEDULE: The Commission anticipates that the affected parties will be able to achieve compliance with these rules upon adoption.

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

The proposed rule will not have any adverse impact on small businesses, local governments, jobs or rural areas. This rule is intended to promote public confidence and trust in the credibility and integrity of casino gambling in New York State. The rule will ensure that licensed gaming facilities follow game rules that are authorized and trustworthy.

The proposed rule does not impact local governments or small busi-

nesses as it is not expected that any local government or small business will hold a gaming facility license.

The proposed rule imposes no adverse impact on rural areas. The rule applies uniformly throughout the state and solely applies to licensed gaming facilities.

The proposed rule will have no adverse impact on job opportunities.

This rule will not adversely impact small businesses, local governments, jobs, or rural areas. Accordingly, a full Regulatory Flexibility Analysis, Rural Area Flexibility Analysis, and Job Impact Statement are not required and have not been prepared.

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

Relating to the Provision of Social Security Numbers

I.D. No. SGC-07-20-00004-P

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

Proposed Action: Amendment of sections 4026.2(c), 4300.19, 4500.4(b)(3), (5) and 4500.6 of Title 9 NYCRR.

Statutory authority: Public Officers Law, art. 6-A; Racing, Pari-Mutuel Wagering and Breeding Law, sections 103 and 104(19)

Subject: Relating to the provision of social security numbers.

Purpose: Limit collection of social security numbers.

Text of proposed rule: Subdivision (c) of section 4026.2 of subchapter A of Chapter I of Subtitle T of Title 9 of the NYCRR would be amended, as follows:

§ 4026.2. Managing ownership.

(c) Managing owner by lease or designation. A managing owner established by ownership shall register such ownership with The Jockey Club. A managing owner established by lease or designation shall register such lease or designation, executed by both the lessor or designating owner and the managing owner, with The Jockey Club. [The notice of lease or designation shall set forth the name of the horse, the name of the lessor or designating owner, the name of the managing owner (who is responsible for complying with the licensing, registration and filing requirements of these rules), the term of the lease or designation, and a statement that the managing owner has full power of management and control of the racing activities of the horse, including the right to subject such horse to claim in claiming races, and assumes all liabilities incident thereto. If the managing owner is a partnership, the notice of lease or designation shall set forth the name of the managing partner. All registrations shall include the social security number of each individual registered.]

Subdivision (d) of section 4300.19 of subchapter E of Chapter I of Subtitle T of Title 9 of the NYCRR would be amended, as follows:

§ 4300.19. Cashing outstanding pari-mutuel tickets.

(d) The authorized pari-mutuel wagering entity shall obtain name, address[,] and date of birth [and social security number] of the individual cashing an outstanding ticket.

Paragraphs (3) and (5) of subdivision (b) of section 4500.4 of subchapter G of Chapter I of Subtitle T of Title 9 of the NYCRR would be amended, as follows:

§ 4500.4. Establishment of an account.

(b) Account wagering licensees may establish accounts for individuals provided the following minimum requirements are met:

(3) An account holder shall provide his or her age, principal residential address, mailing address (if different), phone number[, social security number] and date of birth.

(5) Except in the case of an online application, the name of each new account holder shall be confirmed in accordance with the Federal government’s standards for evaluating and confirming government issued identification and credentials (U.S. Department of Homeland Security Employment Verification Form I-9). A copy of each properly validated credential shall be maintained with the appropriate account application. [A copy of a social security card is not required to be maintained at the

time of the application if the number is verified with a credit reporting agency and such report is maintained with the account application.] In the case of an online application, the account wagering licensee shall verify the applicant’s identity using, at a minimum, the name, address, [social security number] and date of birth of the applicant through a credit reporting agency, public database or similarly reliable sources as provided for in the plan of operation. If there is a discrepancy between the minimum information submitted and the information provided by the electronic verification described above or if no information on the applicant is available from such electronic verification, then the account wagering licensee shall not open the account and shall require verification through the Federal government’s standards for evaluating and confirming government issued identification and credentials (U.S. Department of Homeland Security Employment Verification Form I-9). In addition, a multi-jurisdictional account wagering provider shall use the services of an independent third party to perform identity and verification services with respect to establishing an account for any person who is a resident of the State of New York, as prescribed by Racing, Pari-Mutuel Wagering and Breeding Law Section 1012-a(3).

Section 4500.6 of subchapter G of Chapter I of Subtitle T of Title 9 of the NYCRR would be amended, as follows:

§ 4500.6. Changes to account information.

The account wagering licensee shall provide a method for the account wagering holder to make official changes to his or her account information. The method shall include the name, date, address, [social security number,] account wagering identification number, PIN and signature.

Text of proposed rule and any required statements and analyses may be obtained from: Kristen Buckley, New York State Gaming Commission, One Broadway Center, 6th Floor, Schenectady, NY 12305, (518) 388-3332, email: gamingrules@gaming.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:** Racing, Pari-Mutuel Wagering and Breeding Law (“Racing Law”) Section 103 authorizes the Gaming Commission (“Commission”) to carry out responsibilities relating to the regulation and enforcement of gaming and Section 104(19) grants authority to the Commission to promulgate rules and regulations that it deems necessary to carry out its responsibilities. Public Officers Law Article 6-A governs how a state agency shall solicit and retain personal identifying information.

2. **LEGISLATIVE OBJECTIVES:** This rule making carries out the legislative objectives of the above-referenced statutes by ensuring that social security numbers are not collected in inappropriate contexts and that the collection of personal identifying information is consistent with the Personal Privacy Protection Law.

3. **NEEDS AND BENEFITS:** Review of existing regulations revealed that social security numbers should not be collected routinely in several regulatory contexts. This rule making proposes reducing the instances in which an individual shall be required to provide their social security number to the Commission and allows for the substitution of other unique indicators, reducing the exposure by the citizens of New York to potential identity theft and enabling individuals who may not currently possess a social security number to avoid disqualification based on such.

4. **COSTS:**

(a) Costs to the regulated parties for the implementation of and continuing compliance with these rules: The rules prescribe procedures under the Racing, Pari-Mutuel Wagering and Breeding and Public Officers Law and do not impose any new costs.

(b) Costs to the regulating agency, the State, and local governments for the implementation of and continued administration of the rule: The rules will impose nominal new costs on the Commission. The rules will not impose any additional costs on local governments.

(d) The information, including the source or sources of such information, and methodology upon which the cost estimate is based: The Commission will have to alter public facing forms that request social security numbers. As most forms are available digitally, the Commission does not anticipate credible costs for printing or distribution services. The Commission consulted with its Licensing department, which has the greatest inventory of documents requiring personal identifying information from applicants and licensees.

5. **LOCAL GOVERNMENT MANDATES:** These rules do not impose any mandatory program, service, duty, or responsibility upon local govern-

ment because intake of personal identifying information is a matter of State and federal law.

6. PAPERWORK: These rules are not expected to impose any significant paperwork requirements for gaming facility employee and vendor applicants other than the paperwork necessary for the application submission and investigation.

7. DUPLICATION: The rules do not duplicate, overlap or conflict with any existing State or federal requirements.

8. ALTERNATIVES: Some form of amendment is required to align these regulations with the Personal Privacy Protection Law. The alternatives considered included requiring the use of the last four digits of the social security number in lieu of eliminating entirely the required use of the social security number in certain regulatory contexts.

9. FEDERAL STANDARDS: Federal standards are set forth in the Privacy Act of 1974 (5 U.S.C. § 552a et seq.). This law establishes a code of fair information practices that governs the collection, maintenance, use, and dissemination of information about individuals that is maintained in systems of records by federal agencies.

10. COMPLIANCE SCHEDULE: The Commission anticipates that affected parties will be able to achieve compliance with these rules upon adoption.

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 rule making proposal because it will not adversely affect small businesses, local governments, rural areas or jobs.

The proposal revises the Commission’s rules and procedures concerning collection of personal identifying information.

This rule will not impose an adverse economic impact or reporting, record keeping or other compliance requirements on small businesses in rural or urban areas or on employment opportunities. No local government activities are involved. This proposal will not adversely impact small businesses, local governments, jobs or rural areas. It does not require a Regulatory Flexibility Analysis (for Small Businesses and Local Governments), Rural Area Flexibility Analysis or Job Impact Statement.

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

Thoroughbred Pick-Five and Pick-Six Wagers

I.D. No. SGC-07-20-00014-P

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

Proposed Action: Amendment of sections 4011.25 and 4011.26 of Title 9 NYCRR.

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

Subject: Thoroughbred pick-five and pick-six wagers.

Purpose: To improve the pick-five and pick-six wagers in thoroughbred racing.

Text of proposed rule: § 4011.25. Pick-five pools.

(o) [Other than the display of the will-pays after the penultimate pick-five race, providing information to any person in regard to covered combinations, amounts wagered on specific combinations, numbers of tickets sold or number of live tickets remaining is strictly prohibited. This subdivision shall not prohibit necessary communication between totalisator and pari-mutuel department employees for processing of pool data.] *[Reserved]*

(s) Betting information. [Unless otherwise ordered by the commission, information concerning combinations wagered upon or not wagered upon in a pick-five pool shall not be disclosed by the tote operator, or otherwise, until the final pick-five race remains as the only race to be contested for completion of the pick-five wager.] *A racing association may display publicly information in regard to combinations wagered upon, amounts wagered on such combinations, numbers of tickets sold or number of tickets still capable of winning a pick-five pool.* The operation of the totalisator equipment and reports generated thereby[, as well as the communication of any information concerning such pool,] shall be subject to the strict supervision of the commission.

§ 4011.26. Pick-six pools.

(o) [Other than the display of the will-pays after the penultimate pick-

six race, providing information to any person in regard to covered combinations, amounts wagered on specific combinations, numbers of tickets sold or number of live tickets remaining is strictly prohibited. This subdivision shall not prohibit necessary communication between totalisator and pari-mutuel department employees for processing of pool data.] *[Reserved]*

(s) Betting information. [Unless otherwise ordered by the commission, information concerning combinations wagered upon or not wagered upon in a pick-six pool shall not be disclosed by the tote operator, or otherwise, until the final pick-six race remains as the only race to be contested for completion of the pick-six wager.] *A racing association may display publicly information in regard to combinations wagered upon, amounts wagered on such combinations, numbers of tickets sold or number of tickets still capable of winning a pick-six pool.* The operation of the totalisator equipment and reports generated thereby[, as well as the communication of any information concerning such pool,] shall be subject to the strict supervision of the commission.

Text of proposed rule and any required statements and analyses may be obtained from: Kristen M. Buckley, Gaming Commission, One Broadway Center, P.O. Box 7500, Schenectady, New York 12301-7500, (518) 388-3332, email: gamingrules@gaming.ny.gov

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

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

Regulatory Impact Statement

1. Statutory authority: The New York State Gaming Commission (“Commission”) is authorized to promulgate these rules pursuant to Racing Pari-Mutuel Wagering and Breeding Law (“Racing Law”) Sections 103(2) and 104 (1, 19). Under Section 103(2), the Commission is responsible for supervising, regulating and administering all horse racing and pari-mutuel wagering activities in the State. Subdivision (1) of Section 104 confers upon the Commission general jurisdiction over all such gaming activities within the State and over the corporations, associations and persons engaged in such activities. Subdivision (19) of Section 104 authorizes the Commission to promulgate any rules and regulations that it deems necessary to carry out its responsibilities.

2. Legislative objectives: To enable the Commission to preserve the integrity of pari-mutuel racing while generating reasonable revenue for the support of government.

3. Needs and benefits: This rule making proposes to amend the Commission’s thoroughbred pick-five and pick-six wagering rules to enhance interest in the pick-five and pick-six wagers.

The current rules, 9 NYCRR §§ 4011.25 and 4011.26, prohibit a track from displaying wagering information about pick-five or pick-six combinations other than will-pays after the penultimate race in the sequence. The proposed revision would permit a track to disclose publicly combinations wagered upon, amounts wagered on such combinations, numbers of tickets sold or number of tickets still capable of winning a pick-five or pick-six pool.

The New York Racing Association, Inc. (NYRA), which operates three leading Thoroughbred racetracks in New York, believes this additional public information may generate more bettor interest. Finger Lakes race-track has no objection to the amendment as formulated by the Division of Horse Racing and Pari-Mutuel Wagering. This change may enhance interest in the pick-five and pick-six wagers.

4. Costs:

(a) Costs to regulated parties for the implementation of and continuing compliance with the rule: These amendments will not add any new mandated costs to the existing rules.

(b) Costs to the agency, the State and local governments for the implementation and continuation of the rule: None. The amendments will not add any new costs. There will be no costs to local government because the Commission is the only governmental entity authorized to regulate pari-mutuel harness racing.

(c) The information, including the source(s) of such information and the methodology upon which the cost analysis is based: N/A.

5. Local government mandates: None. The Commission is the only governmental entity authorized to regulate pari-mutuel thoroughbred racing activities.

6. Paperwork: There will be no additional paperwork.

7. Duplication: No relevant rules or other legal requirements of the State and/or Federal government exist that duplicate, overlap or conflict with this rule.

8. Alternatives: The Commission considered and rejected keeping the current rules in place. The proposed rule changes were drafted in consultation with wagering officials at NYRA and are supported by NYRA.

9. Federal standards: There are no minimum standards of the Federal government for this or a similar subject area.

10. Compliance schedule: The Commission believes that regulated persons will be able to achieve compliance with the rule upon adoption of this rule.

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 proposal because it will not adversely affect small businesses, local governments, rural areas or jobs.

The proposed amendment is a revision to the Commission's thoroughbred racing rules to enhance interest in the pick-five and pick-six wagers by allowing racetracks to display more information about the wager during the running of the various races.

This rule will not impose an adverse economic impact or reporting, record keeping, or other compliance requirements on small businesses in rural or urban areas or on employment opportunities. No local government activities are involved.

Department of Health

EMERGENCY RULE MAKING

Meeting Space in Transitional Adult Homes

I.D. No. HLT-07-20-00001-E

Filing No. 68

Filing Date: 2020-01-29

Effective Date: 2020-01-29

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

Action taken: Amendment of section 487.13 of Title 18 NYCRR.

Statutory authority: Social Services Law, section 461

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

Specific reasons underlying the finding of necessity: This proposal is immediately necessary to ensure full compliance with existing Transitional Adult Home regulations, which seek to promote resident access to providers who help residents consider and pursue community transition. Under the existing regulatory requirements, all adult home operators must "provide space for residents to meet privately with staff of the facility, visitors or other service providers" (18 NYCRR 487.11[1][12]), and Transitional Adult Home operators must "cooperate with the community transition coordinator, housing contractors, and health home and managed long-term care plan assessors and shall provide, without charge, space for residents to meet privately with such individuals or entities" (18 NYCRR 487.4[h]). In addition, 18 NYCRR 487.4(h) provides that "[t]he operator shall not attempt to influence or otherwise discourage individual residents from meeting" with those enumerated providers.

Despite these requirements, providers have reported to the Department that they have visited certain Transitional Adult Homes for the purpose of assisting residents considering or in the process of pursuing transition to the community and were unable to meet with residents in a space that allowed for private conversations. In several instances, providers have reported that residents have been discouraged from meeting with them due to the inability to meet in private. This proposal will establish criteria for a suitable private meeting space to help ensure that conversations are fully private, thereby allowing residents to adequately explore the services that would be available to them in the community without fear of being overheard or retaliated against by facility staff.

Full and immediate compliance with these regulatory requirements is necessary to ensure that care is provided in the most integrated settings, as required by *Olmstead v. L.C.*, 527 U.S. 581 (1999) and as emphasized in Governor Cuomo's Executive Order No. 84.

Subject: Meeting Space in Transitional Adult Homes.

Purpose: Establish criteria for suitable meeting space to ensure privacy in conversations and submit a compliance plan to the Department.

Text of emergency rule: Paragraph (5) of subdivision (b) of section 487.13 is amended to read as follows:

(5)(i) Housing contractors means housing providers that have contracted with the Office of Mental Health to provide residents with information regarding housing alternatives and community services, *assess*

residents to determine their housing and service needs and preferences, and make community housing available to residents pursuant to such contracts.

(ii) *Peer bridger agencies mean agencies that have contracted with the Office of Mental Health to provide residents with access to peer bridgers. Peer bridgers are individuals employed by, or whose services have otherwise been retained by, peer bridger agencies, and who use their training and experience to provide mentoring and support to residents considering community transition.*

Subdivision (h) of section 487.13 is amended to read as follows:

(h) The operator shall cooperate with the community transition coordinator, housing contractors, [and] *peer bridger agencies, care managers, health [home] homes, and managed long-term care [plan assessors] plans* and shall provide, without charge, space for residents to meet privately with such individuals or entities. The operator shall not attempt to influence or otherwise discourage individual residents from meeting with such entities and individuals.

New subdivisions (i) and (j) are added to section 487.13 to read as follows:

(i) *Space provided for meetings with providers defined in this section shall be:*

(1) *a minimum of 160 square feet;*

(2) *above grade level;*

(3) *adequately lighted and ventilated and meet the temperature requirements of subdivision (m) of section 487.11;*

(4) *with a door that closes to ensure conversations held within the space are private and that outside disruptions are minimized;*

(5) *space separate and distinct from an occupied or reserved resident room or space used primarily for storage; and*

(6) *space that is not under surveillance by adult home staff.*

(j) *Upon request from the Department, operators shall be required to submit a plan to the Department, in the form and format prescribed by the Department, explaining how the operator will meet the space requirements set forth in subdivision (i) of this section. Operators shall have 30 calendar days to submit such plan from the date of the Department's request. The operator shall implement the plan upon approval by the Department.*

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt this emergency rule as a permanent rule and will publish a notice of proposed rule making in the *State Register* at some future date. The emergency rule will expire April 27, 2020.

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

Regulatory Impact Statement

Statutory Authority:

Social Services Law (SSL) section 461(1) requires the Department of Health (Department) to promulgate regulations establishing general standards applicable to adult care facilities.

Legislative Objectives:

The legislative objective of SSL section 461 is to promote the health and well-being of adults residing in adult care facilities.

Needs and Benefits:

The proposed regulatory changes are necessary to bring Transitional Adult Homes into full compliance with current regulations at Title 18 of the New York Codes, Rules and Regulations (NYCRR), Part 487, which seek to promote resident access to service providers specializing in promoting community transition. A Transitional Adult Home is an adult home with a certified capacity of 80 or more beds in which 25 percent or more of the resident population are persons with serious mental illness (see 18 NYCRR 487.13[b][1]). Persons with serious mental illness are "individuals who meet criteria established by the commissioner of mental health, which shall be persons who have a designated diagnosis of mental illness" and "whose severity and duration of mental illness results in substantial functional disability" (18 NYCRR 487.2[c]).

Specifically, Transitional Adult Home operators are required under 18 NYCRR 487.13(h) to cooperate with providers seeking to meet with residents to discuss "community services," defined in 18 NYCRR 487.13(b)(3) as "services and supports provided in New York State that assist individuals with mental illness to live in the community." Transitional Adult Home operators must also "cooperate with the community transition coordinator, housing contractors, and health home and managed long-term care plan assessors and shall provide, without charge, space for residents to meet privately with such individuals or entities. The operator shall not attempt to influence or otherwise discourage individual residents from meeting with such entities and individuals" (18 NYCRR 487.13[h]). Further, all adult homes—including Transitional Adult Homes—must "provide space for residents to meet privately with staff of the facility, visitors or other service providers" (18 NYCRR 487.11[1][12]).

Despite these existing regulations, service providers have reported to the Department that they have visited certain Transitional Adult Homes for the purpose of assisting residents considering community transition, or who are in the process of such transition, and were unable to meet with residents in a space that allowed for private conversations, pursuant to the requirements of 18 NYCRR 487.13(h). In several instances, providers have reported that residents have been discouraged from meeting with them due to the inability to meet privately.

To address these concerns from service providers and ensure that Transitional Adult Homes are meeting regulatory requirements, this proposal will establish criteria for suitable meeting space that will permit private conversations, allowing residents to explore or pursue community transition without fear of being overheard or retaliated against by facility staff. For clarity for all stakeholders, this proposal will also update the definitions set forth in 18 NYCRR 484.13(b), which identify the service providers who may meet with residents to discuss community services. Specifically, the proposal will update the existing definition of "housing contractors" to provide that such agencies also assess residents for housing and other services that residents would need in the community. In addition, the proposal will add a definition of Peer Bridger agencies, which are contracted by the Office of Mental Health to establish mentoring relationships with residents and help answer questions they may have about community transition.

By strengthening compliance with existing regulations that seek to promote resident access to community transition service providers, this proposal will protect resident health, safety, and well-being. This proposal is thus consistent with the legislative objectives of SSL section 461(2) and with the State's overall efforts to ensure that care is provided in the most integrated settings, as required by *Olmstead v. L.C.*, 527 U.S. 581 (1999), and as emphasized in Governor Cuomo's Executive Order No. 84.

Costs:

Costs to Private Regulated Parties:

Transitional Adult Homes are already required by existing regulations to make space available so that residents may meet privately with providers. The proposed regulation seeks only to delineate criteria that will ensure that Transitional Adult Homes are meeting the current regulatory requirements to provide private space for service provider meetings regarding community transition and to not discourage individual residents from attending such meetings. It is possible that a Transitional Adult Home may decide to create a dedicated meeting space that fits the criteria outlined in the proposed regulation by requesting to decertify a room that would otherwise be occupied by residents and foregoing the revenue for that room. However, the regulation does not expressly direct such action, and it is incumbent upon an operator to comply with all existing regulations, including the current requirement to make space available for residents to meet privately with providers. This proposal merely clarifies what constitutes adequate space for private meetings and thus does not directly impose new costs upon Transitional Adult Homes.

Costs to Local Government:

This proposal will not impact local governments unless they operate Transitional Adult Homes, in which case the impact would be the same as outlined above for private parties.

Costs to the Department of Health:

The Department will utilize existing resources to request, review and approve plans delineating how Transitional Adult Homes will comply with the proposed regulations and to monitor compliance with the approved plan.

Costs to other State Agencies:

The proposed regulatory changes will not result in any additional costs to other state agencies.

Local Government Mandates:

Local governments that operate Transitional Adult Homes must comply with this regulation. No new local government program, project or activity is required by the proposed regulations.

Paperwork:

The proposed regulatory changes require that upon the request of the Department, Transitional Adult Home operators will have 30 days to submit a plan to the Department explaining how the operator will meet the space requirements.

Duplication:

These regulatory amendments do not duplicate existing State or federal requirements.

Alternatives:

The Department found no viable alternatives to incentivize full compliance with existing regulations absent a regulatory amendment defining what constitutes adequate space for service provider meetings regarding community transition. Doing nothing is also not a viable option, given the ongoing violations of 18 NYCRR 487.4(h) and concerns that residents' rights to explore community transition were being infringed.

Federal Standards:

The proposed regulations do not duplicate or conflict with any federal regulations.

Compliance Schedule:

The regulations will be effective on an emergency basis upon filing with the Secretary of State.

Regulatory Flexibility Analysis

Effect of Rule:

The proposed regulatory changes will affect Transitional Adult Homes that constitute small businesses or are operated by local governments. At present, according to data available at healthdata.ny.gov, there are 37 Transitional Adult Homes.

Compliance Requirements:

This proposal will build upon the existing requirements of 18 NYCRR 487.11(1)(12), which provides that all adult home operators must "provide space for residents to meet privately with staff of the facility, visitors or other service providers," and 18 NYCRR 487.4(h), which provides that Transitional Adult Home operators "shall cooperate with the community transition coordinator, housing contractors, and health home and managed long-term care plan assessors and shall provide, without charge, space for residents to meet privately with such individuals or entities." This proposal will establish criteria for suitable meeting space that will permit such private conversations to occur, and it will require Transitional Adult Home operators to submit a plan to the Department, upon the request and subject to the approval of the Department, to explain how such requirements will be met.

Professional Services:

Small businesses will need no additional professional services to comply with the proposed regulatory changes.

Costs to Private Regulated Parties:

Transitional Adult Homes are already required by existing regulations to make space available so that residents may meet privately with providers. The specific criteria outlined in the proposed regulation define what was already required under the existing regulations – that the space be adequate to permit privacy in conversations about community transition and not be conducive to efforts to discourage individual residents from meeting with those providers. This proposal merely clarifies what constitutes sufficient space for private meetings and thus does not impose new costs upon Transitional Adult Homes. It is possible that a Transitional Adult Home may decide to create a dedicated meeting space that fits the criteria outlined in the proposed regulation by requesting to decertify a room that would otherwise be occupied by residents and foregoing the receipt of revenue for that room. However, the regulation does not direct such action, and it is incumbent upon an operator to comply with all existing regulations, including the requirement to make space available for residents to meet privately with providers.

Costs to Local Government:

This proposal will not impact local governments unless they operate Transitional Adult Homes, in which case the impact would be the same as outlined above for private parties.

Economic and Technological Feasibility:

This proposal will not impose any economic or technological compliance burdens. It is possible that a Transitional Adult Home may decide to create a dedicated meeting space that fits the criteria outlined in the proposed regulation by decertifying a room that would otherwise be occupied by residents and foregoing the revenue for that room. However, as noted above, operators were already responsible for making space available for residents to meet privately with providers under existing regulations; therefore, any associated costs are not new, and are not directly imposed by this regulation.

Minimizing Adverse Impact:

The Department will work with Transitional Adult Homes to ensure that they are aware of the requirements, including issuing administrative guidance.

Small Business and Local Government Participation:

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

Rural Area Flexibility Analysis

Types and Estimated Numbers of Rural Areas:

This rule applies uniformly throughout the state, including rural areas. Rural areas are defined as counties with a population less than 200,000 and counties with a population of 200,000 or greater that have towns with population densities of 150 persons or fewer per square mile. The following 43 counties have a population of less than 200,000 based upon the United States Census estimated county populations for 2010 (<http://quickfacts.census.gov>). At present, two Transitional Adult Homes are located in one of these counties.

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

The following counties have a population of 200,000 or greater and towns with population densities of 150 persons or fewer per square mile. Data is based upon the United States Census estimated county populations for 2010. At present, six Transitional Adult Homes are located in one of these counties.

Albany County	Monroe County	Orange County
Broome County	Niagara County	Saratoga County
Dutchess County	Oneida County	Suffolk County
Erie County	Onondaga County	

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

This proposal will build upon the existing requirements of 18 NYCRR 487.11(f)(12), which provides that all adult home operators must “provide space for residents to meet privately with staff of the facility, visitors or other service providers,” and 18 NYCRR 487.4(h), which provides that Transitional Adult Home operators “shall cooperate with the community transition coordinator, housing contractors, and health home and managed long-term care plan assessors and shall provide, without charge, space for residents to meet privately with such individuals or entities.” This proposal will establish criteria for suitable meeting space that will permit such private conversations to occur, and it will require Transitional Adult Home operators to submit a plan to the Department, upon the request and subject to the approval of the Department, to explain how such requirements will be met.

Costs:

Transitional Adult Homes are already required by existing regulations to make space available so that residents may meet privately with providers. The specific criteria outlined in the proposed regulation define what was already required under the existing regulations – that the space be adequate to permit privacy in conversations about community transition and not be conducive to efforts to discourage individual residents from meeting with those providers. It is possible that a Transitional Adult Home may decide to create a dedicated meeting space that fits the criteria outlined in the proposed regulation by requesting to decertify a room that would otherwise be occupied by residents and foregoing the receipt of revenue for that room. However, it is incumbent upon an operator to comply with all existing regulations, and Transitional Adult Home operators are already responsible under existing regulations for making space available for residents to meet privately with providers. This proposal merely clarifies what constitutes sufficient space for private meetings and thus does not impose new costs upon Transitional Adult Homes.

Minimizing Adverse Impact:

The Department will work with Transitional Adult Homes to ensure that they are aware of the requirements, including issuing administrative guidance, as necessary.

Rural Area Participation:

The Transitional Adult Homes located in rural areas will be able to submit public comments during the public comment period for the proposed rule.

Job Impact Statement

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

Division of Housing and Community Renewal

NOTICE OF ADOPTION

Subject Is the Change in Location of DHCR’s Office of Legal Affairs

I.D. No. HCR-48-19-00001-A

Filing No. 78

Filing Date: 2020-02-03

Effective Date: 2020-02-19

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

Action taken: Amendment of sections 1727-8.4, 2108.13, 2208.12, 2520.12, 2530.1, 2650.3, 2650.7 and 2657.9 of Title 9 NYCRR.

Statutory authority: L. 1974, ch. 576, section 10a, NYC Admin Code, section 26-511(b), as recodified by L. 1985, ch. 907, section 1 as added by L. 1985, ch. 888, section 8; L. 2011, ch. 97, section 44, part B; Rent Laws of 2015, ch 20, section 17, part A

Subject: Subject is the change in location of DHCR’s Office of Legal Affairs.

Purpose: The purpose is to inform the public of the change in location so as to direct communications and service of legal papers there.

Text or summary was published in the November 27, 2019 issue of the Register, I.D. No. HCR-48-19-00001-P.

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

Text of rule and any required statements and analyses may be obtained from: Francis DeMartini, New York State Division of Housing and Community Renewal, 641 Lexington Avenue, New York, NY 10022, (212) 872-0716, email: Francis.DeMartini@nyshcr.org

Assessment of Public Comment

The agency received no public comment.

Department of Motor Vehicles

NOTICE OF WITHDRAWAL

Alcohol & Drug Rehabilitation Programs - Restricted Use License Eligibility Provision

I.D. No. MTV-04-20-00001-W

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

Action taken: Notice of proposed rule making, I.D. No. MTV-04-20-00001-P, has been withdrawn from consideration. The notice of proposed rule making was published in the *State Register* on January 29, 2020.

Subject: Alcohol & Drug Rehabilitation Programs - Restricted Use License eligibility provision.

Reason(s) for withdrawal of the proposed rule: The subject in the original proposal was incorrect.

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

Electronic Transmission of Data by Dismantlers and Scrap Processors

I.D. No. MTV-07-20-00005-P

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

Proposed Action: Amendment of Part 81 of Title 15 NYCRR.

Statutory authority: Vehicle and Traffic Law, sections 215(a) and 429(1)(b)

Subject: Electronic transmission of data by dismantlers and scrap processors.

Purpose: To establish procedures for the electronic transmission of data by dismantlers and scrap processors.

Text of proposed rule: A new paragraph (14) is added to subdivision (b) of section 81.1 to read as follows:

(14) National Motor Vehicle Title Information System (NMVTIS). NMVTIS was created by the Federal "Anti Car Theft Act" of 1992 (Public Law 102-519) and the "Anti Car Theft Improvements Act" of 1996 (Public Law 104-152) to prevent auto theft and vehicle fraud by creating a national title information data sharing system. NMVTIS requires all 50 states to provide title and branding information. NMVTIS also requires various businesses engaged in the acquisition, dismantling and destruction of vehicles to report vehicle information.

A new subdivision (k) is added to section 81.2 to read as follows:

(k) A vehicle dismantler, upon being notified of approval for registration by the Department of Motor Vehicles (DMV), must register with the National Motor Vehicle Title Information System (NMVTIS) and obtain a NMVTIS "Reporting ID Number" within 30 days of being notified of approval. A unique NMVTIS Reporting ID Number must be obtained for every dismantling facility and be provided to the Division of Vehicle Safety Services in a manner prescribed by the Division during the registration process. Failure to obtain and provide a NMVTIS "Reporting ID Number" as required by this subdivision may, after an opportunity to be heard, result in the suspension or revocation of the registration issued pursuant to section 415-a of the Vehicle and Traffic Law and/or a civil penalty as provided for in section 415-a(6)(b) of such Law.

A new subdivision (g) is added to section 81.3 to read as follows:

(g) Application Requirements. A scrap processor, upon being notified of approval for certification by the Division of Vehicle Safety Services must register with the National Motor Vehicle Title Information System (NMVTIS) and obtain a NMVTIS "Reporting ID Number" within 30 days of being notified of approval. A unique NMVTIS Reporting ID Number must be obtained for every processing facility and be provided to the Division of Vehicle Safety Services in a manner prescribed by the Division during the certification process. Failure to obtain and provide a NMVTIS "Reporting ID Number" as required by this subdivision may, after an opportunity to be heard, result in the suspension or revocation of that certification and/or a civil penalty as provided for in section 415-a(6)(b) of such Law.

Paragraph (3) of subdivision (a) of section 81.8 is amended to read as follows:

(3) Scrap processors. A scrap processor who acquires a junk and salvage vehicle shall follow the procedure set forth in this subdivision, except that a scrap processor shall not purchase any material which may have been a vehicle or a major component part of a vehicle, if recognizable as such, from any person other than a dealer registered pursuant to section 415 of the Vehicle and Traffic Law, an insurance company, a governmental agency, a manufacturer of motor vehicles, a person in whose name a certificate of title or other ownership document has been issued for such vehicle, a person alleging ownership and utilizing form MV-35, signed and properly completed, for a vehicle at least eight model years old and worth [\$750] \$1,250 or less, or a person registered or certified or issued an identification number pursuant to this Part. This restriction shall not apply to a major component part included in a mixed load, which is a load consisting of more than 50 percent non-vehicular scrap. A scrap processor must take possession of any certificate of title or form MV-35 used as proof of ownership of a vehicle the scrap processor is buying. All vehicles acquired must be entered on a multiple entry form for salvage vehicles (form MV-907M), to which the proof of ownership for the vehicle must be attached. All vehicles entered onto the form must be reported, under the unique National Motor Vehicle Title Information System (NMVTIS) ID that corresponds with the processing facility, to NMVTIS or any successor, in conformance with their reporting requirements, or within 60 days of acquiring the vehicle whichever is shorter. All forms 907-M and accompanying ownership documents must be retained by the facility for five years and in a manner that allows for retrieval of the documents on demand by an agent of the Commissioner of Motor Vehicles and/or any law enforcement agency during normal business hours. [The scrap processor must send certificates of title and completed forms MV-35 to the Department of Motor Vehicles within 15 days.]

Paragraph (8) of subdivision (a) of section 81.8 is amended to read as follows:

(8) A vehicle dismantler, within 15 days after acquiring a motor vehicle or trailer, must determine whether or not the vehicle will be sold to a scrap processor. If the vehicle is to be sold to a scrap processor, a salvage certificate (form MV-907A) is not required. Instead, the vehicle is entered in the Book of Registry and on a Multiple Entry Form for Salvage Vehicles (form MV-907M), to which the proof of ownership for the vehicle must be

attached. All vehicles entered onto the form must be reported, under the unique National Motor Vehicle Title Information System (NMVTIS) ID that corresponds with the dismantling facility, to NMVTIS, or any successor, in conformance with their reporting requirements, or within 60 days of acquiring the vehicle whichever is shorter. All forms 907-M and accompanying ownership documents must be retained by the facility for five years and in a manner that allows for retrieval of the documents on demand by an agent of the Commissioner of Motor Vehicles and/or any law enforcement agency during normal business hours. [No later than the last day of each month, the form must be mailed to the address shown on the form.]

Subdivision (h) of section 81.14 is amended to read as follows:

(h) Retention period. Except for proofs of ownership required to be submitted to the Department of Motor Vehicles or required to be given to the transferee, all required records must be kept for a period of at least five years from the time the vehicle or major component part has left the possession of any person required to keep records pursuant to this section. However, and only pertaining to vehicles acquired prior to the effective date of paragraph (14) of subdivision (b) of section 81.1, no records shall be required to be kept for a vehicle or major component part which has left the possession of any person required to keep records if the vehicle or major component part is ten or more model years old.

Text of proposed rule and any required statements and analyses may be obtained from: Heidi Bazicki, Department of Motor Vehicles, 6 Empire State Plaza, Room 522A, Albany, NY 12228, (518) 474-0871, email: dmv.sm.legal@dmv.ny.gov

Data, views or arguments may be submitted to: Christine M. Legorius, Department of Motor Vehicles, 6 Empire State Plaza, Rm. 522A, Albany, NY 12228, (518) 474-0871, email: dmv.sm.legal@dmv.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.

Regulatory Impact Statement

1. Statutory authority: Section 215(a) of the Vehicle and Traffic Law (VTL) authorizes the Commissioner of Motor Vehicles to promulgate regulations which shall regulate and control the exercise of the powers of the Department of Motor Vehicles (DMV). Section 429(1)(b) of the VTL authorizes the Commissioner to promulgate regulations regarding the electronic filing of certain information related to junk or salvage vehicles.

2. Legislative objectives: Chapter 531 of the Laws of 2015 provides for the Commissioner to waive, by regulation, the delivery of documents related to junk and salvage vehicles or, in the alternative, to allow such requirements to be satisfied by the electronic filing of the necessary information by or on behalf of the person to whom such requirements apply. This proposed rule meets this legislative objective by establishing the requirements for electronic filing.

3. Needs and benefits: Section 429 of the VTL currently requires that vehicle dismantlers and scrap processors mail form MV-907M, related to the disposition of junk and salvage vehicles, to the Department of Motor Vehicles. Chapter 531 of the Laws of 2015 authorizes the Commissioner to obtain the information contained in such document from the National Motor Vehicle Title Information System (NMVTIS), to which dismantlers and scrap processors currently electronically transmit such information.

Form MV-907M (Disposition for Junk and Salvage Vehicles- Multiple Entry Form) is used by a registered vehicle dismantler or scrap processor to record the destruction of multiple vehicles. A vehicle listed on the MV-907M may never be titled again, nor may the vehicle and its component parts be transferred to any entity other than a scrap processor. A vehicle listed on a MV-907M is considered destroyed and may not be listed in the inventory of a dismantler after the date noted on the MV-907M.

NMVTIS was established in 1992 and is administered by the United States Department of Justice. NMVTIS is used to protect states and consumers from title fraud, ensure that junk or salvage vehicles are not later re-sold, and that the vehicle identification numbers from destroyed vehicles cannot be used for stolen vehicles. NMVTIS is an electronic system to which every state and business engaged in the disposition of junk, salvage related vehicles must report certain information. Per federal requirements, such businesses currently electronically report the information on the MV-907M to NMVTIS after such business obtains an identifying number from NMVTIS. Most businesses use a third party consolidator to perform this service. This proposal requires the dismantlers and scrap processors to obtain a unique NMVTIS number for each business facility that is regulated by DMV. This will allow DMV to map NMVTIS data to the specific regulated business.

This rule will eliminate the requirement for vehicle dismantlers and scrap processors to mail form MV-907M and related documentation for each vehicle thereon to the Department of Motor Vehicles and will provide for a more efficient process that benefits the consumer, vehicle dismantlers, scrap processors and the Department in detecting title fraud.

The current process requires vehicle dismantlers and scrap processors to enter vehicle information on form MV-907M, with the appropriate proof of ownership attached. Vehicle dismantlers and scrap processors must then mail form MV-907M and related vehicle documentation to the Department of Motor Vehicles Title Bureau by the last day of each month. Dismantlers and scrap processors must also submit vehicle information to NMVTIS electronically.

The proposed rule would require vehicle dismantlers and scrap processors to electronically submit to NMVTIS the information currently recorded on form MV-907M, in accordance with the reporting requirements of NMVTIS. DMV would then acquire this information from NMVTIS. In addition, for auditing purposes, vehicle dismantlers and scrap processors would be required to retain the completed original form MV-907M and all relevant ownership documents for a minimum of five years, in accordance with Section 81.14 (h). The MV-907M may not be eliminated in its entirety, however, because it is mandated by VTL section 429 and provides vital information to law enforcement.

The Department of Motor Vehicles will benefit from this rule because acquiring data electronically from NMVTIS will reduce the workload and resources now dedicated to processing MV-907M paperwork.

Vehicle dismantlers and scrap processors will benefit from the elimination of duplicate reporting—electronically to NMVTIS and mailing paper to DMV. Additionally, costs and employee resources currently associated with the mailing of the paper MV-907M data to the DMV will be eliminated.

4. Costs: This rule will have no fiscal impact upon the public, the DMV, or local governments. Scrap processors and vehicle dismantlers will continue to be required to pay a third party data consolidator in order to report this information, in accordance with NMVTIS requirements. This is not a new requirement. The regulation will require that the businesses maintain the paper records and have them available for DMV inspection.

5. Local government mandates: This rule does not impose any new mandates or responsibilities upon local governments.

6. Paperwork: This rule does not impose any new paperwork or reporting requirements. In fact, it eliminates one of the steps currently required. Scrap processors and vehicle dismantlers will no longer be required to mail Forms MV-907M to the DMV. Instead, the forms and related attachments will be retained on file at the respective facility for five years as required in part by Section 81.14(h).

7. Duplication: The proposal does not duplicate or conflict with any State or Federal rule.

8. Alternatives: The alternative is to continue to require the needless submission of paper form MV-907M.

This proposal was shared with the affected industry and the Department received responses from the Institute of Scrap Recycling Industries (ISRI) and Tabs Consulting Group. Tabs requested that the Department create its own electronic filing system so that dismantlers and scrap processors would not have to file with NMVTIS. The Department declines to implement this proposal, because it would consume significant ITS and Department resources to create a new system; it makes no sense to do so when such a system already exists in NMVTIS.

ISRI requested that the Department eliminate a proposal to require a VIN etching or photograph of VINs in scrapped vehicles, due to the difficult and burdensome nature of such task. The Department agrees that the burden of the requirement exceeds the benefits and has removed it from the proposed rulemaking. ISRI also requested that we increase the maximum worth of the scrap vehicles from \$750 to \$1,250 to provide consistency with another provision of Part 81. We have done so. However, we decline to change the text to provide that \$1,250 applies to the “scrap metal value,” as opposed to the intrinsic value of the motor vehicle. A \$40,000 luxury car may have a scrap value of \$1,000. Finally, ISRI requests that dismantlers and scrap processors be able to store records electronically or in paper form. We decline to offer this option. Scanned documents are often difficult to read and authenticate, and may be incomplete. Original paper documents are generally complete and of greater use for DMV’s investigators.

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

10. Compliance schedule: The Department anticipates that all affected parties will be able to achieve the proposed immediate compliance date upon adoption of the rule.

Regulatory Flexibility Analysis

1. Effect of rule: The Department estimates that there are approximately 225 certified scrap processors and 585 registered vehicle dismantlers in New York affected by this rule, which will remove a regulatory mandate. This proposed rule does not impact local governments.

2. Compliance requirements: Vehicle dismantlers and scrap processors will no longer be required to send DMV form MV-907M, but would be required to retain the original completed form MV-907M and all relevant ownership documents for a minimum of five years. Upon request of any

agent of the commissioner or of any police officer (and during its regular business hours), a vehicle dismantler or scrap processor shall produce such records and permit said agent or police officer to examine them. The five year retention period conforms to the requirements of NYCRR Part 81.14(h) in that all required records must be kept for a period of at least five years.

Vehicle dismantler and scrap processor businesses are already required to obtain an identifying number from the National Motor Vehicle Title Information System (NMVTIS). This proposal requires the dismantlers and scrap processors to obtain a unique NMVTIS number for each business facility that is regulated by DMV. This will allow DMV to map NMVTIS data to the specific regulated business. Vehicle dismantlers and scrap processors are already required by federal law to electronically submit the data recorded on form MV-907M, regarding the acquisition and disposition of the junk and salvage vehicles, in accordance with the reporting requirements of NMVTIS.

3. Professional services: This regulation would not require the businesses to obtain new professional services beyond any that they may already use. Scrap processors and vehicle dismantlers are currently required by federal law to pay a third party data consolidator in order to report certain information to NMVTIS. This is not a new requirement.

4. Compliance costs: Scrap processors and vehicle dismantlers are currently required by federal law to pay a third party data consolidator in order to report certain information, to NMVTIS. This is not a new requirement. Vehicle dismantlers and scrap processors would be required to retain the original completed form MV-907M and all relevant ownership documents for a minimum of five years.

5. Economic and technological feasibility: The proposed rule will eliminate the requirement for vehicle dismantlers and scrap processors to submit form MV-907M to the Department of Motor Vehicles using traditional mail, in that data will be transmitted electronically.

6. Minimizing adverse impact: See #7 below.

7. Small business and local government participation: This proposal was shared with the affected industry and the Department received responses from the Institute of Scrap Recycling Industries (ISRI) and Tabs Consulting Group. Tabs requested that the Department create its own electronic filing system so that dismantlers and scrap processors would not have to file with NMVTIS. The Department declines to implement this proposal, because it would consume significant ITS and Department resources to create a new system; it makes no sense to do so when such a system already exists in NMVTIS, and is inefficiently duplicative of federal requirements.

ISRI requested that the Department eliminate a proposal to require a VIN etching or photograph of VINs in scrapped vehicles, due to the difficult and burdensome nature of such task. The Department agrees that the burden of the requirement exceeds the benefits and has removed it from the proposed rulemaking. ISRI also requested that we increase the maximum worth of the scrap vehicles from \$750 to \$1,250 to provide consistency with another provision of Part 81. We have done so. However, we decline to change the text to provide that \$1,250 applies to the “scrap metal value,” as opposed to the intrinsic value of the motor vehicle. A \$40,000 luxury car may have a scrap value of \$1,000. Finally, ISRI requests that dismantlers and scrap processors be able to store records electronically or in paper form. We decline to offer this option. Scanned documents are often difficult to read and authenticate, and may be incomplete. Original paper documents are generally complete and of greater use for DMV’s investigators and law enforcement.

Rural Area Flexibility Analysis and Job Impact Statement

A rural area flexibility analysis and a job impact statement are not required for this rulemaking proposal because it will not adversely affect rural areas or job creation.

This proposal establishes procedures regarding the electronic filing of information maintained by dismantlers and scrap processors. Due to its focus, this rule will not impose an adverse economic impact on rural areas or on employment opportunities.

New York State Police

INFORMATION NOTICE

Notice of Adoption

Effective date: 2020-01-30

Part 473 of Subtitle K of Title 9 of the Official Compilation of Codes, Rules and Regulations is renamed “Criminal Gun Clearinghouse and Municipal Gun Buyback Rules”; and

A new Subpart 473-1 of Part 473 of Subtitle K of Title 9 of the Official

Compilation of Codes, Rules and Regulations is established, titled "Criminal Gun Clearinghouse Rules"; and

The existing Sections 473.1 through 473.4 of Part 473 of Subtitle K of Title 9 of the Official Compilation of Codes, Rules and Regulations are renumbered as Sections 473-1.1 through 473-1.4 of Subpart 473-1 of Part 473 of Subtitle K of Title 9 of the Official Compilation of Codes, Rules and Regulations; and

A new Subpart 473-2 of Part 473 of Subtitle K of Title 9 of the Official Compilation of Codes, Rules and Regulations is established, titled "Municipal Gun Buyback Rules"; and

Rule 22, "Municipal Gun Buyback Program" of the Rules of the New York State Police, is filed with and published by the Department of State as Sections 473-2.1 through 473-2.4 of Subpart 473-2 of Part 473 of Subtitle K of Title 9 of the Official Compilation of Codes, Rules and Regulations, to read as follows:

PART 473

(Statutory Authority: Executive Law, sections 230[4], 233[2])

CRIMINAL GUN CLEARINGHOUSE AND MUNICIPAL GUN BUYBACK RULES

SUBPART 473-2

MUNICIPAL GUN BUYBACK PROGRAM (RULE 22 of the New York State Police)

Section 473 - 2.1 Purpose and Scope. (Rule 22.1)

(a) Pursuant to Section 233 of the New York State Executive Law the Division of State Police is responsible for promulgating rules and regulations necessary for the administration of the Municipal Gun Buyback Program.

(b) Agencies that apply for and obtain approval from the Division of State Police may receive funding to support a gun buyback program, subject to available appropriations and funds in the Municipal Gun Buyback Fund.

(c) To the extent practicable based upon the applications received and the funding available in the Municipal Gun Buyback Fund, the Division of State Police will endeavor to allocate municipal gun buyback funding throughout the State, with particular emphasis on localities where such buyback programs may be most effective and have the greatest public safety benefit.

Section 473 - 2.2 Definitions. (Rule 22.2)

As used in this Subpart (Rule 22), the following terms are defined as follows:

(a) "Agency" means the police force or police department of any county, city, town, or village, or a county Sheriff.

(b) "Municipal Gun Buyback Fund" means the fund established pursuant to Section 97-cc of the New York State Finance Law that is held in the joint custody of the State Comptroller and the Commission of Tax and Finance.

Section 473 - 2.3. Guidelines for Agencies Participating in a Municipal Gun Buyback Program. (Rule 22.3)

(a) Allowing Individuals to Surrender Guns.

Agencies may allow individuals to surrender firearms, rifles, shotguns, and ammunition anonymously or otherwise. The method of surrender shall be detailed in the agency's application for participation.

(b) Eligibility for Monetary Rewards.

Agencies may provide monetary rewards to any person who surrenders a firearm, rifle, or shotgun, in apparently operable condition, during the course of an authorized municipal gun buyback program. The surrender of weapons of any other kind, including but not limited to magazines and ammunition, should be accepted by agencies participating in a municipal gun buyback program but such items are not eligible for compensation from the Municipal Gun Buyback Fund. Agencies should accept as many weapons as an individual voluntarily presents for surrender, but may limit monetary rewards for a maximum number of submissions per person. Eligibility criteria for monetary rewards, the value of such rewards based upon specific items surrendered, and the method of payment/remuneration shall be detailed in the agency's application for participation.

(c) Documenting Voluntary Surrenders.

Agencies shall document the details of each surrendered item including, as applicable, the make, model, serial number, caliber, condition, and any other identifying characteristic(s) of each item surrendered. Procedures for recording this information shall be detailed in the agency's application for participation.

(d) Safe Storage and Disposal of Guns.

Firearms, rifles, shotguns, and ammunition received by agencies as part of a municipal gun buyback program shall be stored and disposed of in a manner consistent with applicable law, including Articles 265 and 400 of the New York Penal Law. Storage and disposal methods shall be detailed in the agency's application for participation.

(e) Return of Recovered Stolen Property.

Firearms, rifles, shotguns, and ammunition received by agencies as part of a municipal gun buyback program that have been reported as stolen may be returned to the rightful owner in a manner consistent with applicable law, including Articles 265 and 400 of the New York Penal Law. Procedures for the return of recovered stolen property to the rightful owner, if any, shall be detailed in the agency's application for participation.

(f) Retention of Guns as Evidence of a Crime and Notification to the Criminal Gun Clearinghouse.

Firearms, rifles, shotguns, and ammunition received by agencies as part of a municipal gun buyback program that are believed to have been used in the commission of a crime shall be retained by the agency in accordance with its usual evidence retention policies. Additionally, a notification shall be made to the Criminal Gun Clearinghouse pursuant to the provisions of subdivision four of section two hundred thirty of the New York Executive Law and subpart 473-1 of 9 NYCRR Part 473, and the firearm and any associated ammunition should be submitted to a National Integrated Ballistics Information Network ("NIBIN") qualified crime laboratory for test firing and possible NIBIN submission.

(g) Coordination by Agencies with Community Groups.

Agencies participating in a municipal gun buyback program may elect to coordinate with local community groups in promoting and/or conducting the program. Any planned community group coordination shall be detailed in the agency's application for participation.

Section 473 - 2.4 Participation in a Program Receiving Funding from the Municipal Gun Buyback Fund. (Rule 22.4)

(a) Written Application Required.

(1) Participation by an agency in a municipal gun buyback program that is to be funded in whole or in part from the Municipal Gun Buyback Fund is not authorized unless a written application has first been submitted to and approved by the Superintendent of State Police, or an authorized designee, pursuant to the provisions of this Subpart (Rule 22).

(2) All written applications for participation in a municipal gun buyback program submitted to the Division of State Police must be signed by the chief executive of the applicant agency, or the lead agency if more than one agency will participate in the buyback program.

(3) Applications for participation in a municipal gun buyback program must contain:

(i) The lead agency's name, address, and area of jurisdiction, and if additional agencies are participating in the buyback program the same information for each agency.

(ii) The date and time the program will commence and conclude.

(iii) The location(s) for the municipal gun buyback program event(s).

(iv) The name, title, and contact information for the agency representative who will administer oversight of the event. This shall include an address, phone number, and e-mail address.

(v) A description of any previous gun buyback programs conducted by the agency, if any, and any other planned gun buyback programs to be conducted in the future.

(vi) A detailed description of all procedures and information required to be included in an application pursuant to subdivisions (a) through (g) of section 473-2.3 (Rule 22.3) of this Subpart.

(vii) The proposed instructions that the agency will provide to the public on how to surrender firearms, rifles, shotguns, ammunition, and/or other weapons as part of the municipal gun buyback program, including instructions for how and when to transport such items and any documentation individuals should carry on their person and/or other information that should be used to facilitate application of the provisions of subparagraph (f) of paragraph one of subdivision (a) of section 265.20 of the Penal Law when surrendering firearms, rifles, shotguns, ammunition, and/or other weapons as part of the municipal gun buyback program.

(b) Application Review and Determination.

(1) The Superintendent or an authorized designee will review all applications submitted by agencies pursuant to this Rule and either approve or deny each application and notify the submitting agency of such determination.

(2) Approval of applications will be based upon compliance with the application requirements set forth in paragraph (a) of this section, in addition to the Division's overall goal of allocating municipal gun buyback funding throughout the State, with particular emphasis on localities where such buyback programs may be most effective and have the greatest public safety benefit.

(3) Any approval granted by the Superintendent or designee will be subject to available appropriations and funds in the Municipal Gun Buyback Fund. All approved applications will be forwarded to the State Comptroller and Commissioner of Tax and Finance for determination of funding availability.

(4) The submitting agency will be notified by the Division of State Police of the reasons for the denial of any application, and will be permitted to amend and resubmit the application.

(c) Program Completion.

(1) Within seven days of completing an approved municipal gun buyback program event, the agency shall submit a certified accounting of funds dispersed and a listing of firearms, rifles, shotguns, ammunition, and/or other weapons received during the gun buyback event to the Division of State Police.

(2) The Superintendent or an authorized designee will review the accounting of funds and list of items received and forward the same to the State Comptroller and Commissioner of Tax and Finance if no discrepancies are noted. Otherwise, the agency will be notified of any discrepancies and be given an opportunity to amend and resubmit the accounting and/or listing of items received through the buyback event.

(3) Payment to the participating agency will be made directly by the State Comptroller and/or Commissioner of Tax and Finance from the Municipal Gun Buyback Fund, upon final approval of all submissions.

Niagara Falls Water Board

NOTICE OF ADOPTION

Adoption of Rates, Fees, and Charges

I.D. No. NFW-01-19-00019-A

Filing Date: 2020-01-31

Effective Date: 2020-01-31

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

Action taken: Amendment of section 1950.20 of Title 21 NYCRR.

Statutory authority: Public Authorities Law, section 1230-j

Subject: Adoption of Rates, Fees, and Charges.

Purpose: To pay for increased costs necessary to operate, maintain, and manage the system, and to meet covenants with the bondholders.

Text or summary was published in the January 2, 2019 issue of the Register, I.D. No. NFW-01-19-00019-EP.

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

Text of rule and any required statements and analyses may be obtained from: Sean W. Costello, General Counsel and Secretary, Niagara Falls Water Board, 5815 Buffalo Avenue, Niagara Falls, NY 14304, (716) 283-9770, email: scostello@nfwb.org

Revised Regulatory Impact Statement

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

Revised Regulatory Flexibility Analysis

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

Revised Rural Area Flexibility Analysis

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

Revised Job Impact Statement

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

Assessment of Public Comment

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

Power Authority of the State of New York

NOTICE OF ADOPTION

Rates for the Sale of Power and Energy

I.D. No. PAS-42-19-00008-A

Filing Date: 2020-02-04

Effective Date: 2020-02-04

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

Action taken: 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.

Substance of final rule: The New York Power Authority's Notice of Proposed Rulemaking published on October 16, 2019, proposed to decrease the production rates of its Westchester County Governmental Customers by 9.32%. Based on further analysis by staff, the Authority determined that the production rates should be decreased by 13.5%. The new production rates will be effective commencing with the January 2020 billing period.

Final rule as compared with last published rule: Substantial revisions were made in First Part.

Text of rule and any required statements and analyses may be obtained from: Karen Delince, Power Authority of the State of New York, 123 Main Street - 9B, White Plains, NY 10601, (914) 390-8085, email: karen.delince@nypa.gov

Revised Regulatory Impact Statement

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

Revised Regulatory Flexibility Analysis

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

Revised Rural Area Flexibility Analysis

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

Revised Job Impact Statement

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

Assessment of Public Comment

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

Public Service Commission

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Discontinuation of a Program Administered by Con Edison and Removal of the Program from the Tariff

I.D. No. PSC-07-20-00006-P

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

Proposed Action: The Public Service Commission is considering a petition filed by Consolidated Edison Company of New York, Inc. to discon-

tinue the Smart AC Kit Program for residential room air conditioners within Rider L-Direct Load Control Program.

Statutory authority: Public Service Law, section 66(1) and (12)(a)

Subject: Discontinuation of a program administered by Con Edison and removal of the program from the tariff.

Purpose: Consider discontinuation of the Smart AC Kit Program.

Substance of proposed rule: The Commission is considering the revised petition filed by Consolidated Edison Company of New York, Inc. (the Company) on January 7, 2020, to discontinue the Smart Kit Program within Rider L and remove the applicable language from the tariff, P.S.C. No. 10 – Electricity.

The Smart AC Kit Program was implemented as a demand response program where the Company provided a customer with a smartAC kit that enables a standard non-WiFi enabled room air conditioner, i.e., “window unit” or other non-central unit, to become WiFi capable. This allows the Company, with the permission of a participating customer, to adjust the room air conditioner temperature setting on peak days to provide load relief. In seeking to discontinue the program, the Company states that the program is no longer cost-effective, there are a growing number of market alternatives to adopt WiFi enabled room air conditioners which are increasingly being selected by customers instead of the Smart AC Kit Program, and the Company is planning to expand or develop other Demand Response programs using Advanced Metering Infrastructure that would allow participation in demand response with WiFi enabled air conditioners. Finally, the Company states that the discontinuance of the Smart AC Kit Program would not preclude the use of such technology in response to its other solicitations seeking peak reduction, such as for Non-Wires Alternatives.

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: Michelle L. Phillips, 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.

(20-E-0008SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Procurement of Environmental Attributes Associated with Offshore Wind Resources

I.D. No. PSC-07-20-00007-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 by the New York State Energy Research and Development Authority (NYSERDA) on January 28, 2020 to procure environmental attributes associated with up to 2,500 megawatts (MWs) of offshore wind.

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

Subject: Procurement of environmental attributes associated with offshore wind resources.

Purpose: To achieve the State’s renewable and clean energy goals.

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition filed on January 28, 2020 by the New York State Energy Research and Development Authority (NYSERDA) to authorize NYSEDA to procure Offshore Wind Renewable Energy Certificates (ORECs) associated with between 1,000 megawatts (MWs) and 2,500 MWs of offshore wind in a 2020 solicitation (Petition). According to NYSEDA, the authorization to issue an additional solicitation is warranted and necessary for New York for a number of important reasons,

including: (1) to maintain its trajectory toward meeting its Clean Energy Goals as detailed in the Climate Leadership and Community Protection Act (CLCPA), which requires 9,000 MWs of offshore wind to be operational by 2035; (2) to build upon the success of the Phase 1 offshore wind solicitation, which resulted in NYSEDA executing contracts for two proposals with an aggregate nameplate rating of 1,696 MWs at an average OREC price of \$25.15; and (3) to take advantage of the extension of the federal Investment Tax Credit (ITC) of 18% which applies to wind facilities that begin construction during 2020.

NYSERDA proposes that the procurement design and structure remain the same as was undertaken in the Phase 1 solicitation referenced above, with three modifications. Those modifications proposed by NYSEDA would: (1) provide bidders the flexibility to offer either an Index or Fixed-price OREC bid consistent with Order Modifying Tier 1 Renewable Procurements issued on January 16, 2020 for the Tier 1 Large Scale Renewable program under Case 15-E-0302; i.e., instead of the previous hybrid approach that required both Index and Fixed-price OREC bids per the Phase 1 solicitations; (2) modify the definition of the Reference Energy Price to reflect the average locational based marginal price (LBMP) in the NYISO zone of delivery; instead of the load-weighted average of Zones J and K, which was used in the Phase 1 solicitations; and, (3) modify the Reference Capacity Price to reflect the projects’ specific NYISO designated locality (New York City, Long Island, Zones G-J, or the Rest of State), i.e., instead of the load-weighted average of Zones G, H, I, J, and K monthly spot market UCAP prices used in the Phase 1 solicitations. NYSEDA proposes that the 2020 solicitation would continue evaluation weighting of 70 percent price, 20 percent economic benefits, and 10 percent viability.

As proposed, NYSEDA would continue to employ cost containment measures outlined in the Order Establishing Offshore Wind Standard and Framework for Phase 1 Procurement, issued July 12, 2018 in Case 18-E-0071. These measures include the use of a confidential benchmark price during subsequent price evaluation and the authority to reject all bids. Additionally, NYSEDA proposes to continue consultations with Department of Public Service Staff in considering the portfolio timing and the balancing of benefits necessary to meet the Commission’s objectives and in determining an award group. The authorization includes the approval of program budgets and recovery of direct procurement and corresponding administrative and overhead costs.

With respect to the administration of OREC obligations for load serving entities (LSEs), NYSEDA proposes to modify the current process and deadline for the execution of contracts for the purchase of ORECs. NYSEDA proposes to file an implementation plan for stakeholder comment, that will include a description of the compliance obligation calculations, process and structure, as well as a standard purchase agreement for ultimate Commission approval.

Finally, with respect to administrative funding of OREC solicitations, NYSEDA requests authorization for administrative funding for an additional 2.0 full time equivalents (FTEs) to support the offshore wind program’s growing focus on supply chain, stakeholder engagement, and contract management. NYSEDA proposes an administrative budget of approximately \$4.4 million to cover offshore wind administrative costs for the period of July 2020 through December 2020. NYSEDA recommends using existing unspent Renewable Portfolio Standard (RPS) funds to cover these incremental administrative costs. NYSEDA proposes to file quarterly itemized reports on costs associated with administration and would continue to keep detailed accounting of all costs in administering the program and any unspent administrative funds would be used for future ratepayer benefit.

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: Michelle L. Phillips, 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.

(18-E-0071SP2)

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

Notice of Intent to Submeter Electricity

I.D. No. PSC-07-20-00008-P

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

Proposed Action: The Commission is considering the notice of intent of London Terrace Towers Owners, Inc. to submeter electricity at 405 West 23rd Street, New York, NY.

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

Subject: Notice of intent to submeter electricity.

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

Substance of proposed rule: The Commission is considering the notice of intent, filed by London Towers Owners, Inc. on September 12, 2019, to submeter electricity at 405 West 23rd Street, New York, New York, located in the service territory of Consolidated Edison Company of New York, Inc. (Con Edison).

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

The full text of the notice of intent and the full record of the proceeding may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. 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: Michelle L. Phillips, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

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

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

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

(19-E-0586P1)

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

Transfer of Street Lighting Facilities

I.D. No. PSC-07-20-00009-P

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

Proposed Action: The Commission is considering a petition filed by Rochester Gas and Electric Corporation requesting the transfer of certain street lighting facilities to the Town of Williamson.

Statutory authority: Public Service Law, sections 65, 66 and 70

Subject: Transfer of street lighting facilities.

Purpose: To consider whether the transfer of certain street lighting facilities is in the public interest.

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition filed by Rochester Gas and Electric Corporation, filed on January 27, 2020, requesting the transfer of certain street lighting facilities to the Town of Williamson.

The original cost of the facilities was approximately \$119,090 and would be sold for \$61,905, which represents the current fair market value of the facilities. The current net book value of the assets is \$52,240.

The full text of the petition and the full record of the proceeding may be viewed online at the Department of Public Service web page:

www.dps.ny.gov. 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: Michelle L. Phillips, 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.

(20-E-0030SP1)

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

Notice of Intent to Submeter Electricity

I.D. No. PSC-07-20-00010-P

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

Proposed Action: The Commission is considering the notice of intent of 76 North Pearl LLC, to submeter electricity at 76 North Pearl Street, Albany, New York 12207.

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

Subject: Notice of intent to submeter electricity.

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

Substance of proposed rule: The Commission is considering the notice of intent, filed by 76 North Pearl LLC, on January 27, 2020, to submeter electricity 76 North Pearl Street, Albany, New York 12207, located in the service territory of Niagara Mohawk Power Corporation d/b/a/ National Grid.

By stating its intent to submeter electricity, 76 North Pearl LLC, requests authorization to take electric service from National Grid and then distribute and meter that electricity to its tenants. Submetering of electricity to residential tenants is allowed so long as it complies with the protections and requirements of the Commission's regulations in 16 NYCRR Part 96.

The full text of the notice of intent and the full record of the proceeding may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. 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: Michelle L. Phillips, 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.

(20-E-0041SP1)

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

Transfer of Street Lighting Facilities

I.D. No. PSC-07-20-00011-P

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

Proposed Action: The Commission is considering a petition filed by New York State Electric and Gas Corporation for the transfer of certain street lighting facilities to the Town of Fallsburg, Sullivan County, New York.

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

Subject: Transfer of street lighting facilities.

Purpose: To consider the transfer of street lighting facilities to the Town of Fallsburg.

Substance of proposed rule: The Public Service Commission (Commission) is considering a proposal filed by New York State Electric & Gas Corporation (NYSEG or the Company) on January 21, 2020, requesting approval to transfer ownership of its system of street lighting facilities installed through the Town of Fallsburg (Town). The street lighting facilities consist of a system of street lighting poles, luminaires, lamps, mast arms, electrical connections and wiring. NYSEG requests the Commission's approval of the transaction pursuant to Public Service Law § 70(1), as the original cost of the proposed assets to be transferred is greater than \$100,000.

Based on plant records, NYSEG represents that the original book cost of the facilities is approximately \$735,194 and the net book value, as of June 30, 2019, is \$156,592. The Company proposes to transfer the street lighting facilities to the Town for \$314,032. Upon the closing date of the sale, the Town will become solely responsible and liable for the operation, maintenance, and condition of the street lighting facilities. The transfer will not impact the reliability, safety, operation, or maintenance of NYSEG's electric distribution system.

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: Michelle L. Phillips, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6517, 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.

(20-E-0031SP1)

Department of Taxation and Finance

NOTICE OF ADOPTION

Fuel Use Tax on Motor Fuel and Diesel Motor Fuel and the Art. 13-A Carrier Tax Jointly Administered Therewith

I.D. No. TAF-47-19-00010-A

Filing No. 85

Filing Date: 2020-02-04

Effective Date: 2020-02-04

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

Action taken: Amendment of section 492.1(b)(1) of Title 20 NYCRR.

Statutory authority: Tax Law, sections 171, subd. First, 301-h(c), 509(7), 523(b) and 528(a)

Subject: Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith.

Purpose: To set the sales tax component and the composite rate per gallon for the period January 1, 2020 through March 31, 2020.

Text or summary was published in the November 20, 2019 issue of the Register, I.D. No. TAF-47-19-00010-P.

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

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

Assessment of Public Comment

The agency received no public comment.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Fuel Use Tax on Motor Fuel and Diesel Motor Fuel and the Art. 13-A Carrier Tax Jointly Administered Therewith

I.D. No. TAF-07-20-00013-P

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

Proposed Action: Amendment of section 492.1(b)(1) of Title 20 NYCRR.

Statutory authority: Tax Law, sections 171, subd. First, 301-h(c), 509(7), 523(b) and 528(a)

Subject: Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith.

Purpose: To set the sales tax component and the composite rate per gallon for the period April 1, 2020 through June 30, 2020.

Text of proposed rule: Pursuant to the authority contained in subdivision First of section 171, subdivision (c) of section 301-h, subdivision 7 of section 509, subdivision (b) of section 523, and subdivision (a) of section 528 of the Tax Law, the Commissioner of Taxation and Finance, hereby proposes to make and adopt the following amendments to the Fuel Use Tax Regulations, as published in Article 3 of Subchapter C of Chapter III of Title 20 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

Section 1. Paragraph (1) of subdivision (b) of section 492.1 of such regulations is amended by adding a new subparagraph (xcviii) to read as follows:

	Motor Fuel			Diesel Motor Fuel		
	Sales Tax Component	Composite Rate	Aggregate Rate	Sales Tax Component	Composite Rate	Aggregate Rate
(xcvii) January – March 2020	15.2	23.2	40.6	16.0	24.0	39.65
(xcviii) April – June 2020	15.1	23.1	40.50	16.0	24.0	39.65

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

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

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

Regulatory Impact Statement, 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.

Office of Victim Services

NOTICE OF ADOPTION

Conduct Contributing and Eligibility Related to Burial Awards

I.D. No. OVS-24-19-00001-A

Filing No. 86

Filing Date: 2020-02-04

Effective Date: 2020-02-19

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(g)(1), (m)(1)(iv); renumbering of section 525.12(m)(2) to (m)(3); addition of section 525.12(m)(2) to Title 9 NYCRR.

Statutory authority: Executive Law, sections 623(3) and 631(5)(g)

Subject: Conduct contributing and eligibility related to burial awards.

Purpose: Adoption of rules necessary for L. 2018, ch. 494, when considering the victim's own conduct and other eligibility for burial awards.

Text or summary was published in the June 12, 2019 issue of the Register, I.D. No. OVS-24-19-00001-ERP.

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

Text of rule and any required statements and analyses may be obtained from: John Watson, General Counsel, Office of Victim Services, One Columbia Circle, Suite 200, Albany, New York 12203, (518) 457-8066, email: john.watson@ovs.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 2025, 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.

from the Board by submitting a request in writing, with a fee of five dollars, to the New York State Workers' Compensation Board, 328 State Street, Schenectady, New York 12305-2318. Payment of the fee shall be made by check or money order payable to "Chair WCB." Information about the Formulary can be requested by email at GENERAL_INFORMATION@wcb.ny.gov, or by telephone at 1-800-781-2362.

Final rule as compared with last published rule: Nonsubstantive changes were made in section 441.2.

Text of rule and any required statements and analyses may be obtained from: Heather MacMaster, NYS Workers' Compensation Board, Office of General Counsel, 328 State Street, Schenectady, NY 12305, (518) 486-9564, email: regulations@wcb.ny.gov

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

A revised Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement are not required because the changes made to the last published rule do not affect the meaning of any statements in the document, they simply update the date and edition number.

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2023, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment

The Board received one written comment on the proposal.

The comment supported the addition of Special Consideration #4, but expressed concerns about five medications included in the formulary: Cabozantinib, Dabrafenib, Trametinib, Vandetanib, and Vismodegiv. The comment expressed concern about why these medications were included but not others from the same class of neoplastic agents, given the cost. Because the proposed changes to the formulary did not change this section to the formulary, no change has been made to the proposal as a result of this comment.

The Board will consider this comment for future versions of the formulary, as the that the Board will continually review and take feedback into consideration.

Workers' Compensation Board

NOTICE OF ADOPTION

Updating the Prescription Drug Formulary

I.D. No. WCB-47-19-00004-A

Filing No. 77

Filing Date: 2020-02-03

Effective Date: 2020-02-19

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

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

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

Subject: Updating the prescription drug formulary.

Purpose: To update formulary and add special consideration guidance for drugs not included in the MTGs.

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

441.2 New York Workers' Compensation Formulary

The New York Workers' Compensation Formulary, [1st] *third* edition ([January 23] *November 20*, 2019), incorporated by reference herein, identifies drugs using three lists: a) Phase A for prescriptions within the first thirty days following a Accident or injury; b) Phase B for prescriptions after, the sooner of, the first thirty days following a Accident or injury or acceptance or establishment of the claim; and c) Perioperative for use during the Perioperative period. Copies of the Formulary may be downloaded from the Board's website free of charge. The Formulary may be examined at the office of the Department of State, 99 Washington Avenue, Albany, New York 12231, the Legislative Library, the libraries of the New York State Supreme Court, and the district offices of the Board, or obtained

**HEARINGS SCHEDULED
FOR PROPOSED RULE MAKINGS**

Agency I.D. No.	Subject Matter	Location—Date—Time
Bridge Authority, New York State		
SBA-01-20-00004-P	A proposal to amend the NYS Bridge Authority toll schedule	Poughkeepsie Grand Hotel, 40 Civic Center Plaza, Palm Court Rm., Poughkeepsie, NY—March 9, 2020, 7:00 p.m.
SBA-01-20-00005-P	Toll collection and violations	Poughkeepsie Grand Hotel, 40 Civic Center Plaza, Palm Court Rm., Poughkeepsie, NY—March 9, 2020, 7:00 p.m.
Environmental Conservation, Department of		
ENV-53-19-00016-P	Certain substances that contain hydrofluorocarbons, highly-potent greenhouse gases	<p>Department of Environmental Conservation, 625 Broadway, Public Assembly Rm. 129A/B, Albany, NY—March 4, 2020, 12:30 p.m.</p> <p>Henrietta Public Library, 625 Calkins Rd., Community Rm., Rochester, NY—March 6, 2020, 12:30 p.m.</p> <p>Department of Environmental Conservation, Region 2 Office, 47-40 21st St., 8th Fl., Rm. 834A/834B, Long Island City, NY—March 9, 2020, 12:30 p.m.</p>
ENV-05-20-00001-P	Use of ultra low sulfur diesel fuel and best available retrofit technology for heavy duty vehicles	Department of Environmental Conservation, 625 Broadway, Public Assembly Rm. 129A/B, Albany, NY—April 10, 2020, 11:00 a.m.
ENV-05-20-00002-P	Sulfur-in fuel limitations	Department of Environmental Conservation, 625 Broadway, Public Assembly Rm. 129A/B, Albany, NY—April 10, 2020, 11:00 a.m.
ENV-06-20-00018-P	Repeal and replacement of 6 NYCRR Part 230 gasoline dispensing sites and transport vehicles	<p>Department of Environmental Conservation, 625 Broadway, Public Assembly Rm. 129A/B, Albany, NY—April 14, 2020, 11:00 a.m.</p> <p>Department of Transportation, One Hunter’s Point Plaza, 47-40 21st St., Rm. 834, Long Island City, NY—April 15, 2020, 11:00 a.m.</p> <p>Department of Environmental Conservation, 6274 Avon-Lima Rd., Rtes. 5 and 20, Conference Rm., Avon, NY—April 16, 2020, 11:00 a.m.</p>
ENV-06-20-00019-P	Consumer products	<p>Department of Environmental Conservation, 625 Broadway, Public Assembly Rm. 129A/B, Albany, NY—April 14, 2020, 11:00 a.m.</p> <p>Department of Transportation, One Hunter’s Point Plaza, 47-40 21st St., Rm. 834, Long Island City, NY—April 15, 2020, 11:00 a.m.</p> <p>Department of Environmental Conservation, 6274 Avon-Lima Rd., Rtes. 5 and 20, Conference Rm., Avon, NY—April 16, 2020, 11:00 a.m.</p>
ENV-06-20-00020-P	New source review requirements for proposed new major facilities and major modifications to existing facilities	<p>Department of Environmental Conservation, 625 Broadway, Public Assembly Rm. 129A/B, Albany, NY—April 14, 2020, 11:00 a.m.</p> <p>Department of Transportation, One Hunter’s Point Plaza, 47-40 21st St., Rm. 834, Long Island City, NY—April 15, 2020, 11:00 a.m.</p> <p>Department of Environmental Conservation, 6274 Avon-Lima Rd., Rtes. 5 and 20, Conference Rm., Avon, NY—April 16, 2020, 11:00 a.m.</p>

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
ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF			
ASA-06-20-00011-P	02/11/21	Credentialing of addiction professionals	Outlines the regulatory requirements for persons seeking credentialing as an addiction professional
AUDIT AND CONTROL, DEPARTMENT OF			
AAC-07-20-00012-P	02/18/21	Approval of contracts made by MTA and the NYCTA	Modify existing time frames for the approval of MTA and NYCTA contracts to conform with the MTA Reform and Traffic Mobility Act
BRIDGE AUTHORITY, NEW YORK STATE			
SBA-01-20-00004-P	exempt	A proposal to amend the NYS Bridge Authority Toll Schedule.	To amend toll schedule for vehicular bridges controlled by the NYS Bridge Authority in order to provide additional revenue.
SBA-01-20-00005-P	03/09/21	Toll collection and violations.	To amend toll collection procedures and implement toll violation enforcement on NYSBA bridges.
CHILDREN AND FAMILY SERVICES, OFFICE OF			
*CFS-51-18-00010-RP	03/18/20	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-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CHILDREN AND FAMILY SERVICES, OFFICE OF			
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.
CFS-46-19-00002-P	11/12/20	Behavioral health services, elimination of room isolation and authority to operate de-escalation rooms	To implement standards for behavioral health services and the operation of de-escalation rooms and to eliminate room isolation
CFS-49-19-00001-P	12/03/20	Limits on executive compensation	To remove the soft cap limit on executive compensation
CFS-04-20-00009-P	01/28/21	Host Family Homes	The proposed regulations would establish standards for the approval and administration of host family homes.
CFS-06-20-00021-EP	02/11/21	Categories of relatives eligible to become a foster parent of a child in non-relative foster care.	Regulations are necessary to comply with legislative changes to Family Court Act section 1028-a by Ch. 434 of L. 2019.
CIVIL SERVICE, DEPARTMENT OF			
*CVS-06-19-00001-P	02/06/20	Jurisdictional Classification	To classify a position in the exempt class
CVS-25-19-00006-P	06/18/20	Jurisdictional Classification	To classify positions in the non-competitive class.
CVS-34-19-00011-P	08/20/20	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-42-19-00010-P	10/15/20	Jurisdictional Classification	To classify positions in the exempt class
CVS-42-19-00014-P	10/15/20	Jurisdictional Classification	To classify a position in the exempt 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-42-19-00023-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-45-19-00003-P	11/05/20	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-45-19-00004-P	11/05/20	Jurisdictional Classification	To classify a position in the exempt class
CVS-45-19-00005-P	11/05/20	Jurisdictional Classification	To delete positions from and classify a position in the non-competitive class
CVS-45-19-00006-P	11/05/20	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-45-19-00007-P	11/05/20	Jurisdictional Classification	To delete a position from and classify a position in the exempt class and to delete positions from the non-competitive class
CVS-45-19-00009-P	11/05/20	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-51-19-00002-P	12/17/20	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-51-19-00003-P	12/17/20	Jurisdictional Classification	To classify a position in the exempt class
CVS-51-19-00004-P	12/17/20	Jurisdictional Classification	To classify positions in the exempt class
CVS-51-19-00005-P	12/17/20	Jurisdictional Classification	To classify positions in the exempt class
CVS-51-19-00006-P	12/17/20	Jurisdictional Classification	To classify positions in the exempt class
CVS-51-19-00007-P	12/17/20	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-51-19-00008-P	12/17/20	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-51-19-00009-P	12/17/20	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-51-19-00010-P	12/17/20	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-51-19-00011-P	12/17/20	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-51-19-00012-P	12/17/20	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-51-19-00013-P	12/17/20	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-51-19-00014-P	12/17/20	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-03-20-00003-P	01/21/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-03-20-00004-P	01/21/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-03-20-00005-P	01/21/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-03-20-00006-P	01/21/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-03-20-00007-P	01/21/21	Jurisdictional Classification	To delete positions from and classify positions in the exempt class
CVS-06-20-00001-P	02/11/21	Jurisdictional Classification	To classify a position in the non-competitive class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-06-20-00002-P	02/11/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-06-20-00003-P	02/11/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-06-20-00004-P	02/11/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-06-20-00005-P	02/11/21	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-06-20-00006-P	02/11/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-06-20-00007-P	02/11/21	Jurisdictional Classification	To delete a position from and classify a position in the exempt class and to delete positions from the non-competitive class
CVS-06-20-00008-P	02/11/21	Jurisdictional Classification	To delete a subheading and positions from and to classify a subheading and 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.
CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF			
CCS-21-19-00014-P	05/21/20	Adolescent Offender Facilities	To reclassify two existing correctional facilities to adolescent offender facilities.
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
CCS-50-19-00002-P	12/10/20	Raise the Age	To update each correctional facility's regulation as a direct result of the Raise the Age legislation
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-ERP	07/23/20	Use of Force	Set forth use of force reporting and recordkeeping procedures
EDUCATION DEPARTMENT			
EDU-17-19-00008-P	04/23/20	To require study in language acquisition and literacy development of English language learners in certain teacher preparation	To ensure that newly certified teachers enter the workforce fully prepared to serve our ELL population
EDU-27-19-00010-P	07/02/20	Substantially Equivalent Instruction for Nonpublic School Students	Provide guidance to local school authorities to assist them in fulfilling their responsibilities under the Compulsory Ed Law

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
EDU-39-19-00008-ERP	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-RP	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-43-19-00012-EP	10/22/20	Annual Professional Performance Reviews of Classroom Teachers and Building Principals	Necessary to implement part YYY of chapter 59 of the Laws of 2019
EDU-43-19-00013-P	10/22/20	Requirements for Chiropractic Education Programs and Education Requirements for Licensure as a Chiropractor	To conform educational requirements for the profession of chiropractic to the national preprofessional education standards
EDU-47-19-00005-P	11/19/20	Physical Education Requirements for a Diploma and Transfer Credits for Students Earning Credit in an Educational Program.	To implement Raise the Age legislation pursuant to Part WWW of Chapter 59 of the Laws of 2017.
EDU-47-19-00006-EP	11/19/20	Permit physicians licensed in another state or territory to provide medical services to athletes and team personnel in New York	To align the Regulations of the Commissioner with chapter 519 of the Laws of 2018 and chapter 199 of the Laws of 2019
EDU-47-19-00007-EP	11/19/20	Profession of Registered Dental Assisting.	To conform the Regulations of the Commissioner with Chapter 390 of the laws of 2019.
EDU-52-19-00007-P	12/23/20	Update Provisions Relating to Pupil Transportation	To update provisions of the Commissioner's Regulations relating to pupil transportation
EDU-52-19-00008-EP	12/23/20	Restricted License for Clinical Laboratory Technologist	Implement chapter 227 of 2019 by adding toxicology to the category of restricted licenses for clinical laboratory technologists
EDU-52-19-00009-EP	12/23/20	Continuing Education in the Profession of Public Accountancy	Implement the provisions of chapter 413 of the Laws of 2018
EDU-52-19-00010-EP	12/23/20	Duties and responsibilities of the counsel of the State Education Department	To designate counsel as the deputy commissioner of education as specified in Education Law, section 101
EDU-04-20-00005-P	01/28/21	Residency Program Requirement for Dental Licensure	Adds dental anesthesiology to the list of accredited residency programs in a specialty of dentistry.
EDU-04-20-00006-P	01/28/21	Financial Transparency and Data Reporting Requirements for Charter Schools	To establish criteria and procedures relating to charter financial transparency reporting to ensure compliance with ESSA.
EDU-04-20-00007-P	01/28/21	Time Extension of Initial, Transitional and Provisional Certificates	To provide educators with a Time Extension after the issuance of their first Initial or Provisional certificate.
EDU-04-20-00008-EP	01/28/21	ESSA Financial Transparency Reporting Requirements.	To implement financial transparency reporting requirements of ESSA.
ELECTIONS, STATE BOARD OF			
SBE-22-19-00003-EP	05/28/20	Process for Early Voting	Establishing Process for Early Voting

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ELECTIONS, STATE BOARD OF			
SBE-02-20-00002-P	01/14/21	Combine the 10 Day Post Primary Filing with the July 15th disclosure statement	This amendment combines the 10 Day Post Primary Filing with the July 15th disclosure statement that political committees file
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
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-27-19-00003-P	07/02/20	Black Bear hunting.	Expand bear hunting opportunities in Wildlife Management Unit 4W to reduce bear abundance.
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
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
ENV-43-19-00006-P	01/07/21	Class I and Class SD waters	To clarify best usages of Class I and SD waters were/are "secondary contact recreation and fishing" and "fishing," respectively
ENV-43-19-00010-P	01/06/21	Repeal and replace 6 NYCRR Part 622 and amend 6 NYCRR Part 624, Part 621 and Part 620	To incorporate procedural and legal developments, develop consistency & reflect current practice in DEC hearings
ENV-48-19-00008-P	01/26/21	Plastic Bag Reduction, Reuse and Recycling	The objectives of this rulemaking are to provide clarity to Titles 27 and 28 so that they can both be effectively implemented

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
ENV-53-19-00016-P	03/09/21	Certain substances that contain hydrofluorocarbons, highly-potent greenhouse gases	Remove greenhouse gas emission sources that endanger public health and the environment
ENV-04-20-00004-EP	01/28/21	Regulations governing commercial fishing of quota managed species.	To improve efficiency, reduce waste, and increase safety in marine commercial fisheries.
ENV-05-20-00001-P	04/10/21	Use of Ultra Low Sulfur Diesel Fuel and Best Available Retrofit Technology for Heavy Duty Vehicles	Updating to meet with statutory deadline
ENV-05-20-00002-P	04/10/21	Sulfur-in Fuel Limitations	Limit sulfur in liquid and solid fuels throughout NYS
ENV-06-20-00018-P	04/16/21	The repeal and replacement of 6 NYCRR Part 230 Gasoline Dispensing Sites and Transport Vehicles	To further reduce harmful volatile organic compounds (VOCs) emitted into the atmosphere.
ENV-06-20-00019-P	04/16/21	Consumer Products	Reduce Volatile Organic Compound emissions from Consumer Products - those products used in the average household.
ENV-06-20-00020-P	04/16/21	New Source Review requirements for proposed new major facilities and major modifications to existing facilities.	To conform to federal NSR rule requirements and related court rulings, correct typographical errors, and clarify rule language.
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-33-19-00004-P	08/13/20	Minimum Standards for Form, Content, and Sale of Health Insurance, Including Standards for Full and Fair Disclosure	To set forth minimum standards for the content of health insurance identification cards.
DFS-43-19-00017-P	10/22/20	INDEPENDENT DISPUTE RESOLUTION FOR EMERGENCY SERVICES AND SURPRISE BILLS	To require notices and consumer disclosure information related to surprise bills and bills for emergency service to be provided
DFS-44-19-00011-P	10/29/20	Principle-Based Reserving	To prescribe minimum principle-based valuation standards
DFS-48-19-00002-P	11/26/20	SUPERINTENDENT'S REGULATIONS: INFORMATION SUBJECT TO CONFIDENTIAL TREATMENT	Provide rules concerning publication or disclosure of information subject to confidential treatment
DFS-51-19-00015-P	12/17/20	Minimum Standards for Form, Content and Sale of Health Insurance, Including Standards of Full and Fair Disclosure	Clarifying discriminatory activities prohibited by and coverages included within preventive care and screenings under the IL
DFS-53-19-00013-EP	12/30/20	Rules Governing the Procedures for Adjudicatory Proceedings Before the Department of Financial Services	To unify and clarify the procedures for adjudicatory proceedings before the Department of Financial Services
DFS-53-19-00014-EP	12/30/20	Charges for Professional Health Services	To delay the effective date of the workers' compensation fee schedules for no-fault reimbursement.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
FINANCIAL SERVICES, DEPARTMENT OF			
DFS-53-19-00015-EP	12/30/20	Supplementary Uninsured/Underinsured Motorist Coverage	To comport with statutory amendments to Chapter 59, Part III of the Laws of 2019 and Insurance Law Section 3420(f)
DFS-01-20-00002-P	01/07/21	Certification of Compliance, Due Date	To amend the date by which Covered Entities must submit a certification of compliance, from February to April.
DFS-03-20-00011-EP	01/21/21	Valuation of Life Insurance Reserves; Recognition of the 2001 CSO Mortality Table and the 2017 CSO Mortality Table, et al	Prescribes 2001 CSO ultimate mortality for guaranteed issue policies issued on or after 1/1/20 and extends 2015 reserve relief
DFS-07-20-00015-P	02/18/21	Audited Financial Statements	To require insurers meeting a certain premium threshold to establish and maintain an internal audit function.
GAMING COMMISSION, NEW YORK STATE			
SGC-01-20-00006-P	01/07/21	Permit Thoroughbred horses with digital tattoos to race in New York	To promote the integrity of racing and derive a reasonable return for government
SGC-07-20-00002-P	02/18/21	Allow claimant to void claim of lame horse	To enhance horse health and safety in thoroughbred racing
SGC-07-20-00003-P	02/18/21	Spanish 21, a blackjack variant to be offered in commercial casinos.	To set forth the practices and procedures for the operation of Spanish 21 as a casino table game.
SGC-07-20-00004-P	02/18/21	Relating to the provision of social security numbers.	Limit collection of social security numbers.
SGC-07-20-00014-P	02/18/21	Thoroughbred pick-five and pick-six wagers.	To improve the pick-five and pick-six wagers in thoroughbred racing.
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-30-19-00006-RP	07/23/20	Maximum Contaminant Levels (MCLs)	Incorporating MCLs for perfluorooctanoic acid (PFOA), perfluorooctanesulfonic acid (PFOS) and 1,4-dioxane.
HLT-36-19-00006-P	09/03/20	Limits on Executive Compensation	Removes "Soft Cap" prohibition on covered executive salaries.
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
HLT-43-19-00005-P	10/22/20	Transitional Adult Home Admission Standards for Individuals with Serious Mental Illness	Delineate a clear pre-admissions process for determining whether a prospective resident is a person with serious mental illness

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
HLT-45-19-00001-P	11/05/20	Medical Use of Marihuana	To allow NYS hemp growers to sell hemp-derived cannabidiol to the Registered Organizations to reduce the cost of manufacturing.
HLT-45-19-00002-P	11/05/20	Licensed Home Care Services Agencies (LHCASAs)	To implement changes to public need & financial feasibility review for applications for HCASAs licensure & change of ownership.
HLT-46-19-00003-P	11/12/20	Tanning Facilities	To prohibit the use of indoor tanning facilities by individuals less than 18 years of age
HLT-47-19-00008-P	11/19/20	Hospital Medical Staff - Limited Permit Holders	To repeal extra years of training required for limited permit holders to work in New York State hospitals.
HLT-47-19-00009-P	11/19/20	Empire Clinical Research Investigator Program (ECRIP)	To expand the types of & change the time frames for past research grants that qualify staff to supervise the ECRIP project.
HLT-48-19-00003-EP	11/26/20	Secondary Syringe Exchange in New York State	To reduce the spread of blood-borne pathogens, to reduce or eliminate other harms associated with contaminated syringes
HLT-51-19-00001-P	12/17/20	Women, Infants and Children (WIC) Program	To support implementation of eWIC; clarify rules for violations, penalties & hearings & conform vendor authorization criteria.
HLT-53-19-00001-P	12/30/20	Prohibition on the Sale of Electronic Liquids with Characterizing Flavors	To prohibit the sale of electronic liquids with characterizing flavors
HLT-53-19-00011-P	12/30/20	Cardiac Services	To amend existing Certificate of Need requirements for approval of adult cardiac surgery centers.
HLT-53-19-00012-P	12/30/20	Consumer Directed Personal Assistance Program Reimbursement	To establish a program to pay home care services & establish a methodology framework for the payment of FI administrative costs.
HLT-04-20-00002-P	01/28/21	Reducing Annual Tuberculosis Testing of Health Care Workers	To replace annual tuberculosis testing of health care workers.
HLT-04-20-00003-P	01/28/21	Applied Behavior Analysis	To include Applied Behavior Analysis in the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) benefit.
HLT-04-20-00011-P	01/28/21	Nursing Home Case Mix Rationalization	To authorize the Department of Health to change the case mix acuity process for all nursing homes.
HLT-04-20-00012-P	01/28/21	State Aid for Public Health Services: Counties and Cities	Clarifying State Aid payments for maintaining a cooling tower program.

HOUSING AND COMMUNITY RENEWAL, DIVISION OF

HCR-21-19-00019-P	07/21/20	Low-Income Housing Qualified Allocation Plan	To amend definitions, threshold criteria and application scoring for the allocation o flow-income housing tax credits.
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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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.
LABOR, DEPARTMENT OF			
LAB-46-19-00004-P	11/12/20	NY State Public Employees Occupational Safety and Health Standards	To incorporate by reference updates to OSHA standards into the NY State Public Employee Occupational Safety and Health Standards
LAB-03-20-00012-P	01/21/21	Minimum Wage Tip Allowances	Amendment of regulations governing tip allowances in the Miscellaneous Industries Wage Order
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-47-19-00017-P	exempt	VDER, net metering, and community distributed generation	To update the Authority's tariff for consistency with the Public Service Commission, Department of Public Service, and CLCPA.
MENTAL HEALTH, OFFICE OF			
OMH-46-19-00005-P	11/12/20	Definition of "Case record, clinical record, medical record or patient record"	To clarify that the agency does not consider the provision to apply to the definition of "record" as set forth in MHL 9.01
OMH-47-19-00001-P	11/19/20	Limits on Executive Compensation	To eliminate "soft cap" restrictions on compensation.

Agency I.D. No.	Expires	Subject Matter	Purpose of 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
MOTOR VEHICLES, DEPARTMENT OF			
MTV-07-20-00005-P	02/18/21	Electronic transmission of data by dismantlers and scrap processors	To establish procedures for the electronic transmission of data by dismantlers and scrap processors
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
OGDENSBURG BRIDGE AND PORT AUTHORITY			
*OBA-33-18-00019-P	exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit.
OBA-07-19-00019-P	exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit
PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR			
PDD-06-20-00009-EP	02/11/21	Creates Extended Treatment Units	To provide service and supports for individuals in crisis
POWER AUTHORITY OF THE STATE OF NEW YORK			
*PAS-01-10-00010-P	exempt	Rates for the sale of power and energy	Update ECSB Programs customers' service tariffs to streamline them/include additional required information
PUBLIC SERVICE COMMISSION			
*PSC-09-99-00012-P	exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-12-00-00001-P	exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-44-01-00005-P	exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-07-02-00032-P	exempt	Uniform business practices	To consider modification

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

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

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

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

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

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PUBLIC SERVICE COMMISSION			
*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
*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

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

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

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

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-26-11-00009-P	..... exempt	Petition for the submetering of electricity at commercial property	To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York
*PSC-26-11-00012-P	..... exempt	Waiver of generation retirement notice requirements	Consideration of waiver of generation retirement notice requirements
*PSC-29-11-00011-P	..... exempt	Petition requesting the Commission reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order.	To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing.
*PSC-35-11-00011-P	..... exempt	Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8	Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters
*PSC-36-11-00006-P	..... exempt	To consider expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-38-11-00002-P	..... exempt	Operation and maintenance procedures pertaining to steam trap caps	Adopt modified steam operation and maintenance procedures
*PSC-38-11-00003-P	..... exempt	Waiver of certain provisions of the electric service tariffs of Con Edison	Consideration of waiver of certain provisions of the electric service tariffs of Con Edison
*PSC-40-11-00010-P	..... exempt	Participation of regulated local exchange carriers in the New York Data Exchange, Inc. (NYDE)	Whether to partially modify its order requiring regulated local exchange carriers' participation NYDE
*PSC-40-11-00012-P	..... exempt	Granting of transfer of plant in-service to a regulatory asset	To approve transfer and recovery of unamortized plant investment
*PSC-42-11-00018-P	..... exempt	Availability of telecommunications services in New York State at just and reasonable rates	Providing funding support to help ensure availability of affordable telecommunications service throughout New York
*PSC-43-11-00012-P	..... exempt	Transfer of outstanding shares of stock	Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC
*PSC-47-11-00007-P	..... exempt	Remedying miscalculations of delivered gas as between two customer classes	Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations
*PSC-48-11-00007-P	..... exempt	Transfer of controlling interests in generation facilities from Dynegy to PSEG	Consideration of the transfer of controlling interests in electric generation facilities from Dynegy to PSEG
*PSC-48-11-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York
*PSC-01-12-00007-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-01-12-00008-P	..... exempt	Transfer of real property and easements from NMPNS to NMP3	Consideration of the transfer of real property and easements from NMPNS to NMP3
*PSC-01-12-00009-P	..... exempt	Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove	To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered

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

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

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

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PUBLIC SERVICE COMMISSION			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-11-14-00003-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-16-14-00014-P	..... exempt	Whether to order NYSEG to provide gas service to customers when an expanded CPCN is approved and impose PSL 25-a penalties.	To order gas service to customers in the Town of Plattsburgh after approval of a town wide CPCN and to impose penalties.
*PSC-16-14-00015-P	..... exempt	Whether Central Hudson should be permitted to defer obligations of the Order issued on October 18, 2013 in Case 13-G-0336.	Consideration of the petition by Central Hudson to defer reporting obligations of the October 18, 2013 Order in Case 13-G-0336
*PSC-17-14-00003-P	..... exempt	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism
*PSC-17-14-00004-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00007-P	..... exempt	To consider petitions for rehearing, reconsideration and/or clarification	To consider petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00008-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-19-14-00014-P	..... exempt	Market Supply Charge	To make tariff revisions to the Market Supply Charge for capacity related costs
*PSC-19-14-00015-P	..... exempt	Whether to permit the use of the Sensus accuWAVE for use in residential and commercial gas meter applications	To permit gas utilities in New York State to use the Sensus accuWAVE 415TC gas meter
*PSC-22-14-00013-P	..... exempt	Petition to transfer and merge systems, franchises and assets.	To consider the Comcast and Time Warner Cable merger and transfer of systems, franchises and assets.
*PSC-23-14-00010-P	..... exempt	Whether to permit the use of the GE Dresser Series B3-HPC 11M-1480 rotary gas met for use in industrial gas meter applications	To permit gas utilities in New York State to use the GE Dresser Series B3-HPC 11M-1480 rotary gas meter
*PSC-23-14-00014-P	..... exempt	Waiver of the negative revenue adjustment associated with KEDLI's 2013 Customer Satisfaction Performance Metric	Consideration of KEDLI's waiver request pertaining to its 2013 performance under its Customer Satisfaction Metric
*PSC-24-14-00005-P	..... exempt	To examine LDC's performance and performance measures.	To improve gas safety performance.
*PSC-26-14-00013-P	..... exempt	Waiver of RG&E's tariffed definition of emergency generator.	To consider waiver of RG&E's tariffed definition of emergency generator.
*PSC-26-14-00020-P	..... exempt	New electric utility backup service tariffs and standards for interconnection may be adopted.	To encourage development of microgrids that enhance the efficiency, safety, reliability and resiliency of the electric grid.
*PSC-26-14-00021-P	..... exempt	Consumer protections, standards and protocols pertaining to access to customer data may be established.	To balance the need for the information necessary to support a robust market with customer privacy concerns.
*PSC-28-14-00014-P	..... exempt	Petition to transfer systems, franchises and assets.	To consider the Comcast and Charter transfer of systems, franchise and assets.

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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-08-15-00010-P	..... exempt	Request pertaining to the lawfulness of National Grid USA continuing its summary billing program.	To grant, deny, or modify URAC Rate Consultants' request that National Grid cease its summary billing program.
*PSC-10-15-00007-P	..... exempt	Notification concerning tax refunds	To consider Verizon New York Inc.'s partial rehearing or reconsideration request regarding retention of property tax refunds
*PSC-10-15-00008-P	..... exempt	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes
*PSC-13-15-00024-P	..... exempt	Whether Leatherstocking should be permitted to recover a shortfall in earnings	To decide whether to approve Leatherstocking's request to recover a shortfall in earnings
*PSC-13-15-00026-P	..... exempt	Whether to permit the use of the Sensus Smart Point Gas AMR/AMI product	To permit the use of the Sensus Smart Point Gas AMR/AMI product
*PSC-13-15-00027-P	..... exempt	Whether to permit the use of the Measurlogic DTS 310 electric submeter	To permit the use of the Measurlogic DTS 310 submeter

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

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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.
*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-24-17-00006-P	..... exempt	Development of the Utility Energy Registry.	Improved data access.

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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-24-18-00013-P	..... exempt	Implementation of program rules for Renewable Energy Standard and ZEC requirements.	To promote and maintain renewable and zero-emission electric energy resources.
*PSC-28-18-00011-P	..... exempt	Storm Hardening Collaborative Report.	To ensure safe and adequate gas service.
*PSC-29-18-00008-P	..... exempt	Participation in Targeted Accessibility Fund	To encourage enhanced services for low-income consumers
*PSC-29-18-00009-P	..... exempt	Overvaluing real property tax expense recovery in water rates	To prevent unjust and unreasonable water rates
*PSC-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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-42-18-00011-P	..... exempt	Voluntary residential beneficial electrification rate design.	To provide efficient rate design for beneficial technologies in New York State that is equitable for all residential customers.
*PSC-42-18-00013-P	..... exempt	Petition for clarification and rehearing of the Smart Solutions Program Order.	To address the increased demand for natural gas in the Con Edison's service territory and the limited pipeline capacity.
*PSC-44-18-00016-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-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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-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-07-19-00016-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-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-16-19-00007-P	..... exempt	Recommencement of the levelization surcharge, changes to the System Improvement Charge, and a one-year stay-out.	To address the issues in NYAW's petition dated February 25, 2019.
PSC-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-19-19-00016-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-20-19-00010-P	..... exempt	Compensation policies for certain CHP projects	To consider appropriate rules for compensation of certain CHP resources
PSC-20-19-00015-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-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-30-19-00007-P	..... exempt	Use of electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
PSC-31-19-00011-P	..... exempt	Electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
PSC-31-19-00013-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-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-32-19-00012-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-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-34-19-00020-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-36-19-00009-P	..... exempt	Minor rate filing to increase annual electric revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-36-19-00010-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-36-19-00011-P	..... exempt	Minor electric rate filing to increase annual electric revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-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-39-19-00018-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
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-40-19-00007-P	..... exempt	The sharing of ratepayer consumption data.	To allow for consumption based sewer billing and protect ratepayers' consumption data.
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-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.
PSC-43-19-00014-P	..... exempt	Petition for the use of electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
PSC-43-19-00015-P	..... exempt	Modifications to the Gas Cost Factor and Daily Delivery Service Programs.	To consider a rehearing petition filed by Consolidated Edison Company of New York, Inc. and Orange and Rockland Utilities, Inc.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-44-19-00003-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-44-19-00004-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-44-19-00005-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-44-19-00006-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-44-19-00007-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-44-19-00008-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-44-19-00009-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-45-19-00011-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-45-19-00012-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-45-19-00013-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-46-19-00007-P	..... exempt	PSC regulation 16 NYCRR 86.3(a)(1), (a)(2) and 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting.
PSC-46-19-00008-P	..... exempt	Wappingers Falls Hydroelectric LLC's facility located in Wappingers Falls, New York.	To promote and maintain renewable electric energy resources.
PSC-46-19-00009-P	..... exempt	Proposed transfer of certain company property to the Incorporated Village of Sea Cliff.	To determine if the transfer of certain Company property to the Incorporated Village of Sea Cliff is in the public interest.
PSC-46-19-00010-P	..... exempt	To test innovative rate designs on an opt-out basis.	To implement alternative innovative rate designs intended to assess customer behaviors in response to price signals
PSC-47-19-00011-P	..... exempt	Waiver of National Grid's code of conduct to allow for use of its name.	To determine if it is in the public interest to allow for the use of National Grid's name in the weatherization program.
PSC-47-19-00012-P	..... exempt	Transfer of street lighting facilities to the Village of Cayuga Heights.	To consider whether the transfer of street lighting facilities to the Village of Cayuga Heights is in the public interest.
PSC-47-19-00013-P	..... exempt	Compensation of distributed energy resources.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-47-19-00014-P	..... exempt	Whether a proposed agreement for the provision of water service by Saratoga Water Services, Inc. is in the public interest.	To consider whether a tariff waiver and the proposed terms of a service agreement are in the public interest.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-47-19-00015-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-47-19-00016-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-48-19-00004-P	..... exempt	Recommendation of the levelization surcharge, changes to the System Improvement Charge, including AMI and a one-year stay-out.	To address the issues in the November 6, 2019 petition filed by NYAW.
PSC-48-19-00005-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-48-19-00006-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-48-19-00007-P	..... exempt	Extension of the State Universal Service Fund.	To continue to provide universal service at a reasonable rate in certain service territories.
PSC-49-19-00004-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-49-19-00005-P	..... exempt	Sale of Street Lighting Facilities to the Town of Farmington.	To consider the transfer of street lighting facilities to the Town of Farmington.
PSC-49-19-00006-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-50-19-00004-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-50-19-00005-P	..... exempt	Modifications and clarifications to the DCFC Per-Plug Incentive Program.	To clarify certain elements of the DCFC Per-Plug Incentive Program and consider modifications to the Program.
PSC-50-19-00006-P	..... exempt	Compensation of and incentives for distributed energy resources.	To encourage the development of and ensure just and reasonable rates for distributed energy resources.
PSC-50-19-00007-P	..... exempt	Participation of customers served under P.S.C. No. 12 (PASNY) in CDG projects receiving Value Stack compensation.	To encourage the development of and ensure just and reasonable rates for distributed energy resources.
PSC-52-19-00001-P	..... exempt	SUEZ Water New York Inc.'s acquisition of 100% of Heritage Hills Water Works Corporation's assets.	To determine if the proposed acquisition is in the public interest.
PSC-52-19-00002-P	..... exempt	The New York State Reliability Council's establishment of an Installed Reserve Margin of 18.9%	To ensure adequate levels of Installed Capacity.
PSC-52-19-00003-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-52-19-00004-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-52-19-00005-P	..... exempt	Compensation of and rates for distributed energy resources.	To encourage the development of and ensure just and reasonable rates for distributed energy resources.
PSC-52-19-00006-P	..... exempt	Authorization to defer pension settlement losses.	To address the ratemaking related to the pension settlement losses.
PSC-53-19-00003-P	..... 12/30/20	Technical Amendments of State regulations and Administrative Corrections	To make the provision of natural gas service safer in New York State
PSC-53-19-00004-P	..... 12/30/20	Technical Amendments of State regulations and Administrative Corrections	To make the provision of natural gas service safer in New York State.
PSC-53-19-00006-P	..... exempt	To amend the terms to which the customer must abide when discontinuing gas service.	To ensure safe and adequate service at just and reasonable rates charged to customers without preferences.
PSC-53-19-00007-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-53-19-00008-P	..... exempt	Extension of time for issuance of securities and other forms of indebtedness.	To consider an additional twelve months for the issuance of securities and other forms of indebtedness.
PSC-53-19-00009-P	..... exempt	Transfer of street lighting facilities.	To consider whether the transfer of certain street lighting facilities is in the public interest.
PSC-53-19-00010-P	..... exempt	To clarify the term “customer” under Rule 28 - Special Services Performed by Company for Customer at a Charge.	To ensure safe and adequate service at just and reasonable rates charged to customers without preferences.
PSC-01-20-00007-P	..... exempt	Proposed tariff revisions and clarifications for the summer 2020 capability period.	To have more efficient demand response programs to gain operational efficiency and shave peak demand.
PSC-01-20-00008-P	..... exempt	Request for waiver of 16 NYCRR § 96.5(k)(3).	To consider the request for waiver of the energy audit requirement requirement per 16 NYCRR 96.5(k)(3).
PSC-01-20-00009-P	..... exempt	Modifying RG&E’s DLM dispatch threshold to improve the Commercial System Relief Program.	To have more efficient demand response programs to gain operational efficiency and shave peak demand.
PSC-01-20-00010-P	..... exempt	Proposed transfer of water supply assets and dissolution of the Company.	To determine whether the transfer of water supply assets to the Town of North Collins is in the public interest.
PSC-02-20-00005-P	..... exempt	The 2020 Electric Emergency Response Plans for electric utilities subject to the provisions of PSL § 25-a	To consider the adequacy of the 2020 Electric Emergency Response Plans
PSC-02-20-00006-P	..... exempt	The application of the earnings sharing mechanism related to a partial year period.	To consider O&R’s petition to modify the application of the earnings sharing mechanism.
PSC-03-20-00008-P	..... exempt	Authority to issue and sell unsecured debt obligations	To consider the Company’s request for authority to issue and sell unsecured debt obligations
PSC-03-20-00009-P	..... exempt	Changes to the Utility Energy Registry	To determine appropriate rules for data availability

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-03-20-00010-P	..... exempt	Waivers of certain tariff provisions and terms of an agreement for the provision of service	Whether a proposed agreement for provision of service by Saratoga Water Services, Inc. is in the public interest
PSC-04-20-00010-P	..... exempt	Petition for waiver of the requirements of Opinion No. 76-17 and 16 NYCRR Part 96 regarding individual metering of living units.	To consider the petition of Comunilife Woodhull HDfC for waiver of Opinion No. 76-17 and 16 NYCRR Part 96.
PSC-04-20-00014-P	..... exempt	Transfer of the Indian Point site, nuclear waste, and decommissioning and site restoration funds from Entergy to Holtec.	To protect the public interest.
PSC-05-20-00003-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-05-20-00004-P	..... exempt	A statewide Make-Ready Program that that would provide incentives to deploy EVSE&I to charge light duty electric vehicles (EV).	To deploy the infrastructure needed to meet the State's goals of 850,000 EVs by 2025 and recommend appropriate utility roles.
PSC-05-20-00005-P	..... exempt	Wireline and wireless pole attachment rates.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-05-20-00006-P	..... exempt	Waiver of pipeline reassessment completion deadline while adequate tools to conduct inspection are found.	To ensure the safety of the Clove Lake Segment Pipeline with the use of adequate reassessment tools.
PSC-05-20-00007-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-06-20-00012-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-06-20-00013-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-06-20-00014-P	..... exempt	A program for the procurement of Renewable Energy Certificates from existing renewable resources.	To purchase Renewable Energy Certificates and maintain the State's baseline of existing renewable resources.
PSC-06-20-00015-P	..... exempt	New Tariff Schedule, P.S.C. No. 3 - Water and waiver of rate setting authority.	To provide the rates, rules, and regulations under which water service will be provided to the customers of the system.
PSC-06-20-00016-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-06-20-00017-P	..... exempt	Petitions for rehearing, reconsideration, clarification and stay of the December 12, 2019 Order.	To determine whether the Commission should grant, deny, or modify the relief sought and actions proposed by Petitioners
PSC-07-20-00006-P	..... exempt	Discontinuation of a program administered by Con Edison and removal of the program from the tariff.	Consider discontinuation of the Smart AC Kit Program.
PSC-07-20-00007-P	..... exempt	Procurement of environmental attributes associated with offshore wind resources.	To achieve the State's renewable and clean energy goals.
PSC-07-20-00008-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-07-20-00009-P	..... exempt	Transfer of street lighting facilities.	To consider whether the transfer of certain street lighting facilities is in the public interest.
PSC-07-20-00010-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-07-20-00011-P	..... exempt	Transfer of street lighting facilities.	To consider the transfer of street lighting facilities to the Town of Fallsburg.
STATE, DEPARTMENT OF			
DOS-42-19-00001-P	..... 10/15/20	Real estate advertisements	To update current regulations concerning real estate advertisements
DOS-02-20-00003-P	..... 01/14/21	Enhanced fair housing provisions	To provide additional notices and other enhancements relating to fair housing and the Human Rights Law
STATE UNIVERSITY OF NEW YORK			
SUN-50-19-00001-EP	..... 12/10/20	Tuition, Fees and Charges	To authorize the waiver of admission application fees for military veterans and their spouses
SUN-53-19-00002-P	..... 12/30/20	Proposed amendments to the traffic and parking regulations at State University of New York College at Old Westbury	Amend existing regulations to update traffic and parking regulations
SUN-53-19-00005-P	..... 12/30/20	Proposed amendments to the traffic and parking regulations at State University Agricultural and Technical College at Morrisville	Amend existing regulations to update traffic and parking regulations
SUN-01-20-00001-P	..... 01/07/21	Limitations on operating costs for purposes of State financial assistance.	To determine how state appropriated reimbursement for rental costs for physical space will be distributed to community colleges.
TAXATION AND FINANCE, DEPARTMENT OF			
TAF-50-19-00003-EP	..... 12/10/20	Metropolitan Transportation Business Tax Surcharge	To provide metropolitan transportation business tax rate for tax year 2020
TAF-02-20-00001-EP	..... 01/14/21	Property tax levy limits for school districts in relation to certain costs resulting from capital local expenditures	To implement Education Law 2023-a relating to certain costs resulting from capital local expenditures of school districts
TAF-07-20-00013-P	..... exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith.	To set the sales tax component and the composite rate per gallon for the period April 1, 2020 through June 30, 2020.
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
TDA-46-19-00006-P	11/12/20	Limits on executive compensation	To remove requirements related to private funding from the \$199, 000 per annum limit on executive compensation and to make corresponding technical updates
TDA-49-19-00003-P	12/03/20	Annual service fee on persons receiving child support services and minimum annual collection requirement to impose such fee	To amend the existing State regulatory provisions regarding the annual service fee imposed on persons who receive child support services
THRUWAY AUTHORITY, NEW YORK STATE			
THR-01-20-00003-P	01/07/21	Toll rate adjustments on the New York State Thruway system.	To provide for toll rate adjustments necessary to support the Authority's financial obligations.
WORKERS' COMPENSATION BOARD			
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-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

Alder Holdings, Inc.
900 Third Ave., 33rd Fl., New York, NY 10022
State or country in which incorporated — Delaware

AG Artemis Holdings, L.P.
10 E. 53rd St., 14th Fl., New York, NY 10022
Partnership — AG Artemis Holdings GP, LLC

Air U.S. Life Fund IV, LP
c/o Air U.S. Life Fund IV GP, LLC, 333 S. Wabash Ave., 27th Fl.,
Chicago, IL 60604
Partnership — Air U.S. Life Fund IV, LP

AJ Berwick Fund LLC
133 N. Jefferson St., 4th Fl., Chicago, IL 60661
Partnership — AJ Berwick Manager LLC

American Pacific Group Fund I, L.P.
201 Mission St., Suite 1330, San Francisco, CA 94105
Partnership — APG GP, LLC

American Pacific Group Fund I-A, L.P.
201 Mission St., Suite 1330, San Francisco, CA 94105
Partnership — APG Fund I GP, L.P.

Avalon 8801, LLC
7341 Beranger Dr., Irving, TX 75063
State or country in which incorporated — Delaware

BBR Real Assets Fund VI, LP
225 Broadhollow Rd., Suite 306, Melville, NY 11747
Partnership — BBR General Partner, LLC

BBR Private Investment Fund-Series K, LP
225 Broadhollow Rd., Suite 306, Melville, NY 11747
Partnership — BBR General Partner, LLC

BeatStars Inc.
5816 Van Winkle Lane, Austin, TX 78739
State or country in which incorporated — Delaware

CAVA Capital SPV XV, LLC
18 S. Main St., Norwalk, CT 06854
State or country in which incorporated — Delaware

Clinigence Holdings, Inc.
55 Ivan Allen Jr. Blvd. NW, #875, Atlanta, GA 30308
State or country in which incorporated — Delaware

Dabra Capital Fund I, Ltd.
c/o Ogier Global (Cayman) Limited, 89 Nexus Way, Camana Bay,
Grand Cayman, Cayman Islands KY1-9009
Partnership — Dabra Capital Fund I, Ltd.

Elm New Haven, LLC, The
Cambridge Realty Partners, 817 Grand Ave., New Haven, CT 06511
State or country in which incorporated — Connecticut

ENB Financial Corp.
31 E. Main St., Ephrata, PA 17522
State or country in which incorporated — Pennsylvania

Exeter Partners, LLC
138 Montrose Ave., Unit 11, Bryn Mawr, PA 19010

Flat Footed II LP
3465 N. Pines Way, Suite 104, Box 206, Wilson, WY 83014
Partnership — Flat Footed II GP LLC

Flat Footed III LLC
3465 N. Pines Way, Suite 104, Box 206, Wilson, WY 83014
State or country in which incorporated — Delaware

Grow Solutions Holdings, Inc.
230-111 Research Dr., Saskatoon, SK S7N 3R2 Canada
State or country in which incorporated — Nevada

Guardian DFH III, LLC
8246 E. Northfield Blvd., Suite 2510, Denver, CO 80238
State or country in which incorporated — Delaware limited liability
company

Haley Securities, Inc.
10703 J. St., Suite 102, Omaha, NE 68127
State or country in which incorporated — Nebraska

Highland Peak Partners, LP
177 W. Putnam Ave., Suite 2637, Greenwich, CT 06830
Partnership — Highland Peak Partners GP, LLC

Lewis Ward North American Tour LLC
c/o 101 Productions Ltd., 260 W. 44th St., Suite 600, New York, NY
10036
State or country in which incorporated — Delaware limited liability
company

Logos Global Offshore Fund Ltd.
c/o Ogier Global (Cayman) Limited, 89 Nexus Way, Camana Bay,
Grand Cayman KY1-9009 Cayman Islands
State or country in which incorporated — Cayman Islands

Mainsail Partners Executive Fund V, L.P.
One Front St., Suite 3000, San Francisco, CA 94111
Partnership — Mainsail GP V, LLC

Meaningful Partners Dedicated Captal Vehicle I LP
2041 Rosecrans Ave., Suite 359, El Segundo, CA 90245
Partnership — Meaningful Partners GP LLC

Wizard Entertainment, Inc.
662 N. Sepulveda Blvd., Suite 300, Los Angeles, CA 90049
State or country in which incorporated — Delaware

Meaningful Planet, LLC
2041 Rosecrans Ave., Suite 359, El Segundo, CA 90245
State or country in which incorporated — Delaware

NexTech AR Solutions Corp.
349 Carlaw Ave., Suite 304, Toronto, Ontario, Canada M4M 2T1
State or country in which incorporated — Canada

nuTravel Technology Solutions, Inc.
2500 Westchester Ave., Suite 108, Purchase, NY 10577
State or country in which incorporated — Delaware

Onyx at 600 Apts JV LLC
One World Trade Center, Suite 8500, New York, NY 10007
Partnership — Onyx at 600 Apts MM LLC

Passco Capital, Inc.
2050 Main St., Suite 650, Irvine, CA 92614
State or country in which incorporated — California

Radix Jamaica Venture I, LP
c/o Radix Jamaica GP I, LLC, 347 Fifth Ave., New York, NY 10016
State or country in which incorporated — Delaware

Redbrick Opportunity Fund II LLC
1627 Eye St. NW, Suite 920, Washington, DC 20006
State or country in which incorporated — Delaware

REI Nation LLC
130 Timber Creek, Cordova, TN 38018
State or country in which incorporated — Tennessee

SCP Focus Fund, LP
Four Orinda Way, Suite 180-D, Orinda, CA 94563
State or country in which incorporated — Delaware

Serenity Investment Feeder Fund II Limited
c/o Maples Corporate Services Limited, P.O. Box 309, Ugland House,
Grand Cayman KY1-1, Cayman Islands
State or country in which incorporated — Cayman Islands

SG AD Investment, LLC
900 Third Ave., 33rd Fl., New York, NY 10022
State or country in which incorporated — Delaware

Singular Trading, LLC
132 Chief Justice Cushing Hwy., Suite 70, Cohasset, MA 02025
State or country in which incorporated — Delaware

Thoma Bravo Discover Fund III, L.P.
150 N. Riverside Plaza, Suite 2800, Chicago, IL 60606
Partnership — Thoma Bravo Discover Partners III, L.P.

Vicente Capital Long-Term Appreciation Fund, L.P.
11726 San Vicente Blvd., Los Angeles, CA 90049
Partnership — Growth Equity Advisors, L.P.

View Ridge Capital Partners, LP
425 California St., Suite 550, San Francisco, CA 94104
Partnership — View Ridge Capital GP, LLC, general partner

Walden Local, Inc.
18 Esquire Rd., Billerica, MA 01862
State or country in which incorporated — Delaware

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

REPLACE
LOWER ROOF
St. Albans Veterans Home
Jamaica, Queens County

Sealed bids for Project No. 45137-C, comprising a contract for Construction Work, Replace Lower Roof, Main Building, St. Albans Veterans Home, 178-50 Linden Blvd, Jamaica (Queens 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 Health, until 2:00 p.m. on Wednesday, February 19th, 2020 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 \$30,400 for C.

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

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting, on the OGS website, in a newspaper of general circulation, or in the Contract Reporter of written notice, advertisement or solicitation of offers through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are John Pupons, Jessica Hoffman and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewykyj, 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 241 days after the Agreement is approved by the Comptroller.

Pursuant to Public Buildings Law § 8(6), effective January 11, 2020, for any projects where the project design commenced on or after January 1, 2020 and for any contracts over \$5,000 for the work of construction, reconstruction, alteration, repair, or improvement of any State building, a responsible and reliable NYS-certified Minority or Women-Owned Business Enterprise that submits a bid within ten

percent of the lowest bid will be deemed the apparent low bidder provided that the bid is \$1,400,000 or less, as adjusted annually for inflation beginning January 1, 2020. If more than one responsible and reliable MWBE firm meets these requirements, the MWBE firm with the lowest bid will be deemed the apparent low bidder.

X Project commenced design before January 1, 2020. Not subject to provision.

Project commenced design on or after January 1, 2020. Subject to provision.

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 February 6, 2020 at St. Albans Veterans Home, 178-50 Linden Blvd, Jamaica, 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 Bibi Bacchus, (718-776-4441) a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority- and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs). The total contract goal can be obtained by utilizing any combination of MBE and /or WBE participation for subcontracting and supplies acquired under this Contract.

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

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Pursuant to State Finance Law § 143(1), effective January 11, 2020, the required deposit will be waived upon request by any Minority- and Women-Owned Business Enterprise certified pursuant to Article 15-A of the Executive Law or any Service-Disabled Veteran-Owned Business Enterprise certified pursuant to Article 17-B of the Executive Law. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

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

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

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

**REHABILITATE
KITCHEN VENTILATION SYSTEM
Wende Correctional Facility
Alden, Erie County**

Sealed bids for Project Nos. 45674-H and 45674-E, comprising separate contracts for HVAC Work and Electrical Work, Rehabilitate Kitchen Ventilation System, Wende Correctional Facility, 3040 Wende Rd, Alden (Erie County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Correctional Services, until 2:00 p.m. on Wednesday, February 26th, 2020 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 \$19,500 for H, and \$3,400 for E.

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$250,000 and \$500,000 for H and between \$25,000 and \$50,000 for E.

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

The substantial completion date for this project is 246 days after the Agreement is approved by the Comptroller.

Pursuant to Public Buildings Law § 8(6), effective January 11, 2020, for any projects where the project design commenced on or after January 1, 2020 and for any contracts over \$5,000 for the work of construction, reconstruction, alteration, repair, or improvement of any State building, a responsible and reliable NYS-certified Minority or Women-Owned Business Enterprise that submits a bid within ten percent of the lowest bid will be deemed the apparent low bidder provided that the bid is \$1,400,000 or less, as adjusted annually for inflation beginning January 1, 2020. If more than one responsible and reliable MWBE firm meets these requirements, the MWBE firm with the lowest bid will be deemed the apparent low bidder.

X Project commenced design before January 1, 2020. Not subject to provision.

Project commenced design on or after January 1, 2020. Subject to provision.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 9:00 a.m. on February 14th, 2020 at the Wende Field Office, 2990 Wende Road, Alden NY (gate clearance required). 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 Jeffrey Westerman, (716-937-4200) a minimum of 72 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority- and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 20% for MWBE participation, 10% for Minority-Owned Business Enterprises ("MBE") participation and 10% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for 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. Pursuant to State Finance Law § 143(1), effective January 11, 2020, the required deposit will be waived upon request by any Minority- and Women-Owned Business Enterprise certified pursuant to Article 15-A of the Executive Law or any Service-Disabled Veteran-Owned Business Enterprise certified pursuant to Article 17-B of the Executive Law. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

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

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

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

**PROVIDE
NEW ADDITION CLASSROOMS AND OFFICE SPACES
Bedford Hills Correctional Facility
Bedford Hills, Westchester County**

Sealed bids for Project Nos. 46137-C, 46137-E, 46137-H and 46137-P, comprising separate contracts for Construction Work, Electrical Work, HVAC Work, and Plumbing Work to Provide New Addition Classrooms & Office Spaces, Building 118, Residential Rehabilitation Unit, Bedford Hills Correctional Facility, 247 Harris Rd, Bedford Hills (Westchester County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Correctional Services, until 2:00 p.m. on Wednesday, February 26, 2020, 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 \$104,600 for C, \$39,600 for E, \$35,800 for H, and \$22,700 for P.

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$4,000,000 and \$5,000,000 for C, between \$1,000,000 and \$2,000,000 for E, between \$500,000 and \$1,000,000 for H, and between \$250,000 and \$500,000 for P.

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 John Pupons, Jessica Hoffman and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://www.ogs.ny.gov/aboutOGS/regulations/defaultAdvisoryCouncil.html>

Pursuant to Public Buildings Law § 8(6), effective January 11, 2020, for any projects where the project design commenced on or after January 1, 2020 and for any contracts over \$5,000 for the work of construction, reconstruction, alteration, repair, or improvement of any State building, a responsible and reliable NYS-certified Minority or Women-Owned Business Enterprise that submits a bid within ten percent of the lowest bid will be deemed the apparent low bidder provided that the bid is \$1,400,000 or less, as adjusted annually for inflation beginning January 1, 2020. If more than one responsible and reliable MWBE firm meets these requirements, the MWBE firm with the lowest bid will be deemed the apparent low bidder.

X Project commenced design before January 1, 2020. Not subject to provision.

Project commenced design on or after January 1, 2020. Subject to provision.

As a condition of award, within 48 hours of receipt of the proposed Contract Agreement from the State, the apparent low bidder shall return the Contract Agreement to the State, properly executed, along with the Bonds if required by said Agreement. Low bidders who cannot meet these provisions may be subject to disqualification and forfeiture of the bid security.

The State intends to expedite award of this Contract and the Contractor shall be prepared to proceed with the Work accordingly. Bidders are warned that time is of the essence of the Contract and substantial completion of the Work must be within 673 days after the Agreement is approved by the Comptroller. Due to the tightness of the construction schedule, bidders should consider the necessity for an increased work force and shift operations.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on February 10, 2020 at the OGS Field Office Bedford Hills CF 247 Harris Rd. Bedford Hills, 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 Rebecca Maduro (914-666-0889) 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, HVAC and Plumbing Work and an overall goal of 2% for MWBE participation, 1% for Minority-Owned Business Enterprises ("MBE") participation and 1% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Electrical Work. The total contract goal can be obtained by utilizing any combination of MBE and /or WBE participation for subcontracting and supplies acquired under this Contract.

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

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Pursuant to State Finance Law § 143(1), effective January 11, 2020, the required deposit will be waived upon request by any Minority- and Women-Owned Business Enterprise certified pursuant to Article 15-A of the Executive Law or any Service-Disabled Veteran-Owned Business Enterprise certified pursuant to Article 17-B of the Executive Law. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

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

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

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

NOTICE OF AVAILABILITY OF STATE AND FEDERAL FUNDS

Division of Homeland Security and Emergency Services

1220 Washington Ave.
State Office Bldg. Campus, Bldg. 7A
Albany, NY 12242

NONPUBLIC NONPROFIT SCHOOLS, NONPROFIT DAY CARE
CENTERS, NONPROFIT COMMUNITY CENTERS, NONPROFIT
CULTURAL MUSEUMS AND NONPROFIT RESIDENTIAL
CAMPS

State Fiscal Year 2019-2020 Securing Communities Against Hate Crimes (SCAHC)

Description:

Governor Andrew M. Cuomo is committed to ensuring the safety and equal treatment of all New Yorkers and as such has continued support of the Securing Communities Against Hate Crimes Program. This program is designed to boost safety and security at New York's nonprofit organizations at risk of hate crimes or attacks because of their ideology, beliefs, or mission. In support of this effort, \$25 million has been made available through this competitive grant program to eligible nonpublic nonprofit schools, nonprofit day care centers, nonprofit community centers, nonprofit cultural museums and nonprofit residential camps as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code which demonstrate a risk of a hate crime due to their ideology, beliefs or mission. Applications will be accepted for up to \$50,000 per facility. Eligible organizations may submit up to five applications for a maximum total request of \$250,000.

Applications will be accepted until February 27, 2020 at 5:00 p.m. through the New York State Division of Homeland Security and Emergency Services' (DHSES) electronic grants management system (E-Grants).

The RFA and other required documents can be found at: <http://www.dhSES.ny.gov/grants/nonprofit/hate-crimes.cfm>

program to eligible nonpublic nonprofit schools, and nonprofit day camps as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code which demonstrate a risk of a hate crime due to their ideology, beliefs or mission. This program includes a cost match requirement. The applicant must coordinate and partner with local governments (e.g. counties, towns, villages, cities, etc.) to meet the cost match requirement. All applications must have a 3:1 ratio of State to local funding for total project costs. Cost match contributions may be in-kind contributions, cash contributions or a combination of both.

Applications will be accepted for up to \$50,000 per facility (with a local cost match per application). Eligible organizations may submit up to five applications for a maximum total request of \$250,000 (including local cost match).

Applications will be accepted until February 27, 2020 at 5:00 p.m. through the New York State Division of Homeland Security and Emergency Services' (DHSES) electronic grants management system (E-Grants).

The RFA and other required documents can be found at: <http://www.dhSES.ny.gov/grants/nonprofit/hate-crimes.cfm>

Division of Homeland Security and Emergency Services

1220 Washington Ave.
State Office Bldg. Campus, Bldg. 7A
Albany, NY 12242

NONPUBLIC NONPROFIT SCHOOLS AND NONPROFIT DAY
CAMPS

State Fiscal Year 2019-20 Securing Communities Against Hate Crimes with Local Matching Funds (SCAHC Match Program)

Description:

Governor Andrew M. Cuomo is committed to ensuring the safety and equal treatment of all New Yorkers and as such has continued support of the Securing Communities Against Hate Crimes Program. This program is designed to boost safety and security at New York's nonprofit organizations at risk of hate crimes or attacks because of their ideology, beliefs, or mission. In support of this effort, \$20 million in grant funding has been made available through this competitive grant

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 REVISED

New York State Energy Planning Board

Pursuant to New York State Energy Law, article 6, the New York State Energy Planning Board hereby gives notice of the following public hearings:

Time, Date, and Place: 10:30 a.m., February 27, 2020 at the Albany Public Library, 161 Washington Ave., Albany, NY 12210; and 3:00 p.m., March 2, 2020 at Building Energy Exchange, Inc., 31 Chambers St., Suite 608, New York, NY 10007

Purpose: To receive public comment on the 2015 Draft Amendment to the New York State Energy Plan.

For further information, contact: John Williams, NYSERDA, 17 Columbia Circle, Albany, NY 12203, (518) 862-1090, ext. 3333, e-mail: John.Williams@nyserda.ny.gov

PUBLIC NOTICE

Division of Criminal Justice Services

Juvenile Justice Advisory Group Quarterly Meeting

Pursuant to Public Officer Law 104, the Division of Criminal Justice Services gives notice of a meeting of the New York State Juvenile Justice Advisory Group.

Date: March 10, 2020
Time: 10:00 a.m.-1:00 p.m.
Place: Division of Criminal Justice Services
80 S. Swan St.
1st Fl., Rm. 118
Albany, NY 12210

Video conference with:

Empire State Development Corp.
633 Third Ave., 37th Fl.
New York, NY 10007

For further information, contact: Thomas R. Andriola, Chief of Policy & Implementation, Office of Youth Justice, Division of Criminal Justice Services, 80 S. Swan St., 8th Fl., Albany, NY 12210, (518) 485-1833, email: Thomas.Andriola@dcjs.ny.gov

PUBLIC NOTICE

Department of Health

Pursuant to 42 CFR Section 447.205, the Department of Health hereby gives public notice of the following:

The Department of Health proposes to amend the Title XIX (Medicaid) State Plan for non-institutional services to comply with administrative action. The following changes are proposed:

Non-Institutional Services

The following is a clarification to the June 26, 2019 noticed provision for certain housing-related activities. With clarification, the provision will be limited to providers contracted with New York State under a 1915(b)(4) Waiver Fee-for-Service Selective Contracting Program.

The estimated annual net aggregate decrease in state Medicaid expenditures attributable to this initiative contained in the budget for state fiscal year 2019/2020 is (\$24 million).

The public is invited to review and comment on this proposed State Plan Amendment, a copy of which will be available for public review on the Department's website at http://www.health.ny.gov/regulations/state_plans/status. Individuals without Internet access may view the State Plan Amendments at any local (county) social services district.

For the New York City district, copies will be available at the following places:

New York County
250 Church Street
New York, New York 10018

Queens County, Queens Center
3220 Northern Boulevard
Long Island City, New York 11101

Kings County, Fulton Center
114 Willoughby Street
Brooklyn, New York 11201

Bronx County, Tremont Center
1916 Monterey Avenue
Bronx, New York 10457

Richmond County, Richmond Center
95 Central Avenue, St. George
Staten Island, New York 10301

For further information and to review and comment, please contact:

Department of Health, Division of Finance and Rate Setting, 99 Washington Ave., One Commerce Plaza, Suite 1432, Albany, NY 12210, spa_inquiries@health.ny.gov

PUBLIC NOTICE

Department of Health

Pursuant to 42 CFR Section 447.205, the Department of Health hereby gives public notice of the following:

The Department of Health proposes to amend the Title XIX (Medicaid) State Plan for non-institutional services to comply with administrative action. The following changes are proposed:

Non-Institutional

The following is a clarification to the November 20, 2019 noticed provision to adjust rates statewide to reflect a two percent workforce salary increase for qualified Office of Mental Health (OMH) licensed services. With clarification, this provision will also take into account labor costs resulting from statutorily required increases in the New York State minimum wage (upstate regions only). The minimum wage rate increases apply to services effective January 1, 2020 and January 1, 2021. The two percent workforce salary increases are effective January 1, 2020 and April 1, 2020 respectively.

The revised estimated annual aggregate increase in gross Medicaid expenditures attributable to the two percent workforce salary increases and minimum wage initiatives totals \$457,685 in state fiscal year 2020 and \$16,141,040 in state fiscal year 2021.

The public is invited to review and comment on this proposed State Plan Amendment, a copy of which will be available for public review on the Department's website at http://www.health.ny.gov/regulations/state_plans/status. Individuals without Internet access may view the State Plan Amendments at any local (county) social services district.

For the New York City district, copies will be available at the following places:

New York County
250 Church Street
New York, New York 10018

Queens County, Queens Center
3220 Northern Boulevard
Long Island City, New York 11101

Kings County, Fulton Center
114 Willoughby Street
Brooklyn, New York 11201

Bronx County, Tremont Center
1916 Monterey Avenue
Bronx, New York 10457

Richmond County, Richmond Center
95 Central Avenue, St. George
Staten Island, New York 10301

For further information and to review and comment, please contact:
Department of Health, Division of Finance and Rate Setting, 99 Washington Ave., One Commerce Plaza, Suite 1432, Albany, NY 12210, spa_inquiries@health.ny.gov

PUBLIC NOTICE

Department of State

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.

2020-0051 Matter of Malgorzata and Christopher Becker, 67 Sammis Street, Huntington, NY 11743, for a variance concerning safety requirements, including the required ceiling height. Involved is an existing one family dwelling located at 67 Sammis Street; Town of Huntington, NY 11743, County of Suffolk, State of New York.

2020-0054 Matter of Vivian Kamath, 677 Little East Neck Rd., W. Babylon, NY 11704, for a variance concerning safety requirements, including the required ceiling height and heights under a girder/soffit. Involved is an existing one family dwelling located at 130 Barton Avenue; Town of Brookhaven, NY 11772, County of Suffolk, State of New York.

2020-0055 Matter of Emily Kasel, 150 Meadbrook Road, Garden City, NY 11530, for a variance concerning safety requirements, including the required height under a girder/soffit. Involved is an existing one family dwelling located at 150 Meadbrook Road; Village of Garden City, NY 11530, County of NASSAU, State of New York.

2020-0056 Matter of Hooshang Nejthaim, P.E., 2A Shore Park Road, Great Neck, NY 11023, for a variance concerning safety requirements, including the required ceiling height and heights under a girder/soffit. Involved is an existing one family dwelling located at 90 Bar Beach Road; Town of North Hempstead, NY 11050, County of Nassau, State of New York.

2020-0060 Matter of JW Consulting, Tracey Schleske, PO Box 674, Coram, NY 11727, for a variance concerning safety requirements, including the required heights under a girder/soffit. Involved is an existing one family dwelling located at 76 Forrest Avenue; Town of Brookhaven, NY 11967, County of Suffolk, State of New York.

2020-0061 Matter of Gray Architectural SVS, P.C., Chris Gray, 2401 Capri Place, N. Bellmore, NY 11710, for a variance concerning safety requirements, including the required ceiling height. Involved is an existing one family dwelling located at 2008 Lilac Drive; Town of Hempstead, NY 11590, County of Nassau, State of New York.

2020-0062 Matter of Gray Architectural SVS, P.C., Chris Gray, 2401 Capri Place, N. Bellmore, NY 11710, for a variance concerning safety requirements, including the required ceiling height. Involved is an existing one family dwelling located at 58 Avondale Street; V. of Valley Stream, NY 11581, 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.

2020-0057 In the matter of Judy Velardi, 1159 Kossuth Avenue, Utica NY 13501 for a variance concerning requirements for a fire-rated self-closing cellar door.

Involved is an existing Multiple Residence occupancy, two stories in height, located at 1159 Kossuth Avenue, City of Utica, County of Oneida, New York.

2020-0058 In the matter of Judy Velardi, 1159 Kossuth Avenue, Utica NY 13501 for a variance concerning requirements for fire-rated self-closing cellar doors.

Involved is an existing Multiple Residence occupancy, two stories in height, located at 1171 Kossuth Avenue, City of Utica, County of Oneida, New York.

PUBLIC NOTICE

Department of State
Uniform Code Variance / Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2020-0059 In the matter of Kramer Property Management, Luke Lapointe, 530 East State Street, Ithaca, NY 14850, for Simone Atwood Revocable Trust concerning safety requirements including a variance for reduction in required height of existing exterior front porch guardrails.

Involved is the certificate of compliance inspection of an existing residential occupancy, three stories in height, located at 113 Glen Place, City of Ithaca, County of Tompkins, New York.

PUBLIC NOTICE

Department of State
Uniform Code Variance / Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2020-0064 In the matter of JMZ Architects And Planners, P.C., Karin Kilgore-Green, AIA, 190 Glen Street, Glens Falls, NY 12801 for the State University College at Oneonta for a variance concerning building and fire safety requirements including minimum ceiling height in bathroom showers and trash rooms.

Involved are the alterations of an existing building of mixed residential and assembly occupancies, three stories in height, known as "Huntington Hall - SUNY Oneonta", located at Bugbee Road and Service Drive, 108 Ravine Parkway, City of Oneonta, County of Otsego, 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.

2020-0072 In the matter of Stream Collaborative, Brandon Ebel, 108 West State Street, Ithaca, NY 14850 for a variance concerning fire safety requirements including a variance to allow a reduction in required width of an aerial fire apparatus access road and the proximity to the buildings.

Involved is two existing residential occupancy buildings, known as The Lux, located at 112 and 114 Summit Avenue, City of Ithaca, Tompkins County, New York.

2020-0073 In the matter of Stream Collaborative, Brandon Ebel, 108 West State Street, Ithaca, NY 14850 for a variance concerning fire safety requirements including a variance to allow a reduction in

required width of an aerial fire apparatus access road and the proximity to the buildings.

Involved is the construction of a new residential occupancy building, known as The Lux, located at 238 Dryden Road, City of Ithaca, Tompkins County, New York.

PUBLIC NOTICE

Department of Taxation and Finance
Interest Rates

The Commissioner of Taxation and Finance, pursuant to sections 697(j) and 1096(e) of the Tax Law, hereby sets the interest rates for the months of April, May and June 2020 as follows:

For purposes of section 697(j), the overpayment rate of interest is set at 4 percent per annum, and the underpayment rate of interest is set at 7.5 percent per annum. For purposes of section 1096(e), the overpayment rate of interest is set at 4 percent per annum, and the underpayment rate of interest is set at 9 percent per annum. Pursuant to section 1145(a)(1) of the Tax Law, the underpayment rate for State and local sales and use taxes administered by the Commissioner of Taxation and Finance is 14.5 percent per annum. The underpayment rate for the special assessments on hazardous waste imposed by section 27-0923(7)(b) of the Environmental Conservation Law is 15 percent.

For the interest rates applicable to overpayments (refunds) and underpayments (late payments and assessments) of the following taxes administered by the Commissioner of Taxation and Finance for the period April 1, 2020 through June 30, 2020, see the table below:

4/1/20 - 6/30/20

Interest Rate Per Annum
Compounded Daily

Commonly viewed tax types	Refunds	Late Payments & Assessments
Income **	4%	7.5%
Sales and use	4%	14.5% *
Withholding	4%	9%
Corporation **	4%	9%
All other tax types	Refunds	Late Payments & Assessments
Alcoholic Beverage	4%	9%
Authorized Combative Sports	4%	9%
Beverage Container Deposits	4%	9%
Cigarette	NA	9%
Congestion Surcharge	4%	9%
Diesel Motor Fuel	4%	9%
Estate	4%	7.5%
Fuel Use Tax	***	***
Generation-Skipping Transfer	4%	7.5%
Hazardous Waste	4%	15%
Highway Use	4%	9%
Medical Marihuana	4%	9%
New York City Taxicab and Hail Vehicle Trip Tax	4%	9%
Metropolitan Commuter Transportation Mobility Tax	4%	7.5%
Mortgage Recording	4%	9%
Motor Fuel	4%	9%
Opioid Excise Tax	4%	9%
Paper Carryout Bag Reduction Fee	4%	14.5%*
Petroleum Business	4%	9%
Real Estate Transfer	4%	9%
Tobacco Products	NA	9%

Transportation Network Company Assessment	4%	9%
Waste Tire Fee	4%	9%
Wireless Communications Sur- charge	4%	14.5%*

* The Tax Law requires the interest rate on sales tax assessments or late payments to be set at 14-1/2% for this quarter. However, if the Commissioner determines that the failure to pay or the delay in payment is due to reasonable cause and not willful neglect, the Commissioner may impose interest at the corporation tax late payment and assessment rate. That rate is 9% for this quarter.

** There are a number of state and local governmental bodies that have interest rates tied to the overpayment and underpayment rates contained in either section 697(j) (Income Tax) or section 1096(e) (Corporation Tax) of the Tax Law. For purposes of sections 697(j) and 1096(e) of the Tax Law, the overpayment rate for this period is 4%. For purposes of section 697(j) of the Tax Law, the underpayment rate for this period is 7.5%. For purposes of section 1096(e) of the Tax Law, the underpayment rate for this period is 9%.

*** Under section 527(f) of the Tax Law, the interest rates relating to the Fuel Use tax are set pursuant to the International Fuel Tax Agreement (IFTA). For more information regarding IFTA interest rates, see www.iftach.org

For further information contact: Kathleen Chase, Office of Counsel, Department of Taxation and Finance, W. A. Harriman Campus, Albany, NY 12227, (518) 530-4153

For rates for previous periods, visit the Department of Taxation and Finance website: www.tax.ny.gov/pay/all/interest_indexes/int-all-years.htm

EXECUTIVE ORDERS

Executive Order No. 198.2: Continuing the Declaration of Disaster Emergency in the Counties of Cayuga, Jefferson, Monroe, Niagara, Orleans, Oswego, St. Lawrence, and Wayne.

WHEREAS, pursuant to Executive Order 198 and 198.1, a disaster has heretofore been declared within the counties of Cayuga, Jefferson, Monroe, Niagara, Orleans, Oswego, St. Lawrence, and Wayne due to extensive flooding, widespread erosion, and water damage that caused significant damage to homes and other residential structures, businesses, and public infrastructure;

WHEREAS, historic high water levels in Lake Ontario and the St. Lawrence River continue to be of concern as a cause of flooding, widespread erosion, and water damage, which continues to jeopardize infrastructure, coastline structures, natural barriers, and navigation; and

WHEREAS, the Resiliency and Economic Development Initiative Commission has identified high-priority projects that are urgently needed to protect homes, businesses, and critical infrastructure; to sustainably maintain safe navigation channels; and to address the immediate and long-term resiliency of communities along Lake Ontario and the St. Lawrence River.

NOW, THEREFORE, I, ANDREW M. CUOMO, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the Laws of the State of New York, do hereby extend the state disaster emergency declared pursuant to Executive Order No. 198 and all of its terms, conditions, directives, and temporary suspension of identified provisions from the date that such disaster emergency was declared pursuant to Executive Order No. 198 and 198.1 until February 16, 2020.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany this seventeenth day of January in the year two thousand twenty.

BY THE GOVERNOR

/S/ Andrew M. Cuomo

/s/ Melissa DeRosa

Secretary to the Governor

